

DFV NEWSLETTER

FROM THE CHIEF MAGISTRATE'S OFFICE



OCTOBER 2026



News

- The [Queensland Government](#) has announced a \$7 million commitment for community led initiatives to stop domestic and family violence before it begins. The [Safe Futures Grants](#) program will provide support to community-based organisations to support victim-survivors and to create safer communities. Community organisations can apply for a planning grant of up to \$30,000 to fund three months of community engagement and planning to identify initiatives, while delivery grants of up to \$600,000 will fund community led projects to address the underlying social causes of domestic and family violence.
- The [South Australian government](#) has commenced preliminary discussions on proposed reforms that could prevent some domestic violence and child sex offenders from accessing online dating platforms. Research by the [Australian Institute of Criminology](#) found 72.3% of Australians who use dating apps experienced online sexual harassment, aggression or violence from someone they met online in the previous five years. Consultation is underway with key stakeholders on how the reforms could work.

In This Issue

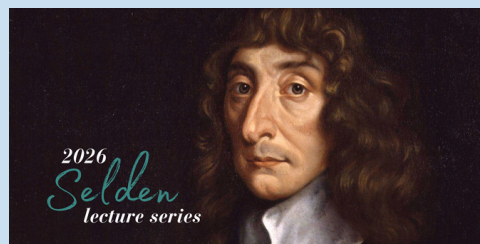
- News
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- The [Queensland Government](#) has extended funding for the Cairns Domestic and Family Violence Co-Responder Team for a further 12 months. This initiative pairs police officers with specialist practitioners to provide immediate crisis support, including intervention, counselling and safety planning.
 - A new [Victims Advocate Service](#) has been established by the [Queensland Government](#) as a "one stop shop" to provide support to victims of crime in the justice process. The \$50 million service will launch in late 2026 with a central online website and a 24/7 call centre. Staff will triage and assess cases, provide advice and connect victims to existing support services.

- A new report by Anglicare Sydney ([Cost of Leaving Report](#)) shows that the financial cost of leaving domestic and family violence has never been higher. The report found that the minimum cost of leaving violence has increased by 71% over the past decade, far outpacing inflation. Skyrocketing housing costs have driven much of the increase. People leaving violence are more likely to end up using homelessness services.
- The [Department of Home Affairs](#) updated its Domestic and Family Violence support resources for temporary visa holders in July 2026. There is a [dedicated DFV contact form](#), information sheets available in multiple languages and material developed in consultation with the International Organisation for Migration. These updates highlight that Australian migration law contains specific family violence provisions that protect temporary visa holders, particularly those on partner visa streams.
- New research from the [University of Melbourne](#) surveyed 1,122 young Australians aged 13–17, 2,307 adults and more than 500 teachers about misogyny, online radicalisation and youth extremism. The research found that 1 in 3 teenage boys expressed misogynistic attitudes, mistrust of women and support for 'traditional' gender roles. 40% of teenage boys believed women lie about domestic and sexual violence and 31.8% of young people believed efforts to give women equal opportunities have gone too far.
- The Queensland [Sexual Violence Review Board](#) is examining how messages, social media and other forms of digital evidence is collected, disclosed and used as part of a review into digital evidence in Queensland sexual offence cases, including how current practices may affect reporting, investigation and prosecution. Public consultation is expected to begin in September 2026.
- The first stage of the \$19.3 upgrade to the [Cairns Courthouse](#) is now complete. The project has delivered a dedicated DFV courtroom, upgrades to an additional courtroom on level 2, enhanced security screening at the courthouse entrance, and a refurbished registry featuring a dedicated DFV area. Further works, including the refurbishment of another courtroom, new magistrates' chambers and a dedicated DFV safe room, will be completed in early 2027.
- In September 2026, South Australia passed [new laws](#) on alcohol following a major inquiry into domestic violence. The changes will limit the same day delivery of alcohol to between 10am and 10pm (instead of 24-hour availability), with a mandatory 2 hour pause from the time an order is placed. This initiative is in response to SA's Royal Commission into Domestic, Family and Sexual Violence, aimed at improving safety and reducing harm.
- The [Third National Survey of Technology Abuse and Domestic Violence in Australia](#) was recently released by The Women's Service Network (WESNET). Technology abuse is now a widely recognised form of domestic, family and sexual violence. The report highlights that 3 in 4 practitioners reported seeing the use of AI tools to abuse victim-survivors and 68.1% of practitioners reported seeing abuse through GPS tracking and location tools "often" or "all the time."

Online Webinar

[Selden Society Lecture](#)

DFV in Historical and Contemporary Perspective



Domestic and family violence is a national emergency with a long and troubling history. [This lecture](#) from Dr Andy Kaladelfos from the School of Law, Society and Criminology, University of New South Wales, draws upon a longitudinal study to map the contours of interpersonal violence in Australian history and the criminal law's responses.

[The lecture](#) examines how domestic and family violence was recognised and responded to across a 100-year period (1855–1954), how this compared to other forms of violence, and where historical lessons may reveal new pathways for prevention and response.

Legislation Updates

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2026

The [Domestic & Family Violence Protection and Other Legislation Amendment Bill 2026](#) was introduced to Parliament on 17 September 2026.

It was referred to the [Education, Arts and Communities Committee](#) which is due to report to Parliament by 6 November 2026.

Proposed amendments to the [Domestic and Family Violence Protection Act 2012](#) (DFVPA) include:

- New offences of repeated contravention of a DVO (s 177AA) or a Police Protection Direction (PPD) (s 177AB);
- Increased maximum penalty of contravening a PPD (s 177A);
- Expanded circumstances where the court can make a DVO after criminal proceedings (s 42)
- Expansion of electronic monitoring devices for respondents (Part 3, Division 5, Subdivision 3);
- Significant amendment to and expansion of the PPD framework, including expanded conditions, an extension of the duration to 3 years, the removal of the police review option and the expansion of the persons to whom a PPD may be issued (Part 4, Division 1A);
- The abolishment of Police Protection Notices (PPNs);
- Clarification on the viewing, obtaining or copying of sensitive evidence (s 160AA); and
- Expanded protected witness provisions (ss 150 & 151).

Justice Legislation (Strengthening Victims' Rights) Amendment Bill 2026

The [Justice Legislation \(Strengthening Victims' Rights\) Amendment Bill 2026](#) was introduced to Parliament on 16 September 2026.

It was referred to the [Justice, Integrity & Community Safety Committee](#) which is due to report to Parliament by 6 November 2026.

The Bill implements recommendations from the [Queensland Sentencing Advisory Council's Ripple Report](#) proposes significant changes to the victim impact statement (VIS) regime under the [Penalties and Sentences Act 1992](#), including:

- Expanding VIS eligibility to all indictable offences, certain summary offences involving death or bodily harm, domestic violence offences, and related attempts or conspiracies.
- Introducing a broader standalone definition of "victim".
- Allowing another person to prepare a VIS where appropriate.
- Prohibiting offensive, threatening, intimidating or harassing content in a VIS.
- Permitting a VIS to be provided to the court even if it contains irrelevant or otherwise inadmissible material, provided the court disregards that material.
- Expanding presentation options to include pre-recorded audio and video.
- Limiting cross-examination on the contents of a VIS
- Creating a new Community Impact Statement scheme, enabling the Victims' Commissioner to provide information about actual or likely community harm resulting from certain offences.

Articles & Reports

[Exploring Police Use of Diversion for Sexual Offences](#)

Policing: An International Journal
May 2026

The study examines the role of the Queensland Police Service as gatekeepers to the criminal justice system through their use of diversionary mechanisms in response to sexual offending. It delineates the use of diversionary options over time, across offence types, and by gender, age and cultural heritage.

[Examining Domestic and Family Violence Typologies Using Queensland Policy Data: Differences in Risk of Harm](#)

Journal of Interpersonal Violence
May 2026

Researchers identified four offender categories: homicidal, generally violent/anti-social, low level anti-social and family only. Homicidal and generally violent/anti-social offenders represent the highest risk, demonstrating more frequent and severe violence both inside and outside the family, while causing significantly more harm than other groups.

The study demonstrates the police can use offending histories as a tool to flag high risk perpetrators and prioritise resources or tailored interventions.

[A Longitudinal Examination of Domestic Violence and Psychological Distress for Australian Women](#)

National Library of Medicine
May 2026

This study analysed national data from the Australian Longitudinal Study on Women's Health in relation to domestic violence, psychological distress and potential risk factors for Australian women. The study found that experiencing domestic violence was associated with greater psychological distress after experiencing domestic violence when compared to participants who did not.

Risk factors of low self-esteem and financial distress were also associated with increased psychological distress after domestic violence. However, there was no evidence that low social support or remote residence increase psychological distress.

[Domestic and Sexual Violence in Australia: Current Evidence and the Potential Role of Forensic Science](#)

Forensic Science International: Synergy
June 2026

While paramount to the successful apprehension of domestic and sexual violence perpetrators, forensic science escapes specific consideration in the [National Plan for Violence Against Women and Children](#). This review collates available Australian data to provide commentary and summarise the experience of victim-survivors, the current legislative climate and future directions that may address this challenge.

[Domestic and Family Violence Experienced by Children and Young People in NSW](#)

Parliament of New South Wales
May 2026

This paper describes domestic and family violence as the most common form of child maltreatment in Australia. It argues that children and young people experience this violence directly and should be recognised as victim-survivors in their own right rather than only as dependents of an adult victim-survivor. Eligibility, risk tools and intake systems are often designed around adults and parent consent requirements can act as a barrier to access or a means of continued control.

[Expanding the Spider Web Metaphor: A Practice Informed Reflection on Coercive Control](#)

Qualitative Social Work
July 2026

The article expands the spider web metaphor as a practice-informed framework for understanding coercive control as a patterned, adaptive system of entrapment operating across relational, social, legal, technological and institutional domains. It argues that coercive control is best conceptualised not as discrete incidents but as an interconnected web of strands that constrain autonomy, exhaust resistance and reconfigure in response to intervention.

The article outlines six dimensions of the metaphor: structure, stickiness, adaptation, resistance, distortion under intervention, and the complex patterns of leaving and returning.

BLD v Commissioner of Police [2026] QSC 183

Henry J (ex tempore)

28 May 2026

Henry J dismissed the applicant's bid for judicial review of several decisions connected to domestic violence proceedings, holding that none of the challenged matters fell within the scope of the [Judicial Review Act 1991](#) (Qld). The Court found that the police decision to withdraw a domestic violence application, alleged investigative failures, and the conduct of the former partner's lawyer were not "decisions to which the Act applies", noting that litigation choices and police prosecutorial decisions are not administratively reviewable.

As for the Magistrate's refusal of a temporary protection order, the Court held that an adequate alternative remedy exists, namely, a statutory appeal to the District Court under [s164 of the DFVPA](#), and therefore the [Judicial Review Act 1991](#) required dismissal. The proceeding was summarily dismissed under [ss12, 13](#) and [48](#) of the Act.

Legal Services Commissioner v Mackenzie [2026] QCAT 309

Burns J

24 July 2026

The Tribunal found that the respondent solicitor engaged in unsatisfactory professional conduct when he emailed a seven-page letter to his client's former partner, an aggrieved person protected by a domestic violence order, seeking her consent to vary that order. Although [s 60 of the DFVPA](#) permits limited lawyer-to-aggrieved communication for contemplated proceedings, the Tribunal held that the respondent solicitor's letter strayed far beyond that purpose, containing emotionally manipulative, intimate and inappropriate content such as repeated references to the client's desire for reconciliation ("He still loves you deeply and unconditionally"). While accepting that the respondent solicitor acted independently and sincerely, the Tribunal concluded that the letter appreciably departed from the standard expected of a reasonably competent practitioner. It did not, however, reach the higher threshold of professional misconduct. The respondent solicitor was publicly reprimanded and ordered to pay the applicant's costs.

R v CEA [2026] QCA 138

Bradley JA, Doyle JA, Williams J

24 July 2026

The Court of Appeal dismissed the appellant's challenge to his convictions for maintaining a sexual relationship with his daughter, two rapes and indecent treatment, and refused his application to adduce new evidence. The proposed new evidence from the complainant's mother was found to have been readily available at trial, and the appellant had deliberately instructed his lawyers not to call her; her evidence was of limited exculpatory value and carried significant forensic risks. The Court held that the jury's verdicts were open on the whole of the evidence, noting that the complainant's inconsistencies reflected trauma, youth and developing understanding rather than unreliability. Alleged misdirection, including the absence of a Robinson warning, the wording of [s 103ZY Evidence Act 1977](#) directions, and the handling of inadmissible sexual interest evidence, were rejected. The Court held that the trial judge's directions adequately equipped the jury to assess credibility and avoid prejudicial reasoning. The appeal was therefore dismissed.

Legal Services Commissioner v Mill [2026] QCA 308

Burns J

24 July 2026

The Tribunal found that the respondent solicitor engaged in professional misconduct when he sent a 23-page letter to his client's former partner, who was protected by a domestic violence order restricting contact to succinct, non-manipulative communications about the child. The respondent solicitor's letter, largely dictated by his anxious and insistent client, was emotionally coercive, repeatedly urged reconciliation, invoked the stress and cost of litigation, and strayed far beyond what [s 60 of the DFVPA](#) permits. The Tribunal held that the respondent solicitor surrendered his professional independence, compromised his integrity, and eroded the protections afforded to the aggrieved. Although the conduct involved a single episode, it was serious, protracted and plainly inconsistent with the standards expected of a competent practitioner. The respondent solicitor was publicly reprimanded, ordered to pay a \$10,000 pecuniary penalty, and required to pay the Commissioner's costs.

RNT v QPS [2026] QDC 107

Clarke DCJ

3 August 2026

Clarke DCJ dismissed an appeal against sentence, holding that the Magistrate did not exceed the summary-jurisdiction limit when imposing three years' imprisonment for a serious domestic-violence assault and choosing not to declare approximately six months of pre-sentence custody. After reviewing the full sentencing record, His Honour found no *House v The King* error: the Magistrate had warned parties of his intended approach, acted within the discretion in s 159A of the [Penalties and Sentences Act 1992](#), and imposed a heavy but permissible sentence given the appellant's extensive DV history, repeated breaches of protection orders, lack of rehabilitation, and the gravity of the attack on a pregnant complainant.

The practical effect of the non-declaration did not amount to an unlawful sentence, and the penalty was not unreasonable or plainly unjust. The appeal was therefore dismissed, the original sentence confirmed, and no order for costs made.

JRM v MLV & Anor [2026] QDC 125

Porter KC DCJ

3 August 2026

Porter KC DCJ allowed the appeal because the Magistrate failed to comply with [s 84 of the DFVPA](#), which requires ensuring a respondent understands the purpose, terms and effect of a consent protection order. Although the appellant had consistently contested the Police Protection Direction and appeared self-represented, the Magistrate proceeded to make a five-year protection order by consent without adequately explaining its consequences, despite the appellant's clear confusion and direct questions about the nature of the order.

Porter KC DCJ held that this amounted to a denial of procedural fairness, set aside both the protection order and the order striking out the appellant's review application, confirmed that the PPD revived and continues in effect, remitted the review application to the Cleveland Magistrates Court for determination, and ordered the Commissioner of Police to pay the appellant's costs fixed at \$5,000.

Potter (a pseudonym) v The King [2026] HCA 25

Gageler CJ, Gordon, Steward, Jagot, Beech-Jones JJ

5 August 2026

The High Court dismissed an appeal against conviction for two counts of rape, holding that a covert recording made by his wife capturing his admission to sexually assaulting her while she was asleep was lawfully obtained under s4(2)(a)(ii) of the [Surveillance Devices Act 2016 \(SA\)](#) because it was reasonably necessary to protect her lawful interests, namely her bodily autonomy, integrity, and safety.

The Court rejected the majority view of the South Australian Court of Appeal, finding that the complainant's purpose of creating a record to remind herself not to resume a relationship that exposed her to further sexual assault fell squarely within the statutory exception. Because the recording was lawfully made, its use at trial was not prohibited by ss 9 or 12 of the Act, and no discretion to exclude unlawfully obtained evidence arose.

The convictions therefore stood, and the appeal was dismissed.

LKD v SYA [2026] QDC 108

Grigg DCJ

7 August 2026

The District Court dismissed the appellant's challenge to a Magistrate's decision varying a protection order to name the parties' daughter, finding no legal, factual, or procedural error, while extending time to appeal and removing the son (who had since passed away) from the order. Grigg DCJ held that the Magistrate's findings, including that the appellant's conduct exposed the children to emotional harm and constituted associated domestic violence, were reasonably open on the evidence, supported by credibility assessments, and not "*glaringly improbable*."

Grigg DCJ rejected the appellant's claims of procedural unfairness and denied leave to adduce fresh medical and messaging evidence, noting it would not have influenced the outcome and was largely available earlier. Ultimately, the appeal failed on all grounds, with only the minor variation to remove the son's name granted.

Astolfo v OYF [2026] QSC 186

Davis J

13 August 2026

The prosecution sought to extend the automatic three-day statutory stay that applies when the prosecution reviews a Magistrate's bail decision for a defendant charged with domestic violence offences.

Davis J held that the [Bail Act 1980 \(Qld\)](#) provides no power to extend that stay beyond the strict period set out in [s 19CA](#), and that neither [s 19B\(6\)](#) nor the Supreme Court's inherent jurisdiction can be used to override the clear legislative scheme, which reflects the principle of legality and Parliament's intention that a defendant regains the benefit of bail if the review is not determined within three business days.

Accordingly, Davis J dismissed the application for an extended stay, meaning the respondent remained entitled to bail pending the substantive review hearing.

PSP v Commissioner of Police [2026] QDC 112

Farden KC DCJ

14 August 2026

The appellant appealed, out of time, against his convictions for three contraventions of a domestic violence order and two breaches of bail. His arguments that flawed legal advice, misunderstanding of his plea, and alleged “exculpatory” evidence warranted setting aside the guilty pleas were rejected by Farden KC DCJ. Her Honour held that the temporary protection order was valid and that any alleged non-compliance with s 101(1)(b) of the DFVPA did not invalidate the order (relying on [MAB v Magistrate Hackett & Anor \[2025\] QSC 299](#) and [CYQ v WWY \[2026\] QSC 165](#)). The appellant’s additional evidence was largely refused because it was already in his possession before he pleaded guilty and did not support his claims. His signed instructions to plead guilty demonstrated he understood the nature and consequences of the plea. The fine of \$1,500 was found to be modest and appropriate. As none of the appeal grounds were viable and the delay was unexplained, the court refused the extension of time, dismissed the appeal, and confirmed the Magistrates Court orders.

LKA v SYA (No 2) [2026] QDC 115

Grigg DCJ

20 August 2026

This matter concerns an appeal in which the appellant unsuccessfully challenged a Magistrates Court decision varying a protection order, then engaged in extensive unreasonable conduct throughout the appellate process, including filing a 61-page outline containing irrelevant material, pursuing meritless grounds, attempting to adduce fresh evidence twice, failing to comply with filing and appearance directions on six occasions, and ignoring warnings that indemnity costs would be sought.

After dismissing the appeal, Grigg DCJ found this conduct had caused significant unnecessary expense and delay for the respondent, noting it met the “high hurdle” required for indemnity costs.

The Court ordered the appellant to pay the respondent’s costs of the appeal, including reserved costs, on an indemnity basis.

MIZ v GAQ [2026] QDC 130

Byrne KC DCJ

4 September 2026

Byrne KC DCJ allowed the appeal and set aside the Protection Order because the Magistrate had not lawfully effected substituted service and had failed to consider the merits of the application before making the order. Although service was ordered to occur by both email and text message, the Queensland Police Service only emailed the documents and did not send the required text message, meaning the appellant was denied procedural fairness and had no opportunity to participate.

His Honour also found the Magistrate did not assess whether the statutory criteria for making a Protection Order were met. As a result, the matter was remitted to the Magistrates Court for a proper hearing, and the earlier Temporary Protection Order was deemed to have remained continuously in force.

DTS v BCG [2026] QDC 132

Kent KC DCJ

15 September 2026

Kent KC DCJ dismissed the appeal and upheld the Magistrate's decision refusing the appellant's application for a protection order against the respondent, finding no legal, factual or procedural error in the original decision. Kent KC DCJ held that although the respondent's late-night calls were abusive, the Magistrate was entitled to conclude they did not amount to domestic violence in context, that a protection order was not necessary or desirable, and that extensive adverse credibility findings against the appellant were open on the evidence.

His Honour also rejected claims of bias and procedural unfairness, upheld the refusal of an adjournment, and confirmed the Magistrate's finding that the application was pursued in a vexatious manner.

Quick Links

- [Earlier editions of DFV Newsletter](#)
- [Domestic and Family Violence Protection Act 2012 Benchbook](#)
- [National Domestic and Family Violence Benchbook](#) – August 2025
- [Domestic and Family Violence Protection Act 2012](#)
- [Domestic and Family Violence Protection Rules 2014](#)
- [DFV Resources for Magistrates](#) *
- [DFV Bench Forms for Magistrates](#) *

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