

Victims' Views on the Sentencing of Domestic Violence Offences in Queensland: Final Report

FINAL REPORT: JUNE 2025

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Suggested citation

McGowan, J., Meyer, S., McCook, S., Taylor-Civitarese, H., Harris, B. & Pfitzner, N. (2025). *Victims' Views on the Sentencing of Domestic Violence Offences in Queensland: Final Report*. Monash University, Victoria, Australia.

Acknowledgments

Acknowledgement of Country

We acknowledge the Traditional Custodians of the land on which we come together to conduct our research and recognise that these lands have always been places of learning for Aboriginal and Torres Strait Islander peoples. We pay respect to all Aboriginal and Torres Strait Islander Elders – past and present – and acknowledge the important role of Aboriginal and Torres Strait Islander voices and their ongoing leadership in responding to domestic, family, and sexual violence.

Funding Acknowledgement

Monash University acknowledges the funding support of the Queensland Department of Justice and Attorney-General and the Queensland Sentencing Advisory Council.

Acknowledgement of Contributions

This project involved data collection with victim-survivors of domestic and family violence and stakeholders and advocates working in legal and specialist domestic and family violence service and support professions. We acknowledge the importance of each individual's time and are grateful for the experience and expertise contributed by all participants.

In particular, we would like to extend our appreciation to the victim-survivor participants who completed the survey and were interviewed for this project. Victim-survivor perspectives are central to the findings made by this study, and we are grateful for their trust and willingness to share their experiences. We also wish to acknowledge the support of family violence and legal services in Queensland, including First Nations and immigrant and refugee women's services, for their contributions to the research and for their assistance in sharing the research opportunity with victim-survivors.

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A note on terminology

To promote inclusivity, this report uses the term ‘victim-survivor’ to describe individuals who have experienced or are currently experiencing family violence. While the term ‘victim’ denotes the experience of harm, for some, the association with vulnerability is problematic. For these reasons, the term ‘survivor’, with its connotations of agency and resilience, may be preferred (Pfitzner et al., 2025).

Acronyms and abbreviations

ABI	Acquired brain injury
The Act	<i>Penalties and Sentences Act 1992 (Qld)</i>
AIATSIS	Australian Institute of Aboriginal and Torres Strait Islander Studies
CPTSD	Complex post-traumatic stress disorder
DPP	Director of Public Prosecutions (Department of Justice, Queensland State Government)
DV	Domestic Violence
DJAG	Department of Justice and Attorney-General
DVO	Domestic Violence Order
MBCP	Men's behaviour change programs
MGFVPC	Monash Gender and Family Violence Prevention Centre
PTSD	Post-traumatic stress disorder
QIFVLS	Queensland Indigenous Family Violence Legal Service
QSAC	Queensland Sentencing Advisory Council
VIS	Victim impact statement

Executive summary

Project background

In 2016, the Queensland Government introduced a significant legislative reform to the Penalties and Sentences Act 1992 (Qld), inserting section 9(10A), which mandates that courts treat domestic violence (DV) as an aggravating factor in sentencing. This amendment was intended to ensure that the seriousness of DV offences is appropriately recognised in sentencing decisions, reflecting community expectations and enhancing justice outcomes for victim-survivors. The reform aimed to empower courts to impose more severe penalties for DV-related offences, while preserving judicial discretion in exceptional circumstances.

In 2024, the Queensland Sentencing Advisory Council (QSAC) and the Department of Justice and Attorney-General (DJAG) commissioned the Monash Gender and Family Violence Prevention Centre (MGFVPC), in partnership with a researcher from Griffith University, to evaluate the impact of this reform from the perspective of victim-survivors. The research sought to determine whether the legislative change had impacted victim-survivors' satisfaction with sentencing outcomes and if so, in what way. The research sought to explore victim-survivor awareness, experiences, and perceptions of the sentencing process. The study also aimed to understand the views of advocates working in the DV and legal sectors, and to generate evidence-based recommendations for further research alongside policy and practice reform.

Research design

The research adopted a trauma-informed, victim-centred, and culturally safe approach, employing a four-phase, mixed-methods design. Data collection was conducted between August 2024 and April 2025. The study was guided by ethical principles and received approval from the Monash and Griffith University Human Research Ethics Committees, including provisions for research involving Aboriginal and Torres Strait Islander communities.

The four phases of data collection were as follows:

1. **Phase 1** involved virtual advocate roundtables and a dedicated Yarn with First Nations service providers. These sessions were designed to gather insights from advocates and inform the development of research tools for subsequent phases.
2. **Phase 2** consisted of an online survey of victim-survivors, which collected both quantitative and qualitative data on their experiences and perceptions of sentencing.
3. **Phase 3** included in-depth interviews with victim-survivors, providing a deeper exploration of their experiences and views.
4. **Phase 4** comprised follow-up roundtables with advocates, including a dedicated First Nations advocate roundtable, to reflect on preliminary findings and co-develop recommendations.

Victim-survivor data collection, sample characteristics and limitations

There were two opportunities for victim-survivors to participate in this research project, including an online survey, containing open- and closed-ended questions (Phase 2), and individual interviews (Phase 3). The aim of these two phases was to capture detailed and in-depth information on victim-survivors' awareness of the aggravating factor, their experiences of the court process for DV-related matters, and their satisfaction with sentencing outcomes.

Despite extensive recruitment efforts, the study faced significant challenges in identifying and hearing from victim-survivors whose experiences were within the scope of the research, in particular First Nations victim-survivors. There were additional challenges during data collection including a high volume of fraudulent survey responses, which had further implications for interview recruitment. These recruitment and data collection challenges are themselves important findings, highlighting systemic barriers to participation and engagement particularly with unique cohorts of victim-survivors.

The final sample, after excluding incomplete and suspected fraudulent responses, included 18 survey responses and 11 interviews with victim-survivors. All interview participants had also completed the online survey. All victim-survivor participants identified as women, with most aged between 31 and 50 years. Participants were geographically diverse, with representation from metropolitan, regional, and remote areas. Over half of the survey participants reported having a disability, chronic health condition, or mental health condition. Two survey participants identified as Aboriginal, but no First Nations victim-survivors participated in interviews.

The small, non-representative sample limits the generalisability of findings from the project. However, the study provides rich, contextualised insights into the lived experiences of victim-survivors and the systemic factors shaping their engagement with the justice system.

Advocate roundtables and Yarn

In addition to the victim-survivor research activities, the project involved two separate phases of data collection with advocates from Queensland DV and legal services, including First Nations-led organisations. Across Phases 1 and 4, a total of 37 advocates participated in a roundtable, Yarn or information gathering session that aimed to capture their knowledge, awareness, and professional observations of the impact on victim-survivors of the 2016 aggravated offence reform. In Phase 4, the aim was to further capture advocates' reflections on the emerging findings from the victim-survivor data and on the recruitment challenges experienced during the project. Advocates' reflections have been used to supplement findings from the victim-survivor components of the research, acknowledging the small sample, and to provide further context and systems expertise alongside the voices of victim-survivors.

Key findings

Awareness of the aggravating factor

A central finding of the study is the low level of awareness among victim-survivors regarding the existence and application of the aggravating factor. Fewer than half of survey participants were aware of the provision prior to completing the survey, and only two interviewees reported being aware of it prior to their court proceedings. Even among those who were aware, understanding of its implications for sentencing was limited.

Advocate findings further confirmed that awareness of the aggravating factor is generally low among their clients. They attributed this to several factors, including the complexity of legal language, the trauma experienced by victim-survivors, and the lack of consistent information-sharing by legal professionals and support services. Some advocates suggested that information about the aggravating factor may be deliberately withheld by key actors within the criminal legal system to avoid raising victim-survivors' expectations that cannot be guaranteed.

Satisfaction with sentencing outcomes

The online survey and interviews sought to understand the dynamics of victim-survivors' satisfaction with sentencing outcomes where the aggravating factor had been applied. However, victim-survivors were not directly asked about their satisfaction, as it was determined this was non-specific. Rather, the survey and interview guide contained various questions designed to explore factors that may contribute to victim-survivors' overall satisfaction, including information and support received during the legal proceedings, their acceptance of the sentence, perceptions of perpetrator accountability, and their experiences of providing a victim impact statement (VIS).

The study findings suggest that victim-survivors' satisfaction with sentencing outcomes was mixed and not clearly correlated with awareness of the aggravating factor. Satisfaction was more closely linked to factors such as:

- Judicial recognition of the harm caused by DV;
- Perceived fairness and proportionality of the sentence;
- The extent to which victim-survivors felt informed, respected, and safe during the court process; and
- Opportunities to participate meaningfully in proceedings, particularly through providing a VIS.

These findings suggest that the presence of the aggravating factor alone is insufficient to ensure victim-survivor satisfaction with sentencing outcomes. Rather, satisfaction is shaped by a complex interplay of procedural justice, trauma-informed practice, and systemic responsiveness.

Experiences of the court process

While the research has a small sample of victim-survivors, there were common patterns of negative experiences of the court process, including:

- Lack of information about court procedures and sentencing;
- Inadequate support from legal and victim services;
- Concerns about safety when attending court; and
- Feelings of exclusion and disempowerment.

Several victim-survivors described the court process as re-traumatising (also referred to as secondary victimisation), particularly when they were required to be in the same room as the offender or when judicial officers failed to acknowledge the seriousness of the abuse. Others reported that the process was confusing and alienating, with little opportunity to ask questions or receive updates.

Advocates echoed these concerns, highlighting systemic issues such as poor inter-agency communication, under-resourced support services, and the absence of victim-centred practices in many court settings. Importantly, advocates pointed to how these issues could be manipulated by perpetrators as an additional form of systems abuse¹, which can lead to further harm and trauma for victim-survivors.

Victim impact statements

The VIS process was a significant focus of the study due to the possible links between victim-survivors providing a VIS—and therefore the opportunity to have their voice and experiences heard in the proceedings—and the recognition of harm by judicial officers. Just over half of survey participants had provided a VIS, and their experiences were mixed. While some found the process empowering and felt it gave them a voice in court, others reported feeling ignored, silenced, or retraumatised—particularly when their statements were redacted, dismissed, or not read aloud.

Only five of the 11 participants who provided a VIS believed it had an impact on the sentence. Several expressed frustration that their statements were not acknowledged by the judiciary or that the offender showed no remorse. Again mirroring the experiences of victim-survivors, advocates noted that a VIS is rarely used in Magistrates' Courts, where many DV matters are heard (e.g., for contraventions of Domestic Violence Orders), which limits opportunities for victim-survivors to participate meaningfully in sentencing.

¹ The way perpetrators use the legal system as an extension of coercive control has been identified by victim-survivors as highly problematic and pervasive (see Douglas, 2018; Reeves, 2020).

First Nations perspectives

The absence of First Nations victim-survivors in the study is a critical limitation. However, insights from First Nations advocates provided important context. Advocates reported that First Nations women face significant, compounding barriers to engaging with the justice system, including:

- Mistrust of police and courts;
- Fear of child removal by Child Protection services;
- Risk of being misidentified as the primary aggressor; and
- Systems fatigue and trauma from navigating multiple jurisdictions.

Advocates also noted that the language of ‘aggravating factor’ may not resonate with First Nations communities, and that judicial officers often fail to explain its relevance or apply it meaningfully in sentencing. These findings underscore the need for culturally safe, community-led approaches to justice reform.

Recruitment challenges

As noted above, the study encountered substantial recruitment challenges, particularly in verifying the authenticity of online survey responses. The research team implemented rigorous screening protocols to exclude fraudulent or ineligible participants, resulting in a smaller but reliable sample.

Advocates suggested that recruitment difficulties may reflect broader issues of systems fatigue, trauma, and mistrust among victim-survivors. Many participants may not have recognised themselves in the study’s eligibility criteria or may have been unwilling to revisit traumatic experiences. These challenges highlight the need for more inclusive, accessible, and survivor-led research methodologies.

Discussion and implications

This study set out to examine the impact of the 2016 legislative amendment to the Penalties and Sentences Act 1992 (Qld), which requires judicial officers to treat DV as an aggravating factor in sentencing. The research found that while the reform was broadly supported in principle by victim-survivors, its practical effect on their satisfaction with sentencing outcomes has been limited. Among the 11 interview participants, just over half expressed satisfaction with the sentencing process, though this was not clearly linked to their awareness of the aggravating factor. Indeed, many participants were unaware of the provision altogether, and few reported that judicial officers explicitly acknowledged the DV context in sentencing decisions. This raises important questions about the implementation of the reform and the extent to which it is achieving its intended goals.

Systems factors influencing victim-survivor satisfaction

The findings suggest that victim-survivor satisfaction with sentencing is shaped by a range of factors that extend beyond the sentence itself and often reflect systems-level barriers to justice. These include the quality of information provided, the degree of participation afforded to victim-survivors, the availability of support services, and the trauma-informed nature of the court

environment. The research highlights that many victim-survivors experience the court process as confusing, disempowering, and re-traumatising. Delays in proceedings, lack of communication, and safety concerns further compound these challenges. These findings are consistent with existing national and international literature, which emphasises the importance of procedural justice and holistic support in shaping victim-survivor perceptions of fairness and legitimacy (Bond & Nash, 2023; Fleury, 2002; Gover et al., 2007; Lawler et al., 2025; Lombard & Rennie, 2024).

The need for a victim-centric and trauma-informed justice response

The study underscores the need for a more victim-centric and trauma-informed approach to DV sentencing. Judicial officers must be equipped to understand the complex and often cumulative harms associated with DV, including psychological and neurological trauma. Both victim-survivors and advocates who contributed to this research consistently emphasised the importance of victim-survivors being believed, validated, and treated with respect by the judiciary. The findings suggest that judicial recognition of harm—beyond the formal application of the aggravating factor—is a critical component of victim-survivor satisfaction. This aligns with evidence from specialised DV courts and recent research on coercive control, which highlight the value of informed, empathetic judicial engagement (Gover et al, 2007; Lombard & Rennie, 2024; Fitz-Gibbon et al, 2024).

Additional considerations for system improvement

Several opportunities for broader systems-level improvements were identified through the research. These include the need to fast-track DV matters through courts to reduce delays and associated trauma, and to ensure that judicial officers are trained to recognise patterns of coercive control and cumulative harm. The recent criminalisation of coercive control in Queensland presents an opportunity to strengthen judicial understanding of DV as a pattern of behaviour rather than isolated incidents. The study also supports expanding the admissibility of DV histories in sentencing and enhancing the use of victim impact statements (VIS), particularly in Magistrates' Courts where many DV matters are heard. Both victim-survivors and advocates in this project expressed strong support for mechanisms that would allow victim-survivors to have their voices heard in court and to be notified of key information including offender release from custody or correctional institutions.

Awareness and satisfaction of First Nations victim-survivors

A significant limitation of the study was the inability to recruit First Nations victim-survivors for interviews, despite extensive efforts and partnerships with First Nations organisations. As a result, insights into their experiences are drawn from advocates with direct service experience and expertise. Advocates reported that First Nations victim-survivors may be generally unaware of the aggravating factor and are often excluded from meaningful participation in court processes. Systemic barriers—including poor inter-agency communication, lack of culturally appropriate services, and fear of child removal—further hinder engagement. These findings are consistent with broader literature on the structural disadvantages faced by First Nations women in the justice system (Blagg et al., 2021; Fitts et al., 2023; Prentice et al., 2017; Willis, 2011). The study highlights

the urgent need for culturally safe, community-led research and reforms that centre the voices and experiences of First Nations victim-survivors.

Future considerations for victim-survivor research using online methods

As highlighted above, the project encountered significant recruitment and data collection challenges, including managing possible bots and attempts to complete the research from fraudulent or imposter participants. This reflects a growing challenge in online research with vulnerable populations and there are increasing concerns for social science researchers adopting online methods, which extend beyond bots completing surveys to include difficulties determining individuals' eligibility for participation in online interviews and focus groups (Giles et al., 2025; Santinele Martino et al., 2024; Sharma et al., 2024). In the current project, these issues required extensive screening and verification protocols for the online survey and individual interviews, which were time- and resource-intensive. The research team recommends that future research in this area allocate sufficient resources and development of processes to mitigate and manage these risks and draw on emerging best practices for safeguarding data integrity in digital environments. This is imperative in all research, as imposter participants misrepresent lived experience and expertise, jeopardise the authenticity of the findings, and skew and threaten the development and actioning of recommendations and responses based on the data. Data integrity is critically important given the significance of the evidence base that is generated in projects such as these.

Summary of recommendations for further research

The findings from this research project indicate that victim-survivors' awareness of and satisfaction with court processes and sentencing outcomes for DV are shaped by complex factors that often reflect persistent systems-level barriers to justice. While the 2016 legislative amendment establishing DV as an aggravating factor on sentencing was intended to strengthen outcomes for victim-survivors, it remains unclear how effective this reform has been in improving victim-survivors' satisfaction or holding perpetrators accountable. Victim-survivors and advocates who contributed to this project described common challenges including limited support or guidance navigating the legal system, lack of information and representation, misunderstandings of DV among key actors including judicial officers, and the need for a more trauma-informed and victim-centred system in responding to DV. Taken together, the findings from this project point to several key areas for further research to inform future DV legislative and policy reforms that strengthen outcomes for victim-survivors, in Queensland and across Australia. The following recommendations for further research are based on the key findings summarised above.

1. Investigate and strengthen judicial officers' awareness and understanding of the aggravating factor, and the significance and harms of DV

There is a need for further research that investigates Queensland judicial officers' awareness and understanding of the aggravating factor legislative requirement, and their application of the aggravating factor in different cases, including any perceived barriers or challenges to its effectiveness. Findings from this further research could be used to inform additional, targeted

professional development for judicial officers to help address persistent misunderstandings of DV and the associated risk of re-traumatisation for victim-survivors.

2. Investigate possible impacts of the aggravating factor reform on offenders' perceptions and behaviours, and on sentencing outcomes

While victim-survivors' voices are crucial for evaluating the impacts and effectiveness of legislative reforms to address DV, there is a further question as to how those reforms may impact on perpetrators. In particular, there is a need for additional research that investigates perpetrators' understanding and awareness of the aggravating factor, including their reflections on their sentencing outcomes and on possible deterrent effects or implications for recidivism.

3. Monitor and evaluate sentencing outcomes for DV matters to track uptake of the aggravating factor

There is a further key opportunity to monitor and assess the application of the aggravating factor across relevant matters in Queensland including sentencing outcomes. This monitoring could assess whether harsher penalties are being received under the aggravating factor in comparison to before the 2016 legislative reform, and examine potential patterns or factors in sentencing outcomes including penalties received, offence types, court level, demographics of victim-survivors and offenders, whether a VIS was provided, and histories of previous DV.

4. Identify strategies for improving communication with and participation of victim-survivors throughout DV legal processes

To strengthen future effectiveness of the aggravating factor and related reforms, there is a need to develop and evaluate protocols that prioritise accessible information for victim-survivors across the criminal legal system. This could include development of an online platform containing key case details for victim-survivors alongside relevant legislation, information about the aggravating factor, support services, and what to expect throughout the court process.

5. Identify strategies for increasing victim-survivor voices in DV proceedings

Relatedly, it is critical to expand opportunities for victim-survivors to have their voices heard in DV court proceedings, and to identify strategies that ensure victim-survivors can do so in ways that reflect their individual justice and safety concerns. This should include more consistent use of the VIS in DV matters, including in Magistrates' Courts, and should be supported by clear communications as to when and how victim-survivors can provide a VIS.

6. Identify opportunities and assess outcomes for expanding the admissibility of histories of violence

With the recent implementation of coercive control as a standalone criminal offence in Queensland, there is a timely opportunity to expand the admissibility of histories of violence within DV matters. Any efforts to do so should be supported by research that assesses how those reforms support victim-survivors' perceptions of the court process and sentencing outcomes, and the implications for perpetrator accountability.

1 Introduction

In 2016, the Penalties and Sentences Act 1992 (Qld) ('the Act') was amended to insert a new statutory aggravating factor under section 9(10A). This section requires a court when sentencing a person for a domestic violence offence ('DV offence') to treat the fact the offence is a domestic violence offence as an aggravating factor (that is, one that makes the offence more serious) unless the court considers it is not reasonable because of the exceptional circumstances of the case. The Government's intention in introducing the new aggravating factor was to enable courts to impose higher sentences, reflecting community views about the seriousness of these offences, while maintaining judicial discretion (Explanatory Notes, *Criminal Law (Domestic Violence) Amendment Bill 2015* (Qld), p. 3).

In 2024, QSAC and the DJAG contracted the MGFVPC in partnership with Centre Adjunct, Professor Silke Meyer from Griffith University, to undertake research on victim-survivors' views on the sentencing of DV offences. Specifically, the research sought to address whether the legislative amendment has impacted the satisfaction of victim-survivors of DV who have been through the court system since 2016, and if so, in what way.

The objective of this research project was to offer a systematic, trauma-informed, victim-centred examination of the knowledge, awareness, views/perceptions, expectations, experiences and satisfaction of victim-survivors of a DV offence, where the matter was finalised (sentenced) in a Queensland court since the 2016 introduction of section 9(10A) to the Act. This project intends to not only address a crucial knowledge gap, but also afford an important evidence base to constructively inform sentencing policy on and practice related to DV in Queensland.

The research also engaged with and sought to understand the same regarding advocates. For the purposes of this research project, advocates are defined as key stakeholders such as representatives from legal services including First Nations legal services, women's legal services, representatives of legal aid working predominantly in DV matters, and DV specialist court support workers, among others.

1.1 Research aims

The aims of the research project were to collect new evidence:

- on the knowledge and awareness of victim-survivors and advocates of the 2016 aggravated offence reform in Queensland;
- on the views/perceptions and expectations of victim-survivors and advocates of the 2016 aggravated offence reform in Queensland; and
- from victim-survivors of a DV offence, where the matter was finalised (sentenced) in a court, regarding their experience and satisfaction with the sentencing of DV offences.

Further, the research aimed to generate new insights into:

- victim-survivors' knowledge, awareness, views/perceptions, expectations, experience and satisfaction with sentencing on DV offences in Queensland.

Finally, the project sought to use the data and evidence-base to:

- inform policy on sentencing for DV offences in Queensland and nationally, and to develop recommendations to do so.

2 Background

Sentencing for DV offences is a critical area of the criminal justice system with significant impact on victim-survivors. Research exploring victim-survivors' views on the sentencing of DV offenders is essential to understanding perceptions of 'justice' and procedural justice and confidence in legal and justice systems (which can be an incentive or deterrent to future engagement, including help-seeking). Existing evidence suggests that victim satisfaction with DV sentencing is enhanced by clear procedures; respect for lived experience; having a voice in judicial processes; provision of support; judicial acknowledgment of harm; perpetrator accountability; and perceptions of agency or lack thereof, in legal and justice processes (Bond & Nash, 2023; Fleury, 2002; Gover et al., 2007; Lawler et al., 2025; Lombard & Rennie, 2024; Roberts and Roach 2004). For example, a North American study of victim-survivor experiences with processes in a specialised DV court identified high levels of satisfaction with their time at court. As a whole, most participants commented that they felt respected and heard (Gover et al., 2007). In restorative justice contexts, a recent Australian study found that victim-survivors valued the opportunity to express themselves and have their harm acknowledged (Lawler et al., 2025). Additional factors that have been shown to positively impact victim-survivor satisfaction with sentencing include: clear information provision about law and court processes and potential outcomes; culturally aware and appropriate practices; and balanced sentencing approaches that offer both denunciation and, in some cases, rehabilitative alternatives (Bond & Nash, 2023; Lawler et al., 2025; Roberts & Roach, 2004).

In a recent review of literature on victim-survivors' views on sentencing for DV, Australian researchers Bond and Nash (2023) observed that evidence from mainstream courts is sparse and largely from North America. They noted that existing findings suggest victim-survivors tend to see sentencing as 'too lenient', sometimes resulting in feelings that the harm and impact of DV is not recognised; re-victimisation; and a belief that perpetrators are not being held accountable (Bond & Nash, 2023, p. 31; see also Douglas & Stark, 2010; Gezinski & Gonzalez-Ponz, 2022; Gillis et al., 2006; Minaker, 2001). Another recent Australian study (exploring victim-survivor views on the criminalisation of coercive control) reported research participants' concerns about the problematic treatment of DV victim-survivors in the court system (Fitz-Gibbon et al., 2024). Participants in this study spoke about the justice system being patriarchal, the risk of re-traumatisation during court processes, and unsatisfactory sentencing outcomes (Fitz-Gibbon et al., 2024). Although numerous jurisdictions nationally and internationally apply DV as an aggravating factor in sentencing, there does not yet appear to be any direct evidence suggesting that this statutory requirement positively impacts victim-survivors' satisfaction with the court process and outcomes, or perceptions of justice and procedural justice, and subsequent confidence levels or decisions to engage or not engagement with justice agencies and systems.

However, there is recent exploratory research that mirrors the focus and priorities of the current study. A review conducted for the Scottish Sentencing Council (Lombard & Rennie, 2024) explored victim-survivors' lived experiences and wider thoughts on sentencing purposes. Based on a small sample of 24 women victim-survivors, Lombard and Rennie found that DV offending is 'highly gendered' and that 'a nuanced understanding of domestic abuse is lacking by those who

work within the courts' (2024, p. 4). In particular, the research participants were critical of the way DV offences were minimised, framed as one-off incidents, and not understood as part of a pattern of coercive control by the Scottish legal system and its representatives (Lombard & Rennie, 2024). The study further found that women wanted more straightforward explanations about how legal proceedings work, what steps are involved, and what results they might expect (Lombard & Rennie, 2024). Victim-survivors frequently found the legal jargon and terminology confusing and were uncertain about what the potential outcomes might be or the timing of processes. They further emphasised the importance of having court decisions explained in plain, accessible language, including the reasoning behind judicial choices, to make the system more understandable and open. Women placed great importance on safety and stressed that court processes should recognise the critical need to provide information about sentencing so that victim-survivors can safety plan (Lombard & Rennie, 2024).

Furthermore, women in the Scottish Sentencing Council study generally felt that the sentencing outcomes received by their abusers did not correspond to the harm and severity of what they had endured (Lombard & Rennie, 2024). Through sentencing, victim-survivors sought formal acknowledgment of the effects of abuse within the courtroom setting, witnessed by the perpetrators' families and social networks, and viewed the punishment as public confirmation and denouncement of wrongdoing (Lombard & Rennie, 2024). Conversely, when victim-survivors felt the punishment was proportionate to their experience, it provided validation that enabled them to progress in their healing. Critically, when they perceived the sentence as inadequate, women described contending not only with the devastating effects and legacies of DV, but how the perceived insufficient punishment extended and compounded their trauma by minimising their suffering (Lombard & Rennie, 2024). Lombard and Rennie's findings have been described in detail here as the current study findings closely align with those of the Scottish research. The congruences of these studies are discussed further in section 6 of the report.

Beyond the research outlined here, there remains very little scholarship prioritising victim-survivors' perceptions of and satisfaction with sentencing. Research projects that collect victim-survivors' views on the sentencing of DV offences (such as the study for the Scottish Sentencing Council as well as the present study) are crucial. They provide valuable insights into the experiences and perspectives of those most affected by these crimes and judicial decision-making, and are a critical evidence base for future policy decisions and criminal legal responses to DV. Understanding how these changes impact victim-survivors' satisfaction with the sentencing process is essential for developing more effective and victim-centred approaches to addressing DV within the criminal justice system. Additionally, victim-survivor perceptions of justice, procedural justice, and justice agencies shape their decisions to engage or not engage with police and court systems in future, serving as a deterrent or incentive to do so. Perceptions, therefore, can potentially reduce victim-survivor help-seeking opportunities, safety planning and management, and their opportunities to exit violent relationships.

Bond and Nash (2023) highlight the limitations in the existing research on victim-survivors' views on sentencing for DV, including methodological constraints such as small sample sizes. As discussed in the following section, the present study is also characterised by small victim-survivor

samples. However, related research with similarly small sample sizes have produced important findings about victim-survivors' lived experiences of DV, and suggest key implications for criminal legal responses to DV. For example, a recent review of the non-fatal strangulation offence in Queensland aimed to capture the lived experiences and views of strangulation victim-survivors regarding the criminal justice process, drawing on data derived from nine semi-structured interviews and 24 online survey responses (State of Queensland, 2025). Similarly, a 2023 study on children and young peoples' experiences of seeking help in the Victorian family violence system involved interviews with 17 young victim-survivors (Fitz-Gibbon et al., 2023). For both the Queensland and Victorian studies, the authors emphasise that the experiences and views reported are not generalisable to all similar victim-survivors. However, despite these limitations, data drawing on victim-survivors' lived experiences and perceptions can offer crucial insights. This is particularly important given the limited existing data specifically focusing on unique victim-survivor cohorts, such as the present study.

The scope of this project is consistent with that of other projects conducted with hard-to-reach victim-survivor populations, in that it provides a vital platform for voices that are often unheard, with the opportunity to directly inform DV law and systems reform (McGregor et al., 2023; O'Donnell et al., 2023; Pfitzner et al., 2025). This research project underscores the critical need to foreground these experiences in future efforts to improve sentencing responses to DV in Queensland and nationally.

3 Methodology

The research design for this project adopted a victim-centred and trauma-informed approach to examine the knowledge, awareness, views/perceptions, expectations, and experiences of DV victim-survivors and advocates regarding the sentencing of DV offences in Queensland under the Act.

In May 2024, prior to the commencement of data collection, team members conducted an information gathering session with First Nations stakeholders. The purpose of this session was to gather some preliminary information about the research aims and ethical considerations for the project.

The project involved a multi-stage, mixed methods design to incorporate the voices of both victim-survivors and advocates from the Queensland DV and legal justice sectors. There were four phases of data collection across the project (illustrated in Figure 1):

1. Virtual advocate roundtables and a dedicated Yarn with First Nations service providers (Round 1)
2. Online survey with victim-survivors
3. Individual interviews with victim-survivors
4. Virtual advocate roundtables including a dedicated First Nations advocate roundtable (Round 2)

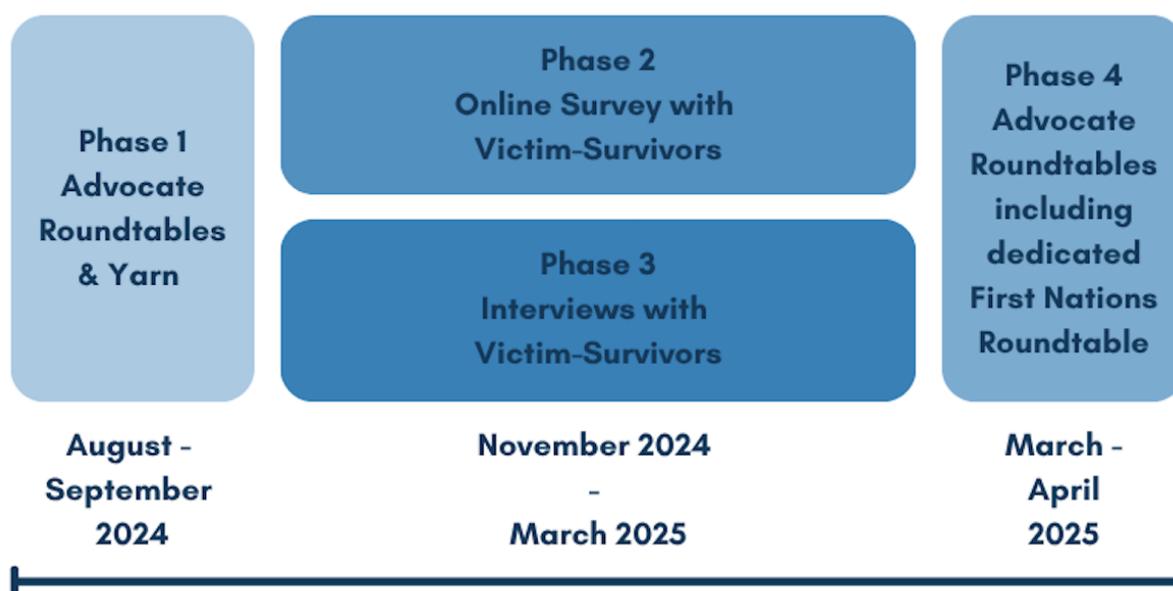


Figure 1: Phases of data collection in the Victims' Views on the Sentencing of Domestic Violence Offences research project

Data collection for all phases was conducted between August 2024 and April 2025. The purpose of the first roundtables and Yarn was to seek the expertise of DV advocates on supporting victim-survivors to navigate the Queensland court system and the sentencing of DV offences, and to seek

input on the research questions and approach for Phases 2 and 3. The online survey (using the Qualtrics platform) and interviews were designed to capture the experiences and perspectives of victim-survivors on the sentencing of DV-related offences in Queensland, and specifically with regard to the legislative reform making DV an aggravating factor. The follow-up roundtables, including the dedicated First Nations advocate roundtable, were then used to seek advocates' reflections on the early findings from the survey and interviews with victim-survivors, and to consider recommendations for strengthening support mechanisms for victim-survivors in the context of sentencing DV offences in Queensland. Each phase is described in more detail below.

3.1 Advocate roundtables and Yarn

The research methodology included two roundtable/ Yarn opportunities for advocates: one pre- and one post- victim-survivor data collection. In Phase 1 of the project, advocate roundtables and a dedicated Yarn for First Nations service providers were held in August and September 2024. The aim of this phase was to capture advocates' knowledge, awareness, views/perceptions, expectations, and their professional observations of the impact on victim-survivors of the 2016 aggravated offence reform in Queensland. Data captured from the Phase 1 advocate roundtables and Yarn, along with relevant information in the desktop review supplied by QSAC and previous research on evaluating victim-survivors' satisfaction with judicial processes (discussed in more detail below in section 3.2), informed the development of the survey instrument (Phase 2) and the thematic interview questions (Phase 3) for data collection with victim-survivors. This was done to ensure that advocates' expertise was embedded in the project alongside the centring of victim-survivors' voices, and that the research tools were context-specific whilst also addressing the aims of the research project. The weaving together of data from victim-survivors alongside key informants with context expertise, including frontline practice along with broader system expertise, is a useful methodological strategy for establishing depth and nuance, and for situating lived experiences within the systems that shape those experiences (Lokot, 2021).

In Phase 4, follow-up roundtables and a dedicated First Nations advocate roundtable were held in March and April 2025 (no Yarns took place in Phase 4). The aim of this phase was to capture advocates' reflections on the emerging findings from the victim-survivor data captured in the survey (Phase 2) and the in-depth interviews (Phase 3). In particular, the research team sought to understand if the emerging findings reflect advocates' understanding of their clients' experiences with sentencing of DV matters in Queensland in light of the 2016 legislative amendment.

Roundtables and Yarns in both phases were scheduled for 90 minutes and were audio-recorded and transcribed in full. Roundtables and the Yarn were held online using the Zoom platform to enhance access for those who were regionally, rurally, and remotely based. Recognising that many DV advocates have heavy workloads, the virtual as opposed to in-person offering aided their participation, as they were not required to travel to a study site. More detail on roundtable and Yarn participants is provided in section 4, and the semi-structured question guides for Phases 1 and 4 are included in Appendix A.

3.1.1 Yarning method and cultural processes

The Yarn for First Nations advocates were underpinned by Indigenous approaches of knowing, being and doing. The cultural process for the Yarn, followed Bessarab and Ng'andu's (2010) Yarning methodologies framework. Among the researchers there is an understanding of the historical impacts of colonisation, genocide and discrimination on First Nations people and their experiences of DV, alongside other forms of abuse. The research team understands the historical impacts on the disproportionate rate of First Nations victim-survivors experiences of DV.

A key priority of the research, in line with the original project stipulation of QSAC, was to elevate the voices of First Nations victim-survivors. This included partnership with First Nations organisations that are trusted within the First Nations community, whereby research would be conducted *with* First Nations people rather than *on* First Nations people (Maiaim nayri Wingara Indigenous Data Sovereignty Collective, 2024). The research is further underpinned by a strong belief that the cultural process of conducting research is as important as the outcome of the research (Lindeman & Togni, 2022).

The cultural process for First Nations recruitment of women in Queensland was to co-design the recruitment approach with a First Nations organisation. This included the development of the semi-structured Yarning questions, where and how the Yarns were to take place with victim-survivors, what the community response would be to the Yarns, and how victim-survivors could be supported by the First Nations organisation post the Yarns.

These dedicated sessions aim to be embedded in the project to support self-determination and to ensure oversight from First Nations community, DV and legal representatives over the cultural safety and relevance of the project for Aboriginal and Torres Strait Islander victim-survivors. Yarning principles were used in a Phase 1 session with advocates and were intended for use in the on-site data collection with victim-survivors, however, no victim-survivors chose to attend this on-site session. In the lead up to possible Yarns with victim-survivors, First Nations representatives were asked to support the recruitment approach, the semi-structured Yarning questions, and where the Yarns took place. This was to ensure the approach was culturally appropriate for each community. While attempts were made to recruit First Nation victim-survivors including the on-site offering and additional outreach through services, First Nations victim-survivors were not recruited for Phase 3. The research team were supported by the First Nations organisation in recruitment of victim-survivors and were led by the services to ensure the recruitment of the First Nations victim-survivors was culturally supportive. Recruitment and data collection with First Nations people and organisations was led by Chief Investigator Hannah Taylor-Civitarese throughout the project. Taylor-Civitarese is an experienced First Nations researcher and DV advocate. Bessarab and Ng'andu's (2010) Yarning methodologies framework was utilised in the dedicated Yarns with First Nations service providers in Phase 1, specifically Social Yarning and Research Yarning processes. These methodologies foster a culturally supportive space for First Nations advocates and are described in more detail below.

Each of the workshops commenced with Social Yarning, a conversation guided by the participants' interests, which was central to building trust and relationships (Bessarab & Ng'andu, 2010). When this had come to a natural close, the First Nations representative and research lead Taylor-Civitaresse thanked the advocates for attending the Yarn and moved the Yarn into a research topic, Yarning. The goal of the Yarn is to gather information that pertains to the research questions, this can be semi or unstructured Yarning interviews (Bessarab & Ng'andu, 2010). Taylor-Civitaresse went through the verbal consent process with the participating advocates, supported by a Monash team member. A PowerPoint with the information in easy-to-read English was also utilised to explain the consent requirement.

In the proposed Yarns with victim-survivors, Taylor-Civitaresse aimed to discuss the difficulty for the community to discuss the topic of aggravated factors, power imbalances of the research and data sovereignty. If required Taylor-Civitaresse, would connect with community Elders to discuss the research.

3.2 Online survey with victim-survivors

Phase 2 of the research project was focused on capturing descriptive and demographic details of victim-survivors regarding the sentencing of matters where DV had been an aggravating factor, since the 2016 reform of the Act. This data was collected using an online survey for victim-survivors that aimed to explore their experiences of and perspectives on the court and sentencing process for DV-related matters. The total number of valid responses included in the reported survey analysis below is 18 (refer to sections 3.5 and 3.6 for detailed information on inclusion and exclusion criteria for survey responses and the data screening and cleaning procedures). The survey questionnaire is included in Appendix B.

The online survey was delivered using the Qualtrics insight platform and was open to responses from 11 November 2024 to 8 March 2025. The survey questionnaire consisted of closed, open-ended, and Likert scale questions that examined victim-survivors' experiences of the court and sentencing process, their awareness of DV as an aggravating factor, their expectations and acceptance of the sentencing and outcomes of their matter, their experiences with providing a victim impact statement (VIS) (if one was provided), and their demographic information. The questionnaire was developed by the research team in consultation with QSAC and the Queensland Indigenous Family Violence Legal Service (QIFVLS) to ensure the tool addressed the specific context and considerations of the Queensland DV and justice sectors.

Given the various factors that contribute to overall victim-survivor satisfaction with court and sentencing processes for DV offences, it was determined that directly asking survey participants if they were 'satisfied' with sentencing outcomes was too broad a measure, and that this approach would not gather the rich detail needed to advocate for impactful policy and practice change. Drawing on previous research and established procedural justice data collection tools, the research team worked with QSAC to develop a survey instrument to gather data on aspects of the court and sentencing process that have been shown to impact satisfaction of victim-survivors (Franklyn, 2012; Holder, 2015; Bond et al., 2017; Erez et al., 2017; Davies & Bartels, 2021). This included

asking about awareness of the aggravating factor, whether participants felt informed about court processes and court supports available to them, whether they felt respected during the court process, feelings of fairness and safety at court, their acceptance of the sentence (including their understanding and perceived fairness of the sentence), whether they believed the perpetrator was held accountable by the court for the harm caused, experiences of providing a VIS including what impact they expected it to have, if they felt the VIS gave them a voice in the proceedings, and whether they believed the magistrate/judge understood the harm caused to them because of their VIS.

The first question block in the survey questionnaire contained a number of screening questions designed to confirm the eligibility of survey participants within the narrow scope of the broader project. As noted in the introduction, due to the focus of the research on examining the impacts of the 2016 reform to the Act, the scope for survey participation (and subsequently interview participation) was limited to:

- Individuals who had a matter finalised by a court in Queensland, after May 2016 (when section 9(10A) was introduced to the Act);
- The offender was found guilty, sentenced, and received a penalty; and
- The offence(s) the person was charged with was not a standalone DV offence, or included a standalone DV offence(s) alongside a non-DV offence(s).²

Participants who indicated through one of the screening questions that their experience did not meet these eligibility requirements were diverted to the end of the survey. The survey included instructions that if a participant felt they had been incorrectly screened out, they could restart the survey or contact the research team directly to confirm their eligibility. Only matters involving at least one DV-related offence that was not a standalone offence (such as non-fatal strangulation or contravention of a domestic violence order (DVO)) could be included, as the aggravating factor under section 9(10A) of the Act does not apply to standalone DV offences under Queensland law. The survey instructed participants to answer the questions in relation to their most recent experience involving the sentencing of a matter with at least one DV-related offence that was not a standalone offence.

The last page of the survey gave participants the option to provide contact details to take part in a follow-up virtual interview about their experiences. The survey explained that if the participant decided to provide contact details this way, their response would not be anonymous and encouraged participants to contact the research team directly if they wished to take part in an interview without leaving their identifiable information in the survey. As discussed below, the contact details were extracted from the survey data so that this information was stored separately and securely and in accordance with institutional (Monash University and Griffith University) and national ethical standards once exported from Qualtrics. Only participants who passed the survey

² Standalone DV offences that were not eligible were a contravention of a DVO and the offence of choking, suffocation, or strangulation in a domestic setting (this will soon include the offence of coercive control). However, if the matter involved one (or more) of these offences in addition to a non-DV offence, the individual could be eligible to participate in the research.

eligibility screening block and also reached the last page of the survey would have the option to leave contact details.

While this component was initially developed as an online survey, all stakeholders the research team engaged with around participant recruitment were advised that this survey could be administered face-to-face, in an interview style by a member of the research team, on location for and at services based in Southeast Queensland. The same approach was discussed with all First Nations services engaged for the purpose of this research to ensure First Nations victim-survivors had the opportunity to go through the survey questions face-to-face in an interview style with a First Nations researcher. However, there was no uptake by services or victim-survivors for this in-person survey completion option.

3.3 Individual in-depth interviews with victim-survivors

Phase 3 of the research project was focused on capturing the voices of victim-survivors regarding the sentencing of matters where DV had been an aggravating factor, since the introduction of the 2016 reform of the Act. This phase involved individual interviews that aimed to add greater nuance and depth of understanding to the data gathered via the online survey. The same eligibility criteria for the online survey (discussed at section 3.2) applied to participation in the interviews.

Interviews were designed to explore victim-survivors' experiences identified via surveys in greater detail. Interviewees were asked to share information about their overall experience of the court and sentencing processes. As with the survey, participants were not asked directly about their overall satisfaction. Instead, researchers sought details about participants' experiences of dynamic factors that could contribute to satisfaction with court and sentencing processes. Questions about the provision of information, court supports, sentencing outcome, outcome acceptance, respect at court, their level of involvement, knowledge and understanding of the process, perpetrator accountability, and acknowledgment of harm by the judiciary were utilised as prompts for interviewees to express their experiences, feelings, and perspectives in their own words (rather than the limited response options in quantitative survey component). A well-evidenced benefit of qualitative research is the ability to gain rich contextual information, which enables a deeper exploration of complex phenomena (Lincoln & Guba, 1985; Patton, 2002). For the purposes of this project, qualitative interviews enabled the researchers to assess victim-survivor satisfaction despite not asking a direct question about satisfaction. The semi-structured interview question guide is included in Appendix C.

The total number of victim-survivor interviews conducted in the research was 11. All interview participants had also completed the online survey and had self-nominated to complete an interview via the last page of the survey. The recruitment strategy also encouraged participants to directly contact the lead researcher to participate in the interview component of the research only (i.e., to skip the online survey and only complete an interview); however, no individuals who directly requested an interview without also completing the survey were confirmed as eligible for the study. This point is discussed further under section 3.5. At the beginning of each interview, after the informed consent processes had been completed, the researcher ran through the eligibility criteria

once more to confirm the individual's experience was within the scope of the study. Everyone who participated in an individual interview received a \$75 digital gift voucher. Individual interviews were conducted via the Zoom platform, or phone, depending on the participant's preference, and all interviews were audio-recorded and transcribed in full. Similar to the alternative approach to survey data collection outlined in the previous section, services contacted to assist with participant recruitment in Southeast Queensland and all First Nations services engaged with were advised that victim-survivors could complete an interview with a member of the research team face-to-face on the premises of the service provider. However, no victim-survivors elected to complete an in-person interview.

It is important to note that the interviews were not intended to be representative, and that this report does not speak on behalf of the wider communities that participants come from. We acknowledge that there will be a greater range of views than has been captured and presented through the research process.

3.4 Ethical considerations for data collection

The research project received ethics approval from the Monash University Human Research Ethics Committee (MUHREC), Project ID 41845, and the Griffith University Human Research Ethics Committee (GUHREC), Ref. No: 2024/497. This included approval for research involving Aboriginal and Torres Strait Islander communities under the Australian Institute of Aboriginal and Torres Strait Islander Studies (AIATSIS) Code of Ethics. The project also had formal support from the QSAC Aboriginal and Torres Strait Islander Panel and QIFVLS.

All participants who took part in an advocate roundtable or Yarn (Phases 1 and 4), the online survey (Phase 2), or the individual interviews (Phase 3) provided informed and voluntary consent to complete the relevant research activity. Consent was provided and recorded verbally before commencing each roundtable, Yarn, and interview, and the survey included a written consent prompt that individuals had to accept before continuing with the questionnaire. Before providing consent, any individual interested in participating received an Explanatory Statement containing detailed information about what their involvement in the research would include, depending on the relevant phase. Individuals were encouraged to contact the Principal Chief Investigator (Dr Jasmine McGowan) with any questions or to request further information before agreeing to participate in the research.

3.4.1 Trauma-informed

The researchers utilised a trauma-informed framework in their engagement with victim-survivors and protective measures commensurate with the risk profile of the project were put in place, in line with best-practice research guidelines (see World Health Organization, 2016). The plain language explanatory paragraph at the top of the survey outlined the focus of the survey, acknowledged the sensitivity of the subject matter, and provided links to support services. Every page of the online survey included an embedded 'quick exit' button that redirected participants to

a different website, and a link to specialist support services was provided again at the end of the survey.

The interviews took place in a medium chosen by the victim-survivor, in this case either over the phone or using the Zoom platform. The interview process followed several steps to give participants the opportunity to learn more about the project, their rights as a participant, and to control how they wanted the interview to proceed. Some of these steps included: explaining the nature of the interview and semi-structured interview questions; acknowledging the sensitivity of the subject matter and reassuring the participant that the interviewer will be sensitive to this; reminding the participant that there is support available (with referrals and resources provided); and that there would be a debriefing process at the close of the interview. As in other projects led by the research team, victim-survivor participants had the option to elect to bring a support person with them on the day of the interview. This option was outlined via the Explanatory Statement for victim-survivors. Further, the type of interview selected for this project (semi-structured interviews) provides greater agency to victim-survivors than structured interviews. This format ensures that the research questions and aims are covered in the interview, whilst allowing victim-survivors to expand and/or diverge to other points in order to cover issues they deem important and want to communicate.

3.4.2 Cultural safety

The design, organisation and facilitation of all data collection was managed by the team to prioritise accessibility, cultural sensitivities, and to enable inclusive participation from a diverse range of communities, both with victim-survivors and advocates. The team drew on stakeholder networks, including Aboriginal and Torres Strait Islander and migrant and refugee networks, during the recruitment stage to ensure information about the project reached a diverse cohort of victim-survivors. Drawing on these networks also guaranteed that victim-survivors who were approached regarding possible participation were connected to a broader network of support. Recruitment via established networks of support also ensured information regarding the project, including the risks and possible benefits of participation, was communicated to potential participants in a culturally aware and sensitive format.

Chief Investigators Taylor-Civitarese and Professor Silke Meyer have established research relationships with some of Queensland's Aboriginal and Torres Strait Islander specific DV services, refuges, and legal services, including in regional settings such as Cairns, Mt Isa, and Townsville. These relationships supported recruitment of First Nations advocates and the offering of in-person, on-site interviews through these service providers (although no First Nations-identifying victim-survivors participated in an individual interview, as noted above). The dedicated Yarn in Phase 1 and the First Nations dedicated roundtable in Phase 4 were led by researcher Taylor-Civitarese and were informed by Social Yarning and Research Yarning frameworks (Bessarab & Ng'andu, 2010), as outlined in section 3.1.2. Victim-survivors also had the option to request their interview be conducted by Taylor-Civitarese. In accordance with the AIATSIS Code of Ethics, the analysis and write up of data from the dedicated Yarn and roundtable was also led by Taylor-Civitarese.

3.5 Recruitment strategies and challenges: Online survey and interviews with victim-survivors

The online survey and opportunity for individual interviews were primarily promoted through stakeholder organisations and on social media (e.g., LinkedIn). The research team shared information about the two victim-survivor research activities including the Explanatory Statement and the direct link to the online survey with key stakeholders in Queensland and requested support in circulating this information (e.g., in-person, via email, on social media) with relevant networks, contacts, and clients. This call-for-participants included information enabling any victim-survivors interested in taking part in or finding out more about the research to contact the research team directly. Stakeholders contacted to support recruitment for Phases 2 and 3 of the research project included DV organisations and community legal services, specialist services for First Nations communities, migrant and refugee communities, LGBTQIA+ victim-survivors, and women with disability. As noted, study advertisements were also shared by the research team on social media platforms. Participants were also encouraged to share the research with other victim-survivors to recruit (referred to as the ‘snowballing’ recruitment method). The original target samples were 150 victim-survivors for the online survey and 25 for the interviews. These estimates had been based on previous research conducted by the MGFVPC (c.f., Fitz-Gibbon et al., 2024) and initial project information shared by QSAC. During the survey development process the eligibility criteria was refined based on input from QSAC. The sample and the research was intended to be exploratory rather than statistically representative.

There were some substantive logistical and ethical challenges for the recruitment and management of the online survey and interviews with victim-survivors, which had significant implications for the data collection process and resulting sample. Upon launching the online survey, the research team quickly noted a high rate of bot or potential imposter participant responses. For example, within five days of the survey opening there were 98 attempted responses, many of which appeared to be consecutive attempts based on the survey start and end times. Of these 98 attempts, only 18 passed the survey eligibility screening question block, of which one did not finish the survey and the remaining 17 provided contact details. Additionally, the lead researcher received 17 emails with direct requests for an interview within two weeks of the survey being launched and project information being shared online. Based on the research team’s previous experience with similar research focused on victim-survivors, and particularly with unique cohorts of victim-survivors such as those targeted by the current study, this quick influx of attempted responses and direct requests for interviews were considered unlikely to reflect a high number of eligible participants.

One common challenge for online surveys and data integrity is the risk of bots completing the research, often multiple times in succession (Griffin et al., 2022; Liem, 2025). Artificial intelligence has created other challenges and opportunities for fake participants to enter questions into artificial intelligence software and copy over responses to appear legitimate and be deemed eligible for research participation. The incentive for fake survey responses is likely that survey completion can lead to further research participation and reimbursement (Fernandez Lynch et al., 2019; Jean Louis & Thompson, 2024). Online insight platforms like Qualtrics contain in-built screening functions

to try and prevent bots from completing surveys and to detect possible bot submissions (discussed further below). However, a further growing concern for online surveys and qualitative research, particularly studies offering financial compensation for participation, is the presence of imposter participants (Chandler & Palacci, 2017). These are individuals who purposefully misrepresent themselves within research to meet the eligibility criteria, often to access the offered remuneration (Ridge et al., 2023).

Researchers are noting the increasing challenge of navigating imposter participants in online qualitative research, including virtual interviews and focus groups, which has become more common in the wake of the Covid-19 pandemic and cost-of-living crisis (e.g., Cascio, 2024; Giles et al., 2025; Pullen Sansfaçon et al., 2024; Ridge et al., 2023; Santinele Martino et al., 2024; Sharma et al., 2024). In the context of research with victim-survivors, the primary concerns regarding imposter participants are twofold. Firstly, there is a risk to the reliability of data where the eligibility of participants is difficult to assure. This has further ethical implications given that victim-survivors are already consistently ignored, disbelieved, questioned or otherwise positioned as unreliable sources by the justice system, media, politicians, and decision-makers. It is critical that research with victim-survivors does not replicate or perpetuate this framing. Secondly, there are safety concerns in online research where imposter participants may infiltrate spaces designed for victim-survivors. Where researchers are unable to ensure the identity or eligibility of participants, there are risks to the ability to create rapport, trust, openness, and safety, which may have future consequences for victim-survivors' willingness to take part in research.

