



THE SOUTHPORT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURT

PROCESS EVALUATION: 2017–2020

DEPARTMENT OF JUSTICE AND
ATTORNEY-GENERAL

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CONTENTS

Glossary of terms.....	5
Tables.....	6
Figures.....	6
Executive summary.....	7
Key findings.....	8
Recommendations.....	12
1. Introduction.....	14
1.1 This report.....	14
1.2 Impact of COVID-19 restrictions.....	15
1.3 Policy context.....	15
1.4 The Southport Specialist Domestic and Family Violence Court Justice Response.....	16
1.5 The evaluation.....	17
2. Queensland's busiest domestic and family violence specialist court: Workload.....	22
3. Implementation aligns with best practice.....	28
3.1 The SSDFVCJR centres around clients' needs.....	28
3.2 The SSDFVCJR prioritises safety of the victim and their children.....	36
3.3 The SSDFV Court process is a touchpoint for people experiencing violence.....	41
3.4 The Southport SDFVCJR is delivered by specialist staff.....	45
3.5 The Southport SDFV court processes support perpetrator accountability.....	54
3.6 The SSDFVCJR provides a coordinated, respectful and fair court response.....	58
4. Governance and legislative structures support collaboration and continuous improvement.....	62
4.1 The SSDFVJR governance structures are effective.....	62
4.2 Effective collaboration between all agencies.....	64
4.3 A highly connected and mature local service system.....	68
5. Discussion.....	70
5.1 Changes to the operational context.....	70
5.2 The Southport SDFVCJR is leading practice.....	71
5.3 Opportunities to further strengthen practice.....	73
5.4 Broader service system issues.....	75
5.5 Recommendations.....	75
Appendix 1. Summary of methods.....	77
Appendix 2. Summary of evidence for best practice in domestic and family violence specialist courts.....	80
Appendix 3. Complete reference list.....	99

ABBREVIATIONS AND ACRONYMS

ATSILS	Aboriginal and Torres Strait Islander Legal Services
CWG	Specialist Domestic and Family Violence Courts Working Group
DCSYW	Department of Child Safety, Youth and Women
DFV	Domestic and family violence
DFVPA	Domestic and Family Violence Protection Act (Qld) 2012
DJAG	Department of Justice and Attorney-General
DVO	Domestic violence order (temporary protection order or protection order)
GCDVIR	Gold Coast Domestic Violence Integrated Response
IO	Intervention order
LAQ	Legal Aid Queensland
OWG	Operational Working Group
PPN	Police Protection Notice
PO	Protection Order
QCS	Queensland Corrective Services
QPS	Queensland Police Service
QWIC	Queensland Wide Interlinked Courts
SSDFVC	Southport Specialist Domestic and Family Violence Court
SSDFVCJR	Southport Specialist Domestic and Family Violence Court Justice Response

GLOSSARY OF TERMS

Aggrieved	The person for whose benefit a domestic violence order or a police protection notice may be made or is in force, as per subsection 21(1) of the Domestic and Family Violence Protection Act (Qld) 2012
Breach/contravention	Where the respondent (against whom a domestic violence order was made) contravenes the domestic violence order; or where the respondent in relation to whom a police protection notice is made, contravenes the police protection notice; or if the respondent is released from custody on release conditions and contravenes the release conditions.
Defendant	The person against whom criminal charges have been filed.
Operational Working Group	The OWG is a collaborative and coordinated stakeholder group committed to the ongoing systems development and accountability of the specialist court model. The OWG is chaired by the Court Coordinator in each specialist court location.
Perpetrator	The person who has committed domestic and family violence.
Southport Specialist Domestic and Family Violence Court	The court proceeding in the civil or criminal jurisdiction, presided over by a dedicated magistrate.
Southport Specialist Domestic and Family Violence Court Justice Response	The entirety of the coordinated justice response, including stakeholder participation and wraparound support services according to the Specialist Domestic and Family Violence Court model.
Respondent	The person against whom a domestic violence order or a police protection notice is in force or may be made. This term is used for matters in the civil court, in accordance with subsection 21(3) of the Domestic and Family Violence Protection Act (Qld) 2012

TABLES AND FIGURES

TABLES

Table 1.	Key evaluation questions and data sources, by evaluation stage.....	18
Table 2.	Data sources for the outcome and final outcome evaluation.....	20
Table 3.	Domestic and family violence initiating applications and applications to vary lodged at Southport Magistrates Court, by financial year and lodgement authority	22
Table 4.	Types of domestic and family violence applications lodged by the Queensland Police Service at Southport Magistrates Court, by financial year	23
Table 5.	Types of private domestic and family violence applications lodged at Southport Magistrates Court, by financial year	23
Table 6.	Domestic and family violence orders made at Southport Magistrates Court, by financial year and type	25
Table 7.	Intervention orders made at Southport Magistrates Court, by financial year and type	25
Table 8.	Domestic and family violence orders not progressed at Southport Magistrates Court, by financial year and type	26
Table 9.	Charges and offences at Southport Magistrates Court, by financial year ..	26
Table 10.	Summary of the Southport Specialist Domestic and Family Violence Court Justice Response partners.....	47
Table 11.	How the Men's Domestic Violence Response Program supports perpetrator accountability	57

FIGURES

Figure 1.	Domestic violence order application events at Southport Magistrates Court, 1 July 2017 to 30 June 2019	24
Figure 2.	Summary of the legislative base supporting information sharing for domestic and family violence.....	65

EXECUTIVE SUMMARY

The Department of Justice and Attorney-General (DJAG) is responsible for delivering the Specialist Domestic and Family Violence Court Justice Response (SDFVCJR). This response includes a fully integrated civil and criminal court in five Queensland locations: Southport, Beenleigh, Townsville, Mount Isa and Palm Island. The SDFVCJR was established as a coordinated, respectful and fair court-based justice response to domestic and family violence (DFV) that prioritises victim safety, holds perpetrators accountable and promotes change. It does this through collaborative service provision before, during and after court; and court processes that are contemporary, client-centric, procedurally fair and efficient.

In 2019, the Department engaged ARTD Consultants (ARTD), partnering with Murawin, an Indigenous-owned consultancy, to evaluate the implementation and outcomes of the Southport SDFVCJR. It is a process, outcome and social and economic impact evaluation to be completed by 2021.

This report presents the process evaluation findings. It covers operation and delivery of the Southport SDFVCJR program between 1 July 2017 and 30 March 2020. The report explores the extent to which the Southport SDFVCJR is being implemented in line with the intended specialist court model, drawing on evidence from a targeted scan of relevant best practice policy and research literature (74 documents), a review of policy and practice documents (75 documents), key stakeholder interviews (30 interviews) and preliminary descriptive analysis of all domestic and family violence specific quantitative administrative data for the period 1 July 2017 to 30 June 2019 from the Queensland Wide Interlinked Courts (QWIC) dataset.

Further reporting will include additional analysis of quantitative administrative data, surveys and interviews with aggrieved people and respondents to determine the extent to which the Southport SDFVCJR is working in particular contexts and for particular client groups. The final outcomes report will address all the evaluation questions, including the social and economic outcomes of the Southport SDFVCJR.

Domestic and family violence is overwhelmingly perpetrated by men against women. The research indicates that although both men and women can use violence in intimate partner relationships, it is women who are predominantly the victims of violent behaviour.¹ For example, from the age of 15 years, approximately one in four women (23% or 2.2 million) compared to one in 13 men (7.8% or 703,700) has experienced at least one incident of violence by an intimate partner. One in five women (18% or 1.7 million) has experienced sexual violence, compared to one in 20 (4.7% or 428,000) men.² The nature of domestic and family violence and its impact is different for male and female victims. Male perpetrators inflict violence of a greater severity, with female victims more likely to suffer serious injury.³ Women are more likely to be killed by a former or current intimate partner than by anyone

¹ University of Queensland. (2020). *National domestic and family violence benchbook* (7th ed.).

² Australia's National Research Organisation for Women's Safety. (2018). *Violence against women: Accurate use of key statistics* (ANROWS Insights 05/2018). Sydney, NSW: ANROWS.

³ University of Queensland. (2020). *National domestic and family violence benchbook* (7th ed.).

else⁴ and experience higher levels of actual or threatened physical, sexual and emotional abuse.⁵ The gendered nature of domestic and family violence occurs within the broader context of gender inequality, with women experiencing social and economic disadvantage in comparison to men. Understanding this context and the gendered nature of domestic violence is essential to providing an effective response which supports victims and ensures their safety while holding perpetrators accountable.

KEY FINDINGS

The Southport SDFVCJR is being implemented in accordance with the Queensland Specialist Domestic and Family Violence Court (SDFVC) model. The available evidence indicates it is fulfilling its purpose to ensure a coordinated, respectful and fair justice response to DFV, which prioritises safety of the victim, holds perpetrators accountable and promotes changes in attitudes and behaviour. There are opportunities to further strengthen the Southport SDFVCJR, particularly for Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, people with disability and the LGBTIQ+ community.

QUEENSLAND'S BUSIEST DOMESTIC AND FAMILY VIOLENCE COURT

The Southport Specialist Domestic and Family Violence Court is the busiest domestic and family violence specialist court in Queensland, in terms of the number of applications lodged.⁶ Between 1 July 2017 and 30 June 2019, there were 7,911 domestic and family violence applications lodged at Southport. Of these, three-quarters (75%) were lodged by the Queensland Police Service. Police Protection Notices comprise half (58%) of applications lodged over the evaluation period. One in four (28%) applications made by the Queensland Police Service were to vary existing orders. This is broadly similar to the proportion of private applications to vary orders (22%).

Over the 2017–18 and 2018–19 financial years there have been 10,261 protection orders and vary protection orders made as a result of the 9,586 initiating applications and applications to vary heard by the Southport Magistrates Court.⁷ Across all years, half of the orders made by the SSDFVC are protection orders or temporary protection orders. Approximately one in ten orders are intervention orders, where the court requires the respondent in a civil proceeding (with the respondent's consent) to attend a program to address their behaviour.⁸

⁴ Cussen, T. & Bryant, W. (2015). *Domestic/family homicide in Australia* (Research in Practice Report No. 38). <https://www.aic.gov.au/publications/rip/rip38/>

⁵ University of Queensland. (2020). *National domestic and family violence benchbook* (7th ed.).

⁶ Queensland Courts. (2019). *Queensland Courts' domestic and family violence statistics*. <https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>

⁷ The number of applications heard by the Southport Magistrates Court differs from the number of applications lodged at the court during the 2017–18 and 2018–19 financial years. This is because in addition to applications lodged at Southport Magistrates Court during the evaluation period, this count also includes applications that were lodged at Southport Magistrates Court before 1/7/2017 and applications lodged at other courts where orders were made at Southport Magistrates Court. These applications have been included in the count of orders made at Southport Magistrates Court to reflect the work of the court.

⁸ If a court makes or varies a domestic violence order, it can also make an intervention order requiring the respondent to attend an intervention program, perpetrators' program or counselling to address their behaviour. This order can only be made if the respondent is present in the court, agrees to the intervention order being made or varied, and agrees to comply.

The data also describes criminal offences related to domestic and family violence. Half (49% or 2,977 charges) of the criminal offending since 2017 was associated with contraventions of the domestic violence orders. One in four (28% or 1,678 offences) related to so-called 'flagged' offences, which are recorded to ensure patterns in defendants' offending behaviours are made visible before the court.⁹ Approximately 5% of all flagged offences (145 charges) during the evaluation period were strangulation offences.¹⁰ The types and outcomes of charges and offences will be explored in future data analysis.

CLIENTS' NEEDS DRIVE THE SOUTHPORT SDFVC JUSTICE RESPONSE

There is clear evidence across evaluation data sources that the Southport SDFVCJR is putting its clients—the aggrieved, respondents and their children—at the centre. This client focus is achieved through physical elements of the court, including how people who are aggrieved are separated from the respondent while at court and by connecting clients with wraparound supports. It is facilitated by developing an attitude of understanding and unconditional positive regard amongst staff members, who are united in their prioritisation of victim safety.

Support services work to ensure client safety, while respecting the clients' own goals. The Southport SDFVCJR staff demonstrate a nuanced understanding of the reasons why an aggrieved person might want to remain in a relationship with the respondent, including for the safety of themselves and their children.

Overall, there is evidence that Southport SDFVCJR tailors and adapts its service delivery to meet clients' needs. The ability of the Southport SDFVCJR to tailor its response is limited by the local availability of specialist services, such as interpreters, and resourcing for specialist staff. There is more work required to make the court equally accessible and responsive to the needs of client groups including Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, people with disability, and the LGBTIQ+ community.

THE SOUTHPORT SDFVCJR PRIORITISES SAFETY OF VICTIMS AND THEIR CHILDREN

There is unequivocal evidence that the Southport SDFVCJR holds the safety of victims and their children as its central priority. The purpose-built physical structures of the court support the safety of the aggrieved.

Safety is also maintained by early, and ongoing assessment of risk done by individual agencies and collaboratively across the Southport SDFVCJR partners. For example, Specialist DFV Registry staff are trained to scan risk factors and to respond by ensuring a safety plan is developed for the aggrieved person's attendance, and to make appropriate referrals to specialist support services.

All Southport SDFVCJR partners work together to manage victim safety. For example, if Court Network volunteers notice a respondent whose behaviour is aggressive or intimidating on

⁹ Effective 1 December 2015, criminal offending that occurs in the context of domestic and family violence can be recorded by way of notation under the *Penalties and Sentences Act 1992*. This helps ensure defendants' patterns of offending behaviours are clearly evident to police officers and the courts.

¹⁰ Section 315A of the *Criminal Code (Qld)* provides that a person commits a crime if the person unlawfully chokes, suffocates or strangles another person, without the other person's consent; and either, the person is in a domestic relationship with the other person; or the choking, suffocation or strangulation is associated domestic violence under the *Domestic and Family Violence Protection Act 2012*.

arrival at the Southport Magistrates Court, they notify the Court Coordinator and/ or Security. Relevant information is shared with DVPC and incorporated into safety planning for the aggrieved.

THE SOUTHPORT SDFVCJR SUPPORTS PERPETRATOR ACCOUNTABILITY

There is strong evidence indicating the SDFVCJR supports perpetrator accountability in several ways. Integration of the civil and criminal courts acknowledges the relatedness of these two jurisdictions, and ensures matters are viewed holistically. Perpetrator accountability is further supported by the use of specialist roles to engage with each party and to assist in ensuring relevant information is presented to a dedicated magistrate. In addition, specialist service providers can link parties with the broader service system, including behaviour change programs. Staff and stakeholders understand that breaking the cycle of violence requires some substantial attitudinal shifts for perpetrators. Stakeholders reflect the understanding that services for men are a critical factor in improving women's safety. In particular, they noted that services which assist men to better understand their abusive behaviours and which seek to support them to reform their attitudes and behaviours are more likely to be effective in affecting changes in attitudes and behaviours than punitive measures alone.

THE SOUTHPORT SDFVCJR IS WELL-COORDINATED AND SUPPORTS FAIR AND JUST OUTCOMES

The integrated and interventionist court process that the SDFVCJR adopts is congruent with both best practice principles and what stakeholders interviewed feel works best for a coordinated, respectful and fair court response to domestic and family violence. The integrated model that underpins the court process at Southport SDFVC is in line with best practice, as it acknowledges the relatedness between civil and criminal jurisdictions as well as the importance of stakeholders working closely together to keep victims safe.

The SDFVCJR focuses on the perpetrator's accountability as an *individual* and reflects the victim-oriented and collaborative understanding of perpetrator accountability derived from evidence-based research. Dedicated magistrates are equipped with relevant knowledge which they can use to make appropriate and fair decisions.

GOVERNANCE AND LEGISLATIVE STRUCTURES SUPPORT COLLABORATION AND CONTINUOUS IMPROVEMENT

The quality of the collaboration in the Southport SDFVCJR is exceptional and contributes to improved outcomes for clients. All partners in the Southport SDFVCJR are highly engaged and work collaboratively. This collaboration formally takes place through the Specialist DFV Courts Working Group and the Operational Working Group.

These relationships are facilitated by the dedicated Court Coordinator and the Operational Working Group, which meets regularly and works effectively. The Court Coordinator and Operational Working Group (OWG) are essential to ensure local stakeholder engagement, ongoing system development and system accountability. The strength of the collaboration between Southport SDFVCJR partners was universally noted in stakeholder interviews.

Stakeholders identified several factors underpinning the collaboration, including that all stakeholders:

- have a consistent understanding of risk
- can rely on legislation and policy that support information sharing
- are working within their scope of usual practice
- have common goals and understanding of the legislation
- have mutual professional respect
- have regular formal and informal mechanisms for communication

Other mechanisms for inter-agency collaboration in the local service system including the long-established Gold Coast Domestic Violence Integrated Response as well as the Queensland Police Service's Gold Coast Domestic Violence Taskforce (QPS Taskforce) help support the effective functioning of the collaborations to support the operation of the Court.

However, there is a need to match the strength and depth of the relationships with clear policy and procedures to ensure the sustainability of these interagency relationships over time.

While there is a strong culture of information-sharing to ensure safety of the aggrieved and perpetrator accountability, no regular cross-agency performance monitoring reports are generated from routinely collected administrative data. Stakeholders suggested these reports would be useful to inform operational and strategic decision-making across the participating agencies, and for their individual agency's internal reporting. Closing these data gaps would also contribute to strengthening the evidence base for the SDFVCJR.

ELEMENTS OF THE SOUTHPORT SDFVCJR ARE LEADING PRACTICE

As Queensland's first specialist domestic and family violence court, the Southport SDFVCJR has always been at the forefront of practice. The Southport SDFVCJR is a source of innovation, and changes to the SDFVC model originating at Southport continue to inform the development of roles in other courts and locations. For example, the duty lawyer service was enhanced at other locations as the result of innovations at Southport; and the specialist QCS case management roles developed for Southport may have influenced changes at other locations.

There are some areas where the court is providing services at a level ahead of best practice, including the way it maximises opportunities to engage with clients, uses the Court Coordinator role to ensure the smooth function of the justice response, meets the needs of female respondents, works with perpetrators to protect the aggrieved and supports continuous quality improvement and innovation.

OPPORTUNITIES TO STRENGTHEN THE LEVEL OF SUPPORT OFFERED TO CLIENTS OF THE SOUTHPORT SDFVCJR

Stakeholders identified issues with the level of services available to women and those available to men. While stakeholders identified emerging capacity to respond to the needs of men using violence who have complex or diverse needs, such as co-occurring substance misuse or mental health issues, men with disability or English as a second language, this is an area of service provision which should be a focus for service improvement. The level of investment in perpetrator programs does not meet demand, which compromises the ability of the court to contribute to long-lasting population change by supporting men to address the underlying causes of their violence. There is scope for developing other perpetrator interventions whilst respondents wait to attend men's behaviour change programs.

There are opportunities to further strengthen services, particularly for Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, young people, people with disability and the LGBTIQ+ community. Specialist service providers for these diverse groups of people need to be engaged in broader collaborations to assist the court to improve accessibility. This may include raising awareness, removing stigmas around reporting and seeking help, and promoting help and support services.

There are some gaps in the local service system, which impact on the ability of the Southport SDFVCJR to provide effective wraparound support for some clients. In particular, there was a perceived shortage of appropriate emergency accommodation services available to men, a need for more mental health service interventions and services to support people with drug and alcohol misuse issues. There is an opportunity for the SDFVCJR to strengthen relationships with other programs, such as Court Link, which are operating locally.

RECOMMENDATIONS

The available evidence indicates that the Southport Specialist Domestic and Family Violence Court Justice Response is being implemented in accordance with the Queensland Specialist Domestic and Family Violence Court model. It is fulfilling its purpose to ensure a coordinated, respectful and fair court response to DFV, which prioritises safety, holds perpetrators accountable and promotes change.

These findings are consistent with those of previous evaluations of the Southport SDFVCJR.

Recommendation 1: Develop an overarching SDFVCJR manual to provide clear direction for all SDFVC interagency partners. This may be done by building upon the already well-developed Specialist DFV Registry manual and should include information collated through the evaluation process that describes the nature and scope of roles and individual agencies' own policies, procedures and guidelines. This manual should include a description of each role, and document the specialist elements of roles, such as working with respondents, responding to risk and prioritising client safety. It should point to the relevant research and legislation underpinning the approach of dedicated magistrates, the SDFVCJR more broadly, and approaches to supporting clients. This will ensure the ongoing strength and depth of collaborative interagency working relationships.

Recommendation 2: Continue to strengthen the social support services available to male clients of the court, both at court and through referral to those available in the community. This may include developing more capacity in the existing men's behaviour change programs; considering other programs to reflect the diversity of male clients and the current evidence base; or alternative approaches, such as case management. This will ensure the SDFVCJR's ongoing commitment to enhancing the safety of the aggrieved through an ongoing commitment to perpetrator accountability.

Recommendation 3: Explore opportunities to connect the aggrieved and respondent to appropriate treatment and support services to address their housing, employment, drug and alcohol, health and mental health, and social needs. In the criminal jurisdiction, this may include strengthening the relationship between the Southport SDFVCJR and the Court Link program.

Recommendation 4: Continue to strengthen the SDFVCJR's response to clients who may experience violence differently or in different ways, including Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, young people, people with disability and the LGBTIQ+ community. There is an opportunity to work with specialist service providers to further improve accessibility and client outcomes.

Recommendation 5: Review the SDFVCJR Monitoring and Evaluation Framework to ensure it includes data items that allow stakeholders to meet interagency and internal reporting requirements and, work with relevant SDFVCJR stakeholders to confirm the availability of these data items.

Recommendation 6: Develop a performance monitoring template, drawing on relevant data items that can be used to inform decision-making at the operational (OWG) and strategic (CWG) levels.

1. INTRODUCTION

1.1 THIS REPORT

This is the process evaluation report for the evaluation of the Southport Specialist Domestic and Family Violence Court Justice Response (SDFVCJR). It covers the operation and delivery of the justice response between 1 July 2017 and 30 March 2020.

The report explores the extent to which the Southport SDFVCJR is being implemented in line with the intended specialist court model, drawing on evidence from a targeted scan of relevant best practice policy and research literature (74 documents), a review of policy and practice documents (75 documents), key stakeholder interviews (30 interviews) and preliminary descriptive analysis of all domestic and family violence-specific quantitative administrative data for the period 1 July 2017 to 30 June 2019 from the Queensland Wide Interlinked Courts (QWIC) dataset.

Further reporting will include additional analysis of quantitative administrative data, surveys and interviews with aggrieved people and respondents to determine the extent to which the Southport SDFVCJR is working in particular contexts and for particular client groups. The final outcomes report will address all the evaluation questions, including the social and economic outcomes of the Southport SDFVCJR.

Domestic and family violence is overwhelmingly perpetrated by men against women. The research indicates that although both men and women can use violence in intimate partner relationships, it is women who are predominantly the victims of violent behaviour.¹¹ For example, from the age of 15 years, approximately one in four women (23% or 2.2 million) compared to one in 13 men (7.8% or 703,700) has experienced at least one incident of violence by an intimate partner. One in five women (18% or 1.7 million) has experienced sexual violence, compared to one in 20 (4.7% or 428,000) men.¹² The nature of domestic and family violence and its impact is different for male and female victims. Male perpetrators inflict violence of a greater severity, with female victims more likely to suffer serious injury.¹³ Women are more likely to be killed by a former or current intimate partner than by anyone else¹⁴ and experience higher levels of actual or threatened physical, sexual and emotional abuse.¹⁵ The gendered nature of domestic and family violence occurs within the broader context of gender inequality, with women experiencing social and economic disadvantage in comparison to men. Understanding this context and the gendered nature of domestic violence is essential to providing an effective response which supports victims and ensures their safety while holding perpetrators accountable.

¹¹ University of Queensland. (2020). *National domestic and family violence benchbook* (7th ed.).

¹² Australia's National Research Organisation for Women's Safety. (2018). *Violence against women: Accurate use of key statistics* (ANROWS Insights 05/2018). Sydney, NSW: ANROWS.

¹³ University of Queensland. (2020). *National domestic and family violence benchbook* (7th ed.).

¹⁴ Cussen, T., & Bryant, W. (2015). *Domestic/family homicide in Australia* (Research in Practice Report No. 38). <https://www.aic.gov.au/publications/rip/rip38/>

¹⁵ University of Queensland. (2020). *National domestic and family violence benchbook* (7th ed.).

We understand there are different perspectives on how to refer to people who experience domestic and family violence and those who cause domestic and family violence. The terms 'aggrieved' and 'respondent' are used throughout this report when referring to civil DFV proceedings and are intended to be consistent with the use of those terms under the *Domestic and Family Violence Protection Act (Qld) 2012* (DFVPA).

In this report, the term 'perpetrator' is used where the person has been found to have committed or has admitted committing an act of domestic and family violence, and it is also used generically for people who perpetrate domestic and family violence. We note that in the case of protection orders made by consent, there is no finding by the Court as to whether the respondent has committed an act of domestic and family violence against the aggrieved, and that the respondent does not need to admit that an act of domestic and family violence has been committed before the order is made. A defendant is a person who has been charged with a criminal offence and is the defendant for the purposes of criminal proceedings.

The term aggrieved is used in the context of civil proceedings under the DFVPA, and the term victim is used where it is appropriate to refer to a person who is, or has been, a victim of domestic and family violence.

1.2 IMPACT OF COVID-19 RESTRICTIONS

The data collection for this report occurred, for the most part, before restrictions to limit the spread of the COVID-19 pandemic were put in place. As such, this report describes the Southport SDFVCR's 'usual practice'. This report also briefly discusses the impact of COVID-19 on court operation and this evaluation.

Given the length of time restrictions were in place, further reporting will describe how the restrictions impacted the court but will not seek to evaluate the Court's COVID-19 response. It will, however, highlight any elements of the coronavirus-adapted service model that might be worthwhile additions to 'usual practice'.

1.3 POLICY CONTEXT

In 2015, the Queensland Premier received the report of the Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*. Tasked with examining Queensland's domestic and family violence support systems, the Special Taskforce, chaired by the Honourable Quentin Bryce AD CVO, former Governor-General of Australia, made 140 recommendations on how the system could be improved. These recommendations set the vision and direction for Queensland's strategy to end domestic and family violence, and to ensure those affected have access to safety and support.

In response, the Queensland Government established a Domestic and Family Violence Implementation Council to provide independent oversight of the implementation of the *Domestic and Family Violence Prevention Strategy 2016–2026* (the Strategy). The Strategy specifies the collaborative actions Queensland will take to end domestic and family violence

in Queensland, to encourage partnerships between the government, communities and business. It aligns with the 12-year *National Plan to Reduce Violence against Women and their Children 2010–2022*.

The Strategy envisages Queensland free from domestic and family violence. Its primary long-term outcome is that all Queenslanders will feel safe in their own homes and children can grow and develop in safe and secure environments. One of the three foundational elements underpinning the strategy is a stronger justice system response that prioritises safety of the victims and holds perpetrators to account.

