

DFV Newsletter

MAY 2025



News

- Each May, Queensland marks [Domestic and Family Violence Prevention Month](#). The annual initiative aims to raise awareness of domestic and family violence, highlight support services available and to send a clear message that violence will not be tolerated. The theme for 2025 is “Take positive action today to build a safer Queensland”.
- In April 2025, the [Queensland Government](#) announced proposed reforms to protection orders under the DFVPA. The proposed changes will allow police officers who respond to domestic and family violence incidents to issue on the spot Police Protection Directions which have a 12 month duration.
- The [Queensland Sentencing Advisory Council](#) completed their review of the sentencing of sexual assault and rape offences in Queensland. The report examined community perceptions, types of sentences, guidelines used by the court in sentencing and the involvement of victim-survivors in the sentencing process, including victim impact statements. The Council made 28 recommendations to the Attorney General to improve sentencing in these cases.
- The [Queensland Government](#) has allocated a further \$24 million to roll out Domestic and Family Violence Support workers in police stations across Queensland. Three further Beyond DV Hope Hub recovery centres will be established.

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- A new North Queensland hub for [DV Connect](#) is being established, along with a commitment of \$31.25 million in funding from the Queensland Government. DV Connect fields approximately 450 calls per day, with demand increasing by one third over the past 12 months.
- The [Queensland Law Reform Commission](#) has released a consultation paper for their non-fatal strangulation review. Feedback is sought on three proposals for reform and eight questions are posited regarding potential reform. The preliminary view of the Commission is that several reforms are necessary.
- The [Queensland Government](#) has established a working group with victims of domestic and family violence to identify system gaps and take steps to improve safety for victims. The group will meet three times between March and December 2025 and inform priority areas for government to address and invest.

Legislation Updates

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

The following amendments to the *Domestic and Family Violence Protection Act 2012*, *Criminal Code* (Qld) and *Penalties and Sentences Act 1992* will commence on **26 May 2025**:

- The offence of coercive control (new [s334C Criminal Code](#)) is created. This offence carries a maximum penalty of 14 years imprisonment. It must be dealt with summarily at the election of the prosecution on a plea of guilty.
- Introduction of [Part 4A \(Diversion orders scheme\)](#) in the *DFVPA*. This is court-based and applies to adult offenders. The service providers will essentially be the same as for Intervention Orders.
- Media applications for transcripts of domestic and family violence proceedings ([ss157D, 157E, 159, 160, 161A, 240 and 241 DFVPA](#)).
- Introduction of the new facilitation offence in [s179A DFVPA](#) of engaging in domestic violence or associated domestic violence to aid a respondent.
- Amendments to [ss56](#) and [106 DFVPA](#) regarding additional conditions on protection orders and PPNs.
- Amendments to [s9 Penalties and Sentences Act 1992](#) to treat certain factors as aggravating circumstances when sentencing domestic violence offences.

Articles & Reports

[Non-Fatal Strangulation: An Empirical Review of the New Offence in England and Wales](#)

Hannah Bows and Jonathan Herring
September 2024

[Technology- Facilitated Coercive Control: Mapping Women’s Diverse Pathways to Safety and Justice](#)

Asher Flynn, Lisa Wheildon, Anastasia Powell, and Karen Bentley
October 2024

[Criminalising Coercive Control in New South Wales: Misunderstandings and Missed Opportunities](#)

Jane Wangmann
October 2024

[Understanding the Impact of COVID-19 on Responses to Technology Facilitated Coercive Control](#)

Asher Flynn, Lisa Wheildon, Anastasia Powell, and Karen Bentley
October 2024

[Community Attitudes to Defences and Sentences in Cases of Homicide and Assault in Queensland](#)

Queensland Law Reform Commission
November 2024

[Financial Abuse: An Insidious Form of Domestic Violence](#)

Parliamentary Joint Committee on Corporations and Financial Services
December 2024

[The Role of Men’s Behaviour Change Programs in Addressing Men’s Use of Domestic, Family and Sexual Violence](#)

ANROWS
April 2025

Practice Directions

[Practice Direction 11 of 2024](#)

Sexual Assault Offence
Callover (Brisbane
Magistrates Court)

The purpose of this Practice Direction, which commenced on 2 January 2025, is to establish a Sexual Assault Offence Callover in the Brisbane Magistrates Court to effectively case manage and facilitate consistency in procedure for sexual assault cases.

[Practice Direction 1 of 2025](#)

Summary Proceedings for Domestic Violence Offences (Brisbane Magistrates Court)

This Practice Direction commenced on 24 January 2025 and applies to all summary proceedings under the *Justices Act 1886* for a domestic violence offence in the Brisbane Magistrates Court.

A summary call over list (Summary DV List) will now manage all summary domestic violence offences in the Brisbane Magistrates Court.

The aims of the Summary DV List are to promote fast resolution of matters while maintaining effectiveness, fairness and efficiency.

Webinars & Podcasts

	<div>Victim Survivors of Family Violence - A First Nations Perspective James Cook University September 2024</div> <p>This presentation by Thelma Schwartz and Isabelle Copetti (Queensland Indigenous Family Violence Legal Service) examines an Aboriginal and Torres Strait Islander persons experience as a victim-survivor of family violence within a number of intersecting legal systems. It also examines the measures in place to achieve justice stemming from the recommendations of the Royal Commission into Aboriginal Deaths in Custody right up to the recommendations from the Senate Inquiry into Murdered and Missing Indigenous Women in 2024.</p>
	<div>Launch of Non-Fatal Strangulation Review Queensland Law Reform Commission November 2024</div> <p>This webinar features a discussion between Betty Taylor OAM (Red Rose Foundation) and women with lived experience of non-fatal strangulation, as well as an interactive panel discussion with Professor Heather Douglas AM, Dr Leah Sharman, Ms Thelma Schwartz and Mr Glen Craney.</p>
	<div>There's No Place Like Home Tara Rae Moss March & April 2025</div> <p>In the third season of There's No Place Like Home: After She Leaves, host Tara Rae Moss shares real stories from women - and men - who've seen firsthand how abuse transforms after separation. Plus, hear from the experts running men's behaviour change programs about perpetrators' tactics and excuses, and how they're working to change their attitudes.</p>

Case Law Updates

[IAW v Commissioner of Queensland Police Service & Anor \[2024\] QDC 190](#)

Burnett DCJ

1 November 2024

The appellant contested the extension of a protection order following an incident with the aggrieved. During the trial, conflicting accounts were provided, including allegations that the appellant strangled the aggrieved. The appeal decision focused on whether the original protection order was necessary or desirable and noted the deficiencies in assessing ongoing risk and necessity. Burnett DCJ ultimately held that, as there had been a further four years without incident, the protection order was neither necessary nor desirable.

[KT v CT \[2024\] QDC 196](#)

Rafter SC DCJ

15 November 2024

The appellant appealed against a decision of a Magistrate to decline to vary the duration of a protection order. The appellant cited aspirations to become a foster carer. The respondent did not consent to the variation. Rafter SC DCJ dismissed the appeal on the basis that procedural fairness was not denied to the appellant and the Magistrate correctly applied discretion in upholding the initial decision. The appellant was ordered to pay the respondent's costs.

[SRJ v Commissioner of Police \[2024\] QDC 224](#)

Chief Judge Devereaux SC

26 November 2024

[CM Note 11/25](#)

The appellant appealed against his conviction for assault occasioning bodily harm and contravening a domestic violence order. The complainant gave evidence at the hearing and body worn camera footage of the complainant's version at the scene was relied on by the prosecution. On appeal, the appellant argued that this evidence ought to have been inadmissible as evidence of a prior consistent statement made by the complainant. Chief Judge Devereaux SC agreed with this and allowed the appeal against conviction (Note that s94A Evidence Act 1977 was introduced after this trial and now provides that preliminary complaint by a complainant in a trial of a domestic violence offence is admissible in evidence regardless of when the preliminary complaint occurred)

[MAB v SLD \[2024\] QMC 21](#)

A/Magistrate Costanzo

5 December 2024

In this decision, A/Magistrate Costanzo considered whether the aggrieved and respondent were in a "relevant relationship" under the DFVPA. The aggrieved was in a de facto relationship with the brother of the respondent's ex-partner (who have a child together). His Honour held that a relevant relationship did not exist and dismissed the application for a protection order.

CDL v Commissioner of Police [2024] QCA 245

Bowskill CJ & Boddice & Brown JJA

6 December 2024

The appellant sought leave to appeal against a head sentence of two years imprisonment for five offences of contravening a domestic violence order. He had previously contravened the same order 13 times, including through physical violence, abusive language and contacting the aggrieved. The breaches for which the appellant was sentenced involved contacting the aggrieved on five separate occasions, four of which involved abusive language and the final occasion involved a threat. The application for leave to appeal against sentence was refused.

BPG v Commissioner of Police [2024] QDC 222

Heaton KC DCJ

13 December 2024

The appellant appealed against the decision of a Magistrate to issue a domestic violence protection order against him. Heaton KC DCJ found that the self-represented appellant had been denied natural justice when his application for an adjournment of the hearing to obtain Legal Aid funding for a solicitor to cross examine the aggrieved was refused. His Honour considered it was critical for the appellant to have the opportunity to cross examine the aggrieved. His Honour also found there was no proper basis to refuse the adjournment application.

MAS v FEM [2025] QMC 1

Magistrate Sinclair

9 January 2025

In this decision, Magistrate Sinclair considered cross applications for domestic violence orders made by two different police officers. His Honour noted that final orders can no longer be made against both parties in a relationship except in limited circumstances. His Honour considered the meaning of exceptional circumstances and came to the view that parliament did not intend that there be something special or unique about the facts of the case, rather it ought to be exceptional that the Court cannot tell who is most in need of protection. It was ultimately held that there was clear evidence that both parties were in need of protection from each other.

Queensland Police Service v MAG [2025] QMC 2

A/Magistrate Janelle Boegheim

5 February 2025

A/Magistrate Boegheim considered an application for a protection order made by police in circumstances where the aggrieved and the named persons do not support the order. Her Honour considered whether the alleged act of domestic violence which prompted police intervention was an isolated mental health episode and whether a protection order was necessary or desirable to protect the aggrieved and named person. It was noted that the respondent had not taken any steps to address his mental health issues since the incidents. Ultimately, Her Honour made a protection order in the mandatory conditions with named persons. It was considered that compelling reasons were present to make the order for a duration of two years and that this would not compromise the safety, protection or wellbeing of the aggrieved or named persons.

MMM v FFF & Anor [2025] QMC 8

28 February 2025

Chief Magistrate Brassington

FFF and MMM applied for cross orders against one another. Temporary protection orders were made in both applications. The applications ultimately did not proceed to final hearing, although material was filed in anticipation. Relevantly, FFF was and remains a serving police officer. The Commissioner of Police applied to the Court under s160(2)(c) DFVPA to obtain copies of documents filed in both applications and for authority to publish information with respect to a domestic violence proceeding. The documents were intended to be used by the Ethical Standards Command to investigate allegations of FFF having committed acts of domestic violence. FFF opposed the application. Judge Brassington refused the application. Amongst other things, Her Honour considered that the protections offered by the DFVPA would be significantly undermined if people making applications had to consider whether highly personal information could be released to others, including their employer.

HER v DIS (No 2) [2025] QMC 7

19 March 2025

Magistrate Hughes

In this decision, Magistrate Hughes considered an application for recusal by a respondent in a domestic violence protection application. The respondent was self-represented, failed to comply with directions for filing material and made derogatory remarks in previous Callovers. The court has previously refused the respondent's fourth application for summary dismissal. Magistrate Hughes emphasised the importance of compliance with directions, which are a necessary part of case management. His Honour did not consider that a fair minded and well minded lay observer might reasonably apprehend that he might not bring an impartial mind to the resolution of the matter. The application was dismissed.

JEK v REM [2025] QMC 10

3 April 2025

Magistrate Sinclair

This decision concerned an application by the aggrieved to vary a protection order by ending it immediately. The reasons given for the variation was to allow to the respondent to help the aggrieved with the children due to a lack of alternative support available. Magistrate Sinclair noted that the court can only vary an order if it considers both the grounds of the original order and the finding of the court that made it. His Honour noted the difficulties that may arise in circumstances where orders are made without orders and without hearings where the respondent consents without admissions. In this case, neither party attended Court when the order was made and His Honour concluded that the findings must have included that there was an act of domestic violence and that the order was necessary or desirable. Magistrate Sinclair examined events since the order was made, including contraventions of the order, and noted that the respondent has not filed any material or given any indication that he wants the order varied or intends to assist with the children. Further, there is no evidence of any change from the respondent. His Honour held that the evidence of the aggrieved showed that she had not fully understood the risk that the respondent poses to her and her children. The application was dismissed.

Quick Links

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

- [Earlier editions of DFV Newsletter](#)
- [Domestic and Family Violence Protection Act 2012 Benchbook](#) – September 2024
- [National Domestic and Family Violence Benchbook](#) – June 2023
- [Domestic and Family Violence Protection Act 2012](#)
- [Domestic and Family Violence Protection Rules 2014](#)
- [JVL Domestic Violence Material](#) *
- [DFV Resources, Magistrates Intranet](#) *
- [QJIS sentencing data](#) search page (search DFVP Act) *
- [Queensland Judgments](#) – Online search page *
- [Women's Safety and Justice Taskforce](#)