In response to these concerns, the research team decided to introduce additional screening measures before proceeding to an interview for survey responses that provided contact details, and for possible participants who directly emailed the research team to request an interview. These measures served a dual purpose of assessing survey responses for potential bot or imposter participants and to confirm eligibility for continuing to an individual interview. These additional processes reflect successful strategies used by members of the research team in previous projects, and follow advice shared by other researchers in addressing imposter participants in work with marginalised populations (e.g., Ridge et al., 2023; Santinele Martino et al., 2024).

Exported data were then reviewed for potential markers that the response may be a possible bot or imposter participant. This included the in-built expert review for bot detection in Qualtrics, which uses Google's invisible reCaptcha technology to flag responses with reCaptcha Scores of <0.5; reviewing the time taken to complete the survey (e.g., flagging responses that had a completion time of <10 minutes); whether the response came through within a short time frame of other responses (e.g., suggesting successive submissions by one person); and the phrasing and content of qualitative answers (e.g., length of answer, whether generic and third person or specific and personal, whether the answer responds to the question asked). For each response that provided contact information, a member of the research team reviewed the response and made comments in the tracking document for screening and interview recruitment to continually assess reliability of the response.

Participants that provided an email address or phone number were then contacted by a member of the research team. A very small number of responses ($n=10$) were deemed reliable and not requiring further screening, and these participants were contacted via phone or email to directly offer an individual interview. These responses were deemed reliable due to the nature and content of answers, for example, highly detailed and specific qualitative answers about the offence(s) that had been sentenced and their experiences of the court process. Of these ten interview invitations, seven resulted in a completed interview.

In addition to contacts provided through the online survey, the lead researcher received a total of 49 direct requests for an interview via email. Of these 49, seven had also completed the online survey and provided contact details. In response to concerns about the reliability of incoming survey data and eligibility of both survey participants and individuals directly requesting interviews, the research team introduced an additional screening step. This involved a screening email that explained the need to confirm eligibility and included five additional prompts or questions designed to help determine reliability of the response or request:

- What charge(s) was the offender sentenced for?
- When was the matter sentenced?
- Which court was the matter sentenced in?
- Roughly how long did the court proceedings take from beginning to sentencing?
- What is your Australian phone number?

This screening email was sent to a total of 101 individuals, including 59 survey participants who provided email addresses and 42 direct interview requests. Individuals who completed the survey and directly requested an interview were not screened twice ($n=7$), and of those seven, one person was part of the group of 10 survey participants deemed eligible based on their answers (noted above) and was offered an interview on that basis. Those who replied to the screening email were then assessed by the research team to determine whether to proceed to an interview, whether additional phone screening was required, or whether the participant/survey response could be deemed a likely imposter participant.

Of the 42 individuals who directly requested an interview, only five replied to the screening email. Of these five, two were deemed potential imposter participants based on their responses to the screening email: one person did not provide detail for all prompts and did not reply to the researcher's request for additional information, and one person provided a phone number that could not be connected and did not reply to the researcher's explanation that a valid Australian phone number was required. The remaining three replied to the screening prompts, however following further communication with the lead researcher, it was determined that their experiences did not fit the scope of the study (e.g., the offender had not yet been charged or sentenced, or the offender was found not guilty). As a result, there were no individuals who directly requested an interview without completing the survey who were found eligible to participate in the research project.

Of the 59 survey participants who received screening emails, 45 did not reply and were excluded from analysis (discussed further below and in Appendix D); three replied with answers that were deemed unreliable (e.g., did not address prompts and did not reply to additional requests for information) and were excluded from analysis or interview; five replied and provided a phone number that was not connected or a valid Australian phone number and were excluded from analysis or interview (e.g., straight sequential numbers [e.g., +61212345678] or an international phone number); and six replied with answers that were deemed reliable and were offered an interview. Of these six, a total of three individual interviews were completed.

Of the 45 survey participants who received a screening email and did not reply, the research team reviewed every survey response using a consistent screening protocol to assess for reliability, and significant concerns were flagged with this data. These included illogical answers at qualitative questions, very long or very short qualitative answers, qualitative answers to personal questions that are very generic or written in third person, inconsistencies in answers (e.g., sentencing year listed as prior to the year the offence happened), or a response being recorded in close time frame to a number of other responses (suggesting one person submitting successive responses). Other considerations included whether the response was flagged by Qualtrics as a potential bot and time taken for completion (e.g., <10 minutes), however these were deemed not to be reliable markers for a suspect survey response as some who were offered/completed an interview also had these characteristics.

Ultimately, to safeguard the quality and validity of our data, those 45 survey responses have not been included in the main body of this report. However, additional descriptive tables and a summary of the research team's concerns with these responses has been included in Appendix D. As noted, the survey responses from this group of participants contained a high number of markers that suggested fraudulent or ineligible participants. The decision to exclude all 45 responses in this group was made to avoid the risk of data included in the final analysis being skewed by a high number of potentially fake responses. However, the authors acknowledge that a victim-survivor may have completed an online survey and provided a valid email address, and then subsequently changed their minds about participating in the study or not have replied to the contact made by the research team. We further recognise there may be some eligible responses within this group of 45 survey participants based on manual assessment of the data provided by these participants. However, due to the identified issues with the high number of attempted scam responses, the research team decided not to include this group of survey responses based on consistent, objective exclusion criteria instead of subjectively assessing individual responses for inclusion.

There were also challenges associated with the direct recruitment of survey and interview participants via stakeholder services. Possible reasons for these were explored with advocates in the Phase 4 roundtables and First Nations advocate roundtable, and advocates' reflections on recruitment challenges are presented in section 5.4. In particular, the research team encountered difficulty recruiting First Nations victim-survivors. QSAC and multiple First Nations stakeholders raised concerns early on in the project that First Nations victim-survivors were highly unlikely to respond to an online survey. As a result, a culturally sensitive recruitment strategy was developed between the research team and First Nations stakeholders, including targeted recruitment via First

Nations organisations and opportunities for face-to-face survey administration by the Aboriginal researcher on the team. The research team also worked with a First Nations DV service to offer on-site interviews across two days, however they were unfortunately unable to hear first-hand from First Nations victim-survivors during the phase 3 interviews. Some potential reasons for these challenges are also explored in section 5.4.

3.6 Data cleaning and analysis

3.6.1 Roundtables, Yarn and individual interviews

This project adopted a mixed methods research design with the intention of triangulating quantitative and qualitative data during analysis to provide as complete a picture of victim-survivor satisfaction with sentencing for DV matters in Queensland as possible. As described above, this included embedding the voices of victim-survivors alongside key advocates to situate data from victim-survivors in the context of sector support. Qualitative data from the advocate roundtables, Yarn, First Nations dedicated roundtable (Phases 1 and 4) and from the individual interviews (Phase 3) were analysed thematically using NVivo data analysis software. The qualitative analysis was iterative and entailed initial coding, identification of themes, followed by a team review and definition of themes. These themes are explored in the findings and discussion sections below with regard to the research aims that guided the project (refer to section 1.1).

3.6.2 Online survey

All survey data was exported weekly while the online survey was open to check for new completed responses. Any contact details were extracted from the exported data and stored in a separate secure file for tracking subsequent screening and recruitment for the follow-up individual interview with victim-survivors, as described above. All contact information was then deleted from the exported survey files so that no identifiable information was stored alongside survey data.

At the point of the survey closure, a total of 413 attempted responses were recorded by Qualtrics including 83 that passed the eligibility screening question block of the survey. Of those 83, 11 did not finish the survey (did not reach the 'end of survey' message) or provide contact details and one response finished the survey but did not leave contact details. This left 71 survey responses that provided contact information that could be followed up for screening and possible offer of an individual interview. The process for screening survey responses that provided contact details is described in section 3.5 above. A total of 16 survey participants were offered or completed an individual interview and these responses have all been included in the analysis due to being deemed eligible by the research team. The participant who finished the survey but did not provide contact details has been included in analysis as they can be assumed not to have been pursuing a voucher and the content appeared reliable. One participant answered all substantive questions (i.e., reached the end of the demographic question block) but did not provide contact details. This participant has been included in analysis as they have provided substantive data, the data provided appears reliable (e.g., by assessing qualitative answers), and they can be assumed not to have been pursuing a voucher.

The total survey sample included for reported analysis includes 18 responses: 16 who were offered/completed interviews, one who finished the survey but did not provide contact details, and one who completed all substantive questions but did not provide contact details. These response rates are presented below in Table 1.

Table 1: Breakdown of survey response rates

Survey response rates	n
Total number of attempted responses	413
Total number of responses that passed survey eligibility question block	83
Total number of responses that provided contact details	71
Total number of responses that were offered or completed a follow-up interview	16
Total number of responses included in reported survey analysis	18

The survey data was exported from Qualtrics to Excel for analysis. Descriptive quantitative analysis was performed on the quantitative single- and multiple-choice responses and the Likert scales to calculate participants' endorsement of each response option. Given the small sample size in the participant group included in the final analysis, percentages are not presented in the tables or summaries of the data below and tests of statistical significance have not been performed. As most survey questions after the eligibility screening block were voluntary, there are some varied reporting rates (e.g., where a participant skipped a question the total count for some questions will not equal 18). Where relevant, excerpts from qualitative survey questions have also been included in the discussion of survey findings in section 5, to add depth and nuance to the responses of quantitative questions.

3.7 Limitations

The sample for this project is small and therefore exploratory only. Neither the survey nor interviews were intended to be representative, and this report does not speak on behalf of the wider communities that participating victim-survivors and advocates come from. The project however is unique and the limitations themselves (largely related to difficulties with recruitment) constitute a key finding and consideration for future research with victim-survivors using online methods.

As noted above, despite extensive attempts by the research team including support from First Nations community organisations, the project was unable to directly hear from any First Nations-identifying victim-survivors during the individual interviews (Phase 3). In the findings section below, the report therefore draws from the reflections and expertise of First Nations advocates

and legal practitioners heard during the Yarn and First Nations dedicated roundtable in Phases 1 and 4.

This project targeted a unique group of victim-survivors of DV, namely those who had engaged with the criminal justice system and whose court matter was finalised, led to a conviction, and to sentencing of the abuser. Further, the matter must have met certain offence criteria in order for the aggravated factor to apply/be applied in court (outlined in section 3.2). Awareness of the aggravated factor appears to be low among victim-survivors based on the data analysed here from both victim-survivors and advocates. As a result, victim-survivors with relevant sentencing experiences may not have seen themselves as the relevant target population for this study if they were not aware of the aggravated factor.

Given the small sample for the survey and interviews, caution must be taken in the interpretation of project findings. While this research is not statistically representative, it does not discount the depth or importance of the experiences and views expressed by all stakeholders in this research. However, out of caution, the research team has made recommendations for further research in section 7.

4 Research participants

4.1 Roundtable and Yarn participants

Roundtable participation was open to Queensland-based advocates and practitioners who worked with victim-survivors through specialist DV support organisations, community legal services, Legal Aid and court services, and other professionals from the criminal justice sector including police and state government. The research team held a Yarn and a roundtable (in Phase 1 and Phase 4 respectively) for First Nations service providers, which were led by researcher Taylor-Civitaresse. Participant numbers for roundtables and the Yarn held across Phases 1 and 4 are summarised in Table 2.

Table 2: Advocate participant numbers for Phases 1 and 4 of the research project

Roundtable/Yarn session	n
Phase 1	
Monday 26 August 2024	6
Thursday 29th August 2024	9
Friday 30th August 2024 (First Nations dedicated Yarn)	2
Thursday 19th September 2024	12
<i>Total</i>	29
Phase 4	
Monday 24th March 2025	8
Friday 28th March 2025	4
Friday 11th April 2025 (First Nations dedicated roundtable)	4
<i>Total</i>	16
Number of participants who attended both Phase 1 and 4	8
Total of individual Roundtable/Yarn participants across phases 1 and 4	37

4.2 Characteristics of survey participant sample

4.2.1 Demographics of survey participants

The final question block of the survey included a set of demographic questions including age range, gender identity, sexuality, location, First Nations identity, English language as the main language spoken at home, and disability, chronic health or mental health condition. Among the responses included in the final analysis (N=18), most participants were aged between 31-40 (n=7) or 41-50 years (n=6), while a smaller number was aged 25-30 years (n=3), 51-60 years (n=2), or 61 years and over (n=3). Every participant in this cohort indicated that they identify as a woman/female,³ and the majority said their sexual orientation is heterosexual (n=13).⁴ Participants were located across metropolitan (n=7), regional (n=10), and remote (n=1) locations, however no participants indicated that they were based rurally.⁵ Only two participants in the final survey sample identified as Aboriginal, and the majority of participants (n=17) said that English is the main language spoken at home. More than half (n=10) said they have a disability, chronic health or mental health condition, and indicated that this included a physical impairment (n=2), an acquired brain injury (ABI) (n=1), poor mental health (n=5), post-traumatic stress disorder (PTSD) or complex PTSD (CPTSD) (n=4), and several included comments that they felt these conditions were a result of their experiences of domestic and family violence. These demographic characteristics are presented in Table 3.

Table 3: Survey sample demographics (N=18)

Survey sample demographics	n
Age range	
18-24 years old	0
25-30 years old	3
31-40 years old	7
41-50 years old	6
51-60 years old	2

³ The survey questionnaire included gender identity response options for woman/female, man/male, transgender male, transgender female, non-binary, prefer not to say, and I prefer a different term. However, in the participant group included in the final analysis, only woman/female were selected by participants and so the other response options have not been included in Table 3.

⁴ The survey questionnaire included sexual orientation response options for heterosexual, gay, lesbian, bisexual, pansexual, queer, questioning, asexual, prefer not to say, and other. In the participant group included in the final analysis, no participants selected gay, lesbian, pansexual, queer, questioning, or asexual, and so the other response options have not been included in Table 3.

⁵ The survey questionnaire also included an item about the jurisdiction in which participants resided. Unfortunately however, despite extensive testing of the online survey, Queensland was missed as a response option and so the data from this question has not been reported.

61 years and over	0
<i>Total</i>	<i>18</i>
Gender identity	
Woman/female	18
<i>Total</i>	<i>18</i>
Sexual orientation	
Heterosexual	13
Bisexual	2
Other	1
Prefer not to say	2
<i>Total</i>	<i>18</i>
Location	
Metropolitan	7
Regional	10
Rural	0
Remote	1
<i>Total</i>	<i>18</i>
First Nations identity	
Aboriginal ⁱ	2
Torres Strait Islander	0
Aboriginal and Torres Strait Islander	0
No	15
Prefer not to say	1
<i>Total</i>	<i>18</i>
English main language at home	
Yes	17
No	1
<i>Total</i>	<i>18</i>
Disability, chronic health or mental health condition	
Yes	10

No	8
<i>Total</i>	<i>18</i>

ⁱ Neither survey participant who identified as Aboriginal completed an interview.

4.2.2 Relevant case details of survey participants

The survey asked participants about the characteristics of their court matters to confirm eligibility for the research. Among those participants included in the final analysis, eight cases were sentenced in 2024, with the remaining ten being sentenced between 2018 and 2022. With regards to sentencing outcomes, half of the offenders were sentenced to prison (n=9), with others ordered to serve their prison sentence in the community on a suspended sentence (n=3). Six participants stated their case received other sentences including community service with a non-recorded conviction (n=1), prison with immediate parole (n=1), a 12-month Good Behaviour Order (n=2), multiple prison sentences in addition to an intensive corrections order (n=1), and being instructed to pay court costs and costs for wilful damages (n=1). Most matters involved an intimate partner (n=7) or ex-partner (n=8) with others involving an adult child (n=1) or other family member (n=2). At the time of the case most participants (n=14) had a DVO in place, and among those with a DVO in place the majority (n=13) were listed as the aggrieved (victim). These points are presented in Table 4.

Table 4: Characteristics of court cases and sentencing (N=18)

Characteristics of participants' court experiences and sentencing	n
Year of sentencing	
2016 (after May)	0
2017	0
2018	1
2019	1
2020	2
2021	4
2022	2
2023	0
2024	8
<i>Total</i>	<i>18</i>
Sentence given	
The person was sentenced to prison	9

The person was ordered to serve their prison sentence in the community on a suspended sentence	3
The person was ordered to undertake probation or community service	0
Other	6
<i>Total</i>	<i>18</i>
Relationship with the offender	
Intimate partner	7
Intimate ex-partner	8
Parent	0
Adult child	1
Adult sibling	0
Other family member	2
<i>Total</i>	<i>18</i>
DVO in place at the time of the court case	
Yes	14
No	4
<i>Total</i>	<i>18</i>
Participant was listed on the DVO as (among those who had a DVO in place)	
The aggrieved (victim)	13
Other party listed as the aggrieved	0
Both	1
<i>Total</i>	<i>14</i>

4.3 Characteristics of interview participant sample

As noted earlier, all victim-survivor participants interviewed for this project had completed a survey prior to interview. In total the research team interviewed 11 victim-survivors. Rather than using demographic identifiers for victim-survivor quotes, the decision has been made to distinguish victim-survivors by their level of satisfaction with sentencing (the dependent variable in this research project), their awareness of the aggravating factor, and time point of awareness. The research team decided that these features provided key relevant context for the qualitative data without risking participant identification.

As noted in sections 3.2 and 3.3, while victim-survivor satisfaction is the critical focus of this commissioned research, for strategic and practical reasons satisfaction was not measured directly. That is, victim-survivors were not asked directly (in either the survey or the interview) if they were ‘satisfied’ with sentencing in general. However, during the thematic analysis of the semi-structured interviews, researchers discerned overall victim-survivor satisfaction by triangulating participant responses to questions about whether they believe it is important that judicial officers treat DV as serious and reflected this in their sentence, and whether they received adequate information about support available to them, what was going to happen at court and what they needed to do at court. They were also asked how important receiving this information was to them. Victim-survivors were also asked how they were treated during the court process, if they agreed with the sentence and if they felt safe (for a full list of questions, see the semi-structured interview question guide at Appendix C).

Research has shown that a variety of factors contribute to overall victim-survivor satisfaction with court and sentencing processes (Franklyn, 2012; Holder, 2015; Bond et al., 2017; Erez et al., 2017; Davies & Bartels, 2021; see also section 3.2). The team drew on established procedural justice measures in developing the semi-structured interview questions, which were designed to gather data on the critical factors highlighted in the questions. Following team analysis of participant responses to these questions, researchers created several satisfaction categories: very satisfied, satisfied, somewhat satisfied, satisfied with reservations, and not satisfied. It is important to note that this is not a Likert scale, rather an experience scale developed by the research team to reflect participants’ experiences.

Non-identifiable circumstantial information shared with the research team by victim-survivor participants is provided in the footnotes of Table 5 (below). These details provide context for the determination of victim-survivors’ satisfaction category. In the findings section of this report, victim-survivor quotes have been appended by an identifier structured in the following way: (Victim-Survivor Interview, DD.MM.YY [date, month, year the interview was conducted], awareness, satisfaction).

The tables below provide a description of the interview sample based on the research team’s analysis of the qualitative data. Table 5 presents participant identifiers according to the structure described above, with some caveats for satisfaction noted in the comments below the table. Further discussion on these findings regarding interview participants’ levels of awareness and satisfaction is provided in section 5.1.2.2. Critically, what these findings highlight is that among interview participants, there was no consistent or discernible pattern between participants’ level of overall satisfaction with sentencing and their awareness of the aggravating factor.

Table 5: Awareness of aggravating factor, timepoint and court experiences of individual interview participants

Participant ID	Awareness of aggravating factor	Satisfaction ⁱ
Victim-Survivor Interview 20.11.24	Aware, prior to court/sentence	Not satisfied
Victim-Survivor Interview 20.12.24	Became aware at time of research	Satisfied (with reservations) ⁱⁱ
Victim-Survivor Interview 23.12.24	Not aware prior to or at time of court/sentence. Became aware when reading the court transcript later. Aware prior to research	Not satisfied
Victim-Survivor Interview 29.1.25	Became aware at time of research	Not satisfied
Victim-Survivor Interview 30.1.25	Became aware at time of research	Not satisfied
Victim-Survivor Interview 3.2.25	Aware, prior to reporting perpetrator and court process ⁱⁱⁱ	Very satisfied
Victim-Survivor Interview 7.2.25	Became aware at time of research	Satisfied
Victim-Survivor Interview 11.2.25	Not aware prior to or at time of court/sentence	Not satisfied
Victim-Survivor Interview 13.3.25	Not aware prior to or at time of court/sentence	Satisfied
Victim-Survivor Interview 14.3.25	Became aware at time of research	Somewhat satisfied ^{iv}
Victim-Survivor Interview 7.4.25	Uncertain about whether she knew and when	Satisfied

ⁱ As discussed above, interview participants were not directly asked if they were satisfied with the outcome of their court case. This measure is based on analysis of interview participants' responses to determine satisfaction.

ⁱⁱ Satisfied at first. The perpetrator was sentenced to 6 years but was released after 2.5 years, which the participant found disappointing.

ⁱⁱⁱ Participant advised that reading about the aggravating factor motivated her to report abuse.

^{iv} Participant reported feeling very guilty at the time of the court process which led her to feel satisfied with the sentence. She now believes her guilt was due to ongoing manipulation by the perpetrator. Looking back at the court process now, she believes things may have been overlooked.

5 Findings

This section of the report presents the findings from all phases of data collection and includes discussion of the key themes and implications emerging from the triangulation of the data. The findings have been organised thematically into three focus areas reflecting the priorities and aims of the research, being victim-survivors’:

- awareness of and views on DV as an aggravating factor on sentencing under Queensland law;
- experiences of and satisfaction with the court process for matters involving DV in Queensland; and
- experiences of and recommendations for the VIS process.

As discussed in sections 3 and 4, recruitment challenges for engaging with victim-survivors in relation to court matters was a further key finding in this project. Thus, a fourth theme is presented in this section of the report, being advocates’:

- reflections on research recruitment challenges with victim-survivors.

Under each of the first three themes, the descriptive survey data is presented first, followed by qualitative analysis of the interview data with victim-survivors. Victim-survivors’ voices are centred as much as possible throughout this findings section, while acknowledging the relatively small sample. Qualitative data from the advocate roundtables and Yarn has also been presented under each theme to provide deeper context and insights around victim-survivors’ experiences and reflections. We further note that the prominence of advocate quotes may seem contrary in a research project that aims to make findings on the impact of the aggravating factor on victim-survivors’ experiences and satisfaction with DV sentencing. However, in the absence of a larger victim-survivor sample, we have drawn on the views of advocate and service provider participants who we believe are well-positioned to speak to (not for) the experiences of victim-survivors in navigating DV legal processes, and thus supplement the research findings and voices of victim-survivors themselves.

As noted above, all victim-survivors who completed an individual interview had also completed the online survey. Therefore, there is considerable overlap in the data from these two phases. We further note that alignment between survey findings and qualitative findings is to be expected given 11 out of a total sample of 18 participants completed both the survey and an interview. Given the small sample for both the survey and interview, the research team has taken additional measures to protect the anonymity and confidentiality of victim-survivors who took part in the research. For example, any direct quotes from the survey or interviews have been attributed using broad, generic codes rather than attributing any demographic information (as is common in qualitative research in this area). Any quotes from surveys are attributed using numerical participant codes generated by the research team (e.g., Survey Response #1, Survey Response #2, etc.). As discussed at section 4.3, any interview quotes are attributed using the interview date, and codes for awareness and satisfaction (e.g., Victim-Survivor Interview, 3.2.25, aware prior to court/sentencing, very

satisfied). Any quotes from the advocate roundtables or Yarn have been appended by an identifier structured in the following way: (Advocate Roundtable/Yarn, DD.MM.YY [date, month, year that the Roundtable / Yarn was conducted], Phase #).

5.1 Victim-survivors' awareness of and views on domestic violence as an aggravating factor on sentencing under Queensland law

5.1.1 Survey findings

The survey asked participants about their awareness of the section 9(10A) reform that requires Queensland courts to treat DV as an aggravating factor upon sentencing. Among the participants included in the reported analysis (n=18), less than half (n=8) said that they were aware of the aggravating factor before completing the survey. Those who said they were aware prior to the survey were asked a number of follow-up questions about when and how they became aware of the aggravating factor. Among the eight participants who were aware before completing the survey, only four said they were aware of the aggravating factor when their matter was sentenced, and six said the judge or magistrate had discussed DV as an aggravating factor during sentencing. These findings are presented below in Table 6.

Table 6: Survey participants' awareness of DV as an aggravating factor

Awareness of aggravating factor	n
Awareness of the aggravating factor prior to survey completion	
Yes	8
No	10
<i>Total</i>	<i>18</i>
Awareness of the aggravating factor when matter was sentenced (among those who had prior awareness)	
Yes	4
No	4
<i>Total</i>	<i>8</i>
Judge/Magistrate discussed the aggravating factor during sentencing	
Yes	6
No	8
Skipped question	4
<i>Total</i>	<i>18</i>

Those who were aware of the aggravating factor when their matter was sentenced (n=4) were asked two follow-up questions about who informed them about the aggravating factor, and when they were first told about the aggravating factor. These participants said they were informed by (one or more of the following): police, the prosecutor, Legal Aid, their private lawyer, and victim-survivor support services. All four participants said they were first informed in the lead up to court proceedings. Additionally, those who said the judge/magistrate discussed the aggravating factor during sentencing (n=6) were asked to rate their level of satisfaction with how DV was talked about by the judge/magistrate. Among these participants, five said they were completely or mostly satisfied and one said they were neither satisfied nor dissatisfied with how the judge/magistrate talked about DV.

Survey participants were asked about their attitudes towards DV as an aggravating factor. Almost all participants (n=17) included in the analysis said they agree or strongly agree that DV offences should receive harsher sentences compared to offences that do not involve DV (Table 7).

Table 7: Survey participants' attitudes towards DV as an aggravating factor

Attitudes towards the aggravating factor	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
Domestic violence offences should receive harsher sentences compared to offences that do not involve domestic violence.	17	0	1	18

The survey also included an open-ended question about victim-survivors' opinions of the requirement for Queensland courts to treat DV as more serious than other offences which do not involve DV. Across the responses to this question, there was strong support for DV offences to be treated more seriously by Queensland courts and the wider justice system. For example, one participant commented that *'DFV [domestic and family violence] and sexual assault offences should receive harsher sentences. Financial offences receive harsher offences than offences against the person'* (Survey Response #1). These comments reflect the strong agreement with the statement as presented in Table 7 above. However, there were also clear perceptions among some participants that this degree of severity is not well-recognised by courts or police, and that victim-survivors continue to feel invisible and silenced within the system. For example, participants commented that *'I agree that they should, however it has been demonstrated that they do not'* (Survey Response #4), *'This is not explained or treated seriously by the police or Queensland courts'* (Survey Response #8), and *'I had no idea they had to and I was told they didn't'* (Survey Response #10). These reflections underscore the low levels of awareness of DV as an aggravating factor among survey participants, discussed above, and the experiences of the court process discussed below at section 6.2.2.