The First Action Plan (2015–16) identified that a specialist domestic and family violence court, with a dedicated magistrate, would be established and evaluated to inform any future rollout across Queensland. The Third Action Plan (2019–20 to 2021–22) sets out the Queensland Government's commitment to evolving the Specialist Domestic and Family Violence Court, and to enhance integrated service responses and service sector capacity to respond effectively to those who experience domestic and family violence.

1.4 THE SOUTHPORT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURT JUSTICE RESPONSE

The Southport Specialist Domestic and Family Violence Court Justice Response (SSDFVJR) was established as a coordinated, respectful and fair court response to DFV that prioritises safety of the victim, holds perpetrators accountable and promotes change with:

- collaborative service provision before, during and after court; and
- court processes that are contemporary, client-centric, procedurally fair and efficient.

The Southport SDFVCJR was established as a trial in September 2015 and has been evaluated twice since. The most recent evaluation (2017) recommended the court be continued. On 19 October 2017, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice officially opened and launched the permanent, specialist DFV Court at Southport. Funding has since been provided for specialist domestic and family violence courts in four other locations: Beenleigh, Townsville, Mount Isa and Palm Island.

The SSDFVC is a fully integrated civil and criminal court, hearing both civil applications and criminal DFV proceedings.

The SDFVJR aims to:

- ensure a coordinated, respectful and fair justice response to domestic and family violence
- enhance safety and wellbeing and provide a better court experience for people who are aggrieved and their children; and
- ensure that perpetrators are more accountable, comply with court orders and demonstrate behaviour change.

The Southport Specialist Domestic and Family Violence Justice Response seeks to achieve its aims in a manner consistent with national and international best practice. The best practice evidence base is diverse, reflecting differences between criminal justice systems across the world and also within countries. For example, the shared intent of courts in many common law countries, including Australia, Canada and the United States, is to address the underlying cause of crime. How the jurisdiction operationalises that intent, however, aligns with the legal system and local needs and priorities, as well as the social and political framings of domestic and family violence.

There are six principles underpinning the integrated, specialist court model. These reflect current international and Australian best practice for domestic and family violence specialist courts.

- **Safety of the aggrieved and their children.** Clients are at the centre, and their safety is paramount. Clients are connected with wraparound services while at the court, and the court is recognised as a touchpoint for people experiencing or exposed to DFV.
- **Perpetrator accountability.** Criminal and civil proceedings are linked to reduce the number of times an aggrieved is required to attend court, with the aim of reducing re-victimisation. This ensures Magistrates have the 'full' scope of a matter to provide a tailored response. Perpetrators are supported to address the underlying causes of their offending behaviour.
- **Evidence-based practice.** The justice response draws on, and is delivered in line with, Australian and international best practice.
- **Coordination and partnership.** The Court Coordinator and Operational Working Group (OWG) are essential to ensure stakeholder engagement, ongoing system development and system accountability.
- **Continuous improvement and innovation.** The OWG Group is a forum for sharing information, problem solving, innovating and continually improving court processes and experience.
- **System accountability.** A commitment to continuous improvement.

These underpinning principles are operationalised in the specialist domestic and family violence court model. The model is delivered by a range of interagency stakeholders, including dedicated magistrates, specialist Police prosecutors, a specialist DFV registry and support services. The court acts as a hub, connecting people with specialist, wraparound support services before, during and after their matter has been heard in court.

1.5 THE EVALUATION

In 2019, the Department of Justice and Attorney-General (DJAG) engaged ARTD Consultants (ARTD), partnering with Murawin, an Indigenous-owned consultancy, to evaluate the implementation and outcomes for the court. It is a process, outcome and social and economic impact evaluation to be completed by 2021.

This will be the third evaluation of the Southport Specialist Domestic and Family Violence Court Justice Response. In May 2016 (three months after the trial court was established) the Department of Justice and Attorney-General conducted an in-house interim evaluation. A second evaluation was completed by the Griffith Criminology Institute in 2017. Both

evaluations found that the court was providing a coordinated, consistent and timely response and was on-track to enhancing safety for the aggrieved.

The purpose of the overall evaluation is to:

- determine if the Southport Specialist DFV Court Justice Response is operating according to the intended specialist court model
- measure progress in implementing the recommendations of the process evaluation conducted in 2016–17¹⁶
- identify areas for improvement in court-based justice responses to DFV
- identify outcomes for people who are aggrieved, their families and for respondents
- measure social and economic impacts connected with the Southport Specialist DFV Court Justice Response.

The Evaluation Framework includes a suite of key evaluation questions, which aim to address the evaluation purpose. Table 1 summarises the methods we will use to generate data to answer the questions.

TABLE 1. KEY EVALUATION QUESTIONS AND DATA SOURCES, BY EVALUATION STAGE

Stage	Question	Data source
PROCESS	Does the Southport SDFV Court Justice Response provide a quality service in accordance with the intended specialist court model?	Literature scan Document review Service delivery stakeholder interviews
	To what extent does the Southport SDFV Court Justice Response deliver: <ul style="list-style-type: none"> • a safe environment (pre, during, post-court)? • coordinated, respectful and fair court processes? • support and information for parties involved in DFV proceedings? • an effective interface with programs for perpetrators to address underlying factors contributing to DFV offending? Is the Southport SDFV Court well-informed, timely, inclusive, client-centric, collaborative, consistent, accessible, integrated?	Client interviews and focus groups Court observations (Southport and comparison) Client surveys Administrative data
OUTCOME	Is the Southport SDFV Court Justice Response effective? For whom, and in what contexts?	Service delivery stakeholder focus group
	To what extent do aggrieved people and their children feel <ul style="list-style-type: none"> • safe and secure? • respected and empowered in the court process? 	Client interviews and focus groups Administrative data Partnership survey

¹⁶ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.
https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

Stage	Question	Data source
	To what extent does aggrieved people's wellbeing and feelings of safety and security improve?	
	To what extent are perpetrators <ul style="list-style-type: none"> • held accountable? • compliant with orders over time? • able to reduce negative behaviour and attitudes? • able to address identified underlying factors? 	
	What are the impacts of accountability for DFV offences?	
	What are the impacts on safety and security for people who are aggrieved through Southport SDFV Court Justice Response processes?	
SOCIAL AND ECONOMIC IMPACT	Is the Southport SDFV Court Justice Response cost effective (cost per outcome)? For whom, and in what context?	Client interviews and focus groups Administrative data Client survey
	Does the government get value for money?	
	What are the most significant outcomes and impacts attributed to the court program, by clients, court staff, service providers and community?	
	What social and economic impacts can be linked to the Specialist DFV program? For example, changes in personal, institution and community costs and benefits.	

1.5.1 DATA COLLECTED TO DATE

The evaluation is drawing on a combination of qualitative and quantitative data collection and analysis methods to answer the key evaluation questions. To date, the following data has been collected and/or analysed.

- **Targeted scan of relevant best practice policy and research literature** (n=74)
- **Document review** (n=75 documents), including Court Working Group minutes (n=21), Operational Working Group minutes (n=18), position descriptions and supporting documents (n=11), policies, procedures and training manuals outlining the Court's operation (n=9), summaries of literature or other relevant background information (n=8), documents describing current or past evaluations (n=5), data request forms or qualitative data (n=2) and specific documents from agencies (n=1).
- **Interviews with key stakeholders** (n=30) from participating agencies including Department of Justice and Attorney-General (DJAG), the Domestic Violence Prevention Centre (DVPC), Legal Aid Queensland (LAQ), the Queensland Police Service (QPS), Queensland Corrective Services (QCS) and the Department of Child Safety Youth and Women (DCSYW).

- **Preliminary descriptive analysis of Queensland Wide Interlinked Courts (QWIC) data.** All defendant and domestic and family violence specific data for the period 1 July 2017 to 30 June 2019. Additional analysis to be completed as a separate data report.

We made an application to the Bellberry Human Research Ethics Committee (HREC) for the components of our evaluation that involve SSDFVC clients (client surveys, interviews or focus groups and quantitative administrative data held by service providers) and selected stakeholder interviews. Approval of this application was delayed, due to the time required to secure a letter of support from Aboriginal and Torres Strait Islander stakeholder organisations.

Our application was approved on 24 September 2020 (Approval Reference 2019-11-1068) allowing us to progress the surveys and interviews with clients and analyse and report on the following data (Table 2).

Other data that we expect to be available to the evaluation will come from Legal Aid Queensland (LAQ), the Southport Specialist Domestic and Family Violence Court (SSDFVC) reception and the specialist and generalist registries. It may also include incident and/or security data, to be provided when, and if, the format is suitable to release.

The SSDFVC and other courts in Queensland experienced widespread disruption as the result of COVID-19. We have been unable to complete observations at two comparison courts (Caboolture and Cleveland) as planned, and we did not interview staff at those courts as planned. We will engage these staff ahead of subsequent reporting.

A summary of the evaluation methods is included in Appendix 1.

TABLE 2. DATA SOURCES FOR THE OUTCOME AND FINAL OUTCOME EVALUATION

Source	Planned analysis
Queensland Wide Interlinked Courts (QWIC)	All defendant data and domestic and family violence specific data for the period 1 July 2017 to 30 June 2019. This period was chosen to ensure minimal overlap with the Griffith University evaluation (2017). Defendant's offence history (matched on Single Person Identifier (SPI) for the period 1 July 2015 to 30 June 2017. This period was chosen to correlate with the use of a domestic violence 'flag', which was introduced as part of the first Action Plan.
Domestic and Family Violence Prevention Centre (DVPC)	Domestic and Family Violence Prevention Centre (DVPC) system, including the Inquiry, Referral Advocacy Support (IRAS) dataset (which includes data for people who contact DVPC seeking domestic and family violence supports or services, but who may not go on to engage with the service) and the Referral and Advocacy Program (RAP) dataset (which includes data for people who receive case management and other support services, including the number of minutes of support received, and the nature of that support). Neither dataset includes information about perpetrators who engage in the men's behaviour change program or female respondents who engage in Turning Points.

Source	Planned analysis
Queensland Corrective Services (QCS) data	QCS can provide the number of perpetrators in the community (not in custody) who are assessed as suitable for a behaviour change program, the number of perpetrators in the community who were assessed as suitable who then commenced a behaviour change program, and the number of perpetrators waitlisted to commence a behaviour change program in the community. Data can be disaggregated by location (community based). The data for community-based locations includes only those perpetrators who were assessed as suitable and who had commenced and completed a behaviour change program in Southport or Logan. We understand that QCS is also trialling a behaviour change program in three correctional centres. Eligibility for the Disrupting Family Violence program in custody is based on having a DFV flag and being sentenced. This trial is expected to operate from January 2019 to June 2020. QCS is not waitlisting perpetrators in custody given the nature of the trial.
Queensland Police Service (QPS)	Access to QPS data is currently being explored.
Centacare	Centacare provides data to the Department of Child Safety, Youth and Women and the Department of Justice and Attorney-General about the number of respondents who participate in the 16-week men's' behaviour change program as part of its OASIS reporting. In a meeting with Centacare on 24 October 2019, Centacare advised that this data would be available to the evaluation through the Department of Justice and Attorney-General. Centacare holds additional data, including demographic and assessment data for individuals who participate, as well as individual and group-level participation data, which may be available to the evaluation after receipt of HREC clearance, and with the relevant approvals from Centacare. We will continue to work with Centacare and the Department of Child Safety, Youth and Women to ensure the data most suitable for answering the evaluation questions is available.

2. QUEENSLAND'S BUSIEST DOMESTIC AND FAMILY VIOLENCE SPECIALIST COURT: WORKLOAD

The Southport Specialist Domestic and Family Violence Court was Queensland's first domestic violence specialist court. There are now four more specialist domestic and family violence courts in Queensland; in Beenleigh, Townsville, Mount Island and Palm Island. The Southport Specialist Domestic and Family Violence Court is the busiest of the domestic and family violence specialist courts in terms of the number of domestic and family violence applications lodged.¹⁷

Between 1 July 2017 and 30 June 2019, there were 7,911 domestic and family violence applications lodged at Southport. A civil proceeding may be made by police or by a private applicant (either the aggrieved or on behalf of the aggrieved). Of the applications lodged during the evaluation timeframe, three-quarters (75%, or 5,950 applications) were lodged by the Queensland Police Service (Table 3).

TABLE 3. DOMESTIC AND FAMILY VIOLENCE INITIATING APPLICATIONS AND APPLICATIONS TO VARY LODGED AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR AND LODGEMENT AUTHORITY

Financial year	Queensland Police Service		Private		Other		Total	
	n	%	n	%	n	%	n	%
2017–18	2,913	75%	968	25%	3	< 0.1%	3,884	100%
2018–19	3,037	75%	987	25%	3	< 0.1%	4,027	100%
Total	5,950	75%	1,955	25%	6	< 0.1%	7,911	100%

Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport. Includes initiating applications, applications to vary and police protection notices. Other applications lodged as part of the work of the court in this period were excluded from this analysis.

Note: Applications include initiating applications plus applications to vary. 'Other' lodgement authority includes Department of Justice, Department of Child Safety, Youth and Women, QLD Building and Construction Commission and Miscellaneous authorities.

Police Protection Notices comprise half of all applications (56% or 3,322 applications) lodged over the evaluation period. One in four applications (28% or 1,653 applications) made by the Queensland Police Service were to vary existing orders (Table 4). This is broadly similar to the proportion of private applications to vary orders (22% or 436 applications) (Table 5).

¹⁷ Queensland Courts. (2019). *Queensland Courts' domestic and family violence statistics*. <https://www.courts.qld.gov.au/court-users/researchers-and-public/stats>

TABLE 4. TYPES OF DOMESTIC AND FAMILY VIOLENCE APPLICATIONS LODGED BY THE QUEENSLAND POLICE SERVICE AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR

Financial year	Police protection notice		Apply for domestic violence order		Vary domestic violence order		Total	
	n	%	n	%	n	%	n	%
2017–18	1,487	51%	650	22%	776	27%	2,913	100%
2018–19	1,835	60%	325	11%	877	29%	3,037	100%
Total	3,322	56%	975	16%	1,653	28%	5,950	100%

Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport. Includes initiating applications, applications to vary and police protection notices. Other applications lodged as part of the work of the court in this period were excluded from this analysis.

TABLE 5. TYPES OF PRIVATE DOMESTIC AND FAMILY VIOLENCE APPLICATIONS LODGED AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR

Financial year	Apply for domestic violence order		Vary domestic violence order		Total	
	n	%	n	%	n	%
2017–18	725	75%	242	25%	967	100%
2018–19	793	80%	194	20%	987	100%
Total	1,518	78%	436	22%	1,954	100%

Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport. Includes initiating applications, applications to vary. Other applications lodged as part of the work of the court in this period were excluded from this analysis.

As shown in Figure 1, the volume of application events fluctuates across the year, for example, peaking immediately before and after Christmas/New Year.¹⁸ These fluctuations have obvious workload implications for the court and support services. There was a substantial decrease in application events in April 2018, with 397 fewer events recorded in that month. The data summary report (to be delivered in June 2021) will explore these patterns in greater detail.

¹⁸ The Court observes all public holidays. For example, it was closed from 23 December 2019 to 3 January 2020. During that time, people seeking to apply for an urgent domestic violence order under the *Domestic and Family Violence Protection Act (Qld) 2012* are only able to do so by attending a Queensland Police station.

FIGURE 1. DOMESTIC VIOLENCE ORDER APPLICATION EVENTS AT SOUTHPORT MAGISTRATES COURT, 1 JULY 2017 TO 30 JUNE 2019



Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport. Includes events relating to initiating applications, applications to vary and police protection notices. Events associated with other applications lodged as part of the work of the court in this period were excluded from this analysis.

Over the 2017–18 and 2018–19 financial years there have been 10,261 protection orders and applications to vary protection orders made as a result of the 9,586 initiating applications and applications to vary heard by the Southport Magistrates Court.¹⁹ The types of orders made are shown in 0. Across all years, half of the domestic and family violence orders made by the court are protection orders. The court also made 651 intervention orders (Table 7), where the court requires the respondent to attend a program to address their behaviour.²⁰ Across all years, 2,773 domestic and family violence orders were not progressed. These orders are shown in Table 8.

¹⁹ The number of applications heard by the Southport Magistrates Court differs from the number of applications lodged at the court during the 2017–18 and 2018–19 financial years. This is because in addition to applications lodged at Southport Magistrates Court during the evaluation period, this count also includes applications that were lodged at Southport Magistrates Court before 1/7/2017 and applications lodged at other courts where orders were made at Southport Magistrates Court. These applications have been included in the count of orders made at Southport Magistrates Court to reflect the work of the court.

²⁰ If a court makes or varies a domestic violence order it can also make an intervention order requiring the respondent to attend an intervention program, perpetrators' program or counselling to address their behaviour. This order can only be made if the respondent is present in the court, agrees to the intervention order being made or varied, and agrees to comply.

TABLE 6. DOMESTIC AND FAMILY VIOLENCE ORDERS MADE AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR AND TYPE

Order	2017–18		2018–19		Total	
	N	%	N	%	N	%
Protection order	2,527	50%	2,571	49%	5,098	50%
Temporary protection order	1,755	35%	1,834	35%	3,589	35%
Vary protection order	434	9%	509	10%	943	9%
Vary temporary protection order	293	6%	338	6%	631	6%
Total	5,009	100%	5,252	100%	10,261	100%
Procedural orders	425		544		969	

Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport.

Note: Count includes orders made from all applications heard at Southport Magistrates Court during the date range of the evaluation. This includes applications lodged at Southport Magistrates Court during the date range of the evaluation, applications that were lodged at Southport Magistrates Court prior to 1/7/2017 and applications lodged at other courts where orders were made at Southport Magistrates Court. Count restricted to event and order dates within the date range of the evaluation.

TABLE 7. INTERVENTION ORDERS MADE AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR AND TYPE

Order	2017–18		2018–19		Total	
	N	%	N	%	N	%
Intervention order	418	49%	233	33%	651	41%
Intervention order: completion notice	77	9%	99	14%	176	11%
Intervention order: confirm suitability	151	18%	190	27%	341	22%
Intervention order: contravention	199	23%	169	24%	368	23%
Intervention order: not suitable	10	1%	21	3%	31	2%
Revoke intervention order	2	0%	3	0%	5	0%
Vary intervention order	1	0%	1	0%	2	0%
Total	858	100%	716	100%	1,574	100%

Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport.

Note: Count includes orders made from all applications heard at Southport Magistrates Court during the date range of the evaluation. This includes applications lodged at Southport Magistrates Court during the date range of the evaluation, applications that were lodged at Southport Magistrates Court prior to 1/7/2017 and applications lodged at other courts where orders were made at Southport Magistrates Court. Count restricted to event and order dates within the date range of the evaluation..

TABLE 8. DOMESTIC AND FAMILY VIOLENCE ORDERS NOT PROGRESSED AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR AND TYPE

Order	2017–18		2018–19		Total	
	N	%	N	%	N	%
Dismissed	176	13%	117	8%	293	11%
Withdrawn	470	35%	582	41%	1,052	38%
Struck out	330	24%	374	26%	704	25%
Temporary protection order (suspension)	374	28%	350	25%	724	26%
Total	1,350	100%	1,423	100%	2,773	100%

Source: QWIC application data, 1/7/2017 to 30/6/2019. Court location: Southport.

Note: Count includes orders made from all applications heard at Southport Magistrates Court during the date range of the evaluation. This includes applications lodged at Southport Magistrates Court during the date range of the evaluation, applications that were lodged at Southport Magistrates Court prior to 1/7/2017 and applications lodged at other courts where orders were made at Southport Magistrates Court. Count restricted to event and order dates within the date range of the evaluation.

The data also describes criminal offences related to domestic and family violence (Table 9). Half of the criminal offending since 2017 (49% or 2,977 charges) was associated with breaches of domestic violence orders. One in four offences (28% or 1,678 offences) related to so-called ‘flagged’ offences, which are recorded to ensure patterns in defendants’ offending behaviours are made visible before the court.²¹ The types and outcomes of charges and offences will be explored in future data analysis.

TABLE 9. CHARGES AND OFFENCES AT SOUTHPORT MAGISTRATES COURT, BY FINANCIAL YEAR

Charge Type	2017-18		2018-19		Total	
	N	%	N	%	N	%
Contravention charge	1,771	48%	1,206	51%	2,977	49%
Flagged offence	1,089	30%	589	25%	1,678	28%
Non-DFV offence	802	22%	577	24%	1,379	23%
Total	3,662	100%	2,372	100%	6,034	100%

Source: QWIC charges data, 1/7/2017 to 30/6/2019. Court location: Southport.

Note: Count of charges restricted to those with at least one event at the Southport Magistrates court during the evaluation period. Charges were counted in the year the charge was first dealt with at Southport court. * Non-domestic violence offences are offences associated with flagged offences and/or contravention charges, which have

²¹ Effective 1 December 2015, criminal offending that occurs in the context of domestic and family violence can be recorded by way of notation under the *Penalties and Sentences Act 1992*. This helps ensure defendants’ patterns of offending behaviours are clearly evident to police officers and the courts.

an impact on the workload of the specialist court. We are exploring this data item and will include a more detailed description in future data analysis.

The offence of strangulation²² was introduced on 5 May 2016, following a recommendation made by the Special Taskforce on Domestic and Family Violence in Queensland. Strangulation is a key predictor of domestic homicide, and the Taskforce recommended an appropriate penalty should be applied to account for this increased risk of subsequent escalation to the aggrieved.²³ Approximately 5% of all flagged offences during the evaluation period (148 charges) were strangulation offences.

²² Section 315A of the *Criminal Code* (Qld) provides that a person commits a crime if the person unlawfully chokes, suffocates or strangles another person, without the other person's consent; and either, the person is in a domestic relationship with the other person; or the choking, suffocation or strangulation is associated domestic violence under the *Domestic and Family Violence Protection Act 2012*.

²³ Special Taskforce on Domestic and Family Violence in Queensland. (2015). *Not now, not ever: Putting an end to domestic and family violence in Queensland*. <https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

3. IMPLEMENTATION ALIGNS WITH BEST PRACTICE

This section describes the extent to which the Southport Specialist Domestic and Family Violence Court Justice Response (SSDFVCJR) is being delivered in line with the Queensland Specialist Domestic and Family Violence Court model.

It is structured to reflect the four aims of the Court:

- putting clients at the centre,
- increasing safety,
- supporting perpetrator accountability; and
- maintaining procedural fairness.

We have completed a review of the national and international evidence for best practice in specialist domestic and family violence courts and refer to it in the following sections as relevant. A more detailed description of specialist domestic and family violence courts' intentions, and description of how they operate is provided in Appendix 2. We will continue to monitor the literature that is published throughout the evaluation timeframe, and to seek out forums and discussions that explore best practice.

3.1 THE SSDFVCJR CENTRES AROUND CLIENTS' NEEDS

There is clear evidence across evaluation data sources that the Southport SDFVCJR is putting its clients—the aggrieved, respondents and their children—at the centre. This client focus is achieved through physical elements of the court, including how people who are aggrieved are separated from the respondent while at court and by connecting clients with wraparound supports. It is facilitated by developing an attitude of understanding and unconditional positive regard amongst staff members, who are united in their prioritisation of victim safety.

Clients' needs are clearly highlighted and prioritised in processes and procedures. This is particularly true for the Specialist Domestic and Family Violence Registry, which is often a client's first point of contact with the court. Reflecting the Specialist Registry's centrality to clients' experience, the Specialist Registry Manual takes great care to describe good practice for assisting clients. As detailed in the manual, registry staff are expected to assist clients by:

- clearly explaining the court process, avoiding legal jargon
- giving accurate procedural information and providing clear answers to questions
- assessing the need for an interpreter where relevant
- advising clients of available court support services
- making warm referrals to other services where appropriate.

The wraparound services and supports are also offered in a client-centred manner. For example, the Court Advocacy Program, provided by the Domestic Violence Prevention Centre (DVPC) is centred on, and seeks to understand, women and children's lived experience of domestic and family violence and how this is manifested in women's unique needs for support and service.

It was evident from the document review and from interviews with key stakeholders that the way clients are assisted at SSDFVCJR is underpinned by a deep, specialist understanding of domestic and family violence. The court staff and stakeholders are clearly aware of the broad patterns of domestic and family violence, but also appreciate that the experience of violence is nuanced for every client of the court.

The following three sections detail examples of how the SSDFVCJR places clients at its centre: responding to the needs of diverse client groups, supporting clients' goals and ensuring seamless connections with relevant supports and services.

3.1.1 RESPONDING TO THE NEEDS OF DIVERSE CLIENT GROUPS AND TO DIFFERENT TYPES OF VIOLENCE

The *Third Action Plan 2019–20 to 2021–22* specifies a range of actions to better support members of the community who may be more vulnerable to domestic and family violence, who may experience violence in a different way, and who may face additional barriers to getting support that meets their needs. This includes Aboriginal and Torres Strait Islander people, people with disability, older people, young people, people from culturally and linguistically diverse backgrounds and people from LGBTIQ+ communities.²⁴

The literature review describes specific issues for specific client groups and the best practice responses to these issues (Appendix 2). We assessed the extent to which the SDFVCJR aligns with best practice by interviewing key stakeholders and reviewing relevant policies and procedures. The extent to which the Southport SDFVCJR meets clients' needs will be further explored through surveys and interviews with clients in subsequent stages of the evaluation. The data summary report will use available demographic data to describe different patterns of court usage and outcomes for different client groups.

Overall, there is evidence that SDFVCJR tailors its service delivery to meet clients' needs and innovates to meet the needs of its clients. Like other courts in Queensland, the Southport SDFVCJR is limited by the local availability of specialist services, such as interpreters, and resourcing for specialist staff. There is more work required to make the court equally accessible and responsive to the needs of vulnerable client groups. This includes Aboriginal and Torres Strait Islander people, culturally and linguistically diverse group, people with disability, and the LGBTIQ+ community.

²⁴ Queensland Government. (2019). *Third Action Plan of the domestic and family violence prevention strategy 2019–20 to 2021–22*. Department of Child Safety, Youth and Women.
<https://www.csyw.qld.gov.au/resources/campaign/end-violence/third-action-plan.pdf>

INDIGENOUS PEOPLE AND COMMUNITIES

The patterns and experiences of domestic and family violence among Indigenous people and communities is often different. Best practice is to develop specific domestic and family violence responses for Aboriginal and Torres Strait Islander people, which acknowledge the different causes of family violence in Indigenous communities. Such causes include loss of culture and kinship relations, the impact of colonialism and entrenched poverty. Some mainstream programs are specifically tailored to, and run in consultation with, local Indigenous communities. These issues are discussed in detail in Appendix 2.

There is evidence that Queensland Courts are working to ensure the needs of Aboriginal and Torres Strait Islander clients are met. For example, the Magistrates Court of Queensland worked with Reconciliation Australia to develop its Reconciliation Action Plan, 2018–21. Court Services Queensland has also developed 'Reach out for help', a domestic and family violence information package for Aboriginal and Torres Strait Islander people.²⁵ The Department of Child Safety, Youth and Women has released a specific plan to respond to domestic and family violence in Aboriginal and Torres Strait Islander communities.²⁶

At Southport, there is clear evidence of what a culturally appropriate response looks like. The Department of Justice and Attorney-General funded the Domestic Violence Prevention Centre to deliver the Numala Yalnun program, as a six-month trial from January to June 2019. The program provided intensive and individualised support and referrals for Aboriginal and Torres Strait Islander clients of the court attending for civil and criminal domestic and family violence matters. Ongoing funding was not available and, in its recent final report, the Domestic and Family Violence Implementation Council identified the need for funding to continue.²⁷

The project made Aboriginal and Torres Strait Islander staff more visible and, in doing so, made the Court a more welcoming environment for Aboriginal and Torres Strait Islander people. Accordingly, Aboriginal and Torres Strait Islander clients became more visible to the court, overturning a widely held misconception that there are very few First Nations people on the Gold Coast. The most recent (2016) Census data shows only 1.8% of people living in Southport identify as Aboriginal or Torres Strait Islander,²⁸ while data from the Griffith University evaluation of the court (2017) notes that Aboriginal and Torres Strait Islander people are listed on approximately 5% of applications to the court.

Numala Yalnun data indicates the Census data likely underestimates the proportion of Aboriginal and Torres Strait Islander court clients. During the first three months of the program (January to March 2019), the proportion of clients identifying as Aboriginal or Torres Strait Islander on office consent forms increased by 300% (approximately 200 clients).

²⁵ Queensland Courts. (2019). *Reach out for help*. <https://www.courts.qld.gov.au/going-to-court/domestic-violence/reach-out-for-help>

²⁶ Queensland Government. (2019). *Queensland's framework for action: Reshaping our approach to Aboriginal and Torres Strait Islander domestic and family violence*. Department of Child Safety, Youth and Women. <https://www.csyw.qld.gov.au/campaign/end-domestic-family-violence/our-progress/enhancing-service-responses/reshaping-our-approach-aboriginal-torres-strait-islander-domestic-family-violence>

²⁷ Domestic and Family Violence Implementation Council. (2019). *Final report*. <https://www.csyw.qld.gov.au/resources/campaign/end-violence/council/dfvi-council-final-report.pdf>

²⁸ Australian Bureau of Statistics. (2016). *2016 Census QuickStats, Southport (Qld)*. https://quickstats.censusdata.abs.gov.au/census_services/getproduct/census/2016/quickstat/SSC32636

Another 50 clients either engaged with the Aboriginal and Torres Strait Islander Legal Service (ATSILS) but did not sign consent forms, and 37 non-Indigenous clients identified on behalf of 81 Aboriginal and Torres Strait Islander children.

Being welcomed at Court by people who identify as Indigenous can help First Nations court clients feel safe to identify their heritage. There are many reasons why an Aboriginal or Torres Strait Islander person may not feel safe identifying their heritage: they may not know or be connected to their people or their land, or their experiences of trauma associated with being known as Aboriginal or Torres Strait Islander may make them feel unsafe to identify. Stakeholders noted that in the six months since the Numala Yalnun project finished, there has been a notable decrease in the number of clients identifying as Aboriginal and Torres Strait Islander.

Numala Yalnun supported Aboriginal and Torres Strait Islander clients' recovery by increasing their engagement with services to more holistically respond to their legal, social, health and financial needs. The program made 105 warm referrals to support and services including ATSILS, the Department of Housing and Public Works, the Gold Coast University Hospital Indigenous Unit and Centrelink. Some stakeholders, including the Aboriginal and Torres Strait Islander Legal Service, noted that the increase in referrals challenged the system's capacity to respond.

Taken together, the evidence suggests the Southport SDFVCJR can do more to meet the needs of its Aboriginal and Torres Strait Islander clients. At its simplest, the Court can ensure a more culturally welcoming environment by flying or displaying the Aboriginal and Torres Strait Islander flags or hanging Indigenous art, neither of which are currently done at the Southport Magistrates Court. As recommended in the Domestic and Family Violence Implementation Council Final Report (2019), providing additional funding to support a culturally appropriate response would better meet Aboriginal and Torres Strait Islander clients' needs. Aboriginal and Torres Strait Islander clients' needs should also be considered when designing and delivering behaviour change programs for perpetrators.

PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

As noted in the Specialist Registry Training Manual, 'identifying and responding to the needs of parties from culturally and linguistically diverse backgrounds has traditionally been a challenge for courts, particularly when dealing with domestic and family violence matters.'

There is good evidence that the SSDFVCJR understands that different dynamics impact on a person's experience of domestic and family violence, including for women and men from culturally and linguistically diverse backgrounds. The Specialist Registry training manual provides a range of tips for responding to the needs of CALD clients. It highlights that some of the generalist best practices, such as making warm referrals, are also helpful for clients from CALD backgrounds. It also provides detailed case studies to help court staff understand how the experience of violence might be different for women from culturally and linguistically diverse backgrounds and includes specific responses staff could take.

There is evidence that SSDFVCJR tailors its service delivery to better meet culturally and linguistically diverse clients' needs. However, the SSDFVCJR is limited by the local availability of specialist services, including interpreters. One of the first innovations of the SSDFVCJR was adopting a new system that requires court staff to engage interpreters if required at a first appearance in court. Where interpreters are not available face to face, a telephone interpreter should be engaged. While this represents a positive step, stakeholders noted the difficulty of securing timely access to an appropriate interpreter: someone who is sufficiently fluent in English to interpret legal terminology and to understand and explain the outcomes of the court process, who is an appropriate gender, and who is not part of the same community as the client (which could compromise their privacy.) Although stakeholders were very positive about the interpreter services, some were concerned that it was difficult to check that their clients left with a clear understanding of what was required of them, or of what had happened in the courtroom.

Stakeholders indicated that the Support, Assessment, Referral Advocacy (SARA) specialist program, operated by the Multicultural Families Organisation is a critical component of their capacity to respond appropriately to the needs of CALD women. The SARA services include DFV counselling, court support and referral to the Women's Legal Service.

Most SSDFVCJR stakeholders agreed that the court provides an appropriate response to clients from culturally and linguistically diverse backgrounds. However, as for many human services programs, more work is required to make the court equally accessible to clients from culturally and linguistically diverse backgrounds. This includes ensuring programs for perpetrators of domestic and family violence are appropriate for culturally and linguistically diverse groups.

PEOPLE WHO IDENTIFY AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX, QUEER OR ASEXUAL

People who are lesbian, gay, bisexual, transgender, intersex, queer or asexual (LGBTIQA+) have reported feeling that specialist courts do not appropriately understand their circumstances and therefore cannot adequately address them.²⁹ In particular, the literature suggests a lack of awareness of patterns of domestic violence specific to LGBTIQA+, including that LGBTIQA+ partner violence can be mutual.³⁰ There are also low levels of awareness of how violence manifests in these relationships, such as the practice of threatening to 'out' the aggrieved person's sexuality, identify their HIV status, or using homophobia or transphobia as a vehicle of control to isolate the aggrieved person and prevent them from receiving support.³¹

²⁹ Neave, M., Faulkner, P., & Nicholson, T. (2016). *Royal commission into family violence: Final report* (Parl Paper No 132, 2014–2016). State of Victoria. https://apo.org.au/sites/default/files/resource-files/2016-03/apo-nid62334_59.pdf

³⁰ Campo, M., & Tayton, S. (2015). *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities*. Child Family Community Australia. <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtqi-communities>

³¹ Campo, M., & Tayton, S. (2015). *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities*. Child Family Community Australia. <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtqi-communities>

There is some evidence that the Southport SDFVCJR is tailoring its response for LGBTIQ+ clients, but there is more work to do. The Specialist Registry training manual directs its staff to ensure that people in same-sex relationships are provided with an appropriate, secure place to wait. However, for same-sex women, only one of the applicants can access the support room, which may mean one woman has less access to appropriate supports and services. There are similar considerations for men in same-sex relationships, where it may not be appropriate for both the aggrieved and respondent to wait in the Level 1 waiting area. A man waiting in a secure, private room, might not be connected with the Centacare men's worker, whose office is adjacent to the public waiting area for respondents. Some stakeholders suggested that improving the court's accessibility for men overall (see Section 3.3.3) may also improve its accessibility for gay men.

The prevalence of domestic and family violence among transgender people is high,³² but stakeholders reported very few transgender clients at the Southport SDFVC. While the DVPC provides its services to anyone who identifies as female, the very marked gender division of space at the court and the way resources are framed and presented, may have unintended consequences for LGBTIQ+ people who do not identify within the binary terms of male and female gender.

Several reports have recommended courts need to be linked with programs that are tailored to the needs of LGBTIQ+ groups,^{33,34} and the SDFVCJR is no exception to this. While court staff are encouraged to make referrals to support services, there are very few DFV-specific programs available on the Gold Coast for people who identify as LGBTIQ+. In the absence of specific services, delivering the right response for domestic and family violence within the LGBTIQ+ community rests with generalist DFV support services being adequately skilled to do so. The Queensland Aids Council's '*Queer without Fear—Domestic and Family Violence in the LGBTIQ+ Community*' is an important resource for upskilling domestic and family violence support service staff in the court and beyond.

There is more work required to make the court equally accessible for, and responsive to, the needs of people who identify as LGBTIQ+, including making sure there are sufficient programs available, which are appropriate for perpetrators of domestic and family violence within this client group.

PEOPLE WITH DISABILITY

The recently published Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability found that people with disability are overrepresented in criminal justice systems in Australia. People with disability were also found to be disproportionately

³² Yerke, A. F., & DeFeo, J. (2016) Redefining intimate partner violence beyond the binary to include transgender people. *Journal of Family Violence*, 31, 975–970. <https://doi.org/10.1007/s10896-016-9887-y>

³³ Campo, M., & Tayton, S. (2015). *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities*. Child Family Community Australia. <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtqi-communities>

³⁴ Neave, M., Faulkner, P., & Nicholson, T. (2016). *Royal commission into family violence: Final report* (Parl Paper No 132, 2014–2016). State of Victoria. https://apo.org.au/sites/default/files/resource-files/2016-03/apo-nid62334_59.pdf

the aggrieved in instances of abuse and violence.³⁵ The criminal justice system has been often criticised for not fully recognising people with disabilities as sexual, or assuming they are not in relationships. Both these assumptions mean the support for domestic and family violence available to this group is unlikely to meet their needs. In recognition of these, and other related issues, the Department of Child Safety, Youth and Women has released a specific plan to respond to domestic and family violence against people with disability.³⁶

While stakeholders generally support that the court is reasonably well equipped to support people with disabilities, there was consensus among stakeholders that this group often faces considerable barriers to accessing the court. Beyond being delivered in a building that is physically accessible to people with disability, there is very little evidence of how the court addresses the needs of this group. For example, there is no specific information in the Specialist DFV Registry training manual on how staff should support people with disability, nor a list of specific organisations for these clients to be referred to. While this may to some extent reflect an absence of appropriate, local service providers, there is an opportunity for the Southport SDFVCJR to begin addressing this area of its practice immediately.

PEOPLE MISUSING ALCOHOL AND OTHER DRUGS

It has been noted that drug and alcohol issues are often present in domestic and family violence. Research does not support that substance abuse *causes* domestic violence, but rather that the relationship between the two issues is extremely complex.³⁷ Despite high levels of co-occurrence, there is a tendency to treat substance abuse and domestic violence separately. This is evident at the governmental level with separate specialist courts, and the service level with separate programs for substance abuse and perpetrator intervention programs.³⁸

Stakeholders observed that many clients of the court reported drug and alcohol misuse as co-occurring with DFV. In particular, they reported the prevalence of methamphetamine misuse. It was noted as a critical gap in the local service landscape that there were insufficient services available to refer clients needing assistance with drug and alcohol issues. The *Queensland Mental Health, Alcohol and Other Drugs Strategic Plan 2018–23* notes the importance of working across agencies and sectors to reduce alcohol and drug related harm, including domestic and family violence.³⁹ There is opportunity for the Southport SDFVCJR to connect aggrieved people and respondents to appropriate treatment and support services.

³⁵ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2020). *The criminal justice system - Issues paper*. <https://disability.royalcommission.gov.au/system/files/2020-07/Issues-paper-Criminal-justice-system.pdf>

³⁶ Queensland Government. (2019). *Queensland's plan to respond to domestic and family violence against people with disability*. Department of Child Safety, Youth and Women. <https://www.csyw.qld.gov.au/resources/campaign/end-violence/plan-dfv-against-people-with-disability.pdf>

³⁷ Crane, C. A., & Easton, C. J. (2017). Integrated treatment options for male perpetrators of intimate partner violence. *Drug and Alcohol Review*, 36(1), 24-33. <https://doi.org/10.1111/dar.12496>

³⁸ Freiberg, A., Payne, J., Gelb, K., Morgan, A., & Makkai, T. (2016). *Queensland Drug and Specialist Courts review - Final report*. Queensland Courts. https://www.courts.qld.gov.au/_data/assets/pdf_file/0004/514714/dc-rpt-dscr-final-full-report.pdf

³⁹ Queensland Mental Health Commission. (2018). *Shifting minds: Queensland Mental Health, Alcohol and Other Drugs Strategic Plan, 2018–2023*. https://www.qmhc.qld.gov.au/sites/default/files/files/qmhc_2018_strategic_plan.pdf

In the criminal jurisdiction, this may include strengthening the relationship between the Southport SDFVCJR and the Court Link program.

ELDERLY PEOPLE WHO EXPERIENCE VIOLENCE PERPETRATED BY A FAMILY MEMBER OR CARERS

The abuse of older people is a complex health and social problem, with devastating physical, emotional and social consequences for older people, families and communities. It is a multi-faceted problem, that can be challenging to identify and therefore, difficult to respond to. Beyond allocating funding to train health care and social workers associated with the justice system to identify vulnerable or at-risk individuals and refer them to the courts for support, the *National Plan to Respond to the Abuse of Older Australians (Elder Abuse) 2019–23* is silent on how courts can respond to elder abuse.ⁱ

Interviews with stakeholders indicated that when elderly people are accessing the SSDFVC, the Specialist Registry and other court staff made sure they were well supported. However, as for people with disabilities, stakeholders felt that elderly people faced substantial barriers in being able to access the court in the first instance; either physically or to lodge an online application. There is very little evidence of how Specialist Registry and other court staff are guided to respond to older people experiencing domestic and family violence. For example, there is no specific information in the Specialist Registry training manual on how the staff should support older people and their families, nor a list of organisations providing dedicated or specialised services to people with disabilities to which referrals could be made. As is the case for people with disability, there is an opportunity for the Southport SDFVCJR to begin addressing this area of its practice immediately.

3.1.2 SUPPORTING CLIENTS' GOALS FOR SAFETY

The available evidence suggests the Southport SDFVC and associated services prioritise the safety of aggrieved people and their children (discussed in detail in Section 3.2). Most stakeholders agreed it is possible to do this while still supporting the goals clients set for their relationship with the respondent. There was no evidence of staff or volunteers entertaining the view of 'Why don't they leave?' On the contrary, staff and volunteers demonstrated a nuanced understanding of the reasons why an aggrieved person might remain in the relationship, including their love for the respondent, fears for their safety and that of their children, and concerns about becoming homeless or their ability to achieve financial independence.

The court's interagency stakeholders also indicated a willingness to support clients' autonomy and goals for achieving safety. The exception was Queensland Police Service stakeholders, who identified safety of the aggrieved as their primary goal. These stakeholders described the goal of safety as overriding the aggrieved person's own intentions, where that includes remaining in the relationship and cohabiting with the respondent. This was particularly true when a respondent's behaviours (e.g. non-fatal strangulation) indicate the aggrieved person is at risk of ongoing and potentially lethal harm. Police, in such instances were more likely to understand their role as to advocate for the protection of the aggrieved through pursuit of non-contact orders, even against the aggrieved person's expressed wishes. This position is consistent with the *Not Now, Not Ever* recommendation that the

Queensland Police Service ‘adopt a proactive investigation and protection policy, which requires consideration of safety of the aggrieved person as paramount when deciding the course of action to be taken against the respondent and prioritises arrest where risk assessment indicates this action is appropriate.’⁴⁰

However, the *Not Now, Not Ever* report also recommended the Queensland Police Service seek an ‘independent audit and review of training packages currently available to officers, with a view to assessing the appropriateness and frequency of compulsory professional development opportunities relevant to domestic and family violence’, suggesting appropriate training should enhance ‘officers’ conceptual understanding of the dynamics of domestic and family violence, communication skills, as well as cultural awareness and sensitivities.’⁴¹ The Queensland Police Service has since invested in education and training programs, including a specialist domestic and family violence course.⁴² This training has been made available to officers at Southport and, according to stakeholders, is contributing to a broad attitudinal shift about domestic and family violence.

There is more work for the evaluation to do to understand the extent to which the SSDFVCJR supports its clients’ goals. Respondents and the aggrieved will be involved through surveys and interviews in the next stage of the evaluation.

3.2 THE SSDFVCJR PRIORITISES SAFETY OF THE VICTIM AND THEIR CHILDREN

There is unequivocal evidence that the Southport SDFVCJR holds the safety of victims as its central priority, in line with the Queensland Specialist Domestic and Family Violence Court model. It does this in several ways, including through risk assessments completed by SSDFVCJR partners and the physical structures of the Southport SDFVC itself. Each of these are discussed in detail in this section. The court processes also prioritise victim safety: these are discussed in Section 3.3 below. Section 0 details the specialist roles at the Southport SDFVC, including dedicated magistrates, and the ways in which their roles contribute to supporting the safety of clients of the court.

3.2.1 ASSESSING RISKS REGULARLY AND THOROUGHLY

As noted in the *National Risk Assessment Principles*, all domestic and family violence should be considered a risk that requires a response. This document also notes that ‘risk assessment is a complex, ongoing and evaluative process, rather than a one-off event, and should

⁴⁰ Recommendation 134 from Special Taskforce on Domestic and Family Violence in Queensland. (2015). *Not now, not ever: Putting an end to domestic and family violence in Queensland*.

<https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

⁴¹ Recommendation 138 from Special Taskforce on Domestic and Family Violence in Queensland. (2015). *Not now, not ever: Putting an end to domestic and family violence in Queensland*.

<https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

⁴² Domestic and Family Violence Implementation Council. (2019). *Final report*.

<https://www.csyw.qld.gov.au/resources/campaign/end-violence/council/dfvi-council-final-report.pdf>

include an examination of static and dynamic risk factors, patterns of perpetrator behaviour, patterns of violence and use of coercive control.⁴³

In line with recommendations made by the *Not Now, Not Ever* report, the Department of Child Safety, Youth and Women is operating eight High Risk Teams (HRTs) as a core component of Queensland's integrated response to domestic and family violence. The HRTs comprise officers from all agencies with a role in keeping victims safe and perpetrators accountable and include police, health, corrective services, housing and domestic violence services. Team members collaborate to provide integrated, culturally appropriate safety responses to victims and their children who are at high risk of serious harm or lethality. There is an HRT at Logan-Beenleigh, but no funded HRT on the Gold Coast. However, the long-established Gold Coast Domestic Violence Integrated Response and QPS Taskforce provide a high-risk response which operates in a similar manner.

The Department of Child Safety, Youth and Women (DCSYW) commissioned Australia's National Research Organisation for Women's Safety (ANROWS) to co-design a suite of tools to support the HRT's work. These are evidence based and consistent with the *National Risk Assessment Principles* for domestic and family violence.⁴⁴ Practitioners across the SSDFVCJR may refer to the common risk and safety framework (CRASF) and other resources during their risk assessment processes, however the CRASF is only available and in use in the Integrated Service Response/HRT locations. These tools also informed the development of registry procedures (for specialist court registry staff) in the Southport SDFVCJR, which are documented in the Specialist DFV Registry Manual. The level of risk is determined by the presence of one or more high risk factors or 'red flags' including but not limited to:

- pending separation
- separation of less than six months
- threats to kill
- stalking, including following, unwanted calls or texts, online or other forms of surveillance
- intimate partner sexual violence
- attempts to strangle, smother, drown or choke
- assaults with a weapon, or threats involving weapons
- escalation in the frequency of violence within the previous six months
- increasing severity of violence within the previous six months
- coercive controlling behaviours
- injuries from domestic and family violence requiring hospitalisation in the previous 12 months
- pregnancy, or history of violence during pregnancy
- actual or threatened harm (physical, emotional or other) to children; and
- attempted or threatened suicide.⁴⁵

⁴³ Toivonen, C., & Backhouse, C. (2018). *National Risk Assessment Principles for domestic and family violence* (ANROWS Insights 07/2018). ANROWS. https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/ANROWS_NRAP_National-Risk-Assessment-Principles.1.pdf

⁴⁴ Toivonen, C., & Backhouse, C. (2018). *National Risk Assessment Principles for domestic and family violence* (ANROWS Insights 07/2018). ANROWS. https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2018/07/ANROWS_NRAP_National-Risk-Assessment-Principles.1.pdf

⁴⁵ Queensland Government. (2019). *Manual for Specialist Domestic & Family Violence Court Registries*. Department of Justice and Attorney-General.

Although there is not a shared risk assessment tool for all stakeholders, there is very strong evidence that there is a common understanding of risk and the Southport SDFVCJR is making regular and thorough assessments of an aggrieved person's risks. Volunteer staff at the Level 1 reception desk, while not making a formal assessment of the clients' needs, are directed to advise the Deputy Registrar or Court Coordinator if they are concerned about a client's behaviour. Similarly, the counter staff at the Specialist DFV Registry know to alert the Deputy Registrar or Court Coordinator to any concerning behaviours evident when clients present at the counter. The Specialist DFV registry can address aggressive or other concerning behaviours quickly through security, or contact police, where necessary.

The Specialist DFV Registry counter staff review risks for all clients but are particularly conscious of risk for aggrieved people whose Domestic and Family Violence Application (Form 1) is marked 'urgent'. In these situations, the counter staff explore the client's reasons for seeking an urgent order and, if one or more high risk factors are in the application, the application is referred directly to the Deputy Registrar or Deputy Senior Registrar to consider the aggrieved person's risk and the urgency with which matters should be listed (Section 3.2.2).

Through this process, the Registrar may connect with QPS, specialist DFV service providers (Centacare or DVPC) to share or obtain additional information related to risk. This process may inform comprehensive risk assessments by specialist DFV service providers or QPS and help identify the small cohort of clients who, sometimes unbeknown to them, may be at risk of lethal assault. These cases would normally go unnoticed if the client has made no contact with other DFV services or government agencies. In this instance, the local policy supports identifying these cases and referring them to the QPS Taskforce or DVPC for consideration as part of their high-risk response.

The Deputy Registry and Deputy Senior Registrar may refer cases to the Queensland Police Service Taskforce where concerning behaviour has been observed, and, in some circumstances may do so with or without the aggrieved person's consent. These practices not only ensure the victim's ongoing safety is supported, but also reflect the registry staffs' understanding that clients may be in court for the first time, and are negotiating an unfamiliar, intimidating environment, that they are emotionally overwhelmed and—for victims of DFV—may be disclosing a very personal situation for the first time.

During interviews, Registry staff talked about respondents using intimidation tactics within the court to make it difficult for women to access support. They noted that their staff is sensitive to presentation of these potentially dangerous coercive or controlling behaviours and considers them when assessing risk and determining a matter's urgency.

Each of the wraparound service providers has relevant policies and procedures to support ongoing risk assessment and management for court clients. Where relevant, these are provided in the Specialist DFV Registry Training Manual as intranet links. Not all relevant agency policies are catalogued in the Manual.

3.2.2 PRIORITISING THE MOST URGENT MATTERS BEFORE THE COURT

In many Magistrates Courts, civil and criminal domestic and family violence court matters are dealt with separately and as part of the general court listings, for example, the civil list and the general criminal list. Many Magistrates Courts arrange their DFV civil applications on a single day of the week, which is coordinated with the attendance of DFV duty lawyers and court support services.

However, listing of matters in the Southport SDFVC is informed by clients' level of risk. Listing practices reflect and enhance the way in which the dedicated lists are operating in other locations and recognise that an aggrieved person's level of risk may change between filing a private application and appearing in court.

The Specialist DFV Registry staff are sensitive to the presence of high-risk factors on applications (particularly those marked as urgent), and these applications may be listed before the court on the same day they are made. The court will then determine whether it is appropriate to make a temporary protection order. When arranging the order of appearances for matters at court on a particular day, the deputy registrar will consider a range of factors, prioritising the aggrieved person's safety. An example given was that a client who attends court with their children present is given priority to reduce the amount of time that any child needs to be at the court.

Where a matter has high risk factors present but is not listed for mention in the court immediately, the Specialist DFV Registry may share information under the DFVP Act information sharing provisions, including with QPS. This ensures QPS are made aware of the potential risks to the aggrieved person, even though the aggrieved will not have the benefit of wraparound service provision until they attend court for the first mention.

The Specialist DFV Registry has developed local guidelines to assist in determining when a matter should be listed. In some cases, the private applicant will express a preference for the matter to be listed on a particular day, and this will be considered.

3.2.3 ENSURING THE COURT IS PHYSICALLY SAFE

The Southport SDFVC is located on the first floor of the Southport Magistrates Court. Clients access the specialist court by passing through general security on the ground floor and taking the stairs or lift to Level 1. When clients reach Level 1, they are greeted by specialist Court Network volunteers at reception, 'checked in' and directed to the relevant waiting area. During interviews, stakeholders described the specialist reception as the Court's 'eyes and ears', with its staff often the first to notice safety risks. Volunteers described how, by closely observing clients' behaviours, they can 'get a sense' of a client's level of agitation, aggression or motivation. For example, a volunteer described how some respondents will attempt to distract the reception staff with conversation while trying to see whether the aggrieved has been checked in on the attendance register (to ensure safety, the attendance list is coded and, when not being used, kept out of sight).

Reception volunteers direct respondents to the waiting area outside the DFV court room, whereas aggrieved persons are directed to the Specialist DFV Registry. Aggrieved women are

offered the option of waiting in the safe room, where the duty lawyer and support worker are available. In some cases, such as when the respondent is part of a same-sex male couple, or when the respondent is displaying aggressive or other unsafe behaviours, male respondents are directed to wait in secure, private interview rooms. Similarly, a male aggrieved may be offered a private room.

Some specialist DFV court sites including Southport have been renovated to ensure the physical structures enhance the safety of the aggrieved. For example, aggrieved people and respondents may also be able to enter and leave the court through separate entrances to avoid any chance of contact when arriving or leaving the court. During interviews, stakeholders suggested that the physical layout of the court is fundamental to maintaining safety.

