

DFV Diversion – Factsheet

What is DFV Diversion?

DFV Diversion is a court program that can divert adults facing contravention charges of their first domestic violence order (DVO), police protection direction (PPD) or police protection notice (PPN) away from a criminal justice system response and into an approved diversion program or counselling, focused on helping persons using violence to address their behaviour.

The purpose of DFV Diversion is to promote accountability by engaging persons using violence who accept responsibility for the behaviour that resulted in the contravention and who voluntarily agree to participate in a diversion program or counselling.

If a person completes the approved diversion program or counselling, those charges will be dismissed by the court.

Where is DFV Diversion available?

DFV Diversion commenced on 26 May 2025 and operates in the **Brisbane Magistrates Court**.

The program is not currently available at any other court location in Queensland.

Who can be referred for DFV Diversion?

A person can have their eligibility to participate in DFV Diversion considered if they appearing before the Brisbane Magistrates Court, facing a contravention charge/s of their first DVO, PPD or PPN.

Who is eligible for DFV Diversion?

There are a number of eligibility requirements under section 135C of the [Domestic and Family Violence Protection Act 2012](#) that the court must consider when deciding whether a person is eligible for DFV Diversion:

- The person must be an adult appearing in the Magistrates Court and be facing a contravention of their first DVO, PPD or PPN.
- If the person is facing more than one contravention charge, it must be offences of the same character or, committed in the prosecution of a single purpose, with strong factual and temporal connection between or among the offences.
- There are no indictable charges arising from the same facts.
- The person must have been granted bail for the alleged offence/s
- The person must not have been convicted of an offence of contravening a DVO, PPD or PPN or release conditions or any other offence involving domestic violence
- The person intends to accept responsibility for the alleged facts constituting the alleged offence or offences. (This will not be taken to be a plea to the charge for offence/s entered by the defendant and is not admissible in evidence against the defendant in any criminal proceeding.)
- The person must be willing to be assessed for suitability to participate in the DFV Diversion and must be willing to participate in the diversion program or counselling
- The person must have not been referred to the DFV Diversion previously. **A person can only be referred to participate in DFV Diversion once.**

How can a person access DFV Diversion?

A DFV Diversion officer is located at the Brisbane Magistrates Court and is available to assist with referrals to DFV Diversion.

At the person's court appearance, an **eligibility screening form** will be required to be completed by the person, with support from the DFV Diversion officer, and advice from their legal representative (including duty lawyers). This form will screen for potentially eligible participants based on the eligibility criteria outlined under section 135C of the [Domestic and Family Violence Protection Act 2012](#).

What happens next?



Eligibility screening

Completed eligibility screening forms are provided to the court prior to the mention being heard and will be used to guide the court when making its decision.

The DFV Diversion officer will schedule a suitability assessment appointment with the approved provider delivering the diversion program or counselling and will put this information on the eligibility screening form.



Order for a suitability assessment report

If the court determines that the person is eligible for DFV Diversion, they will make an order for a suitability assessment report, requiring the person to report the approved provider and undertake a suitability assessment by a stated date. The court will receive a copy of the person's criminal history and the summary of the alleged facts from the police and give it to the approved provider. The court will adjourn the matter while the suitability assessment process occurs.



If the person does not report to the approved provider for their suitability assessment, the approved provider must notify the court by providing a notice of failure to report.



Suitability assessment report

When a person attends to be assessed, the approved provider must complete an assessment of the person's suitability to participate in the diversion program or counselling and provide a report to the court indicating whether they are suitable or not suitable to participate in the approved diversion program or counselling.



Diversion order

The court will review the suitability assessment report and the person's continued eligibility for the diversion alongside considerations in section 135I of the [Domestic and Family Violence Protection Act 2012](#) to determine whether or not to make a diversion order.

If a diversion order is made, the person will be required to report to the approved provider to participate in and complete a diversion program or counselling, and to follow all reasonable directions of the approved provider.

The court will adjourn the matter for a period to allow the person to complete the diversion program or counselling. The program typically goes for about 8 weeks.

What happens if a person does not complete a DFV diversion order?

Contravention of a diversion order

If the person does not attend the approved diversion program or counselling sessions or does not follow the reasonable directions of the approved provider, this may be a contravention of the diversion order. The approved provider must notify the court and police prosecutions if there is a contravention.

The court will issue the person with a notice requiring them to return to court. The court may revoke the diversion order, and if this occurs the person will be required to enter a plea to the charge for the alleged offence/s.

Variation or revocation of a diversion order

A person who is on a diversion order is required to continue to meet the eligibility requirements outlined in section 135C of the [Domestic and Family Violence Protection Act 2012](#). If the person is charged with a further DFV offence/s, or another DVO, PPD or PPN is made or issued against them, the police may apply for the court to revoke the diversion order.

If this occurs, the court will issue the person with a notice to appear, requiring them to return to court. If the court revokes the diversion order, the person will be required to enter a plea to the charge/s for the alleged offence/s.

If a person needs more time to complete their diversion order, or does not want to continue with the approved diversion program or counselling they can apply to the court to vary or revoke the diversion order. They should seek advice from their legal representative and ensure they inform the approved provider of their intention. If the diversion order is revoked, the person must enter a plea to the charge/s.

If a person does not complete the DFV Diversion and are at any stage convicted of the alleged offence/s, the court may, in sentencing, have regard to any participation in the approved diversion program or counselling.

While a person is on a diversion order, they are subject to their bail conditions and therefore, must attend court when a notice is issued requiring them to attend. Failure to appear on a court date may result in a warrant being issued and further charges under [the Bail Act 1980](#).

Completing a DFV diversion order



The approved provider will notify the court once the person has completed the approved diversion program or counselling.



When the court receives the notice from the approved provider to say that the diversion order has been completed, the **charge/s are dismissed** by the court and the proceeding for the alleged offence/s ends.

This process is dealt with administratively by the court, and the defendant will not be required to return to court for this to occur

Talk to us

If you would like to talk to someone about DFV Diversion, please speak to our staff onsite at the Brisbane Magistrates Court on your court date or alternatively, email us DFVDiversionBrisbane@justice.qld.gov.au