5.1.2 Themes from interviews, roundtables and Yarn

5.1.2.1 Awareness of the aggravating factor

Victim-survivors

Of the 11 interview participants, only two said they were aware of the aggravating factor prior to court/sentencing (see also Table 9, below). One participant was uncertain about their awareness with the remaining eight not aware prior to or at time of court/sentence. Awareness of the aggravating factor prior to sentencing came about differently for the two participants as the quotes below demonstrate. For example, reflecting on her choice to pursue private criminal prosecution, one participant said:

And so at that point, I definitely knew, because we talked about what potential charges could be and what potential sentencing could be.

(Victim-Survivor Interview, 20.11.24, aware prior to court/sentencing, not satisfied)

Another victim-survivor explained:

Initially ... I didn't know what to do about it, because I was scared ... I was kind of literally isolated from my friends and family, and I just had to muster courage at times to talk to them when I knew he wouldn't be watching or monitoring me. So I got to speak to one of my friends and she sent me a link ... about some places I could reach out to for help, and in the course of my research, that was when I stumbled on this news article about the ... legal process for domestic violence ... and that was when I also found out that for perpetrators of domestic violence, they'll be able to face harsher penalties, especially when there is an aggravating factor. So I had to weigh in on the options of what has been happening to me in that relationship, and I knew definitely had an aggravating factor. So that was kind of what motivated me.

(Victim-Survivor Interview, 3.2.25, aware prior to court/sentencing, very satisfied)

Among those in the interview sample who were not aware, there was variance in the time point of awareness. Just under half of the interview sample (n=5) became aware during their participation in this study, as illustrated in this quote:

Yeah, to be honest, prior to this research, I didn't really know a whole lot about it.

(Victim-Survivor Interview, 7.2.25, became aware at time of research, satisfied)

Another participant became aware after court and prior to this study, commenting that they '[were] not made aware' at the time but first heard about the aggravating factor:

More this year in 2024 when I had actual court documents, I never had documents before ... it was written in the verdict of judgment ... I had to request them from the courthouse, okay? And so only got like things from 2020 this year and 2024 and read aggravated.

(Victim-Survivor Interview, 23.12.24, not aware prior to or at time of court/sentence, not satisfied)

Advocates

Advocates' opinions tended to be that there is a general lack of awareness among victim-survivors of the aggravating factor. Phase 4 Advocate Roundtable participants were not surprised by the research teams' findings about this, commenting for instance:

[The findings] really do resonate ... We see a lot of women ... through our doors, and I would be surprised if, I don't know, 1% of them knew that there was an aggravating factor, that domestic violence is an aggravating factor. I really would be surprised if anyone knew.

(Advocate Roundtable, 28.3.25, Phase 4)

Advocates also offered some reflections on why victim-survivors may have reported such low levels of awareness regarding the aggravating factor. For example:

I would imagine that even when a police officer might explain charges, they're not necessarily explaining that that means that could possibly lead to an aggravated, like a harsher sentence.

(Advocate Roundtable, 24.5.25, Phase 4)

I agree that the responses are exactly what I thought would happen, and until we actually have magistrates or judges that are DV specialists, I think that will continue.

(Advocate Roundtable, 28.3.25, Phase 4)

I think that because outcomes aren't guaranteed, some of this is not so overtly explained to people, because we don't want to set expectations too high. So, I think it's actually a good intention, because there's so many layers to get through, that we're not setting an expectation from people right from the get-go that they would be successful in having justice for an aggravation happening. So, I find it curious that awareness is our goal. I would say use and application should be.

(Advocate Roundtable, 28.3.25, Phase 4)

The last advocate comment indicates that services and legal support workers may withhold information about aggravation in order to manage victim-survivors' expectations. The point made here is that the use and application of the aggravating factor is more important than advising victim-survivors of its existence, especially given that justice outcomes cannot be guaranteed.

As noted in section 4, the research team was unable to recruit any First Nations victim-survivors despite having support from Indigenous family violence, legal, and health services alongside conducting on-site, in-person recruitment efforts. In terms of awareness, this may suggest in the first instance that potential First Nations participants did not respond to the research promotion because they did not recognise the terminology of 'aggravating factor' in DV as something relevant to them.

Echoing the reflections of advocates in the roundtables, First Nations advocates advised (from data gathered in both Phases 1 and 4) that First Nations victim-survivors are not aware of the aggravated factor offence reform. For example, when asked if victim-survivors are aware of the aggravated offence reform, one advocate replied:

I think the short answer will be no.

(First Nations advocate roundtable, 11.4.25, Phase 4)

When asked if the aggravating factor is something routinely raised with victim-survivors of DV, First Nations advocates commented:

Within our local area, I would say no, that's not happening.

(Advocate Yarn, 30.8.24, Phase 1)

My answer would be no as well.

(Advocate Yarn, 30.8.24, Phase 1)

First Nations advocates were also asked if during court processes, judges or magistrates refer to matters simply as DV offences, or whether they speak about the matter as being more serious due to the context of DV. As one advocate responded:

The aggravated [factor] ... they mention ... that it's a ... domestic violent offence, but there's no weight behind it. And even with your law reforms, there's ... still no, you know, with ... changes to the coercive control laws. It's just ... not recognised when it comes to sentencing.

(Advocate Yarn, 30.8.24, Phase 1)

This comment suggests that while judicial officers do mention DV and aggravation, from an advocate perspective, the reform may not be resulting in harsher sentencing.

When asked if they had noticed an impact on sentencing for matters involving DV since the 2016 reforms, two First Nations advocates made the following comments:

S1: No, quite the opposite. We're seeing suspended sentences handed ...

S2: Correct. Correct.

S1: For quite serious incidents and breaching suspended sentences ...

S2: Breaches. Yeah, or time served out on parole immediately, and they may have served a month ...

S1: ... Yeah, very minimal time.

(Advocate Yarn, 30.8.24, Phase 1)

First Nations advocates were also asked if victim-survivors are aware that DV is an aggravated factor for the purpose of sentencing. One advocate, who noted that their solicitors do provide this information, offered an explanation as to why they believe victim-survivors are unaware of the potential impact of aggravation on sentencing:

It's lost ... It's actually lost when a woman and a survivor of domestic violence actually goes to a particular DV service, and then they're referred to our legal services if they're Aboriginal or Torres Strait Islander,

that's lost. That connection's lost. And that knowledge is lost between agencies because they don't work collaboratively and we are not funded as a ... legal service to provide that.

(Advocate Yarn, 30.8.24, Phase 1)

These comments suggest the lack of awareness about sentencing for DV matters may also be a result of poor inter-agency communication or siloing between Indigenous and non-Indigenous services.

Systems-level factors were also raised by advocates in the Phase 4 roundtables as critical in shaping victim-survivors' awareness of judicial considerations like the aggravating factor for DV. Advocates highlighted that these factors are emblematic of the wider criminal legal system and are evident in victim-survivors' experiences of court processes more broadly. For example, one advocate observed:

That lack of awareness and understanding and the impact of those processes, that does align with what women say in general about having to go through the court processes.

(Advocate Roundtable, 24.5.25, Phase 4)

Advocates linked victim-survivors' awareness of key reforms like the aggravating factor to established information sharing practices and procedures, and the impact of trauma:

Sometimes even if maybe the information has been provided at the beginning, if it's not followed through right through the multiple stages of the process because of everything that's going on and all the ongoing stress that he is causing to her, women find it extremely hard to keep track of everything, all the information that they have been given.

(Advocate Roundtable, 24.5.25, Phase 4)

The possible impact of trauma on victim-survivors' capacity to retain information was commonly raised by advocates in their reflections on awareness. They emphasised that navigating complex court processes is an ongoing challenge for victim-survivors and noted the collective responsibility of everyone involved in those processes to ensure victim-survivors have adequate, relevant, and accessible information (see also section 5.2.2.1). For example:

You can't tell someone who's been through that level of trauma the information enough times, because you don't know when it's going to stick ... And there are times when the person may be overwhelmed and they don't process it as well as they could, but you've got to give the opportunity for them to have that information and to receive that information and process that information ... I don't think it's any one player's responsibility. It's police, it's the prosecutor, it's the victim support ... sometimes the judge can explain it as well, like it's all those people who should be making the victim aware of their rights and what should happen under the law.

(Advocate Roundtable, 24.3.25, Phase 4)

That responsibility of the entire system ... to provide this information, absolutely—but in a way that the woman understands. Because this discussion, we are assuming, is for a woman who understands English,

but what about women whose second language is English, or ... who don't speak English at all, or women who might have an intellectual impairment, or all of those different vulnerabilities and those intersections that, that are quite present. So what is the system's responsibility then, to communicate that information in a way that is provided to a woman, in a way that she understands it?

(Advocate Roundtable, 24.5.25, Phase 4)

These excerpts from advocates underscore that victim-survivors' awareness of what they can expect throughout the court process, and of sentencing considerations (like the aggravating factor) is fundamentally a whole-of-system concern. Further, as the second advocate reflects, there is a need to ensure information is accessible for all victim-survivors, so that awareness might translate to meaningful understanding and possible satisfaction with sentencing and the court process.

5.1.2.2 Intersection of awareness and satisfaction

Victim-survivors

As discussed at section 4.3, victim-survivors' satisfaction with the sentencing and court process was not assessed via direct questioning during the interviews. However, based on analysis of victim-survivors' responses to specific questions related to satisfaction, the research team were able to generate categories for levels of satisfaction: very satisfied, satisfied, somewhat satisfied, satisfied with reservations, and not satisfied. The researchers then analysed whether there were any patterns or identifiable overlaps between victim-survivors' awareness of the aggravating factor and their level of satisfaction.

Table 8 presents the levels of satisfaction of the entire interview sample, while in Table 9, interview participant satisfaction is broken down by levels of awareness of the aggravating factor. For the two participants aware of the aggravating factor prior to court processes, one was very satisfied and the other not satisfied. Of the remaining nine participants who were not aware of the aggravating factor (noting one participant was uncertain about their awareness), five participants were satisfied (including one somewhat satisfied and one satisfied with reservations), and four participants were not satisfied. This project found that there was no consistency or discernible pattern in the qualitative data between participants' level of overall satisfaction with sentencing and their awareness of the aggravating factor.

Table 8: Interviewees' satisfaction with court processes and sentencing outcomes (N=11)

Satisfaction ⁱ	n
Not satisfied	5
Satisfied	3
Somewhat satisfied	1
Satisfied with reservations	1
Very satisfied	1

Total	11
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ⁱ As discussed above, interview participants were not directly asked if they were satisfied with the outcome of their court case. This measure is based on analysis of interview participants' responses to determine satisfaction.

Table 9: Awareness of aggravating factor and corresponding levels of satisfaction of interview participants (N=11)

Awareness of aggravating factor	Satisfaction
Aware prior to court/sentencing (n=2)	1 = not satisfied 1 = very satisfied
Not aware prior to or at time of court/sentence. Became aware at time of research (n=5)	1 = satisfied 1 = somewhat satisfied 2 = not satisfied 1 = satisfied with reservations
Not aware prior to or at time of court/sentence. Became aware when reading the court transcript later. Aware prior to research (n=1)	1 = not satisfied
Not aware prior to or at time of court/sentence (n=2)	1 = satisfied 1 = not satisfied
Uncertain about awareness (n=1)	1 = satisfied

Advocates

As previously noted, advocates in the Yarn/roundtable consistently agreed that in general, despite some exceptions, there is very little awareness among victim-survivors of the aggravating factor on DV matters. Some advocates in the Phase 1 Yarn however did indicate that when victim-survivors come into contact with their service they are advised about the applicability of the aggravating factor and its possible impact on sentencing. In response, researchers asked advocates to reflect on whether they believed this awareness had changed victim-survivors' expectations for the court outcome, and whether, for example, they believed the sentence would be harsher or whether the aggravation may act as a deterrent to engagement. As one advocate explained:

Women have an expectation that there will be justice ... And then they're bitterly let down by the sentencing. So that's definitely what we see more in some cases though, definitely. You know, they ... do just want the violence to stop. They don't necessarily want their husband, children's father/provider sitting in jail. So we, you know, definitely see both those things.

(Advocate Yarn, 30.8.24, Phase 1)

Given the individual complexities around what First Nations victim-survivors want in legal responses to DV, be it less criminalisation of partners/fathers or other family members, or harsher sentences, a key reflection from advocate Yarn/ roundtables is that when victim-survivors contact

police and engage with the court process for sentencing, they want justice and to be a part of the proceedings and they require more information than they are currently provided.

Advocates in the Phase 4 roundtables reflected on the possible links between victim-survivors' awareness of key information like the aggravating factor and their satisfaction with sentencing outcomes. They noted, for instance, that this is also a question of agency and empowering victim-survivors through information-sharing:

I think the key concept of agency for the victim-survivor, in terms of coupling with that level of understanding and the information preparation as to what is going to come next, but then the agency in terms of what they can do with that ... So that that would sit very, I would say, aligned with the feedback that we continue to get from the clients ... which is that they want to feel informed, and they want to feel like they have a level of control.

(Advocate Roundtable, 24.5.25, Phase 4)

Advocates further identified that a perceived lack of information and a lack of satisfaction could become barriers to victim-survivors seeking legal responses for DV in future. For example, one advocate reflected:

Where women haven't felt satisfied about the outcome ... victim-survivors feeling unsatisfied, disappointed with the outcomes in court, [I wonder] whether that was impacting their willingness to seek legal recourse for future breaches or future acts of domestic violence ... Like, was the impact of the violence taken into account when making that sentence? Because ... it wouldn't feel like it was worth it, and the person using violence might be further emboldened ... What does that mean the next time the victim-survivor experiences abuse?

(Advocate Roundtable, 24.5.25, Phase 4)

These comments illustrate the links between key sub-themes identified through analysis of victim-survivors' interview responses, discussed throughout this section of the report. For example, feeling unsatisfied about sentencing outcomes may be a product of limited information sharing—or missed information—throughout the legal proceedings. Further, it may reflect a sense that the perpetrator was not held accountable for their actions by the court, or that the judicial officer on their case did not recognise the harms caused by the perpetrator's use of DV against the victim-survivor. Across these comments, advocates stressed the importance of awareness and understanding of sentencing for victim-survivors' experience of the court process:

In particular, when it comes to sentencing, understanding as much as possible what aspects are considered when arriving at sentencing, and what different aspects will impact the sentencing process. Because 'satisfied' is a really challenging word, I think, to use when it comes to any type of sentence, but understanding why something might be given more weight than something else, particularly in relation to the aggravating factor. So not just that it exists, but what impact it actually will have, and how a court and a judge is required to take that into account. That part's really important too.

(Advocate Roundtable, 24.5.25, Phase 4)

This point underscores the earlier reflections from advocates that awareness of an aggravating factor may be an insufficient measure where application and articulation by judges and magistrates are lacking.

5.1.2.3 Views on the importance of domestic violence offences being taken seriously and/or punished more harshly

Victim-survivors

Interviewees were asked how important they think it is that judicial officers treat DV seriously and reflect this in their sentence. All interviewees believed it was very important that the judiciary acknowledge the seriousness of DV, as the following quotes demonstrate:

Extremely serious ... I think it's critical for two reasons. One is accountability for the person using violence, because it's sort of the only avenue that we've got. And even though it's imperfect, it sends a message. I think, I think also in terms of victim survivors, like the court process is really inadequate in terms of feeling as though you have achieved any sense of justice. In terms of, you know, that the impact of the initial incident, but then the ongoing impacts of trauma.

(Victim-Survivor Interview, 20.11.24, aware, prior to court/sentence, not satisfied)

We're in 2025, this is what amazes me is that this shit's still happening and it ... just shouldn't be because I think the penalties aren't harsh enough.

(Victim-Survivor Interview, 13.3.25, not aware prior to or at time of court/sentence, satisfied)

Victim-survivors were asked to comment on what they thought overall about the fact that courts must treat DV as an aggravating factor, including whether they believe the legislative amendment is an appropriate response for meeting the needs and expectations of victim-survivors, and ensuring the accountability of people using DV. Some victim-survivors shared positive responses, for example:

Yeah, I do. I do because it's important. Most of us have spent years not being heard, not being seen, you know, not being believed, and it's important to feel validated.

(Victim-Survivor Interview, 11.2.25, not aware prior to or at time of court/sentence, not satisfied)

I think if it could, if it could be enforced, yeah, above the judges, yep.

(Victim-Survivor Interview, 29.1.25, became aware at time of research, not satisfied)

Conversely, one victim-survivor spoke about how, in her case, the legislative amendment did not function as intended, but instead seemed to be a mitigating factor in sentencing.

I thought the opposite [of DV being an aggravating factor]. I got told the opposite by police, and I got told the opposite. I mean in court when the judge himself said that, because it happened in my own bed,

it wasn't as bad as, in his words, an assault that would have intruded on a woman's right to feel safe in public.

(Victim-Survivor Interview, 29.1.25, became aware at time of research, not satisfied)

It is important to note that while victim-survivors did believe, in theory, that the aggravating factor could function to hold perpetrators accountable and show judicial recognition of harm, in practice, this was not realised. The quote above suggests that stereotypical beliefs about DV and sexual violence persist among some judicial officers, including the perceptions that this type of abuse happening in the home and between a couple made it less serious than being assaulted by a stranger; thus functioning like a mitigating as opposed to aggravating factor. The perception that an assault in public by a stranger is more serious than an assault perpetrated in the home by someone the victim trusts is one that has been critiqued for decades by victim-survivors and advocates alike (Meyer, 2011). The intention of the aggravating factor was to help address this issue. However, for some victim-survivors in this study, the experience has not evolved much beyond documented experiences of victim-survivors in Queensland over a decade ago (Kuskoff & Parsell, 2021; Meyer, 2011; Special Taskforce on Domestic and Family Violence, 2015).

Advocates

Advocates similarly communicated nuanced views about the role of sentencing and punishment in demonstrating the seriousness of DV and effective deterrence. In considering the efficacy of the reform, an advocate from the Phase 4 First Nations advocate roundtable made the following comments:

I think there are probably a number of different ways that people will measure this now from a deterrence aspect ... The courts will say ... yes, we did capture that circumstance of aggravation and you'll see the court data will reflect ... so it's achieved from a court and probably a policy perspective ... Now in terms of sentencing ... there's probably been an impact on more people going to jail for breaches of the contraventions of domestic and family violence ... For example ... my argument would be, well, we're not doing anything then to curb the scourge of domestic and family violence offending in our community because people are still doing it ... And has it actually improved victim safety? ... I would argue no, it hasn't. Because you haven't got to the root cause of why that person is offending ... Has there been a change in behaviour and, you know, someone actually confronting why they use violence in a relationship? And I'm looking at a real deficit here within the system ... We're talking about probation because that's the only sentencing option ... we really have ... [to] not get into any trouble during the probationary period ... [Advocate speaks about the lack of behaviour change programs for offenders] ... I hate being so negative ... but it's a reflection of ... yes, this is great. We've increased penalties. Fantastic. This should make people feel safer ... Is it actually stopping people from violently offending? And if we look at the statistics, it's not.

(First Nations advocate roundtable, 11.4.25, Phase 4)

Reflecting on victim-survivor satisfaction, another advocate spoke about the original intentions of the reform:

It came in with good intentions ... probably also based on a lot of assumptions of what victim-survivors may want. And as you say, even if there's a great case with a really harsh penalty where we all go ... finally, somebody is taking DV seriously ... whether that means a victim-survivor is satisfied or not. And we also know there's victim-survivors who don't want a jail sentence for the perpetrator, so they may not be satisfied if there's a harsh penalty applied.

(Advocate Roundtable, 24.3.25, Phase 4)

As this advocate observes, while the DV sentencing reforms were intended to strengthen outcomes for victim-survivors, this may not reflect what victim-survivors are calling for or what they would be satisfied with. These comments reiterate that individual victim-survivors will have different expectations and outcomes they want to see from a court proceeding for DV, and that feelings of satisfaction and justice do not look the same for all victim-survivors. While victim-survivor participants in this project were mostly supportive of harsher penalties for DV-related offences, these findings reflect the specific perspectives of study participants and are not intended to be representative. There were shared calls from victim-survivors and advocates in this project for DV to be taken more seriously at all stages of the court proceedings, and for the voices of victim-survivors to be centred, heard, and respected throughout those proceedings. These are factors that would arguably contribute to greater satisfaction with the court process and sentencing outcomes among victim-survivors. As already highlighted, a key priority in justice processes for victim-survivors is an end to the violence. If the aggravating factor is not stopping the violence, then victim-survivors are not going to be satisfied with the reforms—while noting once more that victim-survivors in this research did agree with harsher penalties for precisely this reason.

5.2 Victim-survivors' experiences of and satisfaction with the court process for matters involving domestic violence in Queensland

5.2.1 Survey findings

5.2.1.1 Attitudes towards sentencing

The online survey contained a number of Likert scale questions asking victim-survivors about their satisfaction with the court process and sentencing of their case. What is notable across the responses to these scales is that survey participants often selected agree/strongly agree or disagree/strongly disagree in their responses; very few selected neither agree nor disagree for these items, indicating that victim-survivors have firm opinions about sentencing, offender accountability, and court processes.

Participants were asked to rate their level of agreement with a set of statements about the sentence received by the offender in their case. Overall, the responses show mixed levels of agreement, acceptance, and understanding of the sentences received by offenders for matters involving DV. Fewer than half of participants (n=7) said they agree or strongly agree that 'I agree with the sentence', and half of participants (n=9) said that they accept the sentence. While two-thirds of participants (n=12) said they agree or strongly agree that they understand the sentence, fewer

participants (n=6) said they received an honest explanation for the sentence, or felt that the sentence was fair (n=7). These results are presented in Table 10.

Table 10: Survey participants' attitudes towards sentencing

Attitudes towards sentencing	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
I agree with the sentence	7	2	9	18
I accept the sentence	9	3	6	18
I received an honest explanation for the sentence	6	2	9	17 ⁱ
I understand the sentence	12	0	6	18
The sentence was fair	7	1	10	18
The sentence was expected	9	3	6	18

ⁱOne participant skipped this question.

5.2.1.2 Attitudes towards offender accountability

The online survey asked participants to rate their level of agreement with a set of statements about the accountability of the offender in their court case, and the role of the courtroom and judge or magistrate in that accountability (Table 11). Most participants agreed or strongly agreed that what happened in the courtroom made it clear what happened to them was wrong (n=13) and that what happened to them was against the law (n=13), while a smaller number felt the other person was held responsible by the judge or magistrate for their use of DV (n=11). However, the majority of participants (n=15) said they disagree or strongly disagree that the offender took responsibility for what they did.

Table 11: Survey participants' attitudes towards assessments of offender accountability

Assessment of offender accountability	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
What happened in the courtroom made it clear that what happened to me was wrong	13	0	5	18
What happened in the courtroom made it clear that what happened to me was against the law	13	0	5	18
I feel the other person was held responsible for their use of DV by the magistrate/judge	11	1	6	18
The other person took responsibility for what they did	3	0	15	18

5.2.1.3 Attitudes towards information sharing and provision of support

Participants in the online survey were asked to rate their level of agreement with a set of statements about their experiences of the court process (Table 12). For each statement, participants were asked a set of follow-up questions about how important each of these aspects of the court process was to them (Table 13). The responses to these questions show that less than half of participants (n=8) were given information about where they could get help, what was going to happen at court, and what they needed to do at court. It is worth noting that this was not the same eight participants for each statement, reinforcing the finding that there were no clear or consistent patterns in victim-survivors' access to information, awareness of the aggravating factor, or satisfaction with the sentencing and court process. Further, for each statement, the majority of participants said this was very or somewhat important to them (n=15, n=18, and n=16 respectively). Just over half of participants (n=11) disagreed or strongly disagreed that they had been told about the aggravating factor and the possible impact on sentencing, while almost all participants (n=16) said this aspect was very or somewhat important to them. These findings reflect the overall low levels of awareness about the aggravating factor among the sample and the high levels of support for DV receiving harsher sentences, as discussed at section 5.1.1.

Table 12: Survey participants' experiences of being informed about/throughout the court process

Experiences of the court process	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
I was given information about where I could get help	8	2	8	18
I was given information about what was going to happen at court	8	1	9	18
I was given information about what I needed to do at court	8	0	10	18
I was told about the aggravating factor that applies to domestic violence offences and the impact this may have on sentencing	5	2	11	18

Table 13: Survey participants' perceptions of their experiences throughout the court process

Expectations of the court process	Somewhat/ Very important to me	Neither important to me nor unimportant	Somewhat/ Very unimportant to me	Total
I was given information about where I could get help and this aspect of the process was ...	15	1	2	18

I was given information about what was going to happen at court and this aspect of the process was ...	18	0	0	18
I was given information about what I needed to do at court and this aspect of the process was ...	17	0	1	18
I was told about the aggravating factor that applies to domestic violence offences and the impact this may have on sentencing and this aspect of the process was ...	16	1	1	18

The online survey also asked participants to rate their level of agreement with a set of statements about their perceptions of respect, fairness, and safety during the court process (Table 14). Responses indicate mixed perceptions, with around half of participants (n=10) agreeing or strongly agreeing that they were treated with respect during their case and half (n=9) that the court process was fair. However, less than half of participants (n=6) said that they agreed or strongly agreed with having no concerns about their safety in coming to court.

Table 14: Survey participants' perceptions of their treatment during the court process

Perceptions of court experience and outcomes	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
I was treated with respect during my case	10	3	5	18
The court process was fair	9	2	7	18
I had no concerns about my safety coming to court	6	3	9	18

5.2.2 Themes from interviews, roundtables and Yarn

5.2.2.1 Knowledge about court processes and provision of support

Victim-survivors

Victim-survivors reported having very little knowledge about court processes. Participants emphasised the distress and secondary victimisation associated with their court experience. As the following excerpts illustrate, for some, this also translated to a perceived lack of agency or protection within the courts:

Researcher (R): Can you please tell me some background about your own experience of going through the Queensland court system as a victim survivor of domestic and family violence.

Victim-Survivor (VS): I'll just start off with saying that most of the days that I was going through it, and every time that we reached the next step, I just wish that he killed me. I spent five days getting cross

examined by his lawyer, who, at times, would just simply turn around and just say, 'May I put it to you that you're just making all this up'. And even got reprimanded by the judge for doing that multiple times, but didn't stop ... The communication from the courts was terrible as well. I was very lucky to get a singular, really good victim liaison officer in the end, but the one time that she was sick and I had to deal with the other victim liaison officers, it was impossible.

(Victim-Survivor Interview, 29.1.25, became aware at time of research, not satisfied)

I was given the option that I could go and that if I wanted to go, that I was told that I should bring someone with me, though, I was told that I wouldn't be able to be in a separate room, that I didn't need to speak. So essentially I didn't need to go. But I kept saying I wanted to go, yeah, and then I was asked to provide a victim impact statement if I wanted to. And, and then I was just told that he would be there and that I, it couldn't be recorded, or I couldn't, I would be in the same room with him ... I guess I could have attended a lot more of the mentions. But I was sort of told each time that, you know, it would be a waste of my time going because it's just up for mention. But I never really understood what that sort of meant.