In line with the Specialist DFV Registry training manual, the Deputy Registrar may implement different safety mechanisms to mitigate any potential contact between the parties at all times. Measures include alternate court entry and exits, requesting a police escort, or accompanying an aggrieved person from the court. During interviews DFV Registry staff described the 'creativity' sometimes required to maintain the safety of the aggrieved.

Some Specialist DFV Registry staff noted that although coming to court can be a safety risk for the aggrieved, with the security measures and wraparound support services in place, aggrieved people are often safer within the court than they are in the community.

3.2.4 DEVELOPING A SAFETY PLAN TO SUPPORT THE AGGRIEVED AT COURT

Any person—an aggrieved person, a respondent, applicant or a named person—appearing in a Queensland court can complete a Domestic and Family Violence Court Safety Form. These are used to mitigate any form of ongoing domestic and family violence when arriving at court, being in court or leaving court. This includes, but is not limited to, verbal abuse or threats, intimidation by the respondent or their support persons. Court staff assess the request for additional safety measures at court and will inform the relevant parties of the safety measures that will be implemented before attending court.⁴⁶

The Specialist DFV Registry worked with key stakeholders to adapt the standard Court Services Queensland safety planning process to better meet the needs of its clients.⁴⁷ The following safety planning steps apply to all matters.

1. **Every client can have a safety plan, every time they go to court.** The Specialist DFV Registry develops a plan for any client appearing in court. Every time the client comes to court, a new plan is developed.
2. **Multiple agencies can contribute to the safety plan.** The Specialist DFV Registry consults with the QPS Domestic Violence Module Manager, QPS DFV Taskforce,

⁴⁶ Sempre Vero Lawyers. (n.d.). *Domestic and family violence – Court safety form (Part A)*.

https://www.sempreverolawyers.com.au/downloads/Safety_Form.pdf

⁴⁷ Queensland Government. (2019). *Manual for Specialist Domestic & Family Violence Court Registries*. Department of Justice and Attorney-General.

Southport Protective Services and DVPC to develop an appropriate court safety plan. When it is complete, the plan is provided to all agencies involved.

3. **Police are responsible for planning.** QPS Prosecutions are responsible for safety planning, and for ensuring DVPC support rooms are available for female aggrieved witnesses who are appearing in court.
4. **Safety is important in all matters.** Clients appearing at the Southport Magistrates Court on non-DFV matters before the court, but who are also involved in a domestic and family violence related matter (completed or continuing) can explain any concern about appearing in court to the Southport Magistrates Court registry. The Court Coordinator is then responsible for consulting with the QPS Domestic Violence Module Manager and Southport Protective Services to assess and manage the risk.⁴⁸

During interviews, staff noted that the safety of victims depends on agencies collaborating to share the information necessary to develop a thorough plan. The way Southport SDFVCJR stakeholders share information is detailed in Section 4.2.1.

3.3 THE SSDFV COURT PROCESS IS A TOUCHPOINT FOR PEOPLE EXPERIENCING VIOLENCE

On the available evidence, the Southport SDFVCJR is meeting its objective to be a hub for people experiencing domestic and family violence. It provides seamless connection to a suite of specialist, wraparound supports including the domestic and family violence duty lawyer service (delivered by LAQ) and the Court Advocacy Program for aggrieved clients (DVPC) and court assistance for respondents (Centacare). The SSDFVC operates each day of the week and ensures that wraparound services are always available to both the aggrieved and the respondent.

These specialist services and supports, described in detail below, are literally wrapped around Southport SDFVC clients: all are co-located at the Southport Magistrates Court precinct. While similar specialist supports and services are available to clients making domestic and family violence court applications in other Magistrates Courts, they are rarely co-located at the court. Stakeholders noted that physical co-location of specialist support and services enables them to make relevant 'warm' referrals. Warm referrals not only facilitate clients' safety, but also make it more likely clients will engage with the supports and services to which they are referred.

A key stakeholder described how the Centacare men's court worker actively and easily engages with respondents in the Level 1 waiting room. Other stakeholders described how seeing other people use the available supports and services, normalises help-seeking, and encourages clients to take up support. For example, when women waiting in the secure support room see other women engaging with DVPC support staff, they feel encouraged to accept support for themselves.

⁴⁸ Queensland Government. (2019). *Manual for Specialist Domestic & Family Violence Court Registries*. Department of Justice and Attorney-General.

There is a clear sense among SSDFVC Registry staff and justice response stakeholders that providing the right response at the right time and with the right level of care is fundamental to achieving good outcomes for clients. Stakeholders described how the women's advocacy and support services and safe room make an enormous difference to the court experience for women. They noted that for some women, the safe room is a rare chance to be physically separated from the respondent and, therefore, is a rare opportunity for staff to understand the woman's needs and develop an appropriate response. Similarly, having a Centacare worker available at the court was seen as very important, both in getting men to be more aware of the supports available to them, as well influencing their willingness to engage with the men's behaviour change program. We will explore clients' experiences of, and satisfaction with, the wraparound supports and services through interviews and surveys in forthcoming stages of the evaluation.

While the wraparound services associated with the Southport SDFVCJR are available to all clients, not all clients choose to engage with them. The subsequent evaluation reports will include client interviews and focus groups, which will gather additional detail about clients who choose to engage with the specialist support services on offer. At this stage of the evaluation, there appears to be some concerns about the range of services available to women and those available to men. These will be further explored in subsequent evaluation stages, particularly to understand the extent to which services can support perpetrators' readiness to engage and/or change their behaviour.

WARM REFERRALS

Assisted or 'warm' referrals between the Southport SDFVCJR partners are a crucial component of ensuring clients receive wraparound support, in line with the best practice evidence base. Warm referrals require service providers to facilitate a connection between their client and another specialist support agency. A warm referral might involve an in-person introduction between the support worker, the court client and a worker from the service the client is being referred to. In other cases, a warm referral can involve making a call on behalf of the client, assisting with setting up their first appointment and providing detailed information about how to get to the service location.

Facilitating 'warm' referrals requires staff to have a strong understanding of local support services for both respondents and aggrieved parties. It also requires strong relationships between the stakeholders involved in the SDFVCJR and local support services. The strength of the relationship between the Southport SDFVCJR and the local service system is an obvious feature of the model, which is further discussed in Section 4.3. Through its Operational Working Group (OWG), the Southport SDFVCJR has negotiated simplified referral processes for many local support services, further reducing the burden on court users.

The staff of both agencies working at the court are qualified and specially trained in understanding DFV legislation and understanding the DJAG daily court procedures and security policies. These staff liaise with DJAG staff, Police, Police prosecutors, and LAQ duty lawyers to advocate on behalf of women and men with respect to court matters. Both of these service provider agencies are participants in the OWG. The staff are also actively engaging in networking and liaising with local and State-wide stakeholders to develop best

practice around working with women and men at court, which may include leading or contributing to the development and maintenance of agreements or protocols.

3.3.1 DOMESTIC AND FAMILY VIOLENCE DUTY LAWYER SERVICE

Legal Aid Queensland provides a domestic and family violence duty lawyer service at selected courts throughout Queensland, to help people appearing in court to apply for, or respond to, a domestic violence protection order. The scope of the domestic and family violence duty lawyers' practice and availability depends on the court's location and operating model.

Under the SDFVCJR model, the duty lawyer service at Southport is available every day of the week for aggrieved and respondent parties appearing in civil matters. This service allows domestic and family violence duty lawyers to provide legal advice and support to parties before, during or after their court appearance. It also allows the duty lawyers to appear in the courtroom on behalf of any aggrieved or respondent seeking representation. It is also available to defendants in criminal matters (except hearings).

The domestic and family duty lawyer service is led by Legal Aid Queensland practitioners. Legal Aid Queensland has a preferred supplier relationship with organisations including the Women's Legal Service and Gold Coast Community Legal Centre, and with other local firms contracted by LAQ to provide support on a rostered basis.

Duty lawyers offer free advice and information about legal matters, discussing clients' individual situations and the options available to them. They can explain to parties what will happen in court and negotiate on the client's behalf with the other party and their duty lawyer or appointed solicitor. Duty lawyers can also speak with Police prosecutors on behalf of their clients. Where it is appropriate, duty lawyers also provide advice on family law or other relevant legal matters. For more complex matters, the duty lawyers can make relevant referrals with the client's consent to other appropriate services, including the Aboriginal and Torres Strait Islander Legal Service (ATSILS) or the Family Relationship Centre.

The service is delivered in line with Legal Aid Queensland's best practice guidelines for working with clients affected by domestic and family violence.⁴⁹ The importance of the duty lawyers' specialist domestic and family violence knowledge to achieving client outcomes is discussed further in Section 3.4.5.

LAQ delivers regular training to contractors to assist them to understand the role of the duty lawyers in the SSDFVC. The duty lawyers appearing at the Southport SDFVC, though practising for varying law firms, share a consistent understanding of their role in serving the Southport SDFVC. That is, all consistently understand that their role is to assist in increasing victim safety and respondent perpetrator accountability. They participate and collaborate as part of the OWG and work closely with reception, the Specialist DFV Registry, as well as with DVPC and Centacare.

⁴⁹ Legal Aid Queensland & Queensland Law Society. (2020). *Domestic and family violence best practice framework for legal and non-legal practitioners*. http://www.legalaid.qld.gov.au/files/assets/public/publications/about-us/best-practice-guidelines/bpgframework_sept12.pdf

3.3.2 COURT ADVOCACY PROGRAM

The Court Advocacy Program (CAP) is delivered by the Domestic Violence Prevention Centre and is designed to provide specialist wraparound support for women who are clients of the court. The program works with both aggrieved and respondent women, providing individual tailored responses which respond to the needs and goals identified by their clients. Reception, Registry or duty lawyers can refer women to the CAP. Police attending DFV incidents can also refer women to the services provided by DVPC. This can occur concurrently with a Police Application for a protection order.

The CAP services include:

- risk assessments
- safety planning, both at court and in the community
- assistance to prepare domestic and family violence order applications, including variations to existing orders and information regarding interstate orders
- explaining the conditions and enforcement of domestic violence orders and their implications
- providing emotional support and advocacy, including attending court with clients
- providing information and referral to other support services
- liaising with court staff, police, Police prosecution, duty lawyers and advocating on behalf of women
- developing and promoting resources specifically designed for women to support their applications for protection orders and their understanding of court processes.
- assessing risk and safety planning, including information about how and when the court may be safely entered and exited, and the extent and limitation to the support that can be offered by court security
- considering support considerations and protocols before, during and after court
- seeking meaningful feedback from, and participation by, women in service planning, design and evaluation.

The program is provided in accordance with the *Practice Standards for Working with Women Affected by Domestic and Family Violence*.⁵⁰

Staff interviewed shared a clear vision of their role in supporting women to meet the goals that they set for themselves. All other stakeholders who work with aggrieved parties believed that the co-location and quality of the service provided by the DVPC was a major factor supporting the effectiveness of the Southport SDFVCJR.

⁵⁰ Department of Families. (2002). *Practice standards for working with women affected by domestic and family violence*. <https://www.publications.qld.gov.au/dataset/domestic-and-family-violence-resources/resource/117eea90-7a83-4abf-aa43-c0d9716c0f8c>

3.3.3 ASSISTANCE FOR RESPONDENTS

The Centacare Family and Relationship Service (Centacare) is funded to provide Men's Behaviours Change Programs to respondents (where appropriate) of the Southport SDFVC (see Section 0). Associated with this, as part of the SDFVCJR a male Centacare support worker is available to respondents in the Level 1 waiting room four days per week (Monday to Thursday). The Centacare worker's role is to provide information to men appearing in the civil and criminal jurisdictions, consider issues relating to risk to victims, and respondent needs and make appropriate referrals, and encourage *respondents* and *defendants* to consider consenting to an Intervention Order; namely specialised domestic violence behaviour change programs. In other Queensland magistrates courts, Centacare delivers a standalone court support program for women and men, which offers similar supports and services to DVPC's Court Advocacy Program.

With Human Research Ethics Committee approval in place, we are now planning further consultation with Centacare stakeholders. This will contribute to the final evaluation report.

3.4 THE SOUTHPORT SDFVCJR IS DELIVERED BY SPECIALIST STAFF

The Southport SDFVCJR is delivered in line with a therapeutic jurisprudence approach, which emphasises the importance of trained, specialist staff. In Southport, the SDFVCJR is made up of a range of specialist and dedicated staff and partners, including:

- Dedicated Magistrates
- Dedicated DFV Registry
- Specialist DFV Court Coordinator
- Specialist DFV Support services
- Specialist Police prosecutors
- Legal representatives
- Dedicated specialist case managers, Queensland Corrective Services
- Gold Coast Domestic and Family Violence Taskforce; and
- Operational Working Group.

Enhancement of the court process in the Southport SDFVC occurs through the dedicated magistrates providing continuity and expertise in DFV proceedings. The SSDFVC also has dedicated Police prosecutors (Chapter 3.4.4) who remain present in court during all civil DFV proceedings, including private applications. They are well initiated in the processes of the court, and contribute to increased efficiency in the coordination of proceedings. The role of duty lawyers in specialist DFV courts is to assist the court process and to provide specialist advice and representation to both the aggrieved and respondents, and also to defendants in criminal matters. The specialist prosecution and duty lawyer roles are intended to ensure relevant evidence, including information related to risk, is brought to the attention of the magistrate to inform the making of tailored and appropriate orders.

The partners in the court justice response, their roles, the intended benefits and what we perceive to be the actual benefits of the partnerships are included in Table 10. The subsequent sections detail how these specialist roles support the Southport SDFVCJR.

Overall, the specialist staff across the Southport SDFVCR partners are achieving the intended benefits for clients of the Court. Additional benefits identified through the evaluation include the potential efficiency of a dedicated magistracy; and the duty lawyer service supporting perpetrators to better understand the conditions of their orders, which may lead to fewer breaches. Finally, the dedicated specialist Queensland Corrective Services case managers are successfully coordinating services and support to ensure safety is increased, and perpetrators are held to account as intended. The case managers are also working purposefully with perpetrators to challenge attitudes that underpin DFV.

Throughout interviews, and consistent with the evidence base, key stakeholders emphasised the importance of the staff associated with the Southport SDFVCJR having a nuanced understanding of domestic and family violence. According to the literature, it is vital that specialist staff learn both interpersonal and social empathy to best pursue just solutions to the entrenched social problem of domestic and family violence. Central to enhancing these skills for specialist staff in their training is to ensure they receive exposure to, and explanation of, the marginalised persons—which is most commonly the female victims.⁵¹

We note that some of the Southport SDFVCR partners have completed the *In Her Shoes* training facilitated by DVPC, designed to give people the opportunity to ‘walk in the shoes’ of a woman who has experienced domestic and family violence. As discussed in Chapter 3.1.2, staff show a nuanced understanding of the reasons why an aggrieved person might want to remain in the relationship, including their love for the respondent, fears for their safety and that of their children, and concerns about achieving financial independence. During interviews, it was evident that Southport SDFVCJR partners understand the many different types of domestic and family violence, including coercive and controlling behaviours, and how these may present for various client groups.

⁵¹ Ibid, pg.1459.

TABLE 10. SUMMARY OF THE SOUTHPORT SPECIALIST DOMESTIC AND FAMILY VIOLENCE COURT JUSTICE RESPONSE PARTNERS

Component	Description	Intended benefits	Perceived actual benefits
Magistracy	DFV dedicated magistrates preside over DFV matters. They provide continuity and expertise in DFV court proceedings. This reflects a broader commitment to ongoing judicial education state-wide, which may include education on evidence-based best practice justice responses to DFV.	Dedicated magistrates will ensure judicial independence and procedural fairness are upheld, and judicial continuity will contribute to client safety and perpetrator accountability. Civil and criminal justice responses will be tailored and appropriate for individual matters. Clients' court experience will be improved, and they will be engaged in the service system.	Dedicated magistrates contribute to the efficient functioning of the court. Their specialist knowledge of DFV contributes to client safety and perpetrator accountability. Civil and criminal justice responses are integrated and tailored to be appropriate for individual matters. Clients' court experiences are perceived to be improved.
Dedicated DFV Registry	Delivered by trained staff and accessible through a dedicated phone and email address, the registry offers a responsive and supportive, client-focused approach which includes: <ul style="list-style-type: none"> • their core function of administering the civil and criminal processes of the court • connecting clients with on-site court support services • making referrals to specialist DFV support services. 	The dedicated DFV registry facilitates a client focussed, coordinated response, improving clients' confidence in the court and improving safety and the appropriateness of referrals for aggrieved people. It fosters collaborative stakeholder relationships and contributes to motivation for continuous improvement. There is a commitment to an integrated response and strong relationships between stakeholders to continue to enhance the DFV court.	As intended
Specialist DFV Court Coordinator	Duties include: <ul style="list-style-type: none"> • overseeing the specialist DFV court operations • engaging with stakeholders • chairing Operational Working Group meetings. 	The role facilitates a client-focussed, coordinated response, which supports clients' improved safety and experience of the court. The role is fundamental to developing and maintaining collaborative stakeholder relationships and a focus on continuous improvement.	As intended

Component	Description	Intended benefits	Perceived actual benefits
Support services	<p>Specialist workers provide support for all DFV court matters before, during and after court including:</p> <ul style="list-style-type: none"> • a women's support room • risk assessments • safety planning • referral to ongoing support services, including encouraging respondents to consider intervention orders and behaviour change programs. 	Clients are supported through the court process and engage more with services. This enables better identification of issues such as safety, risk and wellbeing, leading to increased safety and access to appropriate programs to address peripheral concerns. Clients' confidence in the court system will increase, and secondary victimisation will decrease.	As intended. At this stage of the evaluation, there appears to be some concerns about the range of services available to women and those available to men. These will be further explored in subsequent evaluation stages, particularly to understand the extent to which services can support perpetrators' readiness to engage and/or change their behaviour.
Specialist Police prosecutors	Specialist Police prosecutors appear on all police applications for civil matters and prosecute on behalf of the QPS for criminal offences arising from DFV matters. They are also available to assist any aggrieved person who makes a private application and is otherwise not legally represented.	Police involvement increases client safety and perpetrator accountability through securing Protection Orders. Police provide timely and relevant information to the court to ensure the court and support services have a full picture of the issues, allowing for a coordinated and appropriate QPS response.	As intended.
Legal representatives	<p>Specialised legal support is provided through enhanced legal representation by duty lawyers for:</p> <ul style="list-style-type: none"> • aggrieved people and respondents in civil matters • defendants in criminal matters (except hearings). 	Clients are supported through the court process. Legal representatives provide accurate and timely advice and ensure clients have a clear understanding of the legal implications and court orders. This should provide aggrieved people and respondents with confidence in the court and ensure a coordinated response, while reducing the number of matters listed for contested hearing.	As intended. Legal representatives assist clients to better understand the reasons for, and conditions of, any orders made. This means breaches of orders due to not fully understanding them should be reduced.
Dedicated specialist case managers, Queensland Corrective Services	<p>Their role encompasses:</p> <ul style="list-style-type: none"> • the coordination of services between other government and non-government agencies for 	Safety is increased, and perpetrators are held accountable for their actions, contributing to clients' increased confidence in the court system. High-risk respondents are actively managed. It will contribute	As intended, and, the dedicated case managers work purposefully with perpetrators to challenge attitudes that underpin DFV.

Component	Description	Intended benefits	Perceived actual benefits
	<p>individuals subject to community-based supervision.</p> <ul style="list-style-type: none"> providing an advisory service to the Courts including prosecution of matters relating to breaches of community-based orders, and also regarding sentencing of perpetrators of DFV. 	to the provision of information sharing and enable informed decisions, while also instilling confidence in the court system for clients.	
Gold Coast Domestic and Family Violence Taskforce	Responsible for the strategic coordination and oversight of the operational policing response to DFV within the Gold Coast District. The taskforce works with key stakeholders to case manage, collaborate and provide integrated responses aimed at improving the safety for aggrieved people and their children, while holding perpetrators to account for their violence.	Safety is increased, perpetrator accountability is increased, and risks (particularly the highest-level risks) are actively managed. It will contribute to the provision of information sharing and enable informed decisions.	As intended.
Operational Working Group	Consists of local stakeholders including non-government and government service providers, who coordinate the response to identify service delivery gaps and develop local solutions.	Facilitates a client-focussed, coordinated response, which supports improved safety and experience of the court. Collaborative stakeholder relationships drive timely information sharing and foster continuous improvement.	As intended.

3.4.1 DEDICATED MAGISTRATES

In each of the five Queensland specialist domestic and family violence courts, the magistrates are the leaders of the court response. They have specific experience and a high degree of knowledge of the legal frameworks underpinning domestic and family violence. The rationale for having DFV dedicated magistrates as part of the court response is to provide continuity and expertise for both aggrieved and respondent parties in DFV court proceedings, which in turn ensures they are afforded procedural fairness and achieve better outcomes.

The literature supports assigning specialist judicial officers to domestic and family violence specialist courts because magistrates need to be fully aware of the complex social dynamics and potential consequences of finalising an order, before it is finalised.⁵² This was reinforced by the report of the Queensland Premier's Special Taskforce on Domestic and Family Violence, which found magistrates with specialist training in domestic and family violence provide fairer and safer outcomes for aggrieved people.⁵³

There is an expectation that the magistracy participates in ongoing judicial education, to ensure dispensation of evidence-based, best practice judicial responses to domestic and family violence. There are several areas of professional education that judicial officers presiding over a specialist DFV court may benefit from.

- **Understanding the cycle of abuse.** In the interest of safety, magistrates need to make decisions that support aggrieved people to break the cycle of abuse. This can be a complex process if aggrieved people are in dependent relationships and if separation occurs, offenders might resort to other forms of abuse to regain control.⁵⁴ Deciding on appropriate orders requires expertise specific to domestic and family violence.⁵⁵
- **Cultural perceptions of violence.** Another reason that magistrates and prosecutors need specialised judicial education, is to help them more effectively address the needs of groups or individuals from culturally diverse backgrounds or marginalised groups.⁵⁶ Without this there is a risk of specialist domestic and family violence courts being only able to address cases rooted in Anglo-centric contexts at the expense of addressing domestic and family violence across different parts of society.⁵⁷

⁵² Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

⁵³ Special Taskforce on Domestic and Family Violence in Queensland. (2015). *Not now, not ever: Putting an end to domestic and family violence in Queensland*. <https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

⁵⁴ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

⁵⁵ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

⁵⁶ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

⁵⁷ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

- **Impact of coercion and control.** There needs to be an awareness of how profiles of domestic violence victims and offenders can affect judgements being delivered.⁵⁸ People who experience intimate partner violence may be timid or nervous in court and might be perceived as being suspect or dishonest before a magistrate. Conversely, an offender might present as confident and self-controlled, giving an appearance of reliability and honesty in a court room setting.⁵⁹ A lack of clarity around these dynamics between the aggrieved and respondent can potentially allow for a misuse of the justice system by perpetrators, as the judge is unaware of these subtle complexities.⁶⁰
- **Family law.** Magistrates' decisions may impact on, or need to be made with, respect to custody of children and will need to consider the nature of the relationships between family members.

There are, however, limitations to the use of dedicated magistrates. Some magistrates noted that it is important to maintain currency of practice in general and criminal court matters alongside specialist areas of practice. They also raised the issue of burn out and felt that work in this specialist area was particularly emotionally intense and draining, notwithstanding their access to funded regular vicarious trauma counselling. Stakeholders indicated the importance of magistrates new to the DFV area being supported in their new role.

3.4.2 SPECIALIST DFV REGISTRY

The Specialist DFV Registry staff are a primary point of contact for many clients of the court. As such, considerable effort and investment has been made in training staff to ensure they have a strong understanding of the importance of that initial contact as a means by which to connect clients with appropriate services— both the aggrieved and respondents. Registry staff have received training to further develop their knowledge and understanding of the dynamics of domestic and family violence. Therefore, when they receive applications, they are able to scan for any indicators that may suggest a person is likely to be at risk of imminent harm and will alert the appropriate agency staff wherever they are able to, and as is appropriate.

The Specialist DFV Registry manual reflects the enhancements to the usual court registry processes for engaging with clients, processing court documents, court file preparation and record keeping. It provides very detailed information about the kinds of services that are available and how to make effective referrals. Staff work closely with other agencies to ensure that cases where the risk is assessed as being high are prioritised and moved through the court as quickly as possible to reduce risk to all parties.

Stakeholders commented on the evolution of registry services, from 'rubber stamping' through to understanding their importance as potentially the first point of contact a person may have with available support services. As noted above, training for staff has been

⁵⁸ Wakefield, S., & Taylor, A. (2015). *Judicial education for domestic and family violence: State of knowledge paper* (ANROWS Landscapes, 02/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/QCDFVR-Revised-edition-150908.pdf>

⁵⁹ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

⁶⁰ Wakefield, S., & Taylor, A. (2015). *Judicial education for domestic and family violence: State of knowledge paper* (ANROWS Landscapes, 02/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/QCDFVR-Revised-edition-150908.pdf>

developed and is being rolled out to registry staff across the state with regard to DFV awareness.

Registry and court security are actively involved in supporting and facilitating safety planning for parties attending court for a DFV matter and may need assistance to enter and exit the court safely. Registry staff also gave the example of having women arrive at the front counter wishing to withdraw their protection order or to reduce the conditions on an order, but with visible injuries. This could be a trigger for the registry staff to inform police or security to be alert to the situation.

3.4.3 COURT COORDINATOR

A best practice feature described extensively in the literature is creating effective links with other key domestic and family violence services and using a designated domestic and family violence court coordinator to forge those linkages. As described in the literature, domestic and family violence court coordinators act as a central hub within a 'wheel' of key stakeholders, which includes court personnel, service providers, aggrieved people and respondents, with the coordinators collecting and sharing relevant and necessary information with relevant stakeholders.⁶¹ Using a designated staff member to coordinate services is viewed positively by aggrieved people, as it supports them to understand their journey through the courts from start to finish.⁶² The literature also shows that using a coordinator helps aggrieved people to access services more promptly, and achieve better outcomes associated with more effective information sharing between courts and service providers.⁶³

In the SDFVCJR, the Court Coordinator is responsible for establishing and maintaining relationships with and between key stakeholders. Coordinators have a lead role in local service delivery and day to day court operations. The Court Coordinator also has responsibility for stakeholder coordination, including chairing the OWG and ensuring the forum is fostering continuous improvement in service delivery and supporting the development and formalisation of new procedures. The Court Coordinator is an expert in the operational aspects of specialist registry DFV and is a key point of contact between stakeholders and the key conduit between the OWG and the CWG. The Court Coordinator also has a role in implementing and maintaining data collection processes for the purposes of reporting, monitoring and evaluating the operation of the Specialist DFV court.

3.4.4 SPECIALIST POLICE PROSECUTORS

The Police prosecutors working in the SSDFVC are all provided with specialist DFV training. The prosecutors can be sworn officers or civilians. A Police prosecutor will appear on all police applications for criminal matters.

⁶¹ Hill, N. R., & Kleist, D. M. (2008). *Evaluation of the Idaho Supreme Court OVW grant to encourage arrest policies and enforcement of protection orders*. https://isc.idaho.gov/dv_courts/6th_7th_Dist_Evaluation.pdf

⁶² Hill, N. R., & Kleist, D. M. (2008). *Evaluation of the Idaho Supreme Court OVW grant to encourage arrest policies and enforcement of protection orders*. https://isc.idaho.gov/dv_courts/6th_7th_Dist_Evaluation.pdf

⁶³ Hill, N. R., & Kleist, D. M. (2008). *Evaluation of the Idaho Supreme Court OVW grant to encourage arrest policies and enforcement of protection orders*. https://isc.idaho.gov/dv_courts/6th_7th_Dist_Evaluation.pdf

They prosecute criminal offences for 'DFV related' matters including:

- breaches of orders;
- domestic violence offences; and
- objections to Bail for DFV related matters.

Police prosecutors may also assist in court an aggrieved party who has made a private application and is otherwise not legally represented at a mention. For this to occur, the aggrieved must make a specific application.

In the Southport SDFVCJR, Police prosecutors may refer women to the DVPC. Because the aggrieved do not have to appear when the police prosecute their case, they may not otherwise access the supports available through the DVPC's CAP.

3.4.5 LEGAL AID QUEENSLAND (DUTY LAWYER SERVICES)

Legal Aid Queensland and contracted legal representatives from other private/ commercial law firms provide duty lawyer services at the SSDFVC. This service provides legal advice on the day of court, before appearances as well as representation in the courtroom for any aggrieved or respondent seeking representation. Duty lawyers provide specialised legal support for both aggrieved and respondents in civil matters and for defendants in criminal matters (except hearings).

Duty lawyers will engage in negotiation and case conferencing for appropriate cases in order to resolve matters prior to listing them for hearing. In addition, duty lawyers will provide referral pathways for clients who require advice on more complex legal issues that cannot be addressed on the day of court.

The duty lawyers appearing in the Southport SDFVC shared a very consistent understanding of their role in contributing to the aims of the court—to increase safety and perpetrator accountability. The duty lawyers attend training provided by LAQ about their role in the DFV court. They participate and collaborate as part of the OWG and work closely with reception and the registry as well as with the DVPC and Centacare.

3.4.6 QCS CASE MANAGERS

Queensland Corrective Services provide specialist case managers who are responsible for supervising both the aggrieved, and perpetrators of DFV who are sentenced to community-based supervision orders. The Case Managers work with perpetrators to encourage attitudinal and behavioural changes, both through their own work as well as by devising pathways for perpetrators to undertake behaviour change programs. As case managers, their role encompasses the coordination of services between other government and non-government agencies for individuals subject to community-based supervision.

The QCS case managers also provide an advisory service to the Courts including prosecution of matters relating to breaches of community-based orders, and advice around the sentencing of perpetrators of DFV. QCS engages in collaborative case management as part of the Southport integrated response for both perpetrators and aggrieved persons.

Case managers interviewed believed that Men's Behaviour Change Programs (MBCPs) had an important role in affecting attitudinal and behavioural change. However, they were concerned about the waiting lists and waiting time for participation due to the limited number of such programs available in the region. While case managers reported that they have developed approaches to try and ensure that their clients could access and complete these programs during the period of their supervision order, they also reported that this was not always possible and that wait times significantly reduced the extent to which clients were engaging in the programs.

3.5 THE SOUTHPORT SDFV COURT PROCESSES SUPPORT PERPETRATOR ACCOUNTABILITY

There is strong evidence indicating the SSDFVC model supports perpetrator accountability through being an integrated civil and criminal court, and also through the attitudes and actions of all parties involved in the court and the way in which agencies work together to prioritise victim safety. Staff and stakeholders whose work is primarily with perpetrators articulated compassion for their clients, in terms of understanding that many of them were perpetuating patterns they learned throughout their own childhoods and that many had a very poor understanding of the patterns and behaviours that constitute DFV. As such, they also understood that breaking the cycle of violence required some substantial shifts in attitude for these individuals.

Some stakeholders observed that incorporating practices used by other specialist courts operating within the therapeutic jurisprudence framework could be a way of further ensuring the SDFVCJR achieves its objective of perpetrator accountability. For example, the Queensland Drug and Alcohol Court drives participant accountability through ongoing judicial monitoring. A few stakeholders noted the potential of this mechanism for the SDFVCJR.

Many stakeholders noted their thinking about the 'right' way to achieve perpetrator accountability has shifted. Stakeholders reflected the understanding that services for men are a critical factor in improving women's safety. This correlates with the knowledge that services for women alone are inadequate to the task of breaking the cycles of gendered abuse or in keeping women safe. Services which assist men to better understand their abusive behaviours, monitor risk and which seek to support them to reform their attitudes and behaviours were understood to be more likely to be effective than punitive measures alone, without minimising the seriousness of the abusive and violent behaviour and the impact on the aggrieved.

Stakeholders identified differences between the services available to women and those available to men and potential issues with this. The safe room space available to women and their children is very highly valued and is seen as a critical component of the justice response because women may be unsafe in the court precinct if the respondent or their associates are also present at court. Stakeholders also identified a lack of privacy for male respondents and aggrieved parties and indicated this may be an impediment to service provision. Private interview rooms can currently be arranged for men on request, however, for most men attending the court, the space available to them is not private. Although the duty lawyer

services available are good, several stakeholders felt that the difference in service, perceived as disparity, was immediately evident to men entering the specialist court because of the space and design of the spaces provided for women compared with those available to men.

The most obvious way the SSDFVC supports perpetrator accountability in the civil jurisdiction is by connecting respondents with relevant behaviour change programs, designed to support sustainable changes in their criminogenic thinking. Male and female respondents who attend the SSDFVC can be referred to one of three behaviour change programs, detailed below. These programs will be further explored in subsequent stages of the evaluation.

While all stakeholders talked about the importance of perpetrator behaviour change programs as being a highly valuable component in increasing accountability, they also voiced concerns about the limited availability of these programs and other supports for respondents. All stakeholders raised the need for more such services and programs so as to reduce waiting times and improve men's engagement with them. The literature points to the need for programs specifically for Indigenous perpetrators, which acknowledge the different causes of family violence in Indigenous communities. Such causes include loss of culture and kinship relations, the impact of colonialism and entrenched poverty. Some mainstream programs are specifically tailored to, and run in consultation with, local Indigenous communities (see Appendix 2).

It was noted in stakeholder interviews that, while most definitely a minority, there are substantial numbers of female clients of the court who are respondents in DFV cases. Most stakeholders believed that the processes and services available to female respondents through the specialist court are leading practice. Female respondents have access to a range of support services through the DVPC both at court and in the community including a tailored behaviour change program. This is in contrast to the findings on this issue from the evaluation conducted in 2017.

3.5.1 MEN'S BEHAVIOUR CHANGE PROGRAM

Centacare is funded to deliver the Men's Behaviour Change Program (MBCP) to respondents who are willing to engage with it. It is designed to help men to stop engaging in abuse and violence and to develop and maintain non-violent and respectful relationships. The Men's Behaviour Change program is delivered to a cohort of up to 16 men in weekly, two-hour sessions over 16 weeks. Men are required to attend every session to be marked as having completed it.

The program is co-facilitated by a male and a female worker. There are also women's advocates associated with the program, whose responsibility it is to connect with the partners of respondents. The advocates can assess risk, develop safety plans and connect women with relevant supports.

The MBCP covers a range of topics, including

- understanding domestic violence and the use of power and control in relationships
- understanding attitudes, thoughts and feelings
- time-out strategies
- understanding and respecting boundaries

- understanding thoughts and emotions
- the impact and consequences of abusive behaviour on families
- developing constructive communication
- understanding the cycle and processes of abuse/violence
- being accountable for actions
- maintaining the change process to establish and maintain respectful, caring and non-violent relationships.

All the SSDFVC justice response stakeholders can refer men to the Centacare support worker. While the program is voluntary, the magistrate may tell respondents from the bench about the program, and suggest they consider participating in it. During interviews, the duty lawyers noted they are particularly diligent in referring men who indicate their willingness to engage with the MBCP. They noted that respondents are often at their most remorseful on the day they appear in court and so, having the Centacare support worker co-located at the court is an important opportunity for introducing the men's behaviour change programs.

To maximise accessibility, there are groups available on every weekday. Some of these sessions are run during the day; others are delivered after hours. All participants begin the program at the same time. Centacare has explored the idea of 'drop in' delivery but has learnt that this compromises outcomes. With a fluctuating cohort of participants, who are at different stages of their journey to accountability, the potency of the program is diluted, and it is difficult for group norms to develop.

Stakeholders noted that the program is at capacity, with a waitlist of up to six months. Referrals to these programs are from sources other than the SSDFVC, including Community Corrections, which contributes to the demand. This lack of capacity is a considerable limitation on the SSDFVCJR's ability to support perpetrator accountability.

As noted above, we have had limited opportunity to engage with stakeholders from Centacare so far. We are planning additional consultation with Centacare staff following receipt of ethics and will explore the issues for program capacity in subsequent stages of the evaluation.

3.5.2 MEN'S DOMESTIC VIOLENCE RESPONSE PROGRAM

The Domestic Violence Prevention Centre (DVPC) is working with Queensland Corrective Services through the Domestic Violence Integrated Response to deliver the Men's Domestic Violence Education and Intervention Program (MDVEIP). The program facilitated by DVPC, supports perpetrator accountability but prioritises safety. The DVPC has ongoing contact with the female partners of participants, through ongoing telephone contact, counselling and information sessions.

The MDVEIP program is designed to support perpetrators to stop their use of violence by assisting them to understanding its causes, and by stimulating the perpetrator's willingness to change (Table 11). It is a 'rolling' program, delivered over 27 weeks. Each session is 90 minutes long and participants accrue 40.5 hours of contact across the program. Men are asked to complete a 60-minute induction session with both the QCS officers and group facilitators before joining the program. Often, this is done as a group session with several

new participants together. Across the program, participants also do at least three review sessions (approximately 30 minutes) one on one with a facilitator.

Some men enter the program voluntarily, through being granted an intervention order through the civil process at SSDFVC. For an intervention order to be granted, there must be a current domestic violence order against the respondent. For other men, participation is mandatory and is ordered by the court when a man has been convicted of a breach of a domestic violence protection order or for other domestic violence-related criminal offences. Participation in, and completion of, the program is set down as a condition of the defendant's orders. Men are required to attend all sessions to complete the program.

TABLE 11. HOW THE MEN'S DOMESTIC VIOLENCE RESPONSE PROGRAM SUPPORTS PERPETRATOR ACCOUNTABILITY

Intended outcome	How the program will achieve the outcome
Assisting men to understand their acts of violence as a means of controlling the aggrieved person's actions, thoughts and feelings	Examining the intent of his acts of abuse, and the belief systems from which he operates.
Increasing the participant's willingness to change his actions	Examining the negative effects of his behaviour on his relationships, his partner, his children, his friends and himself
Increasing the participants understanding of the causes of his violence	Examining the cultural and social contexts in which he uses violence against his partner
Providing the participant with practical information on how to change abusive behaviour	Exploring non-controlling and non-violent ways of relating to women
Encouraging the participant to become accountable to those he has hurt through his use of violence	Encouraging men to acknowledge their abuse and accept responsibility for its impact on their partner and others

3.5.3 TURNING POINTS

The DVPC *Turning Points* program is designed for respondent women. It is facilitated by staff from the Domestic Violence Prevention Centre. The purpose of the program is to help women understand the violence that they experience and use and take concrete steps to end it. The *Turning Points* curriculum has three parts. The first focuses on understanding the

violence, the second focuses on using a log to analyse vignettes and stories, and the third part explores themes in women's lives through group exercises.⁶⁴

The program is normally a 12-week program, which DVPC has condensed into ten weeks to align with the usual length of school terms. Each of the sessions is between two and two and a half hours long.⁶⁵ Unlike the MDVEIP, women are not required to complete all of the sessions in order to be recognised as having completed it. DVPC provides women with an attendance report that can be tendered to the court, and the magistrate may consider this as part of a matter's progress.

Most stakeholders believed that the processes and services available to female respondents through the specialist court were reasonably good. Female respondents can access the services of the DVPC including the women's safe space, counselling, court support and in-court advocacy and legal advice/representation. As previously noted, stakeholders perceive women's violence as most often being retaliatory and resistive violence. Stakeholders noted the very high proportion of female respondents who are the subject of cross-orders.

3.6 THE SSDFVCJR PROVIDES A COORDINATED, RESPECTFUL AND FAIR COURT RESPONSE

The available evidence suggests that the SDFVCJR is delivering a coordinated, respectful and fair court response to domestic and family violence. This is achieved in two main ways: through integration of the civil and criminal jurisdictions for all domestic and family violence matters, and through the appointment of dedicated magistrates with specialist knowledge. The role of the dedicated magistrates specialist knowledge in domestic and family violence is discussed in Section 3.4.1; the following section considers how using dedicated magistrates across both the civil and criminal jurisdictions may deliver a better court response for parties involved in domestic and family violence matters.

In the civil jurisdiction, proceedings can be commenced by an application made by police, or by a private applicant (either the aggrieved, or another person on behalf of the aggrieved.) A civil proceeding may involve an application for Protection Order, an application for Temporary Protection Order or a variation to a Protection Order under the *Domestic and Family Violence Protection Act 2012 (DFVPA)*. If an application is made by police, a Police prosecutor may proceed with the application against the respondent whether or not it is desired by the aggrieved. If the proceeding is made by a private application, a Police prosecutor may be present in court to assist. The respondent to the application is provided with an opportunity to appear before the court in respect of the application, whether it is a police application or a private application. The application is heard and determined on its merits, applying the civil standard of proof.

⁶⁴ Pence, E., Connelly, L., & Scaia, M. (2011). *Turning points: A non-violence curriculum for women*. Domestic Violence Turning Points. <https://www.theduluthmodel.org/wp-content/uploads/2017/03/Turning-Points-Curricula-for-Women-Who-Use-Violence-Preview.pdf>

⁶⁵ All group programs are currently suspended due to COVID-19 social distancing requirements. Women are participating in one on one counselling instead.

Defendants who are charged with contraventions of domestic violence orders and 'flagged offences' are prosecuted in the criminal jurisdiction by Police prosecutors.

The specialist DFV court at Southport (one of five specifically funded specialist DFV courts around the State) in dealing with civil DFV applications and criminal DFV charges operates under the same legislation and rules of evidence as other magistrates courts around the state, with the benefit of the dedicated magistrate and specialist wraparound services within a coordinated and collaborative stakeholder network.

Unlike other specialist courts and programs operating in Queensland, e.g. the Murri Court or the Queensland Drug and Alcohol Court, the aggrieved and respondent parties do not have the opportunity to volunteer or opt-in to their matter being heard in the specialist DFV court. The specialist DFV court generally deals with all DFV matters in Southport.

There are limitations on the extent to which a matter can be fully integrated (and considered at the same time) in Southport SDFVC because of the different rules of evidence applying in the civil and criminal jurisdiction and the overarching requirements for procedural fairness. Operationalisation of the model requires a nuanced approach to ensure that the law is properly applied in court proceedings. In this respect, the proper conduct of proceedings is overseen and determined by the dedicated DFV magistrates, supported by the legal stakeholders who respect and observe the relevant rules of evidence, court practice and the decisions of the magistrate.

The stakeholder interviews explored the role of dedicated DFV magistrates within the integrated court context, and the associated outcomes for people who access the Southport SDFVC. Stakeholder interview data revealed most stakeholders believed that having consistent magistrates is a critical factor in the ultimate success of the court meeting its aims—to protect victims and to hold perpetrators to account.

"A fuller picture always gives a better outcome" – Magistrate, 25.02.2020

Some stakeholders asserted that it should make no difference who the Magistrate is, as their role is to objectively make judgements based on the information with which they are provided. However, the majority believed that having consistent Magistrates who are well informed about the dynamics of DFV was critical to the success of the Southport SDFVCJR, as the court can make more orders that are tailored to the needs of the matters before them.

Several legal representatives spoke of the advantages for their clients in having consistent magistracy, because it allowed them to tailor their advice to clients with an understanding of the preferred approach. For stakeholders, it was considered a significant advantage to be aware of the systems and processes that a Magistrate preferred, as this resulted in a more efficient functioning of the court as no time was wasted preparing materials that would not be of use.

Many stakeholders also commented on the time efficiency of having one magistrate, which can directly impact on safety by reducing the need for adjournments and providing aggrieved parties with active protection orders sooner. Some legal practitioners also noted that procedures that allowed them to provide additional information and affidavits on the same day contributed to expediting orders being made.

Integration may also limit a respondent's ability to use court processes as a means of coercion and control.^{66 67} There are examples in the literature of ways respondents can misuse the legal system, including by continually 'firing and hiring' legal representatives, making complaints against lawyers and judicial officers, appealing decisions or applying for variations to domestic violence orders. All of these abuses of process are done with the intention of drawing out the proceedings, draining the victim's resources, and thereby exerting some level of control over the aggrieved and forcing encounters with the respondent.⁶⁸

When legal processes are misused in these ways, the impact on the aggrieved is described as a form of secondary victimisation. One of the reasons why it is difficult to prevent this type of abuse is because it is not the respondent's actions—using legal engagement to exercise and protect their rights—which is problematic, but the context in which they take place. That is, as a tool of domestic violence.⁶⁹ There are suggestions in the literature that the very structure of the Australian legal system, which has a number of jurisdictions operating alongside each other, can exacerbate system abuse in this instance. This is because while family law in Australia operates at a Commonwealth level, legislation for child protection, domestic violence and criminal offences are at a state-level.⁷⁰

Stakeholders noted the high likelihood of domestic and family violence cases having associated family law court matters at the Federal level, and the complications that this can involve. Some stakeholders were concerned, however, that there may be a tendency amongst the magistracy in generalist courts to minimise the DFV issues raised in the belief that the DFV would cease once custody issues were resolved through the Family Court. Concerns were also raised by some stakeholders that because Family Law falls under the jurisdiction of Federal Circuit Judges (more senior judges), that DVOs made by magistrates may be given little credence.

Other stakeholders were of the view that it may be the case that in civil DFV matters (applications for protection orders) where known and adjacent family law proceedings are close to finalising, the DFV proceedings may be adjourned pending the outcomes from the Family Court or Federal Circuit Court. This may be because there is a view that the outcomes from the federal jurisdiction in the form of parenting orders and arrangements (interim and final) will affect or have some impact on any permanent protection order that may be made in the DFV court.

There are certain protocols established at Southport SDFVC that are now state-wide practice. These protocols allow for magistrates in the SSDFVC to quickly access information from the Family Law Court, such that orders made by the magistrate are made cognisant of the

⁶⁶ Birnbaum, R., Saini, M., & Bala, N. (2017). Canada's first integrated domestic violence court: Examining family and criminal court outcomes at the Toronto IDVC. *Journal of Family Violence*, 32, 621-631.

<https://doi.org/10.1007/s10896-016-9886-z>

⁶⁷ Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99.

<https://doi.org/10.1177/1748895817728380>

⁶⁸ Miller, S. L., & Smolter, N. L. (2011). "Paper Abuse": When all else fails, batterers use procedural stalking. *Violence Against Women*, 17(5), 637-650. <https://doi.org/10.1177/1077801211407290>.

⁶⁹ Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99.

<https://doi.org/10.1177/1748895817728380>

⁷⁰ Douglas, H. (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99.

<https://doi.org/10.1177/1748895817728380>

contact arrangements in place under family law orders. However, the process for information sharing from the specialist court to the Family Law courts is less well established.

Stakeholders reported mechanisms in place to fast-track suitable matters to the Family Law Court since last July. These procedures are well documented with supporting referral forms and pathway mapping.

4. GOVERNANCE AND LEGISLATIVE STRUCTURES SUPPORT COLLABORATION AND CONTINUOUS IMPROVEMENT

This section describes the interagency governance structures which support the operation of the Southport Specialist Domestic and Family Violence Court Justice Response. It describes the other factors seen to support interagency collaboration and continuous improvement, including the legislative basis for information sharing and established local relationships between domestic and family violence service providers.

4.1 THE SSDFVJR GOVERNANCE STRUCTURES ARE EFFECTIVE

There are two interagency governance groups supporting the SSDFVCJR: the Specialist DFV Courts Working Group (CWG) and the Operational Working Group (OWG). Agencies participate at both governance levels, although the representatives they put forward for each group is different and reflect the different purpose of each group. The OWG has oversight of matters affecting delivery in the local context, whereas the CWG serves a broader strategic role, with oversight of matters relevant to all DFV specialist courts.

There is strong evidence that these governance structures support the SDFVCJR's effective operation and are essential to ensure stakeholder engagement, ongoing system development and system accountability. These groups meet regularly and are forums for interagency partners to discuss how issues within and across agencies affect the SDFVCJR's operation. Stakeholders at both levels are strongly engaged and actively contributing to the agenda and group discussion, driving continuous improvement of both policy and practice.

While the agencies represented on the OWG largely mirror the representation on the CWG, the representatives' roles in their agencies are distinctly different. OWG representatives have an active day to day operational role in the Southport SDFVCJR, compared with the more removed policy and program area staff who represent the same agencies at the CWG.

4.1.1 OPERATIONAL WORKING GROUP

The Operational Working Group (OWG) is a regular forum designed to bring together interagency stakeholders responsible for implementing the SDFVCJR. Its membership includes representatives of each of the interagency partners, as well as other relevant local stakeholders. These include the Gold Coast Community Legal Centre, Women's Legal Service, the Gold Coast Domestic Violence Integrated Response and QPS Taskforce. It also includes the magistrate. It is evident that OWG members are sufficiently close to the Southport SDFVCJR's operation to bring detailed understanding of the issues affecting it to the group discussion, but are also removed enough to understand the broader implications of operational decisions taken.

The group meets regularly; scheduling has been adjusted over the implementation period to support the changing operational context. At times of dynamic change, the group has met more regularly. It is currently meeting fortnightly to support the effective operation of the court.

The group's agenda is adjusted to reflect the current operating context and emerging issues. For example, it may include discussion of staffing, managing urgent applications, and upcoming or necessary changes in court processes. It also drives quality improvement at the court. For example, the Numala Yalnun program was established in response to conversations at the OWG about improving court accessibility for Aboriginal and Torres Strait Islander people.

The OWG meetings are also an opportunity for members to engage with industry experts and for presentations of sector services or community trends. OWG meetings are chaired by the Court Coordinator. During interviews, stakeholders noted that the Court Coordinator plays a crucial role in maintaining the relationships between agencies at the operational level. The Coordinator is responsible for working individually and also with smaller groups of stakeholders outside the OWG meetings to understand and explore issues affecting the court's operation. As noted in Section 4.2.2 below, agencies are each operating within their own frameworks and practice orientations, and this can sometimes lead to operational inconsistencies or contradictions. The Court Coordinator plays a crucial role in working with stakeholders to resolve these, within and beyond the OWG.

4.1.2 SPECIALIST DFV COURTS WORKING GROUP

The Specialist DFV Courts Working Group (CWG) meets fortnightly to discuss the delivery of the specialist DFV courts in Southport, Beenleigh, Townsville, Mt Isa and Palm Island. Like the OWG, its membership includes representatives of each of the interagency partners, as well as other relevant stakeholders such as Queensland Treasury and DATSIP. The CWG membership is limited to government departments and Legal Aid Queensland. The meeting is a forum for escalation and strategic discussion of the issues affecting each of the courts, including staffing, listing arrangements, tenders, applications to court, interactions with community organisations, changes in court processes and any successes or challenges that have arisen. It is an opportunity for shared learning, consideration of policy issues and disseminating emerging best practices between specialist courts. For example, the Southport SDFVC registry maintains a paper-based record of the supports and services that parties of each matter are receiving, and when the matter is ready for court. Potential efficiencies in managing this process electronically have emerged in other specialist DFV court locations during the COVID-19 response.

The CWG also has responsibility for overseeing and ensuring the integrity of the specialist DFV court program across all sites, as well as driving innovation and best practice. The CWG may respond to concerns about demand for services and systems issues by escalating issues to senior government decision makers. Or, if the issue is agency-specific, by ensuring measures are taken to address the issue, for example, rolling out specific training relevant to the issues for frontline workers. During interviews, stakeholders noted that the OWG members are committed to, and take pride in, developing local solutions to local issues,

rather than relying on the CWG to give direction on these. Nevertheless, in a limited number of instances, the OWG may escalate an issue to the CWG seeking a solution.

4.2 EFFECTIVE COLLABORATION BETWEEN ALL AGENCIES

The most powerful theme that emerged throughout the service provider stakeholder interviews was the importance and value of collaboration between all agencies and the individual people working at the court. The strength of the collaboration was universally noted in stakeholder interviews, with stakeholders suggesting this leads to improved outcomes for clients of the court. Many examples were given of how the collaboration made a difference every day in keeping the aggrieved safe and holding perpetrators to account.

Much of the work of this evaluation has been to describe, explore and unpack the somewhat intangible elements of the collaboration that exists in the SSDFVCJR. The best practice literature describes the importance of 'working in partnership' across agencies to deliver outcomes in human service provision. There have been numerous attempts made, using a range of tools, to describe what 'working in partnership' looks like in practice.⁷¹

We have identified a number of collaborative mechanisms underpinning collaboration in the SSDFVCJR:

- shared understanding of risk
- legislative and policy-base that supports information sharing
- stakeholders working within their scope of practice to achieve common goals

4.2.1 LEGISLATION AND POLICIES SUPPORT INFORMATION SHARING AND RISK MANAGEMENT

Each of the interagency partners share a common language and understanding of what factors and behaviours represent a risk for the aggrieved. Developing an accurate perspective of the risks requires information to be shared between interagency stakeholders in a timely way. This is possible because of a supportive legislative base (Figure 2), which is well understood by the interagency partners and supported by a suite of information sharing guidelines.

