



Queensland Sentencing
Advisory Council

The Tangled Web: Examining domestic and family violence sentencing reforms

Appendices

February 2026

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Appendix 1: Terms of Reference

TERMS OF REFERENCE QUEENSLAND SENTENCING ADVISORY COUNCIL

SENTENCING FOR SEXUAL VIOLENCE OFFENCES AND AGGRAVATING FACTOR FOR DOMESTIC AND FAMILY VIOLENCE OFFENCES

I, Shannon Fentiman, Attorney-General and Minister for Justice, Minister for Women and Minister for the Prevention of Domestic and Family Violence, having regard to:

- the report of the Special Taskforce on Domestic and Family Violence *Not Now, Not Ever: Putting an end to domestic and family violence in Queensland*;
- amendments made in the *Criminal Law (Domestic Violence) Amendment Act 2015* to the *Domestic and Family Violence Protection Act 2012* to increase the maximum penalties for contravening a domestic violence order and to the *Penalties and Sentences Act 1992* to provide for notations to indicate the domestic and family violence context of criminal offending;
- further amendments made in the *Criminal Law (Domestic Violence) Amendment Act 2016* to the *Penalties and Sentences Act 1992* making domestic and family violence an aggravating factor on sentence;
- the Queensland Sentencing Advisory Council research brief No.1, May 2021, *The impact of domestic violence as an aggravating factor on sentencing outcomes*;
- the report of Women's Safety and Justice Taskforce, *Hear her voice: Report one*, including recommendation 73 of that report;
- the report of Women's Safety and Justice Taskforce, *Hear her voice: Report two*;
- commentary expressing that penalties currently imposed on sentences for sexual assault and rape offences may not always meet the Queensland community's expectations;
- the maximum penalties provided in the Criminal Code for sexual assault and rape offences;
- the general expectation of the Queensland community that penalties imposed on offenders convicted of domestic and family violence offences and sexual assault and rape offences are appropriately reflective of the nature and seriousness of domestic and family violence and sexual violence;
- the need to protect victims from domestic and family violence and sexual violence;
- the need to hold domestic and family violence and sexual violence offenders to account;
- the sentencing principles and purposes of sentencing as outlined in the *Penalties and Sentences Act 1992*
- the need to maintain judicial discretion to impose a just and appropriate sentence in individual cases; and
- the need to promote public confidence in the criminal justice system.

refer to the Queensland Sentencing Advisory Council, pursuant to section 199(1) of the *Penalties and Sentences Act 1992*, a review of sentencing practices for sexual assault and rape offences and the operation and efficacy of section 9(10A) of the *Penalties and Sentences Act 1992*.

Scope

In undertaking this reference, the Queensland Sentencing Advisory Council will:

- review national and international research, reports and publications relevant to sentencing practices for sexual assault and rape offences and in sentencing adult offenders for domestic violence offences;

i. Sentencing practices for sexual assault and rape offences

- examine the penalties currently imposed on sentences under the *Penalties and Sentences Act 1992* for sexual assault and rape offences and review sentencing practices for these offences including the types of sentencing orders, duration and (any) time ordered to be served in custody prior to the offender being released into the community or being eligible for release on parole;
- determine whether penalties currently imposed on sentence under the *Penalties and Sentences Act 1992* for sexual assault and rape offences adequately reflect community views about the seriousness of this form of offending and the sentencing purposes of just punishment, denunciation and community protection;
- identify any trends or anomalies that occur in sentencing for sexual assault and rape offences;
- assess whether the existing sentencing purposes and factors set out in the *Penalties and Sentences Act 1992* are adequate for the purposes of sentencing sexual assault and rape offenders and identify if any additional legislative guidance is required;
- identify and report on any legislative or other changes required to ensure the imposition of appropriate sentences for sexual assault and rape offences;
- advise on options for reform to the current penalty and sentencing framework to ensure it provides an appropriate response to this type of offending;
- examine relevant offence, penalty, and sentencing provisions in other Australian and international jurisdictions to address offending behaviour relating to sexual assault and rape and any evidence of the impact of any reforms on sentencing practices;

ii. Operation and efficacy of section 9(10A) of the Penalties and Sentences Act 1992 and impact of increase in maximum penalties for contravention of a domestic violence order

- review sentencing practices for domestic violence related offences following changes to the *Penalties and Sentences Act 1992* by the *Criminal Law (Domestic Violence) Amendment Act 2016* to make the fact a person is convicted of a domestic violence offence an aggravating factor for the purposes of sentencing, except if it is not reasonable because of the exceptional circumstances of the case;
- advise on the impact of the operation of the aggravating factor in section 9(10A) of the *Penalties and Sentences Act 1992* on sentencing outcomes for all domestic violence related offences including for charges involving non-physical violence and coercive control;
- identify any trends or anomalies that occur in application of the aggravating factor in section 9(10A) of the *Penalties and Sentences Act 1992* or in sentencing for domestic violence-related conduct generally that create inconsistency or constrain the sentencing process;
- examine whether section 9(10A) of the *Penalties and Sentences Act 1992* is impacting victims' satisfaction with the sentencing process and if so, in what way;
- consider how sentencing trends and outcomes for contravention of a domestic violence order may have changed following the 2015 increase in the maximum penalties following amendments by the *Criminal Law (Domestic Violence) Amendment Act 2015 (Qld)*;