(Victim-Survivor Interview, 7.2.25, Became aware of aggravating factor at time of research, satisfied)

I never knew what was happening. I might get told by a date. Otherwise I would have to look up the court list for the day, and then I wasn't, sort of told if he's applying for bail, or anything like that. So sometimes, I didn't actually, even when it was, just the small hearing things and not actually sentencing, yeah, like I would, I sort of had to go because no one was telling me if he's getting bail, if he's going to be released, and I needed that information, like immediately, not the following day, or the next day when someone got to a list of things.

(Victim-Survivor Interview, 23.12.24, not aware prior to or at time of court/sentence, not satisfied)

Several victim-survivors spoke about struggling to remember details about the court process. For example:

R: *Were you given information about where you could get help?*

VS: *The DPP [Director of Public Prosecutions] sent me through some information about Victims Assist [Queensland] ... and said that I could contact them and that that was it. And at that stage, it was all sort of really quick when it happened. So the incident happened in March, and then they caught him three days later, and then we were back in court in December, and it just, I just didn't have the brain capacity to take on any of that.*

R: *And what about a court support worker at all?*

VS: *No ... The only people that they [the police] put me in contact with was [service name] ... and that was it, but, and I was in contact with them before this incident.*

R: *Okay, so you were already connected to them.*

VS: *Yeah.*

R: *Okay, so were you given any information about what was going to happen at court?*

VS: *None ... I guess now that I feel like I'm in a bit better of a headspace, and I feel like it would have been more helpful. I guess I just kind of wish that they were a bit more, not forceful, but a bit more like, 'You really need to, you know, get in contact with these supports'. Instead of going, 'Here's, here's a whole bunch of numbers you can call, good luck'. Yeah, yes. You know that it was just kind of like, 'Yeah, we've done the bare minimum. We've given you these supports, and off you go on your merry little way'. And everything in my life had already turned upside down.*

(Victim-Survivor Interview, 11.2.25, Not aware prior to or at time of court/sentence, Not satisfied)

And I still think that there could be more ... supports available to people, and an explanation of the core process and stuff ... I think, like at that time, you're so heightened by everything ... that it doesn't really go in properly.

(Victim-Survivor Interview, 7.4.25, Uncertain about whether she knew and when, satisfied)

During the interviews, victim-survivors also spoke about the length of time court proceedings can take. Reflecting on how sentencing processes could be improved for victim-survivors of DV, one participant commented:

Obviously, in an ideal world, if it could be faster? But I know that that's sort of impossible, and maybe just more information provided. If I could be like, if I could have been updated a bit more on exactly what was happening, or even speak, having the opportunity to speak to the prosecution, I think that could have been helpful, but I think overall, I had a very good experience.

(Victim-Survivor Interview, 7.2.25, became aware at time of research, satisfied)

Protracted court processes emerged in other cases as having the potential to negatively impact victim-survivor satisfaction with sentences, particularly when they felt unsupported during the court process. Data from this study suggests this was elevated when long waits to get to court meant perpetrators given custodial sentences would be released not long after sentencing, due to time already served. As this victim-survivor articulated:

The sentence probably needs to like, reflect the time it's going to take for her to ... run. Yeah, like, stuck in your life somewhere, and like, there probably needs to be more supports for women to be able to do that. Yeah. Okay. And it needs to like, in the sentence, would need to reflect, like, how long is it going to take her to do.

(Victim-Survivor Interview, 23.12.24, not aware prior to or at time of court/sentence, not satisfied)

This comment, and others made by interviewees about perpetrators being released from custody soon after sentencing, speaks to the need to fast-track DV matters to ensure that victim-survivors have an outcome and some certainty when proceedings end. Time spent waiting for court proceedings to conclude is not necessarily reprieve for victim-survivors who are left navigating

day-to-day life, often with children, alongside unfinished legal proceedings and uncertain outcomes, the effects and impacts of DV, and potentially ongoing DV. As articulated above, where court processes have been slow, there may only be a small window of time between the conclusion of a court case and the release of the perpetrator. This means that affected family members have limited time to make safety and other future plans.

Advocates

Advocates in the Phase 4 First Nations advocate roundtable commented several times that First Nations victim-survivors *'aren't party to proceedings. It's about them without them'* (First Nations advocate roundtable, 11.4.25, Phase 4), and further, that there is a lack of communication with victim-survivors regarding court processes. The participants discussed how victim-survivors are not privy to information on the proceedings, commenting for example that:

[If] there's criminal charges that are proceeded from that but they, not involved in the proceedings they don't know where it's at and they don't know where to go to get that information.

(First Nations advocate roundtable, 11.4.25, Phase 4)

Advocates further commented on the lack of victim-survivor participation and communication in proceedings. For example:

It's important to note that police and the DPP [Director of Public Prosecutions] are not there for victims, they represent the state; that is the duty that they carry out.

(First Nations advocate roundtable, 11.4.25, Phase 4)

These findings from the First Nations advocate roundtable that point to the lack of involvement, representation, and communication victim-survivors receive in matters where the aggravated factor is applicable, align with other victim-survivor findings in this research.

In reflecting on awareness, advocates in the roundtables spoke about how the psychological and/or neurological trauma caused by DV can considerably impact victim-survivors' capacity and ability to absorb and retain information, along with their experience of and presentation in court. For example:

I think the variety of experiences that people can have of the criminal justice system in its entirety says that they receive information at different points. Even if we did have a process where we could assure that the information was given, we quite often find that based on trauma and experience people's recollections of all of the information isn't always - so I don't think their awareness is an indicator that it hasn't been raised, I just think that the system is new and challenging and confronting, and lots of information coming at people which means their recollection sometimes isn't there.

(Advocate Roundtable, 28.3.25, Phase 4)

As discussed above, advocates noted that information may need to be provided to victim-survivors multiple times due to the impacts of trauma and the complexities of the court process and legal system. It was also suggested that the use of brochures and digital resources may help to address

this issue, alongside significant systems-reform to ensure information provision to court users across the process. As one advocate stressed:

We immediately need a platform that is secure that victim-survivors can get information from that is fed in from our systems, which is efficient and accessible. That would reduce a huge amount of workload burden on every part of the system and give victim survivors the opportunity to seek information when they need it, not when the system decides they should get it.

(Advocate Roundtable, 28.3.25, Phase 4)

Reiterating this point, advocates spoke to the current over-burden and under-resourcing of the DV sector, the idiosyncrasies of the legal system, and the implications for effective information sharing. Again, systems-level processes were the focus of these observations. For example:

There is a huge disconnect between operational policing, investigations, DPP, courts. I'm across quite a few matters where I'm aware of significant additional information that was known by the system, but it has not been put before the judicial, because of timing, because of interpretation of legislation ... We can't continue to expect that people processes will pass the information on in the same way, at the right time, and accurately. The people level transition of information is risky, and we are drowning. So, it's not consistent for people because we all simply can't do it.

(Advocate Roundtable, 28.3.25, Phase 4)

In this context, advocates stressed the importance of organisations like theirs—and others—for supporting victim-survivors through the court and sentencing processes. As one advocate noted, however, the complexities of these processes are in contradiction with victim-centred legal responses, and can be deeply disempowering:

I think we can tie ourselves up in knots with the complexity of our system, and victim-survivors don't get an opportunity to understand it, which is why every piece of reform has literally injected support services or other advocacy people in there to help explain the system to people, and that they don't get access to their rights and entitlements unless someone's alongside them. There's something wrong with our system if you have to have an advocate with you at every step of the way.

(Advocate Roundtable, 28.3.25, Phase 4)

This comment points to the shortcomings of the existing legal system in supporting victim-survivors' understanding of, and agency within, that system. The reflections from victim-survivors in this study illustrate how limiting and re-traumatising that system can feel, and the implications for whether victim-survivors are satisfied with the outcomes of court proceedings.

Critically, advocates in the Phase 4 roundtables also emphasised that the existing information sharing practices and complex legal processes can enable perpetrators to manipulate the system and perpetuate their abuse. One advocate explained:

I'm just going to flick the switch here and just say: all of these processes then benefit the perpetrator. So, if we think about the way in which systems can be utilised, all of these processes and impacts are actually

enabling ongoing perpetration of violence. So ... any steps where that drops off emboldens them ... We constantly hear from women that perpetrators are able to position themselves as less of a threat than the system is to her. And there's something really wrong with that.

(Advocate Roundtable, 28.3.25, Phase 4)

This excerpt offers an important reminder about the possible consequences of systems and processes that do not effectively support victim-survivors' knowledge or understanding of court proceedings for DV-related matters. For victim-survivors and advocates then, barriers to information sharing throughout the legal process contribute to an environment where perpetrators are able to evade accountability, and where the legal system itself can be a source of further harm for victim-survivors (e.g., Douglas, 2018; Reeves, 2020).

5.2.2.2 *Satisfaction with sentence and perspectives on perpetrator accountability and responsibility*

Victim-Survivors

As the quotes below indicate (and as is to be expected given the participant overlap in the survey and interview phases), interview data reflects the survey findings (refer to section 5.2.1) regarding mixed levels of agreement, acceptance, and understanding of the sentences received by offenders. For some victim-survivors, there appears to have been greater satisfaction when the magistrate or judge explained the reasoning for the sentence:

R: *Did you agree with the sentence?*

VS: *Yes, I did ...*

R: *Did the judge explain their reason for giving the sentence?*

VS: *Yes, he did ...*

R: *Did the judge talk about aggravation in the context of domestic violence?*

VS: *... Yes, he did, yeah. And because there was a certain number of breaches, he sort of explained that, you know, I, he had been to court before about this, however, many times, and that clearly he has not learned his lesson each time.*

(Victim-Survivor Interview, 7.2.25, became aware at time of research, satisfied)

For others however, the sentence felt inadequate:

R: *Do you agree with the sentence? ...*

VS: *... No, I think it should have been higher.*

R: *Okay, so do you accept the sentence?*

VS: *I don't really have a choice, but ... if I could have my way, you know, I would have chosen something a bit more heavy handed, but that's okay. I don't want to say I don't accept it because I don't have a choice.*

(Victim-Survivor Interview, 11.2.25, not aware prior to or at time of court/sentence, not satisfied)

There is specific contextual information that may have contributed to the perception for the victim-survivor quoted above that the sentence was inadequate. That is, this participant advised that the offender had lied about something significant, which in her view, may have lessened the sentence.

On the question of perpetrator accountability, very few interview participants said they felt the offender was held to account by the magistrate/judge. For example:

R: Do you feel that he was held responsible for his use of violence by the judge?

VS: Not at all, not at all. He got a little tap on the hand and told he was a bad boy.

(Victim-Survivor Interview, 11.2.25, not aware prior to or at time of court/sentence, not satisfied)

R: Do you feel that the person, the offender who committed the domestic violence ... was held responsible for their use of domestic violence by the magistrate or the judge?

VS: No, because if they were, they wouldn't still be doing it now.

(Victim-Survivor Interview, 23.12.24, not aware prior to or at time of court/sentence, not satisfied)

These reflections illustrate how victim-survivor satisfaction with sentencing can be connected to judicial recognition and acknowledgment of the harm caused by DV, and that perpetrator accountability is inextricable from this judicial validation. This theme is explored further in section 5.2.1.4 regarding judicial acknowledgement of harm.

Advocates

Advocates from the Phase 4 First Nations advocate roundtable were clear that it was not possible to comment on First Nations victim-survivors' levels of satisfaction with the reform given victim-survivors' lack of involvement with judicial processes for DV (covered in section 5.2.2.1). Well-known barriers to help-seeking were another critical factor raised by advocates in impeding First Nations victim-survivors benefitting from the aggravating factor reforms. These barriers include: victim-survivors' need to prioritise their safety, the risk of not receiving a positive response from police, and the risk of triggering a Child Protection response and potential child removal. As one participant noted:

I think their primary concern is going to be safety. That is the concern now when she is actually courageous enough to leave and when she actually gets a positive response from police who actually treat her with respect and dignity ... She knows, though, that when she engages with police that's going to trigger child safety.

(First Nations advocate roundtable, 11.4.25, Phase 4)

First Nations advocates agreed that a Child Protection response triggered by DV would be used against women and they would be *'fighting ... Child Protection removal'*, creating a barrier to engaging with the justice system in the first place.

Advocates also spoke about how, in cases where police responses were not a barrier, the presence of DV would still be *'weaponised'* against women in Child Protection notifications. One advocate explained:

[If] she goes through and she gets that order, she's believed, she's supported. Those same allegations of DV are then weaponised against her to justify the removal of her children and her inability to properly parent and her failure to protect her children from harm through ... exposure.

(First Nations advocate roundtable 11.4.25, Phase 4)

Another obstacle to First Nations victim-survivors seeking support is the risk of being misidentified as the primary aggressor (person perpetrating as opposed to being subjected to DV), and associated fear of police as an authority figure. As this advocate highlighted:

Sometimes our clients [are] reluctant to speak with police and provide statements in concerns that they may be misidentified as a perpetrator, also just general concerns about reporting something to an authority figure, particularly in a smaller community as well.

(First Nations advocate roundtable, 11.4.25, Phase 4)

Advocates pointed out that misidentification can also act as a trigger for Child Protection involvement and child removal. Understandably, this is a considerable, ongoing barrier to accessing support for First Nations victim-survivors.

Victim-survivor fatigue with the DV system was also discussed by advocates, who noted that this is most evident in the intersection between Child Protection statements and the court jurisdictions. Speaking about the *'intersect[ions] with Child Protection'*, one First Nations advocate commented:

What we will often see is that the initial report of a domestic violence incident can often trigger involvement across three court jurisdictions, so they would be involved in the domestic violence proceedings, whether that's for an application for a protection order or a variation they may be involved in the criminal proceedings with the charges against the perpetrator, and then they may be involved in the Child Protection proceeding.

(First Nations advocate roundtable, 11.4.25, Phase 4)

Advocates framed this directly as *'systems exhaustion'* and spoke about how a victim-survivor is often *'across three different jurisdictions'*, due to *'interacting with various child safety staff, various counsellors, who they are telling their story to on a repeated number'* (First Nations advocate roundtable, 11.4.25, Phase 4). They emphasised the need for systems reform to avoid these unintended (but not unanticipated) consequences.

The lack of resourcing for men's behaviour change programs (MBCPs), especially in rural or remote areas of Queensland, was also singled out by advocates as a key hurdle to victim-survivor satisfaction with court processes. In response to the question of what would enhance the protection and rights of victim-survivors within the legal system, one advocate pointed to the potential for court-mandated MBCPs:

I guess the use of intervention order programs and men's behaviour change programs, so currently they're ... voluntary programs ... There might have been one referral in the last year for an interventional program, which is nothing considering how many applications come through the door. So instead of adjourning a matter for a respondent to attend a men's behaviour change program ... the matter [is] being resolved either by consent or going to a trial, without actually looking at addressing the root of the problem.

(First Nations advocate roundtable, 11.4.25, Phase 4)

First Nations advocates were clear that the factors outlined above need to be taken into account when measuring the impact of the aggravated factor offence. Their contributions indicate that First Nations women have barriers to reporting DV and sexual violence. If/when a victim-survivor does report, the system will fail to include them in the proceedings, and their outcomes will be less satisfactory than a victim-survivor who does not have the same barriers to reporting, risk of Child Protection removal, and will be included in the proceedings.

Echoing the earlier comments of advocates in relation to information-sharing, there were further calls to shift attention in future assessments of the aggravating factor to the impacts for perpetrators. One advocate reflected, for example:

Maybe it's just a recommendation for future research. What's the impact of the aggravation on perpetrators? Are they getting longer time in custody and therefore rehabilitation? Are they getting parole, which means they monitor entry back into the community? Are there enabling features of the longer sentences that are helping support women's safety longer term? I just, I think the key to solving this and actually it working is thinking about the impact of the aggravation on [perpetrators].

(Advocate Roundtable, 28.3.25, Phase 4)

This important suggestion has been embedded in the Recommendations for Further Research section of this report. This advocate further linked the possible impact of the aggravating factor to a need for additional preventative and rehabilitative responses for perpetrators:

I don't think anything's deterring them. I think that the community they live in [that] tolerates and accepts, is probably the biggest thing. But I think, deterrents for future violence, preventative and opportunity for longer-term rehabilitation because of longer sentences may be a greater avenue to get into men's behaviour change.

(Advocate Roundtable, 28.3.25, Phase 4)

These comments highlight that achieving accountability for users of DV alongside long-term reductions in DV requires multiple strategies, of which the aggravating factor and the possibility

of longer or harsher sentences are one component. The long-term safety of victim-survivors remains a primary concern for advocates.

5.2.2.3 Safety at court

Victim-survivors

Several interviewees revealed that they experienced fear and distress about their safety traveling to and at court. These findings reflect participants' responses in the online survey (see section 5.2.1.3), with half of survey participants (n=9) expressing that they had concerns about their safety in coming to court. As the comments below indicate, these concerns were addressed for some victim-survivors and not for others:

R: *Did you have concerns about your safety going to court?*

VS: *Yes.*

R: *Did you talk to anyone about those?*

VS: *[name of service]*

R: *Okay. And was anything done?*

VS: *I think they had ... popped me in a separate room.*

(Victim-Survivor Interview, 14.3.25, became aware at time of research, somewhat satisfied)

R: *Did you have any concerns about your safety coming to court?*

VS: *Yeah, I did.*

R: *... And did you talk about that with anyone?*

VS: *No, I tried to, but then I was sort of told, well, there's no point in me going anyway. But I really wanted to go, so I sort of thought that that was on me, that I just needed to get over [it].*

(Victim-Survivor Interview, 7.2.25, became aware at time of research, satisfied)

These two excerpts demonstrate the concerns victim-survivors can have when coming to court for DV-related matters, and the mixed support they may receive to mitigate any safety risks. As the reflections from advocates have similarly emphasised, victim-survivors' safety concerns regarding court proceedings may be due to risks of secondary traumatisation from the process, including being required to be present alongside the offender. However, as discussed in the following sub-theme on judicial acknowledgement of harm and in victim-survivors' view on the VIS process, the offender is not the only possible source of further harm within the court and sentencing process.

Advocates

During the Phase 4 roundtables, advocates discussed some of the factors that could contribute to perceptions of safety for victim-survivors. Again, concern for victim-survivors' agency and voice within the court process was a common underlying theme. As one advocate explained:

I feel that our victim-survivors really aren't being given the appropriate information to give them the confidence and the ability to come in and either give evidence or listen or hear those court cases. I sort of think, you know, we've got provisions under the evidence act for special witnesses, I wonder if something could be considered where they can come in and sit in a quiet room beside the court where they don't actually have to come face-to-face with that perpetrator.

(Advocate Roundtable, 28.3.25, Phase 4)

For this advocate, it was important to consider possible reforms to how victim-survivors can interact with and contribute to the court process. Indeed, one of the victim-survivors quoted above had been given the option to attend in a separate room. Advocates' reflections here also echo the comments of victim-survivors from the survey and the interviews regarding the VIS process (discussed in section 5.3), and their recommendations for improvements.

These reflections also speak to the possible harms (and secondary victimisation) that victim-survivors may experience in relation to the court process and sentencing outcomes:

It's very traumatising for them. They're losing trust in the system because they don't want to have to keep coming back and then going to court ... How can we expect those victim-survivors to trust the system ... when they've had to wait that long for justice? Or it gets tossed anyway, or they've continued to be exposed or perpetrated against.

(Advocate Roundtable, 28.3.25, Phase 4)

Advocates' observations here show again that victim-survivors' experiences of court proceedings can be disempowering and re-traumatising. That this point was reiterated throughout the roundtables and Yarn—and expressed through victim-survivors' survey and interview responses—underscores how closely the legal system itself can shape victim-survivors' safety, satisfaction, trust in and acceptance of outcomes. This influence is evident in victim-survivors' reflections on their awareness (or lack thereof) of the aggravating factor, their interactions with judicial officers during the proceedings, and their experiences of providing (or not providing) a VIS as part of those proceedings

5.2.2.4 *Judicial acknowledgement of harm*

Victim-survivors

A key finding that emerged from the interview data is the importance, for victim-survivors, of the judicial recognition of the severity of DV and the harm it causes. This acknowledgement is not necessarily reducible to either the presence or omission of the aggravating factor by the judiciary, but in how they condemn DV and hold perpetrators to account. This was expressed by interviewees in different ways. In the examples below, interviewees reflect on the impact of judicial validation including being listened to, recognition of the negative impacts of DV and need for the judiciary to be DV informed. For instance, when asked if the magistrate/judge explained their reasons for giving the sentence, one victim-survivor responded:

Well, the judge was awesome ... he did talk to me ... You'd have to pull up the transcripts of that day because I don't totally remember everything ... I think internally was just so happy that someone just believed and listened to me and that it was going to stop.

(Victim-Survivor Interview, 13.3.25, not aware prior to or at time of court/sentence, satisfied)

Another participant spoke about her feeling that, compared to previous sentencing experiences as a victim-survivor, she felt her most recent was taken more seriously. Asked what the magistrate/judge said to make her feel this way she responded:

He was just ... sort of saying that ... domestic and family violence is like a serious offence. And ... because of his ... history of everything ... that there's going to be more severe consequences of what he's done.

(Victim-Survivor Interview, 7.4.25, uncertain about whether she knew and when, satisfied)

In response to the question about whether the aggravating factor adequately addresses the severity of DV, one interviewee observed that it may need to be enforced for members of the judiciary who do not display DV-informed understandings or who are not identified as being DV-informed. For example:

I think if it could, if it could be enforced, yeah, above the judges ... Or if there was a separate ... accountability or governing body in any way, rather than just asking judges to do the right thing or to change their views. Keeping a note that just a lot of these people were sworn in. This was an older white fella at the, most of the jury was too, these were people that definitely grew up in a very different world where domestic violence was viewed in a very different lens, and those damaging views were really put on display in the courtroom. So I think it is very important I just don't, it just didn't get followed in my experience. And in fact, the domestic violence was used as a reason to give him a lesser sentence, rather than a, any sort of harsher penalty, despite the fact that he pled not guilty and there was no remorse and every other reason under the sun that he shouldn't have gotten two years.

(Victim-Survivor Interview, 29.1.25, became aware at time of research, not satisfied)

Antiquated views about DV, including minimisation of the effects and impacts of DV alongside a lack of understanding of the dynamics of coercive control were raised by other interviewees. These attitudes are evident in the following reflections:

R: How important do you think it is that judicial officers, like judges and magistrates, treat domestic violence as serious and reflect this in this sentence?

VS: I think it's really important, because it's so insidious, and even though this was just one occasion and it was really bad, it doesn't mean that ... this wasn't something ... that was happening to me daily. It wasn't just this one time.

(Victim-Survivor Interview, 11.2.25, not aware prior to or at time of court/sentence, not satisfied)

I feel really strongly that the full information didn't come before the magistrate ... And you know, my personal view is actually in domestic violence, their complete pattern of behaviour with all previous partners should come before the magistrate ... I think that, you know, with the new coercive control legislation and our understandings about that, we're really moving towards an understanding of ... this type of crime as a pattern of behaviour, and not a one-off incident ... and we're collecting information ... but that information is not being ... put in front of the magistrate, unless you know, there's been a conviction, for example, of a breach of an AVO [Apprehended Violence Order], but we know that that happens incredibly rarely ... The police need to understand that model, I think, as well, as well as the magistrates.

(Victim-Survivor Interview, 20.11.24, aware, prior to court/sentence, not satisfied)

The offender's history of violence and the various constraints related to 'inadmissible evidence' were raised by several interview participants. While the last participant quoted above spoke directly about how they perceive this to be inconsistent with what is known about coercive control as a pattern of violence, other interviewees also invoked this when they noted that the matter being heard in court was not a 'one-off incident' or when reflecting on how the judge was not DV informed.

Advocates

There were similar concerns raised among advocates regarding judicial acknowledgement of harms caused by DV during court proceedings, and the role information and understanding can play in shaping those acknowledgements (or lack thereof). For example, during the Phase 4 Roundtables, advocates discussed how critical, contextual information about a DV matter is often not available to judges and magistrates due to systems-level factors and processes. As one advocate observed:

I can almost guarantee, of the last few weeks, every single case, the person making the ultimate decision did not have the information that we all had ... So, perfect example is, what someone might give at an incident, and therefore a statement to something, versus how we might hear, in our service, the impact, the understanding, the build-up to something that happened. There is no place for, often, that extra information that happens over time to then feed back into processes, even though the criminal justice system process is very elongated and takes time. I feel like it's a resourcing thing, it's a training thing, it's a legislative threshold thing, it's a procedural misalignment.

(Advocate Roundtable, 28.3.25, Phase 4)

For this advocate, there is an ongoing concern that judges and magistrates in Queensland may be making sentencing decisions based on incomplete information. They note this is an outcome of several systems-level factors, including DV-focused training, legal requirements, and the structure of legal proceedings that can create barriers to effective information-sharing. As discussed above, there are missing links in the current legal process that can lead to a lack of contextual information like histories of abuse or other significant details that capture and communicate 'the depth of somebody's DV experience' (Advocate Roundtable, 28.3.25, Phase 4).

Again, advocates in the Phase 4 Roundtables returned to the importance of ensuring victim-survivors also have adequate information about court processes, including how sentencing decisions are made. In the words of one advocate:

I do think it's really important that victim-survivors are informed, because information is very empowering. But I guess, from my perspective, you can know everything about the court process, but if you're, the harm to you is not acknowledged in the sentencing ... if a magistrate doesn't see that, that this was an aggravated offence, like then it doesn't matter ... It doesn't matter what the woman knows, if, if the court doesn't acknowledge it.

(Advocate Roundtable, 24.3.25, Phase 4)

This quote reiterates that victim-survivors' awareness of the aggravating factor is insufficient to support victim-centred sentencing outcomes. That is, victim-survivors' knowledge of legal systems and court processes is unlikely to lead to satisfaction where the harms of their DV experiences are not meaningfully acknowledged by the court as an aggravating factor.

Despite these concerns raised by advocates about limitations in court systems and the capacity of judges/magistrates to recognise DV and apply the aggravating factor, there was a sense that court responses to DV matters are broadly improving. For example, one advocate commented:

I am seeing more persons using violence being sentenced ... I've been in this sector for a very long time, previously they were not sentenced, and they were not even accepted ... that there was family violence that was a factor in it.

(Advocate Roundtable, 28.3.25, Phase 4)

Further, though victim-survivors and advocates discussed challenges in ensuring key case details are presented to the court, there was some optimism about future possibilities of using the aggravating factor to address coercive control. Reflecting on the gradual shift to pattern-based offending, one advocate explained:

So, there are strict rules about history and the rehabilitation period within criminal charges, particularly for the perpetrator's history, and there's also very, very clear rules about what is relevant and what is not, and the best example I can give is that aggravating offence actually enables a history of an offence that is associated with DV to be recognised as DV for building that pattern. It actually is a beautiful stepping stone for us to move towards coercive control and pattern-based offending, in that we've been doing it for a number of years. It gives us a little bit of that legitimised history.

(Advocate Roundtable, 28.3.25, Phase 4)

Taken together, these observations from advocates demonstrate key links between the findings discussed in this section that can influence victim-survivors' satisfaction with court outcomes. This includes the importance of ensuring both that victim-survivors are well-informed about key procedural details like the aggravating factor, and that they are empowered through the legal system—with the support of DV specialist services—to have a voice in the court proceedings. Simultaneously however, there is a need to strengthen understanding and capacity among judges and magistrates regarding DV and the impacts of DV including trauma and secondary traumatisation. This strengthening of judicial officers' knowledge and recognition of DV is critical given the recent introduction of coercive control laws in Queensland. These points are discussed

further in the following section in relation to victim-survivors' experiences of and recommendations for the VIS process.

5.3 Victim-survivors' experiences of and recommendations for the victim impact statement process

5.3.1 Survey findings

The online survey asked victim-survivors about whether they provided a VIS in relation to the matter, and included a number of follow-up questions about their experiences of and satisfaction with doing so. Among the participants included in the final analysis, just over half (n=11) said they had provided a VIS while the remainder (n=7) said they did not. These results are presented in Table 15.

Table 15: Number of survey participants who provided a victim impact statement

Provided a victim impact statement	n
Yes	11
No	7
<i>Total</i>	<i>18</i>

5.3.1.1 Experiences and perceptions of providing a victim impact statement

Those who said they did provide a VIS were asked open-ended questions about why they decided to provide a VIS and how they felt afterwards, while those who did not provide a VIS were asked to share why they did not. Among the 11 survey participants who had provided a VIS, victim-survivors frequently said they did so because they wanted their voice to be heard in court and to have the impacts and legacies of DV understood, or because they were advised to by police, their lawyer, or a Victims Liaison Officer. For example, comments included that, *I wanted to be seen as a person by the judge and jury. I wanted to finally tell him what I felt* (Survey Response #2), *I wanted the judge, and the perpetrator to understand the impact of their actions and to be able to tell my story* (Survey Response #4), and *To let them know about my experience of what's happened. Because the justice system has failed to keep me safe, as a lady with disability* (Survey Response #13). However, some participants also commented here on the harms they experienced through the process of providing a VIS, explaining for example that, *I was told it was imperative to sentencing. It didn't matter in the end, and I regret doing it. The judge didn't take a word of it into account* (Survey Response #10).

There were also mixed feelings reported by participants after providing their VIS. While some noted positive feelings, many also commented on negative consequences or feelings they had experienced. For example, one participant commented that, *I felt good. All my friends in the gallery were in tears, the lawyers showed no reaction and the Magistrate acted as if he was bored* (Survey Response #1).

Others reflected that they felt ‘*Sad but relieved*’ (Survey Response #4), ‘*Set up to fail and that my experience did not matter*’ (Survey Response #8), and that ‘*I felt I had my say, I felt it left very little impact to the perpetrator. I thought it was worth it for my own feelings*’ (Survey Response #2). Among the seven participants who said they did not provide a VIS, several commented that they had not been asked or given the option to do so, while one person noted the VIS was made on their behalf by the barrister, one that they did not know what a VIS is, and one that they ‘*didn’t feel that I wanted to give a statement I just wanted it to stop*’ (Survey Response #18).

Those who said they provided a VIS were asked follow-up questions about their experience of doing so (Table 16). Participants were asked about their expectations and perceptions of the VIS process and outcome. Among the 11 survey participants who had provided a VIS, almost all (n=10) said they had expected it to have an effect on the sentence and all (n=11) said they had wanted it to have an effect. However, only five of the 11 said they thought the VIS did have an effect on the sentence. Further, six participants indicated that they felt providing the VIS gave them a voice in the proceedings, and five said they felt the VIS helped the judge or magistrate better understand the harms they had experienced.

Table 16: Survey participants’ expectations and perceptions of providing a victim impact statement

Among those who provided a victim impact statement (VIS)	n
Expected the VIS to have an effect on the sentence	
Yes	10
No	1
<i>Total</i>	<i>11</i>
Wanted the VIS to have an effect on the sentence	
Yes	11
No	0
<i>Total</i>	<i>11</i>
Thought the VIS had an effect on the sentence	
Yes	5
No	6
<i>Total</i>	<i>11</i>
Felt that providing a VIS gave me a voice in court	
Yes	6
No	5

<i>Total</i>	<i>11</i>
Felt the judge/magistrate understood the harm experienced because of the VIS	
Yes	5
No	6
<i>Total</i>	<i>11</i>

These participants were also asked if they had help writing the VIS, and if so, by who. Only four victim-survivors indicated that they had had assistance, and said that they received this from a friend, the detective on their case, a court victim liaison officer, or a volunteer from the victim support organisation PACT. Among those who had provided a VIS, the Statement was shared with the court by the prosecutor providing it to the judge/magistrate (n=4) or was read aloud in court (by the participant or the prosecutor) (n=5), while one participant commented that their VIS was never handed by the police to the court. Four participants also said that some of the content of their VIS was redacted before being presented to the court. These findings are presented in Table 17.

Participants who had some of their VIS redacted were asked a follow-up, open-ended question about how they felt about the removal of content from their VIS. Their responses illustrate the considerable impacts this can have for victim-survivors. For example, comments on this question included that, *'I had given up on achieving justice for myself in court in any way by that time'* (Survey Response #1) and *'Made me feel like I was gagged again'* (Survey Response #2). Taken together, these findings indicate that while the VIS was important for survey participants, the process itself was often fraught for victim-survivors and in some instances contributed to further harm or silencing.

Table 17: Survey participants' experiences of providing a victim impact statement

Among those who provided a victim impact statement (VIS)	n
Had help writing a VIS	
Yes	4
No	7
<i>Total</i>	<i>11</i>
The VIS was provided to the court by	
The prosecutor provided it to the judge/magistrate	4
It was read aloud in court (by the participant or the prosecutor)	5
Other	2

<i>Total</i>	<i>11</i>
Some content from the VIS was redacted prior to the sentence hearing	
Yes	4
No	3
Not sure	4
<i>Total</i>	<i>11</i>

5.3.1.2 Suggestions for improving the victim impact statement process

The survey included an open-ended question for victim-survivors about how they felt the VIS process could be improved, based on their own experiences. Participants provided some recommendations for revising the process including:

That the perpetrator doesn't get to hear, read or see it (unless the victim wants to face the perpetrator) and that the statement has more bearing than 'case law' for crimes that weren't the same as yours.

(Survey Response #6)

I believe that once a statement has been given to the police, that you should immediately be given the option to consent to be contacted and give a victim impact statement. I was not made aware by the police or the courts that I could even give a statement - this task fell to my lawyer a week out from his court date in the magistrates court.

(Survey Response #8)

It could help if they would allow a audio recording victim impact statement so that victim emotions can be heard through voice.

(Survey Response #9)

Victims offered the opportunity to read it out.

(Survey Response #12)

Participants' answers to this question also illustrated the secondary victimisation and silencing some experienced in connection to the court process. For example, one participant commented that, *I wish it also got taken into consideration for sentencing rather than announcing the hell my abuser put me through to a room full of people for nothing*' (Survey Response #10). Others again emphasised the lack of communication they had received about the option to provide a VIS, commenting for example that *Informing the victim that it exists would be a good start*' (Survey Response #5), and to *Even just be given the choice*' (Survey Response #15). Similar themes were evident in the interview participants' reflections on the VIS process, discussed in the following section.

5.3.2 Themes from interviews, roundtables and the Yarn

5.3.2.1 Victim impact statements as an opportunity to have a voice in proceedings

Victim-survivors

Interview participants were asked whether they provided a VIS. If they did, they were asked further about this experience including whether they thought it would impact the sentence and if they believed it gave them a voice in the court process. For some interviewees, the provision of a VIS was positive, as the following quote exemplifies:

R: *What did you think the result of providing a victim impact statement would be?*

VS: *... Yeah, I was hoping that it would essentially give him the most harsher sentence, so to speak, and that it was also a chance for me to let him know how much it affected me, because I hadn't had any contact with him since the day I was able to I was living with him at the time, and the day I was able to get out. And so I made it very lengthy, and sort of was hoping that that was sort of my chance of having my last word sort of thing.*

R: *... Did you feel like providing the victim impact statement gave you a voice in the sentencing process?*

VS: *... Yeah, I did, yeah, especially with having the judge read it out to him and sort of have his opinion on what he thought of it ... I did, definitely.*

(Victim-survivor interview 7.2.25, became aware at time of research, satisfied)

For me, it was about being able to speak about my feelings and being heard without him interrupting what I'm saying ... more so than having an influence on ... a prison sentence.

(Victim-survivor interview, 7.4.25, Uncertain about whether she knew and when, satisfied)

For this participant, the VIS satisfied her desire to tell her story and share her experience. This was enhanced by the judge's decision to read her VIS out and to provide his 'opinion' on it.

Advocates

One advocate in the Phase 4 First Nations advocate roundtable advised that they had not once seen a VIS tendered on sentence in the Magistrates Court. They noted this as a point of significance given the high number of DV matters heard in this court.

There's a presumption that victim impact statements are actually being provided on these contravention offences because the ... majority of contravention offences ... they're dealt with in the Magistrates' Court so you're only going to be seeing the sentencing of the contravention if it's associated with a matter that proceeds on indictment in the higher court, let's say if you've got a grievous bodily harm, for example ... So in the absence of actually recognising a space for victims and a dedicated victim advocate, you can never tell what a victim is saying. The only time, as I've indicated before, where I've seen victim impact statements ... 'And why [are] victims ... so disengaged' ... we hear it consistently from our clients? 'It's about me, without me', 'I don't have a space in the criminal justice system', 'No one wants to listen to me', 'Where's my voice?'

(First Nations advocate roundtable, 11.4.25, Phase 4)

Thus, while reference to and deployment of the aggravating factor reform could increase victim-survivors' satisfaction with sentencing, this data indicates again that, overall, a series of factors influence feelings of satisfaction and perceptions of procedural justice for victim-survivors. Being a party to proceedings, having a voice in court, perceptions of offender accountability, and judicial acknowledgment of harms are some critical factors that can contribute to victim-survivors' satisfaction with sentencing.

5.3.2.2 Challenges and pitfalls of providing a victim impact statement

Victim-survivors

For interviewees who were less satisfied with the VIS process and outcome, this was often connected to their perception of a lack of judicial engagement or recognition of the difficulties experienced when navigating justice systems and DV. The following participant quotes provide examples of such experiences:

I did choose to read my victim impact statement, which was stupid of me. I shouldn't have ... I just shouldn't have even given one. It didn't matter. And now the offender knows how much he's destroyed my life, and I didn't really want him to know that, but I thought that it was important for sentencing, so I did it. It wasn't. The judge didn't look at me once. I got continually referred to as the Complainant, whereas the man that did this stuff to me was referred to by his name as Mr. [Name], and the judge was so sympathetic towards the offender's reputation that I don't believe that there was any capacity for a fair trial.

(Victim-Survivor Interview, 29.1.25, became aware at time of research, not satisfied)

I'm okay about public speaking. So I had...really prepared my victim impact statement, and it was quite detailed. It was probably a lot longer than other, well, that was what the impression I had from the judge, because ... towards the end, I actually cut what I was going to say short, because he was shuffling papers, he wasn't looking at me. He was giving me all the indications that I needed to stop. It was like zero interest in what I was saying. No, no engagement with me. It was like I was talking into thin air. Yeah, and I quite specifically talked about specific impacts of not feeling safe and free in our own community ... and impacts on me, impacts on the children ... And then in his Summing up, the magistrate actually said ... 'And your very long victim impact statement', yeah, which was my only voice in that entire space.

(Victim-Survivor Interview, 20.11.24, aware, prior to court/sentence, not satisfied)

We went to court, and the magistrate ... decided that she didn't want to read out my victim impact statement, which, that's fine, that's up to her, but I didn't really get, I didn't get a say. I didn't really get any chance to say anything like the sentence was passed down. I didn't have any support in the courtroom ... I wanted my words to show that this is the impact. Like he, he's given us a life sentence, a life worth of PTSD [post-traumatic stress disorder] for me and the kids. And I want, I want you to know that this is what's happened, and this is the effect of it, so his sentence should fairly reflect that.

(Victim-Survivor Interview, 11.2.25, not aware prior to or at time of court/sentence, not satisfied)

This last victim-survivor, who did not have her VIS read in court, also reflected on how edits made to her VIS had an invalidating impact on her experience of violence. In her words:

R: Were you advised that you had to remove certain content ...

VS: Yeah, just some things like, it had to, the impact statement had to relate to what happened that night. So if I journeyed too far into setting a pattern of behaviour with him from previous incidents, they didn't really want a lot of that, and I had to remove some ... Yeah, it was just, and I felt like it was a bit silly, because this is, it was about domestic violence, and it's not one time that it happened ... you know, it wasn't. It wasn't this one big incident where he just lost it and then tried to kill us. It wasn't that. This was just, I finally said, 'I ... had enough. I want you to go', and then he lost it.

(Victim-Survivor Interview, 11.2.25, not aware prior to or at time of court/sentence, not satisfied)

In this example, directives to remove information perceived as unrelated to the event of concern had an invalidating effect on the victim-survivor's experience of a pattern of abuse and contributed to trauma associated with and stemming from the court process, as earlier outlined (also referred to as secondary victimisation). This quote is also exemplary of a lack of judicial understanding of the dynamics of coercive control, an issue raised by other interviewees as discussed above.

5.4 Advocates' reflections on research recruitment challenges with victim-survivors

The research team used the post-victim-survivor roundtables and Yarn to ask advocates for their reflections on some of the recruitment challenges experienced during the project (refer to section 3.5). Advocates were asked whether they believed the low levels of awareness regarding the aggravating factor may have been a barrier to recruitment, as victim-survivors may not have interpreted the research information as relevant to them. Advocates broadly agreed with this point. As one advocate responded, *'that seems like a fair assessment'* (Advocate Roundtable, 28.3.25, Phase 4).

During the Phase 4 First Nations advocate roundtable, the researchers specifically enquired about possible considerations that may have shaped First Nations victim-survivors' willingness to engage with the project. Advocates in the roundtable posed several contributing factors for the difficulty in recruiting First Nations victim-survivors. For example, one advocate commented on the trauma of DV, the fatigue victim-survivors may have in relation to the court process, and their desire to just 'be done with it':

[Victim-survivors are] reluctant to rehash what they've gone through, particularly if it's been finalised and if it has been a few years as well. Once they're done with it, they want to be done with [it].

(First Nations advocate roundtable, 11.4.25, Phase 4)

These comments echo advocates' earlier reflections on the different outcomes victim-survivors may want from a court process for DV, and given those processes can already be lengthy, there may understandably not be a willingness to participate in research about that experience. First Nations advocates also noted the possible role of trust and comfort, relating both to justice systems and research practices. Advocates again reiterated that where the criminal legal system continues to misidentify First Nations women or trigger Child Protection matters, or where their words are misrepresented, those women may be unwilling to share their experiences through research about that system. One advocate explained that there is:

Possibly a little bit of mistrust. That clients ... they speak to a lot of different service providers, and I'm sure particularly in the experience that we have with them, intersect with Child Protection. Sometimes their words are used in ways that they didn't intend them.

(First Nations advocate roundtable, 11.4.25, Phase 4)

These reflections suggest that, despite partnering with a trusted First Nations organisation, being present for face-to-face engagement and having a First Nations researcher, the recruitment for projects like this one will still face challenges due to the mistrust of research systems, systems fatigue, or rehashing one's story and re-triggering trauma or contributing to secondary victimisation.

Similar observations were shared by advocates in the Phase 4 roundtables, indicating that these can be pervasive barriers for recruiting victim-survivors to systems-based research projects. As these advocates observed:

Going through court may not be a great experience, and then I have to talk about it some more.

(Advocate Roundtable, 24.3.25, Phase 4)

The challenges for victim-survivors, when they're finally at the end of that process, and depending on what the outcome has been, the timing can always really have a big impact on whether or not they will want to engage with the system any further. Even if it's for the benefit of understanding it or being able to raise what their experience was, having some control as to the timing, as to when they can give that feedback is really important as well, because depending on how long it's been since they've been engaged in that system might impact whether they feel comfortable having those discussions or being part of that that process.

(Advocate Roundtable, 24.3.25, Phase 4)

These excerpts underscore that once victim-survivors have reached the end of a court process, they may not want to contribute to subsequent research on that experience. The timing of projects aiming to engage with victim-survivors around the court process may therefore impact their desire to participate. While this study was focused on examining post-sentencing outcomes, and therefore limited to a specific point in the legal process, this is an important reflection for future related studies. Further, while the research team has considerable experience and expertise in successfully conducting trauma-informed research with victim-survivors, and safety protocols were embedded in the study design (refer to section 3.4), victim-survivors may still have concerns about

participating in this research and how it may result in having to relive DV memories and impacts. As one First Nations advocate summarised, *I would just say a lot of it's to do with rehashing previous trauma, yeah*' (First Nations advocate roundtable, 11.4.25, Phase 4).

Advocates were also asked whether they felt the specific focus on engaging victim-survivors after sentencing—and to meet the unique scope of the project's eligibility criteria (outlined in section 3)—was itself a recruitment challenge. While the research team utilised existing networks including support from Queensland DV services and community legal services to share the research information with victim-survivors, there is a tension given these organisations often do not have long-term contact with clients after a matter has been finalised in court. Again, advocates agreed with this observation, and in doing so pointed to structural considerations and over-burdened systems in shaping communication pathways and opportunities with victim-survivors. As one advocate explained:

When someone is working with a woman, there are so many things that they need to cover in that conversation that sometimes talking about a research project doesn't always come at the forefront of that conversation.

(Advocate Roundtable, 24.3.25, Phase 4)

Other advocates similarly commented on the impacts of systems-level factors or gaps as contributing to the recruitment challenges. For example:

Speaker 1: I think the perception that we're walking next to them that whole time isn't correct, and I think potentially police and DPP would have more contact with those, where those particularly, those charges are going through the courts ...

Speaker 2: I agree ... the police officers would generally have the most contact and that most ongoing relationship with the victim-survivors as well. There are other court specific support workers that may be able to and opt in ... and DPP would, as well as those other court support services.

(Advocate Roundtable, 24.3.25, Phase 4)

There aren't other services that are connected, and that's the gap, is that there isn't that, at that stage of the criminal sentencing—and that's where I think the role of the DV liaison officer, or somebody, is and was always critical.

(Advocate Roundtable, 28.3.25, Phase 4)

These comments point to some of the gaps in support for victim-survivors post-sentencing, and the implications for DV research recruitment that traditionally works with specialist services to connect with victim-survivors. Further, while the advocates in the first excerpt note the more ongoing role that can be offered by police and DPP, there can be safety and ethical concerns for relying on these government-based organisations for recruiting victim-survivors. This point is particularly important given advocates' earlier reflections on possible mistrust that victim-survivors can have for authorities within the criminal legal system.

Advocates emphasised that these remain central questions about the processes and ethics of engaging victim-survivors in research about their experiences of courts and sentencing for DV. They did not identify these recruitment challenges as reasons to avoid or discontinue research on these experiences. Rather, advocates argued for deeper consideration of when victim-survivors are invited to provide input on legal responses to DV, and the potential of this research to empower victim-survivors:

This whole idea about who decides when the victim-survivor is ready to give input ... I feel there's a real opportunity there to kind of balance that power a little and give that power back to the victim-survivors, because ultimately, it should be their decision about when they provide that input.

(Advocate Roundtable, 24.3.25, Phase 4)

I think, like a lot of things we've spoken about today, the proactive nature of victim-survivors being aware that this is something that they can ... provide feedback on ... If we were able to raise awareness ... that the aggravating factor exists, this is how it operates, you may also be given the opportunity to give feedback around how that impacted, or what your, your experience of that was, knowing that in advance, I think assists. It's not always going to be possible, dependent on the project, but I think as much as victim-survivors can be prepared for what they're likely to encounter, it's always going to ... give them more information to make the decisions they want to make.

(Advocate Roundtable, 24.3.25, Phase 4)

Critically, advocates stressed the importance of ensuring research remains centred on supporting the agency of and better outcomes for victim-survivors. The considerations raised by advocates in this project regarding future research practices and priorities echo similar calls in Australian and international commentary on DV and the ethical engagement of victim-survivors (e.g., Bond & Nash, 2023; Giles et al., 2025; McGregor et al., 2023; O'Donnell et al., 2023). These sentiments are further reflected in the following discussion and in the recommendations below.

6 Discussion

The aim of this project was to explore what impact the 2016 legislative reform to the Penalties and Sentences Act 1992 (Qld) requiring judicial officers to treat DV as an aggravating factor on sentence is having on victim-survivor satisfaction with the sentencing process. Analysis of the qualitative interview data collected for this project (n=11 interviews) shows that just over half of the interview sample (n=6) was satisfied. Of the six satisfied interview participants, one was somewhat satisfied, and one was satisfied with reservations. Critically, there were no discernible patterns identified in the interview data linking awareness of the aggravating factor to victim-survivors' satisfaction. Simultaneously however, it is important to note that interviewees thought the aggravating factor was positive, in theory, and saw the reform as one appropriate legal response to the harms caused by DV.

A primary finding of this research project is that a substantial number of participants were unaware of the aggravating factor, did not feel the magistrate or judge explicitly articulated the context of DV in their matter or the impact of this context on sentencing considerations. This finding is

supported by the advocate data and raises questions about how well the legislative reform has been implemented and considered at this point in time. This, in turn, raises the question of the suitability of capturing victim-survivor data on satisfaction with the reform when many victim-survivors seem unaware of the aggravating factor, its role and implications.

6.1 Systems factors influencing victim-survivor satisfaction

Sentencing is just one aspect of many in the court process that contributes to overall victim-survivor satisfaction, perceptions and confidence in justice systems (Bond & Nash, 2023; Fleury, 2002; Gover et al., 2007; Lawler et al., 2025; Lombard & Rennie, 2024). The findings detailed in Section 5 suggest that the legislative change did not increase victim-survivor satisfaction among study participants, and that this is due to problems and silos at the systems-level that have repeatedly been identified by the DV sector, both in Queensland and nationally (Commonwealth of Australia, 2022; Meyer, 2011; Special Taskforce on Domestic and Family Violence, 2015). There are multiple factors when considering victim-survivor satisfaction and agreement with sentencing outcomes that go beyond the sentence and penalty imposed (Bond & Nash, 2023; Gover et al., 2007; Lawler et al., 2025; Lombard & Rennie, 2024). These factors are intrinsically related to the systems-level issues noted throughout this report.

Specifically, this research indicates that victim-survivor satisfaction is significantly influenced by the extent to which they are informed about court proceedings and treated as active participants in DV legal matters. The provision of adequate support services at court emerged as a critical component in fostering positive experiences for victim-survivors in this study. These findings align with those made in comparable international jurisdictions such as Scotland (Lombard & Rennie, 2024) and North America (Gover et al., 2007), as well as overarching findings about victim-survivor needs and views on sentencing in Australian literature (Bond & Nash, 2023). The psychological and neurological trauma resulting from DV, compounded by the complexities of the legal system, can diminish victim-survivors' capacity to engage or absorb information, necessitating repeated and accessible communication strategies. Additionally, safety concerns during court attendance represent a substantial factor in their overall assessment of the justice process. The protracted duration of court proceedings was consistently identified as problematic, with participating victim-survivors and advocates expressing frustration with the extended time frames that often exacerbate trauma, undermine agency, and delay resolution and recovery.

6.2 The need for a victim-centric and trauma-informed justice responses

The research findings indicate that for the victim-survivors in the project sample, there was a need for more victim-centric and trauma-informed justice responses. This would entail informed judicial responses that recognise the diverse manifestations of DV, particularly in relation to psychological and neurological trauma. The project data suggests that some judicial officers require specific education to recognise the profound harm and multifaceted impact of DV on victim-survivors, their children, and their broader life circumstances.

Additionally, trauma-informed judicial responses would acknowledge the distress and secondary traumatisation / victimisation that can accompany justice system interactions. Participants consistently emphasised the importance of being believed, being taken seriously, and being validated by judicial officers as well as not having their experience or the offences minimised. Validation in the judicial context extends beyond mere procedural acknowledgment to encompass meaningful recognition of the substantial costs—financial, emotional, and psychological—associated with recovery from DV. These findings correspond with high victim-survivor satisfaction outcomes with specialised DV courts (where judicial officers are necessarily more DV informed) (Gover et al., 2008), Scottish findings on victim-survivors’ dissatisfaction with the absence of a ‘nuanced understanding’ of DV among court workers (Lombard & Rennie, 2024, p. 4), as well as Australian research on victim-survivor experiences of DV and justice processes (Fitz-Gibbon et al, 2024). In the current research project, the failure of the judiciary to recognise the patterns and harms of DV was frequently cited as a factor diminishing satisfaction with judicial outcomes, regardless of the application of the aggravating factor provision.

6.3 Additional considerations for system improvement

Several additional considerations, some of which are likely beyond the purview of sentencing, emerged from analysis of the survey, interview, roundtable, and Yarn data that merit attention in policy discussions. Queensland already has provisions in place to fast-track suitable cases. This research contributes to the evidence base that would support the fast-tracking of DV matters due to their sensitive nature and the high risk of ongoing trauma and PTSD among victim-survivors. Expedited proceedings could provide certainty and closure to victim-survivors in a timely manner. As a secondary benefit, this approach might have a deterrent effect on offenders, as research suggests that timely criminal justice responses are more likely to impact reoffending rates than protracted processes (Dandurand, 2009).

The implementation of recent coercive control criminalisation laws in Queensland necessitates consideration of judicial capacity to effectively evaluate evidence demonstrating patterns of violence rather than isolated incidents. This legislative development should be accompanied by critical assessment of the professional development requirements for judiciary members related to DV. Specifically, the development of specialised judicial educational modules addressing the patterns and harms of DV including coercive control would be beneficial. The need for a judiciary with a clear understanding of DV as a pattern of abuse and the harm that can be caused to victim-survivors when this pattern is not recognised is critical and something that has been established by previous research (Lombard & Rennie, 2024; Fitz-Gibbon et al, 2024). Educative modules should emphasise the positive impact of judicial recognition of these harms and provide guidance on effective sentencing approaches that acknowledge harm, prioritise victim-survivor safety, and promote offender rehabilitation.