⁷¹ Gomez-Bonnet, F., & Thomas, M. (2015). A three-way approach to evaluating partnerships: Partnership survey, integration measures and social network analysis. *Evaluation Journal of Australasia*, 15(1), 28-37. https://vocational-rehab.com/wp-content/uploads/SuRGE-6_Evaluating-Partnerships.pdf

FIGURE 2. SUMMARY OF THE LEGISLATIVE BASE SUPPORTING INFORMATION SHARING FOR DOMESTIC AND FAMILY VIOLENCE

Part 5A of the *Domestic and Family Violence Protection Act 2012* (Qld) governs the sharing of confidential information between agencies. The guiding principles of these provisions prioritise the safety and protection of those who fear, or are experiencing, DFV over a respondent's right to privacy concerning personal information.⁷² Information sharing is permitted between:

- specialist DFV service providers funded by government;
- prescribed entities (government departments which provide services to people who may experience or commit DFV such as DJAG, Corrective Services and QPS); and
- in some circumstances support services (non-government entities that aid people who may experience or commit DFV such as counselling and legal services).⁷³

The Act facilitates information sharing without consent in two circumstances: when assessing a domestic or family violence threat, or responding to a serious threat. Information can only be shared between prescribed entities and specialist DFV service providers for the purpose of conducting a risk assessment. To provide information, the entity or specialist provider must reasonably believe a person fears or is experiencing DFV. The information shared must be relevant to assessing if there is a serious threat to the life, health or safety of a person because of DFV.⁷⁴

Information can be shared between prescribed entities, specialist DFV services and other support services to manage a serious threat. The entity or service provider must reasonably believe a person fears or is experiencing DFV and that providing the information may help the other organisation to lessen or prevent a serious threat to the person's life, health or safety because of the DFV.⁷⁵

All stakeholders also identified the importance of having a good knowledge of the DFV legislation and hence understanding the implications of any orders made. While this was seen as important knowledge for all stakeholders, including for service support providers such as the DVPC, there was a clear appreciation that legal practitioners working in the court had in detail and in-depth knowledge of the legislation, which supported them to be able to assist in meeting the common goals of the court. Having a high degree of knowledge of the legislation was critical to being able to offer good quality and prompt advice. Having this knowledge also means that service providers can support clients of the court to ensure they have correctly understood the conditions of any orders made. Stakeholders believed that when this occurred, there was an increased likelihood that the aggrieved were "safer" than if they or the respondent did not fully understand the conditions of the orders made.

⁷² Pt 5A div 2 s169B State of Queensland. (2017). *Domestic and Family Violence Protection Act 2012*. <https://www.legislation.qld.gov.au/view/pdf/2017-05-30/act-2012-005>

⁷³ Pt 5A div 2 s169C State of Queensland. (2017). *Domestic and Family Violence Protection Act 2012*. <https://www.legislation.qld.gov.au/view/pdf/2017-05-30/act-2012-005>

⁷⁴ Pt 5A div 2 s169D State of Queensland. (2017). *Domestic and Family Violence Protection Act 2012*. <https://www.legislation.qld.gov.au/view/pdf/2017-05-30/act-2012-005>

⁷⁵ Pt 5A div 2 s169E State of Queensland. (2017). *Domestic and Family Violence Protection Act 2012*. <https://www.legislation.qld.gov.au/view/pdf/2017-05-30/act-2012-005>

4.2.2 STAKEHOLDERS WORKING WITHIN THEIR SCOPE OF USUAL PRACTICE TO ACHIEVE COMMON GOALS

While the staff from all agencies who work in the Southport SDFVCJR have all undertaken specialist training, they are working within the scope of the usual practice for their roles. Apart from the Court Coordinator, all other roles at work at the court are essentially the same as the roles at work at other courts. The specialisation of the court relates specifically to the knowledge and understanding of the staff as well as the extent of their collaboration, rather than having differently defined roles.

Each of the stakeholder agencies is working within its own best practice framework or guideline for supporting people experiencing domestic and family violence. These documents differ in their scope and depth, and their orientation reflects the agency's own. For example, Legal Aid Queensland's best practice guidelines emphasise procedural fairness, whereas the Domestic Violence Prevention Centre's emphasise advocacy for the aggrieved. None of these documents are in direct opposition. However, there is potential scope for misinterpretation or tension at the interface between these frameworks.

A good example is the balance between the objectives of client-centred practice and safety. While all agencies' guidelines reference and direct practitioners to put clients at the centre of their work, this looks different in practice for each agency and can result in tension. For instance, this tension occurs when a woman's goal for herself is to remain in a relationship despite its violence, but the agency sees its primary role as maintaining her safety. This was discussed during consultation with Police stakeholders who, in such examples, described the goal of safety as overriding the aggrieved person's own intentions, which might include remaining in the relationship and cohabiting with the respondent. This was particularly true when a respondent's behaviours (e.g. strangulation offences) indicate the aggrieved person is at risk of ongoing and potentially lethal harm. Police, in such instances were more likely to understand their role as to advocate for the protection of the aggrieved through pursuit of non-contact orders, even against the expressed wishes of the aggrieved.⁷⁶

There is an opportunity to develop the information on roles collected for the evaluation into a more comprehensive description of role descriptions for each agency stakeholder. It may also be useful to document the specialist elements of roles, such as working with respondents, responding to risk and prioritising client safety. It could point to the relevant research and legislation underpinning the SDFVCJR, and approaches to supporting clients. This will ensure the ongoing strength and depth of the collaborative interagency working relationships.

⁷⁶ This position is consistent with the *Not Now, Not Ever* recommendation that the Queensland Police Service 'adopt a proactive investigation and protection policy', which requires consideration of safety of the victim as paramount when deciding the course of action to be taken against the perpetrator and prioritises arrest where risk assessment indicates this action is appropriate

4.2.3 MECHANISMS TO SUPPORT INTERAGENCY COMMUNICATION

Formal mechanisms, as well as informal processes for communication, provide an important underpinning for collaboration. At Southport, the formal mechanisms of the Gold Coast Domestic Violence Integrated Response (GCDVIR) and the OWG were seen by stakeholders to be particularly valuable. All stakeholders interviewed had a clear understanding that collaborating through participating in these meetings, as well as sharing information appropriately and according to established processes and protocols, was an important and expected part of their job that was sanctioned from the leadership of their own agency.

Stakeholders valued having shared training across agencies as a very important mechanism for developing a shared knowledge as well as a shared language through which to communicate effectively.

Case example

Once I found out this guy was at the back of this woman's property, 105 metres away - his order stipulated not coming within a 100-metre range. Yeah, watching, watching her all day and night and the cops knew about it and hadn't gone and picked him up! So, I spoke to the prosecutor, the prosecutor spoke to task force, the task force spoke to the sergeant, the sergeant went and picked him up before we left court. – Duty Lawyer, SSDFVC, 14 January

While there is a strong culture of information-sharing to ensure safety of the aggrieved and ensuring perpetrator accountability, there are no regular cross-agency performance monitoring reports generated from routinely collected administrative data. Stakeholders commented that it would be useful to have access to a performance monitoring dashboard to help understand the workload of the court, patterns in support service delivery and client satisfaction. They suggested that this would be useful to inform operational and strategic decision-making across the participating agencies, but also useful for individual agency's internal reporting. Closing these data gaps would also contribute to strengthening the evidence base for the SDFVCJR.

4.2.4 PROFESSIONAL RESPECT BETWEEN PARTNER AGENCIES

Regular communication, and the length of collaboration, has created a genuine culture of professional respect amongst staff across agencies, which was evident throughout the interviews. Stakeholders consistently described professional respect as including first and foremost, the understanding that each of them is working towards the common goals of keeping the victim safe (both throughout their court experience as well as through the orders which are in place to that end) and of holding perpetrators accountable.

Professional respect is also achieved through having a thorough knowledge and understanding of the role of each of the agencies involved and a clear appreciation for the limitations of what they're able to do based on those roles, as well as on the policies and procedures to which they must adhere. Strong interpersonal professional relationships exist between the particular people working at the court; however, the strong culture of

professional respect means that while the particular people in the workplace clearly do make a difference, the practices are not entirely dependent on those particular individuals.

Stakeholders highlighted the importance of having transparency in the way that they work and being clear about the limitations associated with their roles. They have a common understanding and appreciation of the importance and value of each other's roles.

4.3 A HIGHLY CONNECTED AND MATURE LOCAL SERVICE SYSTEM

Locating the trial of the specialist DFV court at Southport, ensured that the response benefited from the already established and well-functioning local service system.

There are two important elements of the service system that support the effective operation of the Southport SDFVCJR: the Gold Coast Domestic Violence Integrated Response (GCDVIR) and the QPS Taskforce, which was established after the trial commenced.

4.3.1 GOLD COAST DOMESTIC VIOLENCE INTEGRATED RESPONSE

This community-based network was established in 1997 to provide an integrated and coordinated multi-agency response to domestic and family violence. The work of the GCDVIR and its collaborative approach in many ways underpins the service model for the SSDFVCJF. The GCDVIR continues to operate and is concerned with all aspects of the service system that responds to DFV including health, housing, child protection, perpetrator responses, women's shelters and support services as well as court and justice system responses. The GCDVIR includes duty lawyers (through LAQ), police, court support workers, respondent information workers, providers of perpetrator programs and specialist domestic violence counselling. The GCDVIR includes representatives from:

- Southport DFV Court Coordinator
- Domestic Violence Prevention Centre Gold Coast Inc. – Lead Agency
- Department of Communities
- Department of Child Safety, Youth and Women
- Queensland Police Service
- Queensland Corrective Services
- Macleod Women's Refuge
- Majella House Women's Refuge
- Legal Aid Queensland
- Department of Housing and Public Works
- Gold Coast Hospitals - Southport and Robina
- Centacare - Men's Behaviour Change Program and Family Relationship Centre
- Beenleigh Domestic Violence Court Advocacy Program.

4.3.2 QUEENSLAND POLICE SERVICE FAMILY VIOLENCE AND VULNERABLE PERSONS UNIT

The Queensland Police Service established the Gold Coast Domestic Violence Prevention Taskforce in January 2016 following several high-profile homicides involving domestic and family violence. The Taskforce is now a permanent unit known as the Family Violence and Vulnerable Persons Unit (FVPU). Its purpose is to provide a professional response to domestic and family violence and matters involving vulnerable people, and to make the community safer through interagency collaboration. The FVPU also led cultural change across the partnering agencies and within the Queensland Police Service. In 2018, the FVPU received the Australian Crime and Violence Prevention Gold Award for its work.

5. DISCUSSION

This report presents the findings of the process evaluation. It covers the operation and delivery of the program between July 2017 and March 2020. The report explores the extent to which the Southport SDFVCJR is being implemented in line with the intended specialist court model.

The final outcome and impacts evaluations will be delivered in 2021. These evaluations will draw on data from a range of sources across the SSDFVCJR partner agencies. Ethical approval from the Bellberry Human Research Ethics Committee was required before applications to institutional and agency data custodians was possible.

The available evidence indicates that the Southport Specialist Domestic and Family Violence Court Justice Response is being implemented in accordance with the Queensland Specialist Domestic and Family Violence Court model. It is fulfilling its purpose to ensure a coordinated, respectful and fair court response to DFV, which prioritises safety, holds perpetrators accountable and promotes change.

These findings are consistent with those of previous evaluations of the Southport SDFVC justice response. There are opportunities to further strengthen the SDFVCJR, particularly for Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, people with disability and the LGBTIQ+ community. These are discussed below.

5.1 CHANGES TO THE OPERATIONAL CONTEXT

It is important to note that the information gathering phase of this project took place during 'business as usual' operations. However, on 27 March 2020, the Magistrates Court of Queensland issued Practice Direction 3 (2020) covering court arrangements during the COVID-19 pandemic. From 30 March 2020 to 14 June 2020 there were no physical appearances in any matters except:

- by an applicant in urgent non-police, private domestic violence applications
- the media
- with leave of the Court.

During this time, all matters were conducted by telephone or video conference, including appearances by persons in custody. The matters heard were limited to urgent domestic violence applications (including applications to vary domestic violence orders) and domestic violence applications currently before the court which had not been considered. Most other civil and criminal matters were adjourned on the papers without appearance to a date to be fixed by the magistrate.

Face to face delivery of the wraparound services and supports for clients of the Southport SDFVCJR were also suspended. These supports and services were delivered by telephone or video-link. Court staff noted that since the COVID-19 physical distancing restrictions were put in place and the support room closed, that warm referrals became even more important than usual.

Practice Direction 3 (2020) was repealed from 14 June 2020. The anecdotal evidence suggests patterns of court usage and engagement with support services changed while social distancing requirements were in place, and this will need to be considered in the planned analysis of QWIC data for this period. It is also likely that the operational changes led to practice innovation that may have applicability beyond the COVID-19 restrictions. These will also be considered as part of the final report.

5.2 THE SOUTHPORT SDFVCJR IS LEADING PRACTICE

As Queensland's first specialist domestic and family violence court, the Southport SDFVCJR has always been at the forefront of practice. The Southport SDFVCJR is a source of innovation, and changes to the SDFVC model originating at Southport continue to inform development of roles in other courts and locations. For example, the duty lawyer service was refined at other specialist DFV courts to incorporate emerging practices from Southport; the specialist QCS case manager roles were developed for Southport but may have influenced changes at other locations.

Now well-established within the local service system, there are opportunities for the Southport SDFVCJR to continue leading practice. These include refining the justice response to the needs of vulnerable clients, including people from culturally and linguistically diverse backgrounds, people with disability and the lesbian, gay, bisexual, transgender, intersex and queer (LGBTIQA+) community.

SDFVCJR's success depends on strong relationships between its delivery partners at both the individual and organisational levels. Cross-agency commitment to the court is broadly assured, given each agency's commitment to achieving the recommendations of the *Not Now, Now Ever* Report. These relationships will be maintained independently of the strength of local relationships between individuals and organisations at Southport. It would be prudent to ensure the practices are embedded to future-proof the court's success.

There are some areas where the court is providing services at a level ahead of best practice, including the way it maximises opportunities to engage with clients, meets the needs of female respondents, works with respondents to protect the aggrieved and supports continuous quality improvement and innovation.

5.2.1 MAXIMISING OPPORTUNITIES TO ENGAGE WITH CLIENTS

All the justice response stakeholders, including the Specialist DFV registry, have developed processes around responding to parties, making the most of every opportunity in the court process for engaging with the aggrieved and respondent/defendant. For example, the role of duty lawyers at the Southport SDFVCJR has evolved from the original 'advice only' model, to advice and in-court representation; conferencing in criminal proceedings to support the early resolution of matters; and opportunities for duty lawyers and prosecutors to engage in a more coordinated way outside the courtroom, that ensures only issues that are still contentious are dealt with by the magistrate. The duty lawyers are also well placed to identify related issues, such as family law issues and make appropriate referrals for parties to obtain specialised advice and assistance.

The opportunities to engage with clients are enhanced because the support services are co-located within the Southport Magistrates Court building.

5.2.2 COURT COORDINATOR ROLE ENSURING SMOOTH FUNCTION

The Southport SDFVCJR Court Coordinator is viewed by many stakeholders as essential to the justice response and efficiency of the court process. The role is a key point of contact between stakeholders, which creates both operational and strategic efficiencies. For example, the Court Coordinator supported the development of the registry role in working with wraparound services to respond to risk, particularly their role in conveying key risk information between partner agencies and orchestrating relevant security responses. The Court Coordinator is responsible for brokering solutions and facilitating conversations between stakeholders from partner agencies at the OWG, and contributing to the development of systemic changes at the CWG level.

5.2.3 KEEPING VICTIMS SAFE BY SUPPORTING PERPETRATOR ACCOUNTABILITY

Stakeholders consistently raised an evolution in their understanding about DFV services: that services for perpetrators are a critical factor in improving women's safety. This is consistent with the evidence base, which shows that services for women alone are inadequate to the task of breaking the cycles of gendered abuse. Services which assist perpetrators to better understand their abusive behaviours, and which seek to support them to reform their attitudes and behaviours were understood to be more likely to be effective than punitive measures alone. The approach of QCS and its specialist Community Corrections officers is aimed clearly at addressing the causes of offending, and reinforcing the content of the men's behaviour change programs.

5.2.4 SUPPORTING FEMALE PERPETRATORS

The DVPC *Turning Points* program is designed for female perpetrators. DVPC has condensed the course which was originally designed to be a 16-week program, into a ten-week program so as to fit in with the length of a school term. The course content is also underpinned by understanding women's violence as often being retaliatory or resistive and has a strong focus on assisting women to understand the cycles of abuse.

5.2.5 A COMMITMENT TO INNOVATION AND CONTINUOUS IMPROVEMENT

The Southport SDFVCJR's governance structures support and enable continuous improvement and innovation. Led by the Court Coordinator, the OWG is a forum for sharing information, problem solving, innovating and continually improving court processes and experience. The high quality of this collaboration, as well as the collaboration between the CWG and the OWG, have resulted in practice improvements and innovations.

Some examples include:

- Trialling systems for prioritising court listings to improve efficiency and safety at the court. Through communications with the CWG and OWG, the SSDFVCJR has been able to make use of an effective innovation (utilising Microsoft Teams to share relevant information about the progress of clients in accessing services between staff in the court from different agencies) during the restrictions in place to respond to COVID-19.
- Establishing processes for sharing information with the Family Courts.
- Innovating programs to respond to identified issues. For example, the OWG was instrumental in establishing the pilot for the Numala Yalnun project to assist Aboriginal and Torres Strait Islander clients of the court to better access the available services
- establishing a warm referral process from the SSDFVC to the Federal Circuit Court to deal with outstanding parenting issues.

5.3 OPPORTUNITIES TO FURTHER STRENGTHEN PRACTICE

There are opportunities to further strengthen the court's response to domestic and family violence in Queensland, particularly for men, Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, people with disability and the LGBTIQ+ community.

5.3.1 ENSURING SUFFICIENT SERVICES FOR MEN TO STRENGTHEN ACCOUNTABILITY AND SUPPORT VICTIM SAFETY

Notwithstanding the broader policy direction and obvious need to prioritise and respond to safety, the evaluation has noted the recent shift in practice towards supporting perpetrators to address the underlying causes of their offending. This is reflected in the therapeutic jurisprudence literature. As discussed earlier in the report, some stakeholders noted there are different services available to women and men at Southport SDFVC.

Access to behaviour change programs are an important component of the court's response to perpetrator accountability. The available programs for men are at capacity, which limits the court's capacity to fulfil its perpetrator accountability function. Stakeholders raised the need for more behaviour change programs to reduce waiting times and improve men's engagement with them. There may also be scope to explore opportunities for alternative interventions whilst respondents wait to attend men's behaviour change programs.

5.3.2 CATERING FOR DIVERSITY

Many of the policies and procedures at the court appear to have the capacity to cater for court users with a range of needs. So too, the staff from all agencies working at the courts demonstrate attitudes conducive to catering to diversity. Nevertheless, this is an area where there is scope for further improvement.

The Numala Yalnun project served to highlight the numbers of Aboriginal and Torres Strait Islander users of the court, facilitating an increase of 300% of court users identifying their Indigenous cultural background. The success of the project in having Aboriginal and Torres Strait Islander people identify, could not be sustained once the project ceased operations. Stakeholders noted that even the most basic symbols of welcome, such as displaying the Aboriginal and Torres Strait Islander flags, were not in place at the court.

LBTQIA+ people are also thought to be accessing the services available at the court less than might be expected. While policies and procedures are intended to be inclusive, this is an area where consultation with specialist service providers is needed in order to better facilitate access to the services of the court for this service user group.

For other groups who face barriers to accessing services at the court such as elderly people and people with disabilities there may be value in developing referring relationships with specialist services providers to better assist these groups.

5.3.3 ALIGNING POLICIES AND PROCEDURES ACROSS INTERAGENCY PARTNERS

Each of the stakeholder agencies is working within its own best practice framework or guideline for supporting people experiencing domestic and family violence. These documents differ in their scope and depth, and their orientation reflects the agency's own. None of these documents are in direct opposition, however, there is potential scope for misinterpretation or tension at the interface between these frameworks.

Where relevant, there are links to agency-specific policies and procedures in the Specialist DFV Registry Training Manual, with intranet links. Not all relevant agency policies are catalogued in the Manual.

There is an opportunity to broaden the already well-developed Specialist DFV Registry manual into a standalone manual for the SSDFVCJR as a whole. This document could include some of the information collated through the evaluation process, including role descriptions, policies and procedures.

5.3.4 ENSURING SUFFICIENT DATA TO SUPPORT ONGOING PERFORMANCE MONITORING AND EVALUATION

Stakeholders noted that it would be useful to have more data, more readily available to inform operational and strategic decision-making across the participating agencies, but also for use in their individual agency's internal reporting. Closing these data gaps would also contribute to strengthening the evidence base for the ongoing development of the SDFVCJR. The SDFVCJR Monitoring and Evaluation Framework is a detailed document, which indicates a range of cross agency data sources that could be incorporated into a performance monitoring dashboard.

5.4 BROADER SERVICE SYSTEM ISSUES

Our interviews with stakeholders indicate that there are some gaps in the local service system which have an impact on the court's ability to provide effective wraparound support for some of its clients. These are outlined below.

5.4.1 HOUSING AND HOMELESSNESS

Stakeholders identified a need for the broader services system to have more available emergency housing options, in particular, for male respondents who are given an ouster order and are not allowed to live in their former homes. Stakeholders identified that these men are highly vulnerable to homelessness and further offending, including breaching their orders. The stigma associated with being given an ouster order may represent a barrier for men in seeking accommodation from within their existing social networks and some men may simply not have any such social networks to draw from.

5.4.2 MENTAL HEALTH SERVICES AND SUPPORT

Across the board, stakeholders identified a need for more mental health services for all parties. In particular, the need for mental health services for respondents was identified. There was some inconsistency between stakeholders about the mental health services that are available to clients of the court, indicating that this is an area for development for court referral processes.

5.4.3 DRUG AND ALCOHOL DETOXIFICATION AND REHABILITATION SERVICES

With the noted prevalence of co-occurring drug and alcohol abuse and DFV, services to address these issues are important to ensuring safety. Stakeholders noted that the demand for these services was high and that the number and capacity of available services and programs was not able to meet that demand.

5.5 RECOMMENDATIONS

Recommendation 1: Develop an overarching SDFVCJR manual to provide clear direction for all SSDFVC interagency partners. This may be done by building on the already well-developed Specialist DFV Registry manual and should include information collated through the evaluation process that describes the nature and scope of roles and individual agencies' own policies, procedures and guidelines. This manual should include a description of each role, and document the specialist elements of roles, such as working with respondents, responding to risk and prioritising client safety. It should point to the relevant research and legislation underpinning the approach of dedicated magistrates, the SDFVCJR more broadly and approaches to supporting clients. This will ensure the ongoing strength and depth of the collaborative interagency working relationships.

Recommendation 2: Continue to strengthen the social support services available to male clients of the court, both at court and in the community. This may include developing more capacity in the existing men's behaviour change programs; considering other programs to reflect the diversity of male clients and the current evidence base; or alternative approaches, such as case management. This will ensure the SDFVCJR's ongoing commitment to perpetrator accountability, and also contribute to enhancing the safety of the aggrieved.

Recommendation 3: Explore opportunities to connect the aggrieved and respondent to appropriate treatment and support services to address their housing, employment, drug and alcohol, health and mental health, and social needs. In the criminal jurisdiction, this may include strengthening the relationship between the Southport SDFVCJR and the Court Link program.

Recommendation 4: Continue to strengthen the SDFVCJR's response to clients who may experience violence differently or in different ways, including Aboriginal and Torres Strait Islander people, culturally and linguistically diverse groups, young people, people with disability and the LGBTIQ+ community. There is an opportunity to work with specialist service providers to further improve accessibility and client outcomes.

Recommendation 5: Review the SDFVCJR Monitoring and Evaluation Framework to ensure it includes data items that allow stakeholders to meet interagency and internal reporting requirements and, work with relevant SDFVCJR stakeholders to confirm the availability of these data items.

Recommendation 6: Develop a performance monitoring template, drawing on relevant data items that can be used to inform decision-making at the operational (OWG) and strategic (CWG) levels.

APPENDIX 1. SUMMARY OF METHODS

The evidence reported in this document is drawn from the following methods.

- Document review and targeted scan of the relevant best practice policy and research literature
- Key stakeholder interviews and focus groups
- Preliminary descriptive analysis of all defendant and domestic and family violence specific data for the period 1 July 2017 to 30 June 2019 from the Queensland Wide Interlinked Courts (QWIC) dataset for applications and charges.

The evaluation is using a range of additional methods, including a detailed analysis of courts data, surveys and interviews with aggrieved people and respondents, to determine the extent to which the court is working in particular contexts and for particular client groups. The findings from these methods will be presented in subsequent evaluation reports, which will address all the evaluation questions, including the social and economic outcomes of the court.

DOCUMENT REVIEW AND TARGETED LITERATURE SCAN

The review provided contextual information about the Queensland criminal justice system and reform environment. In addition, the review illustrated how the SSDFVCJR is intended to operate. To date, we have reviewed 75 documents, including those listed below. The literature is emerging, and we will incorporate additional, relevant literature into our final evaluation report.

- **Domestic and family violence legislation and associated legal materials:** *Domestic and Family Violence Protection Act 2012* (the Act); Domestic and Family Violence Protection Regulation (the Regulation), Domestic and Family Violence Protection Rules 2014 (the Rules), Domestic and Family Violence Protection Act Benchbook (7th Edition, June 2020); National Domestic Violence Order Scheme.
- **Domestic and family violence reports, strategies and action plans:** *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*; the Domestic and Family Violence Prevention Strategy 2016–26, First Action Plan (2015–16), Second Action Plan (2016–19), Domestic and Family Violence Implementation Council Progress Report (2017 to 2018), Queensland Domestic and Family Violence Death Review and Advisory Board Annual Report 2017–18, Domestic and Family Violence Information Sharing Guidelines (Department of Child Safety, Youth and Women, 2017), National Plan to Reduce Violence Against Women and their Children 2010–2022, National Risk Assessment Principles for Domestic and Family Violence (ANROWS).
- **Southport Specialist Domestic and Family Violence Court documents:** Report on the interim evaluation of the Domestic and Family Violence Court in Southport, Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport—Summary and final report (Griffith University, 2017), Southport Evaluation Report.
- **Domestic violence applications, standards and supporting documents:** Forms including the application form for a domestic violence protection order, domestic and

family violence statistics (Queensland Courts), list of approved providers and approved intervention programs, *Professional Practice Standards: Working with women/men who perpetrate domestic and family violence* (Department of Child Safety, Youth and Women, documents under review), National Outcome Standards for Perpetrator Intervention, Interpreter support in domestic and family violence court proceedings, Queensland Courts Interpreters Hub.

- **Documents supporting operation of the Southport court:** Components of a Domestic and Family Violence Specialist Court (working document, July 2019), Civil List Court Reception Mapping, Family Law Pilot Registry Procedures, Family Law Pilot Mapping Document (working document), Section 55 requests (from Department of Child Safety, Youth and Women), Court Working Group Terms of Reference, Court Coordinator Position Description and Role Analysis, Court Reception Function, Operational Working Group Terms of Reference (working document), Domestic and Family Violence Specialist Registry Safety Plan Guidelines, Southport Specialist Court Listing Arrangements, Southport Urgent Listing Arrangements, Specialist Court Registry Training Manual (working document). We will also do a targeted review of operational and management documents, including Operational Working Group minutes and communications with stakeholders.

KEY STAKEHOLDER INTERVIEWS AND FOCUS GROUPS

We completed a comprehensive series of interviews and focus groups with SSDFVCJR service delivery stakeholders to deeply understand the mechanisms that support (or inhibit) outcomes for individuals and the court, and to contribute hypothesis development about who the court works for and why, which factors contribute to changes in behaviour that result in positive short and long-term outcomes, and for which groups of people.

The interviews were semi-structured and done according to an interview guide. Most interviews took between 60 and 90 minutes. With the participants' permission, the interviews were audio-recorded and transcribed for analysis.

PRELIMINARY QUANTITATIVE DATA ANALYSIS OF COURTS DATA

To date, our quantitative data analysis has primarily served a data quality and completeness function, helping us to ascertain the extent to which we can:

- describe participant groups in available data sets
- identify gaps in what we know about participant groups
- describe participant activities and outcomes
- understand the data available for cost-effectiveness analyses (court diversions and recidivism).

The data included in this report is a preliminary descriptive analysis of all defendant and domestic and family violence specific data for the period 1 July 2017 to 30 June 2019 from the Queensland Wide Interlinked Courts (QWIC) dataset for applications and charges. This period was chosen to ensure minimal overlap with the analyses already done by the Griffith University Evaluation (2017). The analysis to date ensures we have a strong basis for future outcomes data analysis.

Future analyses will provide a descriptive quantitative analysis of the patterns of applications, charges and breaches in three types of justice responses to domestic and family violence: the specialist domestic and family violence court model (Southport), an enhanced model (Caboolture Magistrates Court) and a standard Magistrates Court (Cleveland Magistrates Court).

The primary data source will be QWIC (applications, charges and breaches) for the three courts for the time period 1 July 2017 to 5 March 2020. The analysis will assess the attainment of outcomes that can be assessed using QWIC data. Outcomes related to safety of the aggrieved and respondent accountability will be described both for the different courts, and where possible, for different cohorts of aggrieved and respondents.

Other data will be drawn from:

- Participant (aggrieved and respondent) survey data (to be administered by DJAG)
- Additional relevant analyses of QWIC data.

Additional data is still to be confirmed including:

- Partner agency data: Legal Aid Queensland, Queensland Corrective Services and Queensland Police Service data (pending receipt of agency approvals)
- Service provider data: Centacare and DVPC (pending receipt of organisational approvals)

APPENDIX 2. SUMMARY OF EVIDENCE FOR BEST PRACTICE IN DOMESTIC AND FAMILY VIOLENCE SPECIALIST COURTS

This literature review builds on and updates the evidence base for domestic and family violence specialist courts, and their interactions with other services responding to domestic and family violence, with an aim to identify best practices. It draws on evidence from both national and international contexts: the international evidence is mostly from the United States and Canada, given both already implement specialist courts and operate within a similar legal context to Australia.

The review focuses particularly on evidence that emerged after Griffith University's evaluation of the Southport Specialist Court trial.⁷⁷ One of the conclusions of the literature scan done as part of that evaluation was that best practice principles were only just beginning to emerge.⁷⁸ The authors observed that the paucity of evidence was due to the much greater focus of courts internationally on the criminal rather than the civil jurisdiction, a lack of consensus on the structure and goals of specialist domestic and family violence courts, and the different ways specialist courts are implemented to reflect local needs and priorities.⁷⁹

Our review found that the national and international evidence for best practice in specialist domestic and family violence courts has deepened as more jurisdictions adopt a therapeutic jurisprudence approach. There is a more detailed description of specialist domestic and family violence courts' intentions, and description of how they operate. It is our view that the Southport Specialist Domestic and Family Violence Court model was designed to be consistent with best practice, and our evaluation will test the extent to which the court is being *implemented* in line with best practice.

A full list of the literature considered for the review is included at Appendix 3. The following section makes specific reference to a selection of these articles where relevant.

⁷⁷ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

⁷⁸ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

⁷⁹ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

WHAT IS A DOMESTIC AND FAMILY VIOLENCE SPECIALIST COURT?

Specialist domestic and family violence courts exist in a number of common law countries, including Australia, Canada and the United States of America. The intent of these courts is consistent—to address the underlying causes of crime—although the implementation of the courts varies depending on the jurisdiction, social and political framings of domestic and family violence, and local needs and priorities. For example, courts may be integrated (make decisions on criminal and civil matters relating to domestic and family violence), or they may consider only criminal matters. Specialist domestic and family violence courts may provide links to relevant aggrieved support organisations or perpetrator programs, and the availability and structure of these programs is different across courts.⁸⁰ For example, certain courts have focused on prioritising aggrieved safety and ensuring offender accountability;⁸¹ others are more interested in achieving early intervention by facilitating respondents' entry into treatment programs.⁸²

The literature documents a list of best practice features that indicate what a specialist court *does*.⁸³ According to the literature, specialist domestic and family violence courts:

- allocate cases to specialised judicial officers
- hear matters as part of a dedicated domestic and family violence list
- use specialist prosecutors and court support staff
- ensure court staff are equipped to manage the court list, including risk assessment and management.

These best practice features are described in greater detail below.

THERAPEUTIC JURISPRUDENCE: SUPPORTING BEHAVIOUR CHANGE TO REDUCE OFFENDING

Some specialist domestic and family violence courts—and specialist courts more broadly—are adopting a therapeutic jurisprudence approach.⁸⁴ Therapeutic jurisprudence seeks not to *punish* offenders, but rather to *treat* them using the law as a therapeutic agent of change. In these courts, the law is not perceived as just a set of legal principles, but as a social force that 'produces behaviours and consequences', with the goal of promoting therapeutic outcomes

⁸⁰ Schaefer, L., & Beriman, M. (2019). Problem-solving courts in Australia: A review of problems and solutions. *Victims & Offenders*, 14(3), 344–359. <https://doi.org/10.1080/15564886.2019.1595245>

⁸¹ Johnsen, P., & Robertson, E. (2015). Protecting, restoring, improving: Incorporating therapeutic jurisprudence and restorative justice concepts into civil domestic violence cases. *University of Pennsylvania Law Review*, 164(1557), 1557–1586. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9533&context=penn_law_review

⁸² Johnsen, P., & Robertson, E. (2015). Protecting, restoring, improving: Incorporating therapeutic jurisprudence and restorative justice concepts into civil domestic violence cases. *University of Pennsylvania Law Review*, 164(1557), 1557–1586. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9533&context=penn_law_review

⁸³ Brown, T., & Hampson, R. (2009). *An evaluation of interventions with domestic violence perpetrators*. The Family Violence Prevention Foundation of Australia. <https://www.violencefreefamilies.org.au/web/wp-content/uploads/2015/09/ResearchReportWeb.pdf>

⁸⁴ Johnsen, P., & Robertson, E. (2015). Protecting, restoring, improving: Incorporating therapeutic jurisprudence and restorative justice concepts into civil domestic violence cases. *University of Pennsylvania Law Review*, 164(1557), 1557–1586. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9533&context=penn_law_review

and reducing non-therapeutic outcomes for all parties involved.⁸⁵ It is important to note that evaluations of specialist courts operating under a therapeutic jurisprudence model should be evaluated not just in terms of their impact on reoffending, but also in terms of the wellbeing of people who are involved in the court. This evaluation includes interviews with clients (aggrieved and respondents) and will explore their non-judicial outcomes as the result of involvement with the court, for example, improved connection to support services, resilience, and changes to cognition and behaviours.

Within the broader therapeutic jurisprudence approach, there are different ways of defining the 'problem' (in this case, domestic and family violence) and the nature of the response. These are described in detail below.

PROBLEM SOLVING OR PROBLEM ORIENTED?

Therapeutic jurisprudence methods tend to adopt either a problem-solving or problem-oriented approach to managing domestic and family violence matters. Courts which adopt a problem-solving approach are characterised by bringing together key domestic and family violence treatment and support services, with a judicial officer at the centre, facilitating the rehabilitation process.⁸⁶ In a problem-solving court, there may also be monitoring of offender's activity engaging with treatment, combined with a team-based approach in implementing the intervention.⁸⁷

Problem-oriented specialist courts place the problem as the central issue. The approach involves the court acting as a central hub that is able to connect with other key domestic and family violence related services such as community interventions, drug and alcohol services and others.⁸⁸ These types of courts are ultimately concerned with the social issues that underly the offences rather than the legal consequences. These courts aim to do more than punish offenders; they aim to reduce future harm occurring.⁸⁹ The Southport Domestic and Family Violence Court and justice response is an example of a problem-oriented specialist court.

⁸⁵ Johnsen, P., & Robertson, E. (2015). Protecting, restoring, improving: Incorporating therapeutic jurisprudence and restorative justice concepts into civil domestic violence cases. *University of Pennsylvania Law Review*, 164(1557), 1557-1586. https://scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=9533&context=penn_law_review

⁸⁶ Blagg, H. (2008). *Problem-oriented courts*. Law Reform Commission of Western Australia. <https://www.lrc.justice.wa.gov.au/files/p96-blagggrp.pdf>

⁸⁷ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University. https://www.courts.qld.gov.au/data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

⁸⁸ Blagg, H. (2008). *Problem-oriented courts*. Law Reform Commission of Western Australia. <https://www.lrc.justice.wa.gov.au/files/p96-blagggrp.pdf>

⁸⁹ Blagg, H. (2008). *Problem-oriented courts*. Law Reform Commission of Western Australia. <https://www.lrc.justice.wa.gov.au/files/p96-blagggrp.pdf>

INTEGRATED OR INTERVENTIONIST?

An *integrated* approach involves courts having strong linkages with other domestic and family violence services.⁹⁰ In certain situations, the relationships between the specialist court and other services can extend to both the aggrieved and respondents. This model generally involves proactive referral and prosecution from police, not requiring the aggrieved to initiate the process. This approach is consistent with the problem-oriented approach outlined earlier. The Southport Domestic and Family Violence Court Justice Response is an example of an integrated court response.

An *interventionist* approach focuses on the offender, with the aim to rehabilitate rather than punish. This model will typically involve ongoing monitoring of a perpetrator's treatment, similar to the problem-solving approach mentioned before, underpinned by a therapeutic jurisprudence approach.

PERPETRATOR ACCOUNTABILITY

Many specialist domestic and family violence courts set out to ensure perpetrator accountability. Perpetrator accountability is typically defined in one of three ways, reflecting either a focus on the individual or the system. Traditionally, it has been understood as the justice system 'holding' offenders accountable by imposing sanctions, often in the form of arrest or imprisonment.⁹¹ The other common approach is victim-oriented and focuses on the individual perpetrator accepting responsibility for their actions and expressing an intention to change. In particular, the literature suggests that for the aggrieved, perpetrator accountability requires an acknowledgement of the wrongfulness of the actions, an admission of culpability for those actions and the intention to change their behaviour.⁹²

A third model of accountability emerging in Victoria has sought to combine these two approaches by defining perpetrator accountability in terms of both the role of the system *and* the individual.⁹³ This involves the perpetrator internalising their accountability and making the changes deemed necessary by those affected by their violence, while also having a broader system in place to support them to make these changes. The support system imposes restraints on the perpetrator's behaviour (such as through incarceration or community-based supervision) and mandating their involvement in behaviour change

⁹⁰ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

⁹¹ Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf

⁹² Bond, C., Holder, R., Jeffries, S., & Fleming, C. (2017). *Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport*. Griffith Criminology Institute, Griffith University.

https://www.courts.qld.gov.au/_data/assets/pdf_file/0007/515428/dfv-rpt-evaluation-dfv-court-southport-summary-and-final.pdf; Holder, R. (2016). Untangling the meanings of justice: a longitudinal mixed method study. *Journal of Mixed Methods Research*, 12(2), 204-220. <https://journals.sagepub.com/doi/10.1177/1558689816653308>

⁹³ Vlasis, R., & Campbell, E. (2019). *Bringing pathways towards accountability together – Perpetrator journeys and system roles and responsibilities*. RMIT University. <https://cij.org.au/cms/wp-content/uploads/2018/08/bringing-pathways-towards-accountability-together-perpetrator-experiences-and-system-roles-and-responsibilities-170519.pdf>

programs, thus ‘keeping’ them on their journey towards accountability.⁹⁴ According to this approach, offender accountability is considered a journey, because for offenders to successfully desist from violence requires a broader shift in mindset, attitude and sometimes living situation.⁹⁵ Arguably, it is this third approach which has been embraced by the Southport specialist domestic and family violence court.

ACHIEVING PERPETRATOR ACCOUNTABILITY

The way that perpetrators are held to account differs between the criminal and civil jurisdiction. In both, the court is often a point of contact, but delivery of accountability mechanisms also extends beyond the specialist domestic and family violence court.

In the civil context, the primary sanction is a protection order. Such orders signify the justice system holding the perpetrator accountable for their behaviour. This is particularly so, given that a breach of a protection order is considered an offence, exposing the perpetrator to a variety of additional sanctions including both custodial and non-custodial sentences.⁹⁶ A protection order can also encompass the more collaborative definition of perpetrator accountability, as its conditions can include referral to other services or programs designed to support the perpetrator on their journey to accountability.

The court may also impose an intervention order in civil domestic and family violence proceedings, which may include the direction for a respondent to complete a behaviour change program. These programs focus on the perpetrator’s accountability as an *individual* and reflect the aggrieved-oriented and collaborative understanding of perpetrator accountability. These programs are underpinned by a variety of different theoretical understandings relating to the causes of domestic and family violence and how to encourage perpetrator accountability.

Perpetrator accountability is also imposed by the justice system in a criminal context, where defendants are found guilty of offences, such as assault, associated with their acts of violence. The criminal jurisdiction may also impose sanctions for perpetrators, which direct their involvement in a behaviour change program.

The extent to which a perpetrator can be, or is willing to be, accountable and the likelihood of rehabilitation differs. However, the literature on levels of accountability and reoffending is limited. One way in which the extent of perpetrator accountability can be understood is through specialised behaviour change programs. The Risks, Needs and Responsivity (RNR) framework requires programs to be tailored to the specific perpetrator with the intensity reflecting their risk of re-offending, while also taking into account the perpetrator’s

⁹⁴ Vlasis, R., & Campbell, E. (2019). *Bringing pathways towards accountability together – Perpetrator journeys and system roles and responsibilities*. RMIT University. <https://cij.org.au/cms/wp-content/uploads/2018/08/bringing-pathways-towards-accountability-together-perpetrator-experiences-and-system-roles-and-responsibilities-170519.pdf>

⁹⁵ Vlasis, R., & Campbell, E. (2019). *Bringing pathways towards accountability together – Perpetrator journeys and system roles and responsibilities*. RMIT University. <https://cij.org.au/cms/wp-content/uploads/2018/08/bringing-pathways-towards-accountability-together-perpetrator-experiences-and-system-roles-and-responsibilities-170519.pdf>

⁹⁶ Mackay, E., Gibson, A., Lam, H., & Beecham, D. (2015). *Perpetrator interventions in Australia: Part two- Perpetrator pathways and mapping* (ANROWS Landscapes, PP01/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/Landscapes-Perpetrators-Part-TWO-RevEd2016.pdf>.

rehabilitation needs and their learning style.⁹⁷ Another model for behaviour change programs to allow flexibility in perpetrator accountability is the multi-level approach which modifies the program intensity based on the perpetrator's characteristics including the nature and severity of their most recent offence.⁹⁸

WHAT IS BEST PRACTICE IN DOMESTIC AND FAMILY VIOLENCE SPECIALIST COURTS?

This section summarises emerging best practices for domestic and family violence specialist courts, identified from the research and evaluation literature.

It should be noted that the evidence includes evaluations of courts in different jurisdictions, and what works needs to be understood with respect to the criminal justice system in that jurisdiction. Some specialist court evaluations focus predominantly on criminal outcomes rather than civil and criminal outcomes together.⁹⁹ Finally, the observed elements of best practice are contingent on the goal of the court, particularly whether it is more focused on offender accountability or offender focused treatment or a combination of both.

DELIVERED BY SPECIALIST STAFF

The literature supports assigning specialist judicial officers to domestic and family violence specialist courts.¹⁰⁰ This is because magistrates need to be fully aware of the complex social dynamics and potential consequences of finalising an order, before it is finalised.¹⁰¹ This was reinforced by the report of the Queensland's Premier's Special Taskforce on Domestic and Family Violence, which found specially trained magistrates can provide fairer and safer outcomes for victims.¹⁰²

⁹⁷ Mackay, E., Gibson, A., Lam, H., & Beecham, D. (2015). *Perpetrator interventions in Australia: Part one – Literature review* (ANROWS Landscapes, PP01/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/Landscapes-Perpetrators-Part-ONE.pdf>

⁹⁸ Grealy, C., Wallace, A., Wilczynski, A., Lai, S., Bodiam, T., Dowler, B., & Jones, L. (2013). *Literature review on domestic violence perpetrators*. Urbis Pty Ltd. https://www.dss.gov.au/sites/default/files/documents/09_2013/literature_review_on_domestic_violence_perpetrators.pdf

⁹⁹ Birnbaum, R., Saini, M., & Bala, N. (2017). Canada's first integrated domestic violence court: Examining family and criminal court outcomes at the Toronto IDVC. *Journal of Family Violence*, 32, 621-631. <https://doi.org/10.1007/s10896-016-9886-z>

¹⁰⁰ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

¹⁰¹ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24. <https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

¹⁰² Special Taskforce on Domestic and Family Violence in Queensland. (2015). *Not now, not ever: Putting an end to domestic and family violence in Queensland*. <https://www.csyw.qld.gov.au/resources/campaign/end-violence/about/dfv-report-vol-one.pdf>

There are several areas of extra education that judicial officers presiding over a specialist domestic and family violence court may need.

- **Understanding the cycle of abuse.** In the interest of victims' safety, magistrates need to make decisions that support the aggrieved to break the cycle of abuse. This can be a complex process if the aggrieved are in dependent relationships and, if separation occurs, respondents might resort to other forms of abuse to regain control.¹⁰³ Deciding on appropriate orders requires expertise specific to domestic and family violence.¹⁰⁴
- **Cultural perceptions of violence.** Another reason that a specialised judicial education needs to be provided is that it can help a magistrate more effectively address the needs of groups or individual from culturally diverse backgrounds or marginalised groups.¹⁰⁵ Otherwise there is a risk of specialist domestic and family violence courts being only able to address cases rooted in Anglo-centric contexts at the expense of addressing domestic and family violence across different parts of society.¹⁰⁶
- **Impact of coercion and control.** There needs to be an awareness of how profiles of domestic violence aggrieved and respondents can affect judgements being delivered.¹⁰⁷ Aggrieved parties of intimate partner violence may be timid or nervous in court and might be perceived as suspect or dishonest before a magistrate. Conversely, a respondent might present as confident and self-controlled, giving an appearance of reliability and honesty in a court room setting.¹⁰⁸ A lack of clarity around these dynamics can potentially allow for misuse of justice system by perpetrators as the judge is unaware of these subtle complexities.¹⁰⁹
- **Family law.** Magistrates' decisions may impact on, or need to be made with respect to, the custody of children, and they will need to understand the nature of the relationship between family members.

The evaluation will explore the role of specialist staff within the integrated court context, and the associated outcomes for people who access the court.

¹⁰³ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

¹⁰⁴ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

¹⁰⁵ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

¹⁰⁶ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

¹⁰⁷ Wakefield, S., & Taylor, A. (2015). *Judicial education for domestic and family violence: State of knowledge paper* (ANROWS Landscapes, 02/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/QCDFVR-Revised-edition-150908.pdf>

¹⁰⁸ Cleveland, A. (2010). Specialization has the potential to lead to uneven justice: Domestic violence cases in the juvenile and domestic violence courts, *The Modern American*, 6(1), 17-24.

<https://digitalcommons.wcl.american.edu/cgi/viewcontent.cgi?article=1004&context=tma>

¹⁰⁹ Wakefield, S., & Taylor, A. (2015). *Judicial education for domestic and family violence: State of knowledge paper* (ANROWS Landscapes, 02/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/QCDFVR-Revised-edition-150908.pdf>

ENSURES JUDICIAL CONTINUITY

The policy and practice evidence base supports judicial continuity across the civil and criminal jurisdictions. The broad rationale for this practice is that respondents will be conscious of having the same magistrate hearing both the civil and criminal aspects of their case, which may make them more likely to comply with the court's directions for both sets of matters. Further, consistent monitoring of perpetrators may lead to stronger outcomes. Judicial continuity is also associated with stronger outcomes for perpetrators, due to consistent monitoring.

Judicial continuity reduces the risk of inconsistent and sometimes conflicting decisions that could arise if two separate magistrates deliberate on civil and criminal matters separately.¹¹⁰ It also acknowledges the relatedness between civil and criminal jurisdictions, and ensures matters are viewed holistically.¹¹¹ A single judicial perspective reduces the risk of respondents 'judge shopping' or bringing multiple proceedings across different courts as a way of harassing an aggrieved party. This helps to avoid stress and costs for the aggrieved and their families.¹¹²

COORDINATED SERVICE DELIVERY

A best practice feature described extensively in the literature was the creation of effective links with other key domestic and family violence services, using a designated domestic and family violence court coordinator to drive those linkages. As described in the literature, domestic and family violence court coordinators act as a central hub within a 'wheel' of key stakeholders, which includes court personnel, service providers, the aggrieved and respondents, with the court coordinator collecting and sharing relevant and necessary information with relevant stakeholders.¹¹³ Using a designated staff member to coordinate services is viewed positively by aggrieved parties, as it supports them to understand their journey through the courts from start to finish.¹¹⁴ The literature also shows that using a coordinator helps the aggrieved to access services more promptly, and achieve better outcomes associated with more effective information sharing between courts and service providers.¹¹⁵

The Southport Specialist DFV Court has three elements of service coordination—specialist court registry staff, a specialist Deputy Registrar and Court Coordinator. The evaluation will describe these, the impact on service coordination and any associated benefits for people who access the Court.

¹¹⁰ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

¹¹¹ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

¹¹² Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

¹¹³ Hill, N. R., & Kleist, D. M. (2008). *Evaluation of the Idaho Supreme Court OVW grant to encourage arrest policies and enforcement of protection orders*. https://isc.idaho.gov/dv_courts/6th_7th_Dist_Evaluation.pdf

¹¹⁴ Hill, N. R., & Kleist, D. M. (2008). *Evaluation of the Idaho Supreme Court OVW grant to encourage arrest policies and enforcement of protection orders*. https://isc.idaho.gov/dv_courts/6th_7th_Dist_Evaluation.pdf

¹¹⁵ Hill, N. R., & Kleist, D. M. (2008). *Evaluation of the Idaho Supreme Court OVW grant to encourage arrest policies and enforcement of protection orders*. https://isc.idaho.gov/dv_courts/6th_7th_Dist_Evaluation.pdf

TYPES OF SUPPORT SPECIALIST COURTS CAN LINK PARTICIPANTS WITH

Under a therapeutic jurisprudence model, specialist domestic and family violence courts act as a link to external services and programs through judicial ordering of programs for respondents, or interactions with support staff as a referral point for the aggrieved. Some of the services described in the literature to which aggrieved parties, and respondents are referred are summarised below. Elements of these programs have been criticised in the literature: a full review of the effectiveness of individual program is beyond the scope of this review.

- Individual programs for perpetrators.** These programs typically adopt either a psychoeducational or psychotherapeutic approach. The *psychoeducational approach* is informed by an understanding of domestic and family violence being the result of socio-political factors including gender inequality, with violence being 'a deliberate and intentional tactic used by men to control and dominate women'.¹¹⁶ Programs thus focus on getting perpetrators to accept responsibility and educating them about patriarchal power in society. Criticisms of this approach stem from its one-size-fits-all nature, with its failure to account for same-sex violence and the complexity and individuality of perpetrators. In contrast, the *psychotherapeutic approach* is based on the theory that family violence is caused by personal dysfunction such as behavioural deficits, trauma and psychopathology. Programs are individualised based on information shared with a therapist and are conducted by psychologists.
- Family therapy or couples counselling.** This has been proposed as an alternative to group programs, which may not be suitable for some perpetrators. Therapists perceive family violence as a result of dysfunctional relationships and provide support for both perpetrator and the aggrieved. However, concerns have been raised about the appropriateness of this approach, particularly from the perspective of the aggrieved's safety.
- Matched interventions.** Matched interventions recognise domestic and family violence as having multiple causes including psychological, psychiatric, and sociological. Treatment is consequently individualised based on a variety of factors including level of risk the perpetrator poses and their willingness to change. Firstly, identifying the risk level a perpetrator poses requires a strong understanding of the different domestic violence typologies to classify diverse groups into subgroups. Conversely other typologies examine factors besides the nature of family violence such as personality traits, attitude towards women and psychiatric history.¹¹⁷ Secondly, a perpetrator's willingness to change can help in tailoring an intervention depending on their currently level of motivation. Approaches such as the Transtheoretical Model (TTM) break down perpetrator motivation into various stages, that can help tailor the best approach to change behaviour. Similar to TTM, Motivational Interviewing (MI) recognised individuals are at different stages of willingness and is based on a relationship between the

¹¹⁷ Begun, A. L., Shelley, G., Strodthoff, T., & Short, L. (2001). Adopting a stages of change approach for individuals who are violent with their intimate partners. *Journal of Aggression, Maltreatment & Trauma*, 5(2), 105-127. https://doi.org/10.1300/J146v05n02_07

therapist and client.¹¹⁸ However, it should be noted that the evidence regarding MI's impact on changing behaviour either as a standalone intervention or part of wide sets of programs is inconclusive.¹¹⁹

Programs are increasingly adopting elements of multiple theoretical understandings, particularly merging both a psychotherapeutic and psychoeducational approach.¹²⁰ There is no evidence to support one type of intervention program or approach being best practice or more effective than others in reducing recidivism.¹²¹ Nonetheless, state governments have introduced practice standards concerning the delivery of perpetrator intervention programs.¹²²

SUPPORTS DIVERSE COMMUNITIES

Our stakeholder consultation during the co-design phase of the evaluation highlighted their interest in understanding the extent to which the court supports diverse population groups. The group is particularly interested in how the court supports people who are Aboriginal or Torres Strait Islander, who are LGBTIQ+, and experiencing diverse types of domestic and family violence (including sibling violence, elder abuse and intimate partner violence where the aggrieved and respondent are young people).

We have used the literature review to uncover issues for these diverse communities and to describe best practice specialist court responses, where they exist. The evaluation will explore the extent to which the Southport SDFV Court supports diverse communities, and the role that role specialisation plays in ensuring these people and communities are appropriately and adequately served.

INDIGENOUS PEOPLE AND COMMUNITIES

In some jurisdictions, including Queensland, Indigenous people who are experiencing domestic and family violence can nominate to have their matter heard in a Murri Court. These sentencing courts incorporate the principles of restorative justice, which focus on aggrieved involvement and empowerment, and providing culturally appropriate forums for resolving cases (for example, magistrates sitting in a circle with participants, rather than at an

¹¹⁸ Mackay, E., Gibson, A., Lam, H., & Beecham, D. (2015). *Perpetrator interventions in Australia: Part one – Literature review* (ANROWS Landscapes, PP01/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/Landscapes-Perpetrators-Part-ONE.pdf>

¹¹⁹ Mackay, E., Gibson, A., Lam, H., & Beecham, D. (2015). *Perpetrator interventions in Australia: Part one – Literature review* (ANROWS Landscapes, PP01/2015). <https://20ian81kynqg38bl3l3eh8bf-wpengine.netdna-ssl.com/wp-content/uploads/2019/02/Landscapes-Perpetrators-Part-ONE.pdf>

¹²⁰ Grealy, C., Wallace, A., Wilczynski, A., Lai, S., Bodiam, T., Dowler, B., & Jones, L. (2013). *Literature review on domestic violence perpetrators*. Urbis Pty Ltd. https://www.dss.gov.au/sites/default/files/documents/09_2013/literature_review_on_domestic_violence_perpetrators.pdf

¹²¹ Grealy, C., Wallace, A., Wilczynski, A., Lai, S., Bodiam, T., Dowler, B., & Jones, L. (2013). *Literature review on domestic violence perpetrators*. Urbis Pty Ltd. https://www.dss.gov.au/sites/default/files/documents/09_2013/literature_review_on_domestic_violence_perpetrators.pdf

¹²² See for example Department of Communities. (2018). *Professional practice standards — Working with men who perpetrate domestic and family violence*. <https://www.publications.qld.gov.au/dataset/domestic-and-family-violence-resources/resource/8e4ac12b-e578-4abc-9e42-2cbdf7fda989>

elevated bench), and focusing on both parties volunteering to take part in the process.¹²³ The Murri Court also involves Elders and respected community members in administering justice, recognising their knowledge and cultural practice in sentencing.¹²⁴

These courts are an attempt to better meet the needs of Indigenous people but may add a layer of complexity for people who are vulnerable. For example, some Murri Courts may not hear domestic and family violence cases, leaving them to the specialist domestic violence courts, while others may hear such cases where incarceration is likely.¹²⁵ This can create confusion for both aggrieved and respondent parties as multiple courts can be engaged to resolve the one matter. The complexity of parallel systems predates the introduction of the specialist domestic and family violence courts, being a broader problem with a fragmented court system.¹²⁶

Programs have also been developed for Indigenous perpetrators, which acknowledge the different causes of family violence in Indigenous communities. Such causes include loss of culture and kinship relations, the impact of colonialism and entrenched poverty. Some mainstream programs are specifically tailored to, and run in consultation with, local Indigenous communities.

The literature notes that the cultural competence of people working in the criminal justice system and providing support services to Indigenous people who experience domestic and family violence, is crucial to ensure fair and equal access to the criminal justice system and domestic and family violence support services.¹²⁷

Indigenous women are overrepresented at each stage of the protection order process. This includes representing one in five (22%) of female respondents, one in three (33%) breaches by female respondents and almost one in two (44%) females jailed for domestic and family violence breaches in 2017–18 in Queensland.¹²⁸ Some research has suggested that Indigenous women are more likely to respond to being subjected to domestic and family violence by fighting back with physical violence. The use of violence increases the likelihood of a domestic violence order being made, a breach being committed and a higher sentence with the inclusion of incarceration against the female Indigenous perpetrator.¹²⁹

¹²³ Blagg, H. (2008). *Problem-oriented courts*. Law Reform Commission of Western Australia. <https://www.lrc.justice.wa.gov.au/files/p96-blagggrp.pdf>

¹²⁴ Morgan, A., & Louis, E. (2010). *Evaluation of the Queensland Murri Court: Final report*. Australian Institute of Criminology. <https://apo.org.au/sites/default/files/resource-files/2010-10/apo-nid23026.pdf>

¹²⁵ Morgan, A., & Louis, E. (2010). *Evaluation of the Queensland Murri Court: Final report*. Australian Institute of Criminology. <https://apo.org.au/sites/default/files/resource-files/2010-10/apo-nid23026.pdf>

¹²⁶ Marchetti, E. (2010). Indigenous sentencing courts and partner violence: Perspectives of court practitioners and elders on gender power imbalances during the sentencing hearing. *Australian & New Zealand Journal of Criminology*, 43(2), 263–281. <https://doi.org/10.1375/acri.43.2.263>

¹²⁷ Neave, M., Faulkner, P., & Nicholson, T. (2016). *Royal Commission into Family Violence: Final Report* (Parl Paper No 132, 2014–2016). State of Victoria. https://apo.org.au/sites/default/files/resource-files/2016-03/apo-nid62334_59.pdf

¹²⁸ Gleeson, H. (2019). *What happens when an abused woman fights back?* ABC News. <https://www.abc.net.au/news/2019-07-30/the-women-behind-bars-breaching-domestic-violence-order/11330408?nw=0>

¹²⁹ Douglas, H., & Fitzgerald, R. (2018). The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander People. *International Journal for Crime, Justice and Social Democracy*, 7(3), 41–57. <https://doi.org/10.5204/ijcisd.v7i3.499>

The literature indicates a number of reasons why Indigenous women may have an increased likelihood of using violence. These include Indigenous women provoking fights defensively to resolve problems and the legacy of colonisation, including Indigenous women feeling a sense of powerlessness and a lack of trust in the police. Poor relations between Indigenous communities and the police and the 'formulaic application of domestic violence legislation'¹³⁰ by the police without considering whether there was a pattern of coercive control are also linked to Indigenous female perpetrators.¹³¹ A further reason for Indigenous women in rural communities to use violence is their limited access to services, including both aggrieved support services and the police, due to their remote location.¹³²

PEOPLE FROM CULTURALLY AND LINGUISTICALLY DIVERSE BACKGROUNDS

The literature suggests that for individuals and families from culturally and linguistically diverse backgrounds (CALD), language is an important barrier to accessing the criminal justice system and that there needs to be more interpreters present at court to overcome this.¹³³ But it is not simply having an interpreter available that will overcome this barrier: the literature shows interpreters' level of English proficiency is variable and may not support successful outcomes for the aggrieved or respondents. There may be additional problems for some aggrieved parties or respondents, when the interpreter is a different gender or observes a different religion.¹³⁴ In the Australian literature, there is specific mention of the lack of opportunities for perpetrators to engage in behaviour change programs that are culturally tailored or in their own language.

There may be also barriers for people from culturally and linguistically diverse backgrounds if the specialist court does not appropriately respond to cultural perceptions of violence. A considered understanding of how culturally diverse groups normalise violence is required if specialist courts are to address domestic and family violence across different parts of society.¹³⁵

PEOPLE WHO IDENTIFY AS LESBIAN, GAY, BISEXUAL, TRANSGENDER, INTERSEX, QUEER OR ASEXUAL

People who are lesbian, gay, bisexual, transgender, intersex, queer or asexual (LGBTIQ+) have reported feeling that specialist courts do not appropriately understand their circumstances and therefore cannot address them.¹³⁶ In particular, the literature suggests a

¹³⁰ Nancarrow, H. R. (2016). *Legal responses to intimate partner violence: Gendered aspirations and racialised realities*. PhD Thesis, Griffith University. <https://doi.org/10.25904/1912/3545>

¹³¹ Douglas, H., & Fitzgerald, R. (2018). The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander People. *International Journal for Crime, Justice and Social Democracy*, 7(3), 41-57. <https://doi.org/10.5204/ijcisd.v7i3.499>

¹³² Douglas, H., & Fitzgerald, R. (2018). The domestic violence protection order system as entry to the criminal justice system for Aboriginal and Torres Strait Islander People. *International Journal for Crime, Justice and Social Democracy*, 7(3), 41-57. <https://doi.org/10.5204/ijcisd.v7i3.499>

¹³³ Tutty, L. M., & Koshan, J. (2012). Calgary's specialized domestic violence court: An evaluation of a unique model. *Alberta Law Review*, 50(4), 731-755. <https://doi.org/10.29173/alr74>

¹³⁴ Tutty, L. M., & Koshan, J. (2012). Calgary's specialized domestic violence court: An evaluation of a unique model. *Alberta Law Review*, 50(4), 731-755. <https://doi.org/10.29173/alr74>

¹³⁵ Koshan, J. (2014). Investigating integrated domestic violence courts: Lessons from New York. *Osgoode Hall Law Journal*, 51(3), 989-1036. <https://digitalcommons.osgoode.yorku.ca/cgi/viewcontent.cgi?article=2762&context=ohlj>

¹³⁶ Neave, M., Faulkner, P., & Nicholson, T. (2016). *Royal Commission into Family Violence: Final Report* (Parl Paper No 132, 2014–2016). State of Victoria. https://apo.org.au/sites/default/files/resource-files/2016-03/apo-nid62334_59.pdf

lack of awareness of patterns of domestic violence specific to LGBTIQ+ relationships, such as the practice of threatening to 'out' the victim's sexuality, identity or HIV status or the assumption that LGBTIQ+ partner violence is mutual.¹³⁷ Perpetrators may also use homophobia or transphobia as a vehicle of control to isolate victims and prevent them from receiving support by suggesting that they will be discriminated against or won't be believed.¹³⁸ Several reports have recommended courts need to be linked with programs that are tailored to the needs of LGBTIQ+ groups.

PEOPLE WITH DISABILITIES

The criminal justice system has often been criticised for not fully recognising people with disabilities as sexual, or assuming they are not in relationships. Both these assumptions mean the support for domestic and family violence available to this group is unlikely to meet their needs.

Another concern is that domestic and family violence services may not appreciate the complexity of the relationship between the victim and perpetrator, for example, where a victim is dependent on the respondent for their care. In the event that they do lodge a complaint, they might find it difficult to convey their version of events or appear less credible, particularly if the respondent is articulate.¹³⁹ There are also concerns about how the system can support people with cognitive impairments, or whose disability is 'invisible', but relevant to their offending behaviour, or people who deliberately disguise their disability, for example, poor vision or dyslexia. Some victims who used legal representation to lodge their application have experienced unsatisfactory outcomes, and believe their lawyer settled as opposed to obtaining long term protection orders.¹⁴⁰

The literature calls for domestic and family violence supports and services to be more accessible for people with disabilities. Simplifying the system and processes and the information is an important part of this. There was a recurring suggestion that domestic and family violence services need to better understand what disability means to better support people with disabilities.

PEOPLE MISUSING ALCOHOL AND OTHER DRUGS

It has been noted that drug and alcohol issues are often also present in domestic and family violence.¹⁴¹ Research does not support that substance abuse *causes* domestic violence, but rather that the relationship between the two issues is extremely complex.¹⁴² Despite high

¹³⁷ Campo, M., & Tayton, S. (2015). *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities*. Child Family Community Australia. <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtqi-communities>

¹³⁸ Campo, M., & Tayton, S. (2015). *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities*. Child Family Community Australia. <https://aifs.gov.au/cfca/publications/intimate-partner-violence-lgbtqi-communities>

¹³⁹ Harpur, P., & Douglas, H. (2014). Disability and domestic violence: Protecting survivors' human rights. *Griffith Law Review*, 23(3), 405-433. <https://doi.org/10.1080/10383441.2014.1000241>

¹⁴⁰ Harpur, P., & Douglas, H. (2014). Disability and domestic violence: Protecting survivors' human rights. *Griffith Law Review*, 23(3), 405-433. <https://doi.org/10.1080/10383441.2014.1000241>

¹⁴¹ Stathopoulos M & Jenkinson R (2016) Intervention linking services response for sexual assault with drug or alcohol use/abuse: Final report (ANROWS Horizons, 02/2016). Sydney, NSW: ANROWS.

¹⁴² Quadara A, Stathopoulos M & Jenkinson R (2015) Establishing the Connection [between alcohol and other drugs and sexual victimisation]: State of knowledge paper. ANROWS Landscapes, 06/2015, ANROWS: Sydney.

levels of co-occurrence, there is a tendency to treat substance abuse and domestic violence separately. This is evident at the governmental level with separate specialist courts and at the service level with separate programs for substance abuse and perpetrator intervention programs.¹⁴³

RESPONDS TO DIFFERENT TYPES OF VIOLENCE

Stakeholders expressed an interest in understanding the extent to which the Southport Specialist Domestic and Family Violence Court Justice Response recognises and responds to family violence, particularly violence perpetrated by children or adolescents against their parents, and by the adult children or carers of elderly people. Stakeholders also want to know more about intimate partner violence where it occurs between two adolescent partners, or between people not in heterosexual partnerships. We have used the literature review to describe best practice specialist court responses to non-intimate partner violence, where they exist.

ELDERLY PEOPLE WHO EXPERIENCE VIOLENCE PERPETRATED BY A FAMILY MEMBER OR CARER

People who are elderly may experience intimate partner violence or violence perpetrated by a family member or carer. Elderly people might hesitate to report violence perpetrated by their family or carers out of worry that, without care, they will be institutionalised; or they may not be able to adequately express the violence.¹⁴⁴

When deliberating on whether to make a DVO, the courts need to understand the family dynamics and whether future abuse will be curtailed. It has been found that when protection orders are used, elderly victims had reported that they were still living with the respondent.¹⁴⁵ A particular concern for elderly victims who request a DVO, is that perpetrators might become more violent towards the victim.¹⁴⁶ There have been studies that have identified acute precipitants such as intoxication and substance abuse that can lead to an escalation of violence.¹⁴⁷ This then requires linking affected family members to relevant

¹⁴⁴ Blundell, B. B., & Clare, M. (2012). *Elder abuse in culturally and linguistically diverse communities: Developing best practice*. https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder_Abuse_in_CALD_Communities_-_Developing_best_practice.pdf

¹⁴⁵ Rosen, T., Bloemen, E. M., LoFaso, V. M., Clark, S., Flomenbaum, N. E., Breckman, R., Markarian, A., Riffin, C., Lachs, M. S., & Pillemer, K. (2019). Acute precipitants of physical elder abuse: qualitative analysis of legal records from highly adjudicated cases. *Journal of Interpersonal Violence*, 34(12), 2599-2623. <https://doi.org/10.1177/0886260516662305>

¹⁴⁶ Rosen, T., Bloemen, E. M., LoFaso, V. M., Clark, S., Flomenbaum, N. E., Breckman, R., Markarian, A., Riffin, C., Lachs, M. S., & Pillemer, K. (2019). Acute precipitants of physical elder abuse: qualitative analysis of legal records from highly adjudicated cases. *Journal of Interpersonal Violence*, 34(12), 2599-2623. <https://doi.org/10.1177/0886260516662305>

¹⁴⁷ Rosen, T., Bloemen, E. M., LoFaso, V. M., Clark, S., Flomenbaum, N. E., Breckman, R., Markarian, A., Riffin, C., Lachs, M. S., & Pillemer, K. (2019). Acute precipitants of physical elder abuse: qualitative analysis of legal records from highly adjudicated cases. *Journal of Interpersonal Violence*, 34(12), 2599-2623. <https://doi.org/10.1177/0886260516662305>

substance abuse treatment programs as well as screening the families of known substance abusers for any existing abuse.¹⁴⁸

There is even more complexity when deciding on how to resolve domestic and family violence cases involving elderly victims from CALD backgrounds. Not only might they be physically dependent on the respondent, they might also have limited English that prevents them from accessing information or understanding important documents.¹⁴⁹ Additionally, elderly victims might have come from CALD communities where it is more culturally acceptable to seek help through informal social channels than to call and access formal services.¹⁵⁰ In these situations, services may need to distribute information through a variety of media such as the community newspaper, web and ethnic radio.¹⁵¹ Elderly people from CALD backgrounds often require very intense assistance from interpreters to access mainstream domestic violent services and the interpreter may have to act as an intermediary when working with clients and DFV service workers.¹⁵²

CHILDREN OR ADOLESCENTS WHO PERPETRATE VIOLENCE AGAINST A PARENT

Within the Queensland context, there is no law that recognises and regulates adolescent family violence (violence committed by an adolescent against a family member) as a distinct behaviour. This means there is no tailored legal response that currently provides a way to deal with this specific type of violence.¹⁵³ Adopting the right approach can become more complicated given the age of the perpetrator. The law states that children under the age of 14 years are not criminally responsible for an act unless it can be proved that they have the capacity to know they should not engage in the offensive activity.¹⁵⁴ Children under the age of 10 years are not criminally responsible for any act they engage in.

¹⁴⁸ Pillemer, K. (2019)

¹⁴⁹ Blundell, B. B., & Clare, M. (2012). *Elder abuse in culturally and linguistically diverse communities: Developing best practice*. [https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder Abuse in CALD Communities - Developing best practice.pdf](https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder%20Abuse%20in%20CALD%20Communities%20-%20Developing%20best%20practice.pdf)

¹⁵⁰ Blundell, B. B., & Clare, M. (2012). *Elder abuse in culturally and linguistically diverse communities: Developing best practice*. [https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder Abuse in CALD Communities - Developing best practice.pdf](https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder%20Abuse%20in%20CALD%20Communities%20-%20Developing%20best%20practice.pdf)

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¹⁵² Blundell, B. B., & Clare, M. (2012). *Elder abuse in culturally and linguistically diverse communities: Developing best practice*. [https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder Abuse in CALD Communities - Developing best practice.pdf](https://toolkit.seniorsrights.org.au/wp-content/uploads/2013/09/Elder%20Abuse%20in%20CALD%20Communities%20-%20Developing%20best%20practice.pdf)

¹⁵³ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. [https://www.researchgate.net/publication/329735999 Adolescent Family Violence What is the Role for Legal Responses](https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses)

¹⁵⁴ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. [https://www.researchgate.net/publication/329735999 Adolescent Family Violence What is the Role for Legal Responses](https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses)

Currently, the legal approach to managing domestic and family violence matters perpetrated by children or adolescents include:

- criminalisation
- family law orders,
- protection orders
- referrals to or interventions by the child protection system.

However, these approaches do not necessarily address the nuances around adolescent family violence. The fundamental difference between intimate partner violence and violence perpetrated by a child against a parent is the strength and depth of the bond between the aggrieved and perpetrator. Parents hold strong moral and legal responsibility for their children and are highly reluctant to sever ties.¹⁵⁵

There are also legal particularities associated with child–parent violence. For example, domestic violence protection orders can only be applied to adolescents as a protected person and not as respondents.¹⁵⁶ This might be unhelpful in situations where another family member uses their adolescent child to help commit further violence within the family. Further, in accordance with section 68Q of the *Family Law Act* where an order is made that allows for a child/children to spend time with a parent and the order is inconsistent with an existing DVO, then the DVO is invalid.¹⁵⁷ However, this process happens by way of an application to the court, whereby the court hears and determines the application and whether such a declaration is appropriate.

Further, when deciding to make or vary a DVO, the domestic and family violence court must have regard to any family law orders and, if the family law order allows for contact between a respondent and a child that may be restricted under the proposed DVO, then the court may exercise its power to revise, vary, discharge or suspend the family law order. Section 78(2) also says that the court must not diminish the standard of protection given by a DVO for the purpose of facilitating consistency with the family law order.

Therefore both the Federal Circuit Court of Australia and the Queensland Domestic and Family Violence Court has the power to override orders made in other jurisdictions, in certain circumstances, where it is necessary to protect a child or children from domestic and family violence.

Furthermore, if the DVOs do lead to criminalising an adolescent's offence there are parental concerns around the enforcement of the order, especially if the respondents have a mental health issue or cognitive impairment. This means that adolescents are punished but their

¹⁵⁵ Miles, C., & Condry, R. (2015). Responding to adolescent to parent violence: Challenges for policy and practice. *British Journal of Criminology*, 55(6), 1076-1095. <https://doi.org/10.1093/bjc/azv095>

¹⁵⁶ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses

¹⁵⁷ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses

behaviours still remain the same and they might likely reoffend. This reflects the aggrieved-centric nature of protection orders that focus on aggrieved safety and but not necessarily perpetrator behaviour.¹⁵⁸

There has been an attempt to examine more innovative approaches to adolescent family violence, such as youth justice conferencing.¹⁵⁹ Youth conferencing involves bringing together young offenders, their families, their supports and police to discuss the offence and its impact on the affected.¹⁶⁰ Youth conferencing, instead of examining adolescent violence as an issue that requires collecting evidence and prosecuting, has a restorative justice focus – the aggrieved seeking acknowledgment of wrongdoing and the need for redress.¹⁶¹

However, there are reservations with such approaches as they may not be able to address complex dynamics if the aggrieved is a family member and the perpetrator is their adolescent child. Conferencing requires an assumption of what constitutes normal, acceptable family behaviour but adolescents may have never been exposed to this family dynamic.

UNINTENDED CONSEQUENCES OF SPECIALIST COURT INTERVENTION

Stakeholders who participated in the co-design phase of the evaluation expressed an interest in understanding how well the court is identifying and responding to the potential misuse of the court system by perpetrators.

USING THE LEGAL SYSTEM AS A MECHANISM OF COERCION AND CONTROL

There is some new literature describing abuse of the legal system (also referred to as 'paper abuse' or 'procedural stalking'), where a perpetrator uses litigation to continue perpetrating domestic and family violence during or after family separation. The two primary ways perpetrators tend to misuse the legal system is through the family court (with vexatious family proceedings) and in the specialist domestic and family violence court (with domestic violence orders).¹⁶²

¹⁵⁸ Miles, C., & Condry, R. (2015). Responding to adolescent to parent violence: Challenges for policy and practice. *British Journal of Criminology*, 55(6), 1076-1095. <https://doi.org/10.1093/bjc/azv095>

¹⁵⁹ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses

¹⁶⁰ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses

¹⁶¹ Douglas, H., & Walsh, T. (2018). Adolescent family violence: What is the role for legal responses? *The Sydney Law Review*, 40, 499-526. https://www.researchgate.net/publication/329735999_Adolescent_Family_Violence_What_is_the_Role_for_Legal_Responses

¹⁶² Douglas, H., (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99. <https://doi.org/10.1177/1748895817728380>

Proceedings by perpetrators in the specialist domestic and family violence court take the form of either applications for protection orders or as cross-applications in response to an originating protection order application made by an aggrieved. There was concern among stakeholders—and also reflected in the literature—that applicants can use cross-applications to delay or otherwise influence family court proceedings and as a mechanism of coercion and control.

Other ways the legal system can be misused is by the respondent continually ‘firing and hiring’ legal representatives, making complaints against lawyers and judicial officers, appealing decisions or applying for variations to domestic violence orders. All of these abuses of process are done with the intention of drawing out the proceedings, draining the resources of the aggrieved, exerting some level of control over the aggrieved and forcing encounters with them.¹⁶³

When legal processes are misused in these ways, the impact on the aggrieved is described as a form of secondary victimisation. One of the reasons why it is difficult to prevent this type of abuse is because it is not the responder’s actions—using legal engagement to exercise and protect their rights—which is problematic, but the context in which they take place: as a tool of domestic violence.¹⁶⁴ There are suggestions in the literature that the structure of the Australian legal system exacerbates system abuses. This is due to the distribution of legal governing over multiple jurisdictions, with national legislation for family and property law and state-level statutes for child protection, domestic violence and criminal offences.¹⁶⁵

POTENTIAL INCARCERATION OF WOMEN FOR ACTS OF RETALIATORY VIOLENCE

There was a concern among stakeholders that the rise in Australia’s female prisoner population may be related to the increase in numbers of women respondents who are also victims of domestic and family violence, and whose retaliatory violence constitutes a breach of domestic and family violence orders that leads to their imprisonment. Incarceration rates for women have increased by 85 percent in the ten years to 2018, while the proportion of women sentenced to a term of imprisonment for breaching a domestic violence order increased from 13 per cent to 15 percent between 2014 and 2018.¹⁶⁶ Anecdotal research collected from lawyers and women’s advocates suggests that this could partially be due to women being inappropriately identified as respondents on domestic violence orders by police officers.¹⁶⁷ While there is very limited academic research currently available to support this assertion, a study by Women’s Legal Service Victoria found that between January and

¹⁶³ Miller, S. L., & Smolter, N. L. (2011). “Paper Abuse”: When all else fails, batterers use procedural stalking. *Violence Against Women*, 17(5), 637-650. <https://doi.org/10.1177/1077801211407290>

¹⁶⁴ Douglas, H., (2018). Legal systems abuse and coercive control. *Criminology & Criminal Justice*, 18(1), 84-99. <https://doi.org/10.1177/1748895817728380>

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¹⁶⁶ Gleeson, H., & Baird, J. (2019). *Why are our prisons full of domestic violence victims?* ABC News.

<https://www.abc.net.au/news/2018-12-20/womens-prisons-full-of-domestic-violence-victims/10599232?nw=0>

¹⁶⁷ Gleeson, H., & Baird, J. (2019). *Why are our prisons full of domestic violence victims?* ABC News.

<https://www.abc.net.au/news/2018-12-20/womens-prisons-full-of-domestic-violence-victims/10599232?nw=0>

May 2018, of the 55 women named as respondents on family violence intervention orders, 32 had been incorrectly identified.¹⁶⁸

With the majority of applications for domestic violence orders lodged by the police, it has been suggested that these misidentifications are a result of officers taking an incident-based approach. The consequence of this approach is officers failing to recognise the dynamics of control within the relationship, and incorrectly identifying the female as the respondent rather than as the primary aggrieved of abuse who is potentially lashing out in self-defence.¹⁶⁹ The naming of female victims as respondents on domestic violence orders can also be a source of systems abuse by the other party. New research done by ANROWS to support accurate identification of the 'person most in need of protection' in domestic and family violence law will be reviewed for the final evaluation.¹⁷⁰

CONCLUSION

Our review found that the national and international evidence for best practice in specialist domestic and family violence courts has deepened as more jurisdictions adopt a therapeutic jurisprudence approach. There is a more detailed description of specialist domestic and family violence courts' intentions, and description of how they operate. We will continue to monitor the literature that is published throughout the evaluation timeframe, and to seek out forums and discussions that explore best practice.

It is our view that the Southport Specialist Domestic and Family Violence Court Justice Response was designed to be consistent with best practice, and our evaluation will test the extent to which the SSDFVCJR is being *implemented* in line with best practice.

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¹⁶⁹ Gleeson, H. (2019). *What happens when an abused woman fights back?* ABC News. <https://www.abc.net.au/news/2019-07-30/the-women-behind-bars-breaching-domestic-violence-order/11330408?nw=0>

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APPENDIX 3. COMPLETE REFERENCE LIST

This is a list of all sources considered for the literature review and process evaluation. Some of these sources are not cited in the evaluation or literature review. We have listed them here to help readers build relevant context.

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