Consultation

- consult with key stakeholders, including but not limited to the judiciary, victims/survivors of domestic and family violence and sexual violence, the legal profession, key First Nations community representatives and organisations, domestic and family violence services, sexual violence advocacy groups, community legal centres and relevant government departments and agencies (e.g. Queensland Police Service and Director of Public Prosecutions);

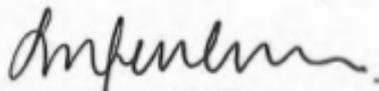
Impact of recommendations and other matters

- advise on the impact of any recommendation on the disproportionate representation of Aboriginal and Torres Strait Islander people in the criminal justice system;
- advise whether the legislative provisions that the Queensland Sentencing Advisory Council reviews in the *Penalties and Sentences Act 1992*, and any recommendations are compatible with rights protected under the *Human Rights Act 2019*; and
- advise on any other matters relevant to this reference.

The Queensland Sentencing Advisory Council is to provide to the Attorney-General and Minister for Justice, Minister for Women, and Minister for the Prevention of Domestic and Family Violence a report on its examination of:

- (i) sentencing practices for sexual assault and rape offences by **16 September 2024**; and
- (ii) the operation and efficacy of section 9(10A) of the *Penalties and Sentences Act 1992* and impact of increase in maximum penalties for contravention of a domestic violence order by **30 September 2025**

Dated the *17th* day of *May* 2023



SHANNON FENTIMAN MP

Attorney-General and Minister for Justice, Minister for Women, and Minister for the Prevention of Domestic and Family Violence

* Extension granted to reporting date for (ii) to 27 February 2026: Letter from Attorney-General and Minister for Justice, Minister for Integrity, Deb Frecklington MP, to Ann Lyons AM, Chair, Queensland Sentencing Advisory Council, 7 May 2025.

Appendix 2: Project Board Membership

Kristy Bell

Project Sponsor (from August 2025)

Julie Dick SC

Senior User (until January 2026)

Matt Jackson

Senior User (until January 2026)

Professor Elena Marchetti

Project Sponsor (until August 2025)

Debbie Kilroy OAM

Senior User (until August 2025)

Jo Bryant

Senior User (until August 2025)

Ann Lyons AM

Observer (until September 2025)

April Chrzanowski

Senior Supplier

Appendix 3: Stakeholder consultation and submissions

Individuals, agencies and organisations consulted (29 May 2023 - February 2026)

Date	Individual/Agency/Organisation
20 June 2023	Aboriginal and Torres Strait Islander Panel Meeting
11 July 2023	Practitioner Consultative Forum Meeting
12 July 2023	Research Consultative Forum Meeting
19 July 2023	Meeting with Queensland Corrective Services (QCS) at Arthur Gorrie Correctional Centre and Wolston Correctional Centre
24 August 2023	Aboriginal and Torres Strait Islander Panel Meeting
2 February 2024	Meeting with Parole Board Queensland
11 February 2025	Practitioner Consultative Forum Meeting
27 February 2025	Aboriginal and Torres Strait Islander Panel Meeting
12 March 2025	Research Consultative Forum Meeting
8 April 2025	Aboriginal and Torres Strait Islander Panel Meeting
15 - 17 April 2025	Meetings with stakeholders in Cairns, including the Cairns Regional Domestic Violence Service, Remote Area Aboriginal and Torres Strait Islander Child Care (RAATSIC), QCS, Cairns High Risk Team, Amaroo Justice Group, Department of Justice
1-2 May 2025	Meetings with stakeholders in Mount Isa, including High Risk Team, Young People Ahead, QCS, Queensland Police Service (QPS), Northwest Queensland Indigenous Catholic Social Services, 54 Reasons
19 - 23 May 2025	Meetings with stakeholders in the Torres Strait, including Community Justice Group Thursday Island, Tagai State College, Lena Passi Women's Shelter, NPA Family & Community Services (Women's Shelter), NPA Community Justice Group, QPS First Nations Group, Queensland Indigenous Family Violence Legal Service (QIFVLS), QCS, Mura Kosker Sorority, community session in Badu
30 May 2025	Meeting with Women's Safety and Violence Prevention Unit, Department of Justice
11 - 13 June 2025	Meetings with stakeholders in Townsville, including Townsville Justice Group, QIFVLS, Yumba-Meta, QPS, North Queensland Women's Legal Service (NQWLS), Relationships Australia, First Nations Women's Legal Services Queensland Inc. (FNWSLQ), Legal Aid Queensland, Sisters Inside Inc., Elders for Change, women with lived experience of being victim/survivors and person sentenced for use of violence
12 June 2025	Meeting with Mackay Community Justice Group
18 - 20 June 2025	Meetings with stakeholders in Roma, including QPS, QCS, Lifeline
25 - 27 June 2025	Meetings with stakeholders in Wide Bay region, including Community Action Inc., Maryborough Community Justice Group, QCS, Aboriginal and Torres Strait Islander Legal Service, Fraser Coast Domestic and Family Violence Alliance
26 June 2025	Aboriginal and Torres Strait Islander Panel Meeting
15 July 2025	Meeting with QCS at Brisbane Women's Correctional Centre
23 July 2025	Meeting with Full Stop Australia
21 August 2025	Research Consultative Forum Meeting
14 October 2025	Practitioner Consultative Forum Meeting
28 August 2025	Aboriginal and Torres Strait Islander Panel Meeting
30 October 2025	Aboriginal and Torres Strait Islander Panel Meeting
28 November 2025	Aboriginal and Torres Strait Islander Panel Meeting