Related to the above, the importance of judicial officers having sufficient regard to relevant histories of violence in sentencing for DV offences has also been highlighted. Recent reforms to the Act have gone some way to better supporting this, including: requiring a court to treat the fact a domestic violence offence was committed in contravention of a domestic violence order (or

similar) or other court order as an aggravating factor (s 9(10D)); and providing that a court in determining an offender’s character, may consider the history of domestic violence orders made or issued against that person (s 11(1)(b)). Experts working in this area of research have highlighted how ‘empowering’ the criminalisation of coercive control may be for victim-survivors as it affords the opportunity to present experiences of DV in ‘totality’, ‘rather than having to exclude experiences that are significant to the victim-survivor but were previously deemed irrelevant to the court’ (Fitz-Gibbon et al., 2024, p. 9; see also Bettinson & Bishop, 2015; Fitzgerald & Douglas, 2019; Tolmie, 2018). Data collected from victim-survivors and advocates in this research project supports this expert opinion and validates the recent efforts to reform the Act. Victim-survivors and advocates alike clearly articulated the significance of the judiciary’s recognition of DV as an ongoing pattern of violence and harm.

Additionally, the implementation of sentences incorporating specific conditions to protect victim-survivors could enhance safety outcomes. The research findings presented in this report indicate strong support amongst the project sample for developing systematic protocols to advise victim-survivors about perpetrators’ release from incarceration. Finally, expanding the allowance for victim impact statements to matters heard in Magistrates’ Courts, including contraventions of DVOs, would provide victim-survivors with a formal mechanism to communicate the impact of offences in proceedings where their voices are currently limited (see the findings of Gover et al. (2007, p. 606) on the positive impact of the “voice” effect’ to satisfaction with procedural processes).

6.4 Awareness and satisfaction of First Nations victim-survivors

A significant limitation of this research was the inability to recruit any First Nations victim-survivors for interviews,⁶ despite concerted efforts and support from First Nations DV, legal and health services, including on-site in-person recruitment. Consequently, the discussion of First Nations victim-survivors’ satisfaction with the aggravating factor reform necessarily relies on data collected from advocates with direct experience supporting First Nations communities.

Advocates consistently reported a general lack of awareness among First Nations victim-survivors regarding the aggravated factor offence reform. This lack of awareness may partly stem from the use of legal terminology—such as ‘aggravating factor’—which may not resonate with First Nations communities as relevant to their experiences. Advocates further observed that judicial officers rarely communicate the significance of the aggravated factor in ways that are meaningful to victim-survivors, and that even when mentioned, it is not perceived as carrying additional weight in sentencing. Instead, advocates described ongoing experiences of minimal sentencing, including suspended sentences and immediate parole for serious incidents, which undermines the intended effect of the reform.

⁶ There were two survey participants who identified as Aboriginal however this sub-sample size is insufficient to unpack culturally specific experiences.

The advocate data also highlighted well-known systemic barriers that reflect embedded coloniality and continue to impede First Nations victim-survivors' engagement with the justice system. These include poor inter-agency communication, lack of collaboration between First Nations and non-Indigenous services, and insufficient information provided to victim-survivors throughout the court process. Advocates noted that First Nations victim-survivors often feel excluded from proceedings—describing the process as ‘about them without them’—and are not provided with adequate representation or advocacy.

Advocates also highlighted that barriers to reporting and seeking support are particularly acute for First Nations women, who may prioritise safety, fear negative responses from police, or be deterred by the risk of triggering Child Protection interventions and potential child removal. The risk of misidentification as the primary aggressor and general mistrust of authorities was also highlighted by advocates as something that further discourages engagement. Advocates described ‘systems exhaustion’ as a common experience, with victim-survivors often required to navigate multiple jurisdictions and repeatedly recount their experiences to various agencies, exacerbating trauma and fatigue.

The project findings outlined above corroborate existing evidence in Australian scholarship that points to the array of systemic barriers that hamper First Nations engagement with the justice system. For example, Blagg et al. (2021) have documented how a legacy of colonialism and systemic racism contributes to deep mistrust of legal institutions, while Prentice et al. (2017) note the limited availability of culturally appropriate services. Research by Fitts et al. (2023) and Willis (2011) outline the way fear of authority, particularly the threat of punitive police practices and child protection interventions including child removal, deters victim-survivors from seeking help.

The lack of resourcing for MBCPs, especially in rural and remote areas, was also identified by First Nations advocates as a critical gap. Advocate participants advocated for intervention programs to address the root causes of offending, rather than relying solely on punitive measures. Importantly, advocates emphasised that satisfaction with sentencing outcomes is highly individualised, with some victim-survivors desiring harsher penalties while others prioritise non-criminalisation of partners or fathers. Across all perspectives, there was a shared call for greater involvement, representation, and voice for victim-survivors in court proceedings.

6.5 Recruitment challenges

The difficulties of recruiting victim-survivors, and in particular First Nations victim-survivors, emerged as a key finding in this research. The challenges of engaging victim-survivors of DV in research is well-known and acknowledged by researchers (Chung et al., 2020).

Despite strong partnerships with a select number of First Nations organisations and face-to-face engagement strategies, recruitment remained challenging. Advocates attributed this to several factors, including reluctance among potential participants to revisit traumatic experiences, particularly after their cases have been finalised, and possible experiences of secondary trauma / victimisation as a result of revisiting their experiences of DV and justice system responses in the

research participation. Many victim-survivors, once they have navigated the court process, prefer not to engage further with systems that have been sources of stress, trauma, misidentification, or disempowerment.

A general lack of awareness about the aggravating factor reform also contributed to recruitment difficulties. It is possible that victim-survivors did not recognise themselves in the study's promotional materials, as the language used did not align with their understanding or experiences of the justice process. This disconnect was confirmed by advocates, who noted that the terminology of 'aggravating factor' is not commonly known or meaningful to victim-survivors, many of whom may also not be aware of the reform. It was further supported by findings derived from the victim-survivor survey and interviews, which show that many participants were unaware of the aggravating factor and its meaning until undertaking the survey.

Further, advocates highlighted broader issues of mistrust in research and legal systems, systems fatigue, and concerns about the potential misuse of their words—particularly in relation to Child Protection proceedings. These factors, combined with the fragmentation of services and the tendency for victim-survivors to lose contact with support agencies post-sentence, significantly limited the pool of potential participants. The cumulative effect of these barriers underscores the need for more inclusive, trauma-informed, and culturally sensitive approaches to both research and service delivery in the DV sector.

6.6 Future considerations for victim-survivor research using online methods

In addition to well-known difficulties in recruiting victim-survivors for DV-related research (Chung et al., 2020; McGregor et al., 2023), and in particular those hard-to-reach or niche populations with DV and justice seeking experiences (McGowan et al., 2023), social science research recruitment now faces other challenges. These challenges reflect the shift to digital and online methods, particularly in the wake of the Covid-19 pandemic, and include the risk of bot responses and imposter participants in online surveys, interviews, and focus groups (Chandler & Palacci, 2017; Giles et al., 2025; Griffin et al., 2022; Jean Louis & Thompson, 2024; Liem, 2025; Ridge et al., 2024; Santinele Martino et al., 2024; Sharma et al., 2024). As outlined throughout this report, and substantively in the Methodology section, the current project encountered these increasingly common challenges during recruitment and data collection. Managing the high level of suspected bot and imposter responses in the survey, and attempted imposter participants in the interviews with victim-survivors, were incredibly time and labour intensive for the research team. Based on these experiences, the research team suggests that other researchers seeking to engage victim-survivors, or other hard-to-reach populations, and planning to use online methods should review the growing body of literature with guidance on mitigating possible imposter participants and ensure adequate time and resourcing in the research design to account for the additional protocols required.

7 Recommendations for further research

This research demonstrates that, while the 2016 legislative reform establishing DV as an aggravating factor in sentencing was intended to strengthen outcomes for victim-survivors, its practical effect on and bolstering of their satisfaction has been difficult to discern, and limited. Victim-survivors in this project noted other factors, such as magistrate/judge denouncement of DV and a perceived lack of holding perpetrators to account, which also influenced their satisfaction levels. For these victim-survivors, these factors have complicated the clear judicial application of the aggravating factor in the sentencing process. The findings from this study indicate that victim-survivors' satisfaction with sentencing is shaped by a complex interplay of factors that extend well beyond sentencing itself, including systemic barriers to support, lack of information and representation, persistent misunderstandings of DV amongst key actors, and the need for a more trauma-informed and victim-centric criminal legal system. The experiences of First Nations victim-survivors, as reported by advocates in this study, highlight additional layers of exclusion, mistrust, and systemic disadvantage that must be addressed if reforms are to be genuinely effective.

Recruitment challenges encountered in this study further reflect the broader disconnect between legal reforms and the lived realities of those most affected by DV. Addressing these issues will require broader actions and interventions that go beyond legislative change, including comprehensive systems reform, improved inter-agency collaboration, culturally safe practices, and ongoing engagement with victim-survivors and their support networks.

Critically, the findings from this project suggest a need for further targeted research to better inform DV legislative reform both in Queensland and nationally, and to continue strengthening victim-centred criminal legal responses to DV, including sentencing. The following recommendations for further research and reflections on practice implications are based on the key findings identified throughout this report. Across these recommendations, we recognise that there are additional gaps and complexities concerning the experiences of First Nations victim-survivors, and these considerations should be foregrounded in any future research extending on the current project.

1. Investigate and strengthen judicial officers' awareness and understanding of the aggravating factor, and the significance and harms and effects of DV

Findings from victim-survivors and advocates in this project underscore that judicial officers in Queensland, and other key actors within the criminal legal system, continue to demonstrate limited understandings of DV. This is a systems-level barrier to justice that is common across other jurisdictions in Australia and in similar contexts (e.g., Gezinski & Gonzalez-Pons, 2022; Gillis et al., 2006; Meyer, 2011). Further, in this small study there were very few victim-survivors who reported that the magistrate/judge discussed the aggravating factor during sentencing. This suggests a need for further research that investigates the level of awareness and understanding of the aggravating factor among judicial officers in Queensland. Such further research could also examine how judicial officers have applied the aggravating factor in different matters, any barriers

to using the aggravating factor on sentencing, and their perceptions on the effectiveness of the process for holding DV perpetrators accountable.

Based on the findings of this further research, and informed by the findings of the present study and related evaluations, there is an opportunity to develop and evaluate judicial professional development modules on the harms of DV, including non-physical harms, the value of judicial recognition, the application and significance of the aggravating factor in the recognition of harm, and effective sentencing that prioritises victim-survivor safety, offender responsibility and offender rehabilitation. These DV-focused modules should be included in existing regular and well-subscribed judicial training packages, and evaluation findings would have relevance for parallel efforts to improve judicial officers' understanding of DV across Australia.

2. Investigate possible impacts of the aggravating factor reform on offenders' perceptions and behaviours, and on sentencing outcomes

While victim-survivors' experiences and voices are critical for assessing the effectiveness of DV legislative reforms and outcomes, there is a further question of how DV offenders perceive the impacts of such reforms on their own behaviours and possible recidivism. As one advocate in the Phase 4 roundtables noted (refer to section 5.2.2.2, p. 59), there is a need to understand the possible impacts of the aggravating factor for perpetrators of DV.

This research should include perpetrators' awareness and understandings of the reform, their reflections on the sentencing of their matters, and their perceptions on whether the aggravating factor may have a deterrent effect on future recidivism. Over the long-term, further perpetrator-focused research could also examine whether DV offenders who have received harsher sentences under the aggravating factor go on to re-offend and look to identify key characteristics or patterns in those matters. This research would help to situate the aggravating factor reform, and its possible impacts, in the broader context of addressing DV perpetration in Australia.

3. Monitor and evaluate sentencing outcomes for DV matters to track uptake of the aggravating factor

In addition to investigating awareness and understanding of the aggravating factor among judicial officers and perpetrators, there is an opportunity to regularly monitor how often the aggravating factor is applied in DV matters and the sentencing outcomes in those cases. This further research could use Queensland court data (e.g., judgement transcripts, administrative sentencing data) to track possible changes in sentencing outcomes for offenders, including assessing whether the aggravating factor is leading to harsher sentences for matters involving DV (in comparison to before the 2016 legislative reform). This monitoring data could be further analysed to identify any potential patterns relating to key factors, such as type of offence(s), penalty/ies received, court level (e.g., Magistrates' Court), demographics of victim-survivors and offenders, whether a VIS was provided, and whether the offender has previously been found guilty of a DV offence. Public reporting on this monitoring would help inform future DV sentencing reforms, including possible entry points for improving support to victim-survivors or strengthening accountability of perpetrators.

4. Identify strategies for improving communication with and participation of victim-survivors throughout DV legal processes

Another finding in this study that mirrors existing knowledge on systems-level barriers is the limited access to information, communication, and participation for victim-survivors throughout DV legal processes. Comments from victim-survivors and advocates in this project illustrate that these barriers impact victim-survivors' experiences of court and satisfaction with sentencing and impede service providers' capacity to effectively support victim-survivors through those processes. Research participants felt that these barriers contribute to a landscape in which perpetrators continue to manipulate systems, avoid accountability, and inflict further harm.

These findings suggest a need to develop, implement, and evaluate protocols to ensure victim-survivors are consistently, accurately, and accessibly informed about court proceedings, sentencing outcomes, and the release of perpetrators. Consideration should be given to the development of a platform that enables victim-survivors to access information and see the status of their matters. This will also support accessibility (noting the 'digital divide' and factors such as location, age, disability can impede access to and confidence in using digital platforms). Such a platform should contain information about relevant DV legislation including the aggravating factor, what is required of victim-survivors in court, what to expect throughout the process, and matter-specific details such as when mentions are scheduled and when they can attend.

5. Identify strategies for increasing victim-survivor voices in DV proceedings

Reflections from victim-survivors in this study on the experience of providing a VIS highlight the complexities and individual preferences that victim-survivors can have around this process. They also speak to how disempowered victim-survivors can feel in having parts of their VIS redacted or in not being informed that the VIS was an option from the outset. These findings point to a further barrier to justice for victim-survivors in denying their voices during DV proceedings and in communicating the level of harm to the judge/magistrate, the perpetrator, and others present.

There is important scope for further research to identify and evaluate different strategies for embedding victim-survivor voices in DV court proceedings, including potential alternatives for victim-survivors to provide a VIS—if they want to—in a way that reflects their individual justice and safety concerns. There is also an opportunity to extend the use of VISs, and to ensure the opportunity is consistently communicated to victim-survivors, in all DV matters including contraventions of DVOs and other matters heard in the Magistrates' Court, to ensure victim-survivors have a meaningful opportunity to be heard at all levels of the court system. Such reforms and evaluation research would again have key implications for DV legal proceedings in Queensland and across other Australian jurisdictions.

6. Identify opportunities and assess outcomes for expanding the admissibility of histories of violence

A key concern raised by victim-survivors and advocates in this study was the lack of consistent opportunities for establishing histories of violence within evidence for DV matters. Particularly given the recent implementation of coercive control as a standalone offence in Queensland (as of 26 May 2025), there is a critical need to clarify processes and expand the admissibility of histories

of violence. Such reforms should be supported by parallel research that examines victim-survivors' satisfaction with the court process and sentencing outcomes, and the impacts on perpetrator accountability. In line with the first recommendation, this will also require strengthening judicial officers' understandings of how those histories contribute to the matter before the court and the cumulative harms experienced by victim-survivors.

This would further require amending legislation to allow for histories of violence to be considered when applying the aggravating factor in sentencing, to better reflect patterns of abuse and risk. The effectiveness of such reforms would be complemented by improving the VIS process, as discussed above, and by ensuring victim-survivors are well-informed of when and how they can contribute to the legal proceedings, if they want to. Taken together, these recommendations for further research—and the implications of those research findings—have the potential to substantially address some of the persistent, systems-level barriers to justice for victim-survivors, and to improve victim-survivors' satisfaction with the sentencing of DV in Queensland and nationally.

8 References

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9 Appendices

9.1 Appendix A: Roundtable & Yarn semi-structured question guides

9.1.1 Phase 1 (pre- data collection with victim-survivors)

Awareness and understanding of the aggravating factor

- Is the domestic violence aggravating factor something that prosecutors routinely raise with victim-survivors?
- Has the introduction of the aggravating factor changed the way judges or magistrates talk about domestic violence offences during sentencing?
- Does the judge or magistrate simply mention that the offence was a domestic violence offence, or do they talk about the fact that because the offence happened in a domestic and family violence context it is more serious.

Awareness among and impact on victim-survivors

- Are victim-survivors aware that domestic violence is an aggravating factor for the purpose of sentencing? In other words, are victim-survivors aware that the court is required to treat the offence as being more serious and that because of this, a person may receive a harsher sentence?
 - Probe: Do women typically have representation? Are they receiving adequate information about the process such that they are making informed decisions?
- What is your perception of victim-survivors' expectations of sentences for offences committed in a domestic and family violence context?
- Broadly, what is your perception of what victim-survivors actually want when they report? What are they seeking?
- Have you observed any changes in victim-survivors' satisfaction with the sentencing outcomes since the implementation of this reform?
 - Probe: Have you observed any changes in victim-survivor's satisfaction with the sentencing process more broadly?
- Have you observed any other impacts on victim-survivors experiences within the sentencing process since the implementation of this reform?

Input on victim-survivor research stages and recruitment strategies

- For the next stages of this project, we will be conducting an online survey and individual interviews with victim-survivors who have had a domestic violence matter sentenced in the Queensland courts since 2016. On the screen here are the key themes/sections we plan to ask victim-survivors about in the survey and the interviews. Do you have any suggestions or reflections about these themes or specific questions to ask, or other ideas or recommendations about how these next stages are conducted?

- In your opinion, what might be some strategic ways we could disseminate and administer the survey and/or interview to potential participants? We note that Aboriginal and Torres Strait Islander people are disproportionately represented as both victim-survivors and perpetrators of domestic violence offences, and that it is crucial we hear from these voices in our research.

Professional observations

- What feedback have you received from victim-survivors in relation to the application of the aggravating factor at sentence?
- Have you received any feedback from victim-survivors about the sentencing process in general?
- What feedback have you received from victim-survivors in relation to the application of exceptional circumstances to the aggravating factor at sentencing?
- Based on your interactions with victim-survivors or courtroom sentencing experiences, what are some common reactions you've observed from victim-survivors in relation to the application of the aggravating factor at sentence?
- Do you think the aggravating factor has been effective in holding offenders to account for their domestic violence offending?
 - If yes, how have you assessed this?
 - If no, could you expand on why you think this is?

Unintended consequences

- Have there been any unintended consequences of the legislative reform? If yes, how can these be addressed to better support victim-survivors?
- As we discussed earlier, a court does not have to treat the fact the offence is a 'domestic violence offence' as aggravating if there are exceptional circumstances. Has this helped to avoid any unintended consequences? For example, for primary victims of domestic violence who are sentenced for domestic violence offences?

Expectations and recommendations

- What expectations do you have regarding the role of judicial officers in applying the aggravating factor in sentencing domestic and family violence offenders?
- What suggestions do you have to further enhance the effectiveness of the 2016 reform in improving victim-survivor satisfaction with the sentencing process?

Reflections on progress

- In your opinion, what changes have you observed in sentencing responses to domestic and family violence since the implementation of the 2016 reform?
- Are there any areas where further progress is needed to enhance victim-survivor satisfaction with the sentencing process?

- Are there any areas where further progress is needed to ensure offenders are held to account for their domestic violence offending?

Final thoughts

- Is there anything else you would like to share or discuss regarding the impact of the 2016 aggravating factor reform on victim-survivors of domestic and family violence?

9.1.2 Phase 4 (post- data collection with victim-survivors)

Awareness, understanding and impact

- To your knowledge, are victim-survivors aware of the aggravated offence reform?
- If yes, how and when do you think they first become aware of it?
- Do you think they are supported to understand what impact it may have on sentencing?
- Do you think this reform has had an impact on victim-survivors' experiences within the legal system?
- How important do you think it is for your clients that judicial officers treat domestic violence as serious and reflect this in their sentence?

Professional observations

- Do you think the 2016 reform has been effective in addressing the needs and concerns of victim-survivors in domestic and family violence cases?

Unintended consequences

- Do you think there have been any unintended consequences of the legislative reform?
 - If yes, how can these be addressed to better support victim-survivors?

Recommendations

- What recommendations would you make to address some of the issues/gaps they reflect regarding the application of the aggravating factor?

Reflections on progress

- Are there any areas where further progress is needed to enhance the protection and rights of victim-survivors within the legal system?

Reflection on recruitment challenges

Explain: we encountered difficulty recruiting participants for this research. We are very keen to hear your thoughts on the following points – we really want to learn about how we can engage with this cohort.

- Who is this target population?
- Why do you think they aren't responding to calls for research participation?
 - Is it that they aren't aware of the factor and thus our calls for participation didn't resonate with them?
 - Is it that stakeholders like DV and legal services aren't the right gatekeepers because at the time clients engage with them, they haven't had a sentencing experience and by the time they do (if they ever do), they are no longer connected to DV and legal specialist services?

- There were ~80,000 charges lodged using the aggravating factor since 2019 according to the Qld Court stats. There is no information on conviction rates for this charge category but if we use NFS convictions as a guide, 1 in 3 of the DV charges lodged would have resulted in a conviction. How do we reach this relatively large population in future research and why did only a handful respond to our call for research participation?

Final thoughts

- Is there anything else you would like to share or discuss regarding the impact of the 2016 aggravated offence reform on victim-survivors of domestic and family violence?

9.2 Appendix B: Victim-survivor survey tool

Block 1: About your court case

The following questions ask about the domestic violence offence committed against you. We would like you to complete this survey if: The domestic violence offence went to court in Queensland and was sentenced after May 2016.

Please **do not** complete the survey if the **only** domestic violence offence(s) taken to court was/were:

- A contravention of a domestic violence order; or,
- The offence of choking, suffocation or strangulation in a domestic setting; or,
- The offence of coercive control

This research is about the aggravating factor. The aggravating factor only applies to offences that are not stand alone DV offences, as those listed above are. **However, if the offence includes a standalone DV offence in addition to something else in which the aggravating factor does apply, you are eligible to participate.**

If you have had multiple domestic violence offences committed against you, please refer to the most recent one involving at least one non-DV offence (i.e. an offence that does not fall into the category of contravention of a domestic violence order; choking, suffocation or strangulation in a domestic setting; or, coercive control) and in which:

- You were the victim-survivor,
- It went to court in Queensland, and was sentenced after May 2016.

Start of survey questions

1. Was the person who committed a domestic violence offence against you taken to court?
 - Yes
 - No [*skips to end of survey message*]
2. Was the court in Queensland?
 - Yes
 - No [*skips to end of survey message*]
3. In what year did the domestic violence offence happen?
 - [Open text]
4. How was the matter finalised in court?
 - The person was sentenced and received a penalty
 - The person was found not guilty [*skips to end of survey message*]
 - The matter did not proceed to sentencing [*skips to end of survey message*]
 - The court case is still ongoing [*skips to end of survey message*]
 - The matter did not proceed to sentencing but a domestic violence order (DVO) was granted, refused or varied [*skips to end of survey message*]

- I don't know [*skips to end of survey message*]
 - The court case has finished, but the person was not sentenced [*skips to end of survey message*]
5. In what year was the person who committed a domestic violence offence against you sentenced?
- Prior to May 2016 [*skips to end of survey message*]
 - 2016 (after May)
 - 2017
 - 2018
 - 2019
 - 2020
 - 2021
 - 2022
 - 2023
 - 2024
6. What sentence was given for the domestic violence offence?
- The person was sentenced to prison
 - The person was ordered to serve their prison sentence in the community on a suspended sentence
 - The person was ordered to undertake probation or community service
 - I don't know
 - Other, please explain [Open text]
7. What was the offence the person was charged with?
- Please note:** If you select one of the first three answers you will be exited from the survey. However, **if the offence the person was charged with included one (or more) of the first three answers in addition to something else please select the fourth option 'One of the above and another offence' and provide further information.**
- Contravention of a Domestic Violence order (i.e. a breach of DVO) [*skips to end of survey message*]
 - Choking, suffocation or strangulation in a domestic setting [*skips to end of survey message*]
 - Coercive control [*skips to end of survey message*]
 - One of the above and another offence. Please provide details of the additional offence. [Open text]
 - Other, please provide detail [Open text]
8. At the time you went to court for the domestic violence offence as a victim-survivor, were there any Domestic Violence Orders (DVOs) in place?
- Yes
 - No [*skips to Q10*]
9. If there was a DVO/DVOs in place, did it/they:
- List you as the aggrieved (victim)
 - List the other party as the aggrieved
 - Both

10. What was the relationship between yourself and the person sentenced for committing a domestic violence offence against you?
- Intimate partner
 - Intimate ex-partner
 - Parent
 - Adult child
 - Adult sibling
 - Other family member - please describe [Open text]

----- SECTION BREAK -----

Block 2: Awareness, knowledge, views, perceptions

The following questions are about your awareness and opinion of the requirement for judges and magistrates to treat domestic violence as an aggravating factor when sentencing, unless there are exceptional circumstances.

11. Prior to participating in this survey, were you aware that a court is required to treat domestic violence as an aggravating factor, which means the accused person may receive a harsher sentence?
- Yes
 - No [*skips to Q16*]
12. Did you know that domestic violence is an aggravating factor when your matter was sentenced by the court?
- Yes
 - No [*skips to Q16*]
13. Did anyone speak with you about the fact that domestic violence is an aggravating factor in sentencing? If so, who? [*multiple responses possible*]
- Police
 - Prosecutor
 - Legal Aid
 - Duty Lawyer
 - Private Lawyer
 - Victim-survivor support services
 - Other, please explain [Open text]
14. When did you first find out that domestic violence is an aggravating factor in sentencing?
- When reporting the offence to police
 - In the lead up to court proceedings
 - At the beginning of court proceedings
 - Other, please explain [Open text]
 - No one spoke with me about it. I became aware of it in another way. Please explain [Open text]
15. Were you informed about what a potential sentence (when the aggravating factor is applied) might be? If so, by who?

- [Open text]

16. Since 2016, Queensland courts are required to treat domestic violence offences more seriously. Do you think that perpetrators of domestic violence offences should receive harsher sentences compared to offences that do not involve domestic violence? Please indicate to what extent you agree with the following statement:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
Domestic violence offences should receive harsher sentences compared to offences that do not involve domestic violence.	○	○	○	○	○

17. What is your opinion of the fact that Queensland courts are required to treat domestic violence offences as more serious?

- [Open text]

18. If you were in court during sentencing, did you hear the judge/magistrate talk about domestic violence being an aggravating factor?

- Yes
- No *[skips to Q20]*
- Not applicable *[skips to Q20]*

19. How satisfied were you with the way the judge/magistrate spoke about domestic violence?

- Completely satisfied
- Mostly satisfied
- Neither satisfied nor dissatisfied
- Somewhat unsatisfied
- Very satisfied

----- SECTION BREAK -----

Block 3: Satisfaction and experiences

The following questions ask about your satisfaction with the sentencing outcome and your experience of the court sentencing process.

Being informed before coming to court and satisfaction

20. Please indicate your level of agreement with the following statement:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree

I was given information about where I could get help.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Very important to me	Somewhat important to me	Neither important nor unimportant	Somewhat unimportant	Very unimportant to me
This aspect of the process was ...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

21. Please indicate your level of agreement with the following statement:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I was given information about what was going to happen at court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Very important to me	Somewhat important to me	Neither important nor unimportant	Somewhat unimportant	Very unimportant to me
This aspect of the process was ...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

22. Please indicate your level of agreement with the following statement:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I was told about the aggravating factor that applies to domestic violence offences and the impact this may have on sentencing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Very important to me	Somewhat important to me	Neither important nor unimportant	Somewhat unimportant	Very unimportant to me
This aspect of the process was ...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

23. Please indicate your level of agreement with the following statement:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I was given information about what I needed to do at court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
	Very important to me	Somewhat important to me	Neither important nor unimportant	Somewhat unimportant	Very unimportant to me
This aspect of the process was ...	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Court experience and outcomes

24. Please indicate your level of agreement with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I was treated with respect during my court case.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The court process was fair.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I had no concerns about my safety in coming to court.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Outcome acceptance

25. Please indicate your level of agreement with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
I agree with the sentence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I accept the sentence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I received an honest explanation for the sentence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
I understand the sentence.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The sentence was fair.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The sentence was expected.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Assessment of perpetrator accountability

26. Please indicate your level of agreement with the following statements:

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree
What happened in the courtroom made it clear that what happened to me was wrong.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
What happened in the courtroom made it clear that what happened to me was against the law.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Do you feel the other person was held responsible for their use of domestic violence by the magistrate/judge.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
The other person took responsibility for what they did.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

----- SECTION BREAK -----

Block 4: Victim impact statements

Presence/absence of factors that impact satisfaction with the criminal justice system and/or sentencing.

27. Did you provide a victim impact statement?

- Yes
- No

28. *[Display if Q27 = Yes]* If you feel comfortable, could you explain why you decided to provide a victim impact statement?

- [Open text]

29. *[Display if Q27 = No]* If you feel comfortable, could you explain why you didn't provide a

- victim impact statement?
- [Open text] *[skips to Q42]*
30. How did you feel after providing the victim impact statement?
- [Open text]
31. Did someone help you write a victim impact statement?
- Yes
 - No *[skips to Q33]*
32. If so, who supported you to write your victim impact statement?
- [Open text]
33. Did you **expect** your victim impact statement to have an effect on the sentence imposed?
- Yes
 - No
34. Did you **want** your victim impact statement to have an effect on the sentence imposed?
- Yes
 - No
35. Do you **think** your victim impact statement had an effect on the sentence imposed?
- Yes
 - No
36. How was your victim impact statement provided to the court?
- Prosecutor provided it to the Magistrate/Judge
 - It was read aloud in court (either by yourself, or the prosecutor)
 - Other, please describe [Open text]
37. Were you satisfied with the way your victim impact statement was presented in court?
- Yes
 - No
38. Was any content from your victim impact statement redacted (removed) either prior to, or during, the sentence hearing?
- Yes
 - No *[skips to Q40]*
 - Not sure *[skips to Q40]*
39. If yes (some content from your victim impact statement was removed prior to or during the sentence hearing), how did that make you feel?
- [Open text]
40. Did you feel like providing a victim impact statement gave you a voice in the proceeding?
- Yes
 - No
41. Did you feel like the magistrate/judge understood the harm caused to you because of your victim impact statement?
- Yes
 - No
42. From your experience, how do you think the victim impact statement process could be

improved?

- [Open text]

----- SECTION BREAK -----

Block 5: Demographic questions

The following questions ask for some information about you.

43. Please select your age range.
- 18–24 years old
 - 25–30 years old
 - 31–40 years old
 - 41–50 years old
 - 51–60 years old
 - 61–70 years old
 - 71 years old or above
44. How do you describe your gender identity? Gender refers to current gender identity, which may be different to sex recorded at birth and may be different to what is indicated on legal documents.
- Woman or female
 - Man or male
 - Transgender male
 - Transgender female
 - Non-binary
 - Prefer not to say
 - I prefer/use a different term, please specify [Open text]
45. Please select your sexual orientation.
- Heterosexual
 - Gay
 - Lesbian
 - Bisexual
 - Pansexual
 - Queer
 - Questioning
 - Asexual
 - Prefer not to say
 - Other, please specify [Open text]
46. In what state/territory of Australia are you currently living in?
- Victoria
 - Tasmania
 - Australian Capital Territory
 - Western Australia
 - New South Wales

- South Australia
 - Northern Territory
 - I do not live in Australia
47. In what type of area do you live?
- Metropolitan (major cities)
 - Regional (regional area is the towns and small cities outside of the major capitals)
 - Rural (rural area sits outside a regional centre, but is within a few hours' drive)
 - Remote (remote is a township far removed from a major capital or regional centre)
48. Do you identify as Aboriginal or Torres Strait Islander?
- Yes – Aboriginal
 - Yes – Torres Strait Islander
 - Yes – Aboriginal and Torres Strait Islander
 - No
 - Prefer not to say
49. Is English the main language spoken at home?
- Yes
 - No
 - Prefer not to say
50. Do you have a disability/chronic health condition and/or mental health condition?
- Yes
 - No
 - Prefer not to say
51. Please select all relevant boxes in relation to your disability/chronic health condition and/or mental health condition: *[multiple responses possible]*
- Physical impairment
 - Visual impairment
 - Intellectual disability
 - Autism spectrum disorder
 - Acquired brain injury
 - Poor mental health affecting day to day functioning
 - Prefer not to say
 - Other, please specify [Open text]

End of survey

9.3 Appendix C: Victim-survivor semi-structured interview question guide

Preliminary questions to confirm eligibility

- Was the domestic and family violence matter you are here to discuss heard and sentenced through the Queensland court system after May 2016? **Y/N**

If no, advise participant that this project is about matters heard after the 2016 amendment and thank them for their time.

If yes, please ask, ‘was the person who committed the domestic violence offence against you sentenced?’ In what year were they sentenced?

If no to ‘was the person sentenced?’, ask why not (may have been because the defendant was found not guilty, or if there was not enough evidence to proceed with the prosecution) and then thank participant for their time and conclude interview. (Can advise that this project is only about matters that have been sentenced since the 2016 amendments).

If yes to ‘was the person sentenced?’ ask:

- How was the matter finalised in court?
 - The person was sentenced and received a penalty.
 - The person was found not guilty.*
 - The matter did not proceed to sentencing.*
 - The court case is still underway.*
 - The matter did not proceed to sentencing but a domestic violence order (DVO) was granted, refused or varied* (this means it is a civil matter and not eligible)
 - I don’t know.*

If * is selected, thank participant for their time and conclude interview. (Can advise that this project is only about criminal matters that have been sentenced).

Otherwise proceed:

- Were you the victim-survivor of the domestic violence offence in court? **Y/N**

If yes, proceed.

If no, advise that research is about victim-survivor views and satisfaction with the sentencing process. Thank participant for their time and conclude interview.

- What was the offence the person was charged with?

If the interviewee selects any of the following offences (see offences below in blue) either in combination or individually, thank them for their time and conclude interview. You can advise them that the research is about the aggravating factor and that the aggravating factor only applies to offences that are not a stand alone DV offence.

- Contravention of a Domestic Violence order (i.e. a breach of DVO)
- Choking, suffocation or strangulation in a domestic setting
- Coercive control

However, please note: if the offence the person was charged with included one (or more) of the three above **in addition to something else, please ask the interviewee what the other offence was.** If it is something else, i.e., common assault, property damage, deprivation of liberty etc., they can still participate.

If the participant has had multiple domestic violence offences committed against them, please ask them to refer to the most recent one involving at least one non-DV offence (i.e., an offence that does not fall into the category of contravention of a domestic violence order; choking, suffocation or strangulation in a domestic setting; or, coercive control) and in which:

- They were the victim-survivor,
- It went to court in Queensland and was sentenced after May 2016.

About the domestic violence matter

- In what year did the domestic violence offence happen?
- If you feel comfortable, could you describe in your own words what the person who committed domestic violence against you was charged with?
- What was the sentence for the domestic violence matter?

Section 1: Knowledge and awareness of the 2016 legislative amendment

Awareness and sources of information

- To begin with, can you tell me about your general awareness of the requirement that courts treat domestic violence as an aggravating factor?
 - For example, how did you first hear about it?
 - Were you aware of the requirement before or after your case was heard in court?
 - If before, when were you first informed about it?
 - Were you supported to understand what the requirement might mean at sentencing?
- What have been the main sources of information about the domestic violence aggravating factor? (e.g., media, support services, legal advice, other)

Understanding

- How important do you think it is that judicial officers treat domestic violence as serious and reflect this in their sentence?

Section 2: Experiences, satisfaction and perceptions of DV sentencing

Background

- Can you please tell me some background about your own experience of going through the Queensland courts as a victim-survivor of a domestic and family violence offence?
 - Was this the first time you had been through a court process for a domestic and family violence offence?
 - Are you comfortable sharing some brief details about the case itself?
 - Who was the person charged with a domestic and family violence offence against you?
 - If intimate (ex)partner, ask: At the time of the sentencing, were you still in a relationship with or separated from the intimate partner charged with the domestic violence offence?

Being informed before coming to court and satisfaction

- Were you given information about where you could get help? How important was this to you?
- Were you given information about what was going to happen at court? How important was this aspect of the process to you?
- Were you told about the aggravating factor that applies to domestic violence offences and the impact this may have on sentencing? How important was this aspect of the process to you?
- Were you given information about what you needed to do at court? How important was this aspect of the process to you?

Court experience and outcomes: Court experience

- Were you treated with respect during your case?
- Did you feel the court process was fair?
- Did you have any concerns about your safety coming to court?

Court experience and outcomes: Outcome acceptance

- Did/do you agree with the sentence?
- Did/do you accept the sentence?
- Did the judge/magistrate explain their reasons for giving the sentence?
- Did you understand the sentence?
- Was the sentence expected?
- Do you feel the other person who committed a domestic violence offence against you was held responsible for their use of domestic violence by the magistrate/judge?

Impact of victim impact statement

- Did you provide a victim impact statement?
- What did you think the result of providing a victim impact statement would be? For example, did you want it to impact the judge or magistrate's consideration of a sentence? Did you expect it to have an impact on the sentence itself?
- Did you feel that providing a victim impact statement gave you a voice in the sentencing process?
- If any content was removed from your victim impact statement either prior to or during the sentencing hearing, did this have an effect on how you felt about the process?

Views and perceptions

- Based on your own understanding and experience, what do you think overall about the fact that courts must treat domestic violence as an aggravating factor?
 - For example, do you think it adequately addresses the severity of domestic violence offences in sentencing? Why/why not?
 - Do you think the amendment acknowledges the experiences or concerns of victim-survivors? Why/why not?
 - Do you think the amendment is an appropriate response for
 - Meeting the needs and expectations of victim-survivors? Why/why not?
 - Ensuring the accountability of people using domestic and family violence? Why/why not?

Section 3: Recommendations and reflections on future reforms

Areas for improvement

- In what ways do you think the sentencing process could be improved for victim-survivors in domestic violence cases?
- Are there specific changes you would like to see in how the courts handle domestic violence offences?
- In your opinion, how can the Queensland justice system ensure that sentencing outcomes meet the expectations and needs of victim-survivors of domestic and family violence?

Section 4: Demographics

- How would you describe your gender identity?
- How old are you?
- Do you identify as a person with disability?
- How would you describe your sexual/romantic orientation?
- In what country were you born?
- What is the main language spoken at home?
- Do you identify as Aboriginal and/or Torres Strait Islander?

End of interview

9.4 Appendix D: Additional information about and quantitative data from the group of 45 survey participants excluded from the main reported analysis

This Appendix presents a detailed overview of the concerns the research team had regarding the reliability of the data from the group of 45 survey participants who were excluded from the main analysis, as described in the Methodology section of the report. It also offers a descriptive analysis of this excluded sample (n=45). These 45 participants were grouped together during the screening and data cleaning process due to not replying to the screening email sent by the research team to confirm eligibility and assess for possible imposter participants. Inclusion of this data as an appendix was determined in consultation with QSAC. The following points should be read alongside the description of the recruitment challenges and screening process outlined in sections 3.5 and 3.6 of the report.

9.4.1 Overview of the research team's concerns regarding responses from the 45 survey participants who were excluded from the reported analysis

The 45 responses separately presented here were excluded from the main analysis on the basis of consistent screening processes applied to all survey participants and further extensive manual review of the responses to be included or excluded due to overarching concerns about bot and imposter participants. We acknowledge that it is possible an eligible victim-survivor would leave contact details in the survey and then not reply to an email from the research team, including because they may not wish to respond to additional screening or because they may decide they are no longer interested in taking part in an interview.

Based on the ongoing review of survey responses during data collection for the project, the team felt there could be some eligible participants in this group. However, that number was small (n=4) and there were many more survey responses in this group that the research team were either not comfortable including due to markers of bots or imposter responses, or due to inadequate detail in the survey responses to make a clear decision. Rather than individually assess each of these 45 participants for eligibility without adequate information, the research team therefore made the decision to exclude all participants in this group to protect the integrity of the reported data set. This integrity is critically important given the significance of the evidence base that is generated in such projects (in the development or reform of criminal justice practices) and the potentially negative implications for victim-survivors.

Importantly, no survey responses in this group were excluded on the basis of providing only one or two answers (e.g., in the qualitative questions) that were considered contradictory, generic or otherwise suspicious. Rather, there were substantive concerns across the quantitative and qualitative data of submitted survey responses in this participant group that ultimately led to the research team's decision to exclude this group as a whole from the main reported analysis.

The research team wish to highlight the following patterns of concern in this group of survey participants to provide further context to the subsequent presentation of descriptive results for this participant group:

- 17 of these 45 survey participants were flagged by Qualtrics as a potential bot, based on an in-built reCaptcha score of <0.05 , including 2 responses that had a reCaptcha score of 0.
- 10 of these 45 survey participants completed the survey in less than 10 minutes and a further 8 of 45 completed the survey in less than 15 minutes (resulting in a total of 18 participants who completed in less than 15 minutes). This is in comparison to 4 of the 18 participants included in the analysis who completed in less than 10 minutes and an additional 2 who finished in less than 15 minutes (resulting in a total of 6 participants who completed in less than 15 minutes).
- 11 of the 45 responses included very little qualitative data, raising challenges for assessing the reliability of those responses. For example, 3 of 45 did not answer any of the 10 substantive qualitative questions or the 9 questions with open-text response options (e.g., “Other - please explain”) except the year of the offence (survey question #3, Appendix B); 6 of 45 only answered one qualitative question (in addition to the year of the offence) and another 2 of 45 only answered two qualitative questions (in addition to the year of the offence).
- 17 of 45 provided no additional detail on the offence type (survey question #7, Appendix B), making it difficult to confirm their eligibility for the research based on the reported offence that was sentenced and the applicable exclusion criteria for the overall evaluation. In comparison, only 1 response in the 18 participants included in the reported analysis provided no additional detail on the offence type, however they received phone screening and further email communication with the lead researcher and were confirmed as eligible for the study.
- There are clear differences in reported demographics for these two participant groups, and the differences raise concerns due to known challenges in recruiting victim-survivors broadly and the specific challenges associated with recruiting victim-survivors from diverse and minority populations. For example:
 - Among the 18 participants included in the reported analysis (as presented in Table 3, section 4.1.2 of the report):
 - All participants selected “Woman/female” as their gender identity.
 - 2 participants indicated that they identify as “Aboriginal”
 - Among the 45 participants in this excluded group (Table 3b, below):
 - 30 participants selected “Woman/female” and 15 selected “Man/male” as their gender identity. This is not to suggest the research team are questioning the validity of men’s experiences of domestic violence victimisation. Rather, there was no male survey uptake among the verifiable sample included in the main analysis.
 - A total of 30 participants indicated First Nations identity including Aboriginal (n=24), Torres Strait Islander (n=4), or Aboriginal and Torres Strait Islander (n=2). This is at odds with the First Nations representation

in the verifiable sample and the challenges experienced during overall recruitment of First Nations participants for this evaluation. QSAC and multiple First Nations stakeholders raised concerns early on in the evaluation that First Nations victim-survivors were highly unlikely to respond to an online survey. As a result, a culturally sensitive recruitment strategy was developed between the research team and First Nations stakeholders early on in the project, including targeted recruitment via First Nations organisations and opportunities for face-to-face survey administration by the Aboriginal researcher on the team. However, First Nations organisations were unable to identify victim-survivors eligible and willing to participate in the research over the 5-month data collection period. These points are also noted in the Methodology section of the report. Given these challenges experienced in recruiting First Nations victim-survivors for the survey and interviews via First Nations-led, targeted recruitment strategies, the research team feel it is highly unlikely that a 67% representation of First Nations participants among the 45 responses are reliable. Rather, these may be a reflection of bot and imposter responses randomly selecting answers to demographic questions.

- There are clear differences in levels of awareness of the aggravating factor reported between these two participant groups. Whereas only 8 of 18 of the included participant group reported awareness of the aggravating factor before completing the survey (Table 6, section 5.1.1 of the report), 37 of 45 of this excluded group reported awareness before the survey (Table 6b, below). Given the reflections shared by victim-survivors during the interviews, and by advocates during both phases of the roundtables and Yarn, this high level of reported awareness sits in contradiction to the low levels of awareness reflected in the main sample and discussed by stakeholders.
 - In addition, 34 of the 37 who said they were aware before completing the survey also reported being aware of the aggravating factor when the matter was sentenced, but 36 of the 37 reported that the judge/magistrate discussed the aggravating factor during sentencing, suggesting some inconsistencies in some responses to these questions (Table 6b, below).
 - This concern is compounded by the sentencing years reported by participants in both groups. Whereas participants in the 18 responses included in the report gave a variety of responses (from 2018 onwards) for when their matter was sentenced (Table 4, section 4.2.2), around half of the 45 participants (n=23) said their matter was sentenced in 2016 or 2017 (Table 4b, below). This would suggest these participants had a high level of awareness of the aggravating factor when the legislative reform was only recently introduced. Again, when considered in the context of the broader study findings about victim-survivors' awareness of the aggravating factor, this data raises concerns about the reliability of responses in this group of 45 survey participants.
- There are clear differences in patterns across Likert-style survey questions on participants' attitudes towards sentencing, attitudes towards offender accountability, experiences of

being informed during the court process, and perceptions of treatment during the court process. There are consistently higher levels of agreement across the 45 participant group with the Likert items across each of these tables, suggesting some in this group were selecting the first response option for each question to move through the survey more quickly.

- For example, less than half (7 of 18) agreed or strongly agreed with the statement “I agree with the sentence” (Table 10, section 5.2.1.1), compared with 39 of 45 (Table 10b, below).
- For example, 3 of 18 agreed or strongly agreed with the statement “The other person took responsibility for what they did” (Table 11, section 5.2.1.2), compared with 35 of the 45 (Table 11b, below).
- For example, 8 of 18 agreed or strongly agreed with the statement “I was given information about what I needed to do at court” (Table 12, section 5.2.1.3), compared with 37 of the 45 (Table 12b, below).
- For example, 10 of 18 agreed or strongly agreed with the statement “I was treated with respect during my case” (Table 14, section 5.2.1.3), compared with 39 of the 45 (Table 14b, below).
- Further, Qualtrics has an in-built “straightlining” score option, measuring the percentage of matrix/Likert-style questions that have been answered with a straight-line pattern. Of the 45 participant group, 6 have shown a straightlining score of 1 (selecting the same options for every matrix/Likert-style question) and an additional 8 have a score of 0.92.

9.4.2 Descriptive tables presenting quantitative analysis from the 45 survey participants that were excluded from the reported analysis

This section provides descriptive tables that align with the numbering and organisation of tables in the main body of the report. The quantitative data presented in these tables is from the 45 survey participants who were excluded from the main reported analysis due to concerns about the reliability and eligibility of a large number of these participants, and have been grouped together as they did not reply to an additional screening email as described above and in the Methodology section of the report. However, the data has been presented in this Appendix for the purposes of transparency and to demonstrate the patterns and concerns outlined above.

Table 3b: Survey sample demographics (N=45)

Survey sample demographics	n
Age range	
18-24 years old	4

25-30 years old	25
31-40 years old	13
41-50 years old	3
51-60 years old	0
61 years and over	0
<i>Total</i>	<i>45</i>
Gender identity	
Woman/female	30
Man/male	15
<i>Total</i>	<i>45</i>
Sexual orientation	
Heterosexual	41
Gay	1
Lesbian	1
Bisexual	1
Asexual	1
<i>Total</i>	<i>45</i>
Location	
Metropolitan	24
Regional	18
Rural	2

Remote	0
<i>Total</i>	<i>44ⁱ</i>
First Nations identity	
Aboriginal	24
Torres Strait Islander	4
Aboriginal and Torres Strait Islander	2
No	13
Prefer not to say	2
<i>Total</i>	<i>45</i>
English main language at home	
Yes	44
No	0
Prefer not to say	1
<i>Total</i>	<i>45</i>
Disability, chronic health or mental health condition	
Yes	5
No	40
<i>Total</i>	<i>45</i>

ⁱ One participant skipped this question.

Table 4b: Characteristics of court cases and sentencing (N=45)

Characteristics of participants' court experiences and sentencing	n
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Year of sentencing	
2016 (after May)	11
2017	12
2018	3
2019	4
2020	4
2021	2
2022	3
2023	5
2024	1
<i>Total</i>	<i>45</i>
Sentence given	
The person was sentenced to prison	25
The person was ordered to serve their prison sentence in the community on a suspended sentence	9
The person was ordered to undertake probation or community service	11
<i>Total</i>	<i>45</i>
Relationship with the offender	
Intimate partner	14
Intimate ex-partner	21
Parent	1

Adult child	2
Adult sibling	4
Other family member	3
<i>Total</i>	<i>45</i>
DVO in place at the time of the court case	
Yes	39
No	6
<i>Total</i>	<i>45</i>
Participant was listed on the DVO as (among those who had a DVO in place)	
The aggrieved (victim)	29
Other party listed as the aggrieved	6
Both	4
<i>Total</i>	<i>39</i>

Table 6b: Awareness of DV as an aggravating factor (N=45)

Awareness of aggravating factor	n
Awareness of the aggravating factor prior to survey completion	
Yes	37
No	8
<i>Total</i>	<i>45</i>

Awareness of the aggravating factor when matter was sentenced (among those who had prior awareness)	
Yes	34
No	3
<i>Total</i>	<i>37</i>
Judge/Magistrate discussed the aggravating factor during sentencing	
Yes	36
No	6
Skipped question	3
<i>Total</i>	<i>45</i>

Additional table: Informed about the aggravating factor

Informed about the aggravating factor	n
Informed about the aggravating factor by (among those who had prior awareness, multiple responses possible)	
Police	12
Prosecutor	6
Legal Aid	13
Duty lawyer	4
Private lawyer	11
Victim-survivor support services	6
Other	1

When first informed about the aggravating factor (among those who had prior awareness)	
When reporting the offence to police	17
In the lead up to court proceedings	11
At the beginning of court proceedings	3
Other	3
<i>Total</i>	<i>34</i>

Additional table: Satisfaction with how the judge/magistrate talked about DV

Satisfaction with judge/magistrate discussion of DV during sentencing	n
Satisfaction with how judge/magistrate discussed DV (among those who said the judge/magistrate had discussed the aggravating factor during sentencing)	
Completely or mostly satisfied	34
Neither satisfied nor dissatisfied	1
Very or somewhat unsatisfied	1
<i>Total</i>	<i>36</i>

Table 7b: Attitudes towards DV as an aggravating factor (N=45)

Attitudes towards the aggravating factor	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	<i>Total</i>
Domestic violence offences should receive harsher sentences compared to offences that do not involve domestic violence.	42	2	1	<i>45</i>

Table 10b: Attitudes towards sentencing (N=45)

Attitudes towards sentencing	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
I agree with the sentence	39	3	3	45
I accept the sentence	38	6	1	45
I received an honest explanation for the sentence	34	5	6	45
I understand the sentence	36	4	4	44 ⁱ
The sentence was fair	37	5	3	45
The sentence was expected	36	8	1	45

ⁱOne participant skipped this question.

Table 11b Attitudes towards assessments of offender accountability (N=45)

Assessment of offender accountability	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
What happened in the courtroom made it clear that what happened to me was wrong	39	3	3	45
What happened in the courtroom made it clear that what happened to me was against the law	39	5	1	45
I feel the other person was held responsible for their use of DV by the magistrate/judge	37	2	6	45
The other person took responsibility for what they did	35	5	5	45

Table 12b: Experiences of being informed about/throughout the court process (N=45)

Experiences of the court process	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	Total
I was given information about where I could get help	31	4	10	45
I was given information about what was going to happen at court	30	6	8	44 ⁱ
I was given information about what I needed to do at court	37	3	5	45
I was told about the aggravating factor that applies to domestic violence offences and the impact this may have on sentencing	36	4	5	45

ⁱOne participant skipped this question.

Table 13b: Perceptions of experiences throughout the court process (N=45)

Expectations of the court process	Somewhat/ Very important to me	Neither important to me nor unimportant	Somewhat/ Very unimportant to me	Total
I was given information about where I could get help and this aspect of the process was ...	40	2	3	45
I was given information about what was going to happen at court and this aspect of the process was ...	41	2	2	45
I was given information about what I needed to do at court and this aspect of the process was ...	39	4	2	45
I was told about the aggravating factor that applies to domestic violence offences and the impact this may have on sentencing and this aspect of the process was ...	40	4	1	45

Table 14b: Perceptions of treatment during the court process (N=45)

Perceptions of court experience and outcomes	Agree/ Strongly agree	Neither agree nor disagree	Disagree/ Strongly disagree	<i>Total</i>
I was treated with respect during my case	39	4	2	45
The court process was fair	34	6	5	45
I had no concerns about my safety coming to court	29	5	11	45

Table 15b: Number of participants who provided a victim impact statement (N=45)

Provided a victim impact statement	n
Yes	36
No	9
<i>Total</i>	45

Table 16b: Expectations and perceptions of providing a victim impact statement (N=45)

Among those who provided a victim impact statement (VIS)	n
Expected the VIS to have an effect on the sentence	
Yes	31
No	5
<i>Total</i>	36
Wanted the VIS to have an effect on the sentence	
Yes	30
No	6

<i>Total</i>	36
Thought the VIS had an effect on the sentence	
Yes	29
No	7
<i>Total</i>	36
Felt that providing a VIS gave me a voice in court	
Yes	34
No	2
<i>Total</i>	36
Felt the judge/magistrate understood the harm experienced because of the VIS	
Yes	30
No	6
<i>Total</i>	36

Table 17b: Experiences of providing a victim impact statement (N=45)

Among those who provided a victim impact statement (VIS)	n
Had help writing a VIS	
Yes	19
No	17
<i>Total</i>	36

The VIS was provided to the court by	
The prosecutor provided it to the judge/magistrate	24
It was read aloud in court (by the participant or the prosecutor)	11
Other	1
<i>Total</i>	<i>36</i>
Some content from the VIS was redacted prior to the sentence hearing	
Yes	14
No	15
Not sure	7
<i>Total</i>	<i>36</i>