

Queensland Sentencing Advisory Council
18 May 2025

Dear Queensland Sentencing Advisory Council,

Thank you for the invitation to contribute to the call for submissions regarding the assessment of the impacts of Domestic and Family Violence (DFV) sentencing reforms in Queensland.

I have requested that my name be withheld from this submission as I am a survivor of severe domestic and family violence and now advocate in this space whenever possible. I would like to note the lack of responses from survivors and those directly affected by DFV among the published preliminary submissions. This work has been ongoing for many years now, and more than 150,000 protection orders have likely been issued in the time since the Terms of Reference were received. I am concerned about the lack of lived experience represented. While I acknowledge the expertise of the frontline organisations who have made submissions, those directly affected remain underrepresented.

Question 2. Increased penalties for contravention of a DVO

My primary concern is the lack of accountability for perpetrators of DFV. While we debate whether the reforms have gone far enough, too far, or are fair and just, we must acknowledge that the vast majority of perpetrators face minimal consequences. The Protection Order becomes the consequence for many offenders. These are, in practice, "just pieces of paper" that offer little actual safety. Victim-survivors must prove they have experienced DFV, which often includes crimes like coercion, assault, battery, or strangulation, yet these crimes rarely lead to prosecution at this stage. It is no wonder that so many perpetrators go on to breach the Protection Order.

It must be acknowledged that having a breach even recognised is an enormous challenge for many victim survivors and the burden is placed on them. Police often fail to follow up on reported breaches and there is no centralised system for tracking them. Police inaction enables and emboldens perpetrators. We need a central system to capture breaches. If we have alternative reporting for sexual crimes and can report hooning online, then victims should be able to report breaches through an online portal, upload evidence (where appropriate), and request further action. Any failure to act should be documented and explained.

Non-violent breaches should not be considered insignificant. Attending a property and harming someone is a significant multi-crime event. They should be charged with a 'Violent Contravention of a Protection Order', in addition to the violent crime that they committed. A non-violent breach should still result in a charge of 'Contravention'. If coercive control is involved, it should be an additional charge. Sending texts, breaking a non-contact order may appear insignificant but it isn't to the victim survivor who is trying to break free of the relationship and move forward. These often include coercion and hidden messages. These types of contacts often lead to the cyclic nature of Domestic and Family Violence.

Question 3. Aggravating Factors and Compatibility

I acknowledge the importance of stakeholder perspectives and understand that mental health, disability, and cultural background are often raised in relation to fairness. I've wrestled with this in my recovery and advocacy work. A simple "test" that offers clarity is: 'Does this same factor influence their behaviour in other areas of life or when interacting with others?'

For example, an intellectually impaired and physically disabled person having an episode/frustration may harm their partner—just as they might harm anyone assisting them. Their disability must be considered. In contrast, someone who works at a hardware store and has depression or PTSD harms only their partner—not their boss, not strangers, not others. If their violence is selective, then it is controllable, and should not warrant special consideration in sentencing. Likewise, if everyone with that concern doesn't respond similarly then it is an excuse and not the cause of the behaviour. There are alcoholics who beat their partner, there are also alcoholics who do not. The alcoholism is a co-morbid issue and not the cause of the violence.

Question 4. Systemic Disadvantage and Cultural Considerations

As someone of Aboriginal descent, I acknowledge the systemic disadvantages faced by First Nations people and others from culturally diverse backgrounds. We must differentiate between lived experiences—for example, between a remote NT community and urban Brisbane. Support for cultural needs should happen before sentencing. A person's culture should not reduce a sentence. Instead, cultural implications should be considered when determining the charges or support needed beforehand.

I would also stress that if a victim-survivor has a disability that impairs their ability to leave, sentencing should be harsher. Likewise, if a perpetrator targets a vulnerability such as a person's disability, sexuality, stay-at-home parenthood, mental health or marginalisation then their sentence should reflect the exploitation of that vulnerability.

Question 5. Anomalies and Complexities

Public understanding of Protection Orders and their enforcement must improve. However, the biggest barrier is the lack of police action. I understand DFV is a major portion of their workload, but repeated failure to follow up is unacceptable.

Men's behaviour change programs are often touted as solutions, but they require serious scrutiny. While some are beneficial, we need to acknowledge that they vary wildly and many simply lump like minded men together who learn enough vocabulary to sound reformed when they try to restart the relationship. I also have serious concerns about who runs these programs. We have a "Reformed" prisoner who still brags online about being charged with thirty plus breaches of Protection Orders claiming he works in men's change behaviour programs. The same person has added on his website that his response to this call for submissions, is a demonstration of his own importance in the domestic violence sector. Some of these men use these positions to run for political office and to appear to be reformed. Like the courses taught, it is far more about a linguistical change than an internal one. Any Court ordered men's change programs should be thoroughly researched and run by the Queensland government not people and organisations profiting from the violence in our community.

Question 6. Other Issues

There should be a public register of Protection Orders. Currently, perpetrators can maintain public anonymity. A person could strangle their partner on Saturday, be served with an interim order midweek. They could accept the permanent orders and no one would know. There is no transparency or accountability for new partners, co-workers, or the community.

Staying Home, Leaving Violence must become the standard. Victims usually bear the financial burden of separation, relocation, lost income, and safety upgrades. While some grants exist, courts should account for the financial impact on victim-survivors. If a perpetrator breaches an order and causes financial loss, the reimbursement of those costs should form part of sentencing.

If most perpetrators face little to no accountability, those who reach the sentencing stage must face serious consequences. This is not currently reflected in general sentencing. The current government has billboard slogans of Adult Crime, Adult Time. The adolescent crime rates pale into insignificance when compared to the rate of Domestic Violence related crime, the majority of which is perpetrated by adult men who see little consequence for the majority of their actions. The majority of the adolescents committing the crimes in question have experienced Domestic Violence. The majority of the Queensland public would assume that teenagers committing a crime is a bigger problem than Domestic and Family Violence which simply isn't the case.

The Sentencing Council website states: "If a court decides that an offence is a domestic violence offence, it must treat the offence as being more serious..." However, sentencing doesn't reflect this. For example, the maximum penalty for forgery is double that of strangulation of the mother of your children. Attempted armed robbery carries life imprisonment, yet cruelty to a child under 16 does not. It is far more likely that the man in a hoodie and a knife who attempted to rob a service

station at 3am will see police investigation, prosecution and the inside of a court room than for the crimes involving Domestic and Family Violence that he also committed two nights prior to the attempted robbery. This tells the public that the legal system currently values a Westpac branch or service station more than a child or a domestic partner.

Thank you for considering my submission. I hope this process leads to meaningful outcomes for all survivors and a measurable reduction in the perpetration of domestic and family violence.

Regards,

Name Withheld