Subject Matter Expert (SME) interview participants

Participant Group	Number of interviews
Legal Practitioner (including from private defence, Legal Aid Queensland, Aboriginal and Torres Strait Islander Legal Service practitioners and public prosecutors from Queensland Police Service and Director of Public Prosecutions)	10
Judicial Officer (Magistrates Courts and District Court)	7

Preliminary submissions

No	Organisation
1	Name withheld
2	Small Steps 4 Hannah Foundation
3	The Public Advocate
4	Justice Reform Initiative
5	Queensland Sexual Assault Network (QSAN)
6	Brisbane Rape and Incest Survivors Support Centre (BRISSC Collective)
7	Aboriginal and Torres Strait Islander Legal Service (Qld) (ATSILS)
8	No to Violence
9	Parole Board Queensland
10	Queensland Indigenous Family Violence Legal Service (QIFVLS)
11	DVConnect
12	Queensland Family and Child Commission (QFCC)
13	Not published
14	The Salvation Army Australia
15	Not published
16	Legal Aid Queensland (LAQ)
17	Fighters Against Child Abuse Australia (FACAA)
18	Not published
19	Not published
20	North Queensland Women's Legal Service
21	Women's Legal Service Queensland
22	Relationships Australia Queensland (RAQ)
23	Full Stop Australia
24	Not published
25	Queensland Corrective Services (QCS)
26	Australian Psychological Society (APS)
27	Name withheld
28	Sisters Inside Inc.

Submissions in response to Consultation Paper

No	Organisation
1	Name withheld
2	Not published
3	N Murphy
4	Royal Australian College of General Practitioners (RAGCP)
5	TASC Legal and Social Justice
6	Name withheld
7	The Salvation Army
8	Office of the Public Guardian (OPG)
9	Aboriginal and Torres Strait Islander Legal Service (Qld) (ATSILS)
10	Sisters Inside Inc.
11	Red Rose Foundation
12	M Halliday
13	Name withheld
14	Queensland Law Society (QLS)
15	Office of the Victims' Commissioner
16	Queensland Police Union
17	First Nation's Women's Legal Services Qld (FNWLSQ)
18	Legal Aid Queensland (LAQ)
19	Name withheld

Appendix 4: Protection orders and relevant relationships under the *Domestic Family Violence Protection Act 2012 (Qld)*

As shown in Table A-1, 4 types of orders may be made under the *Domestic and Family Violence Protection Act 2012 (Qld)*.

Table A-1: Types of protection orders in Queensland

Type of order	Description
Police protection notice (PPN)	<p>A temporary order until a domestic violence order is made.</p> <p>If police reasonably believe the respondent has committed domestic violence, that a PPN is necessary or desirable to protect the aggrieved, there is no current PPN or domestic violence order between the respondent and the aggrieved, and the respondent should not be taken into custody, they can issue a PPN to the respondent.¹ Sometimes police must issue a PPN.² Police must prepare, file and serve supporting material in court, which will be considered by the court within 14 days.³</p> <p>The PPN requires the respondent to be of good behaviour towards the aggrieved or any named individual and to not commit any further domestic violence.⁴ It can include further conditions deemed necessary by police.⁵</p>
Release with conditions	<p>If it is not reasonably practicable for a police officer to bring the respondent to court for the hearing of a protection order, and the police officer has not obtained a temporary protection order, and the respondent is in custody and must be released, the police officer can release the respondent with release conditions.⁶ Conditions are similar to those in a police protection notice.</p>
Domestic violence order	<p>A court order that is either temporary or final, requiring an individual to be of good behaviour and not commit domestic violence against the aggrieved or any named person and comply with any other conditions imposed by the court for a set period of time.⁷</p>
Police protection direction (PPD)	<p>A direction issued by police when it would not be appropriate to bring the matter before a court.⁸ A PPD can be for up to 12 months.⁹</p> <p>Police can issue a PPD to the respondent if they reasonably believe the respondent has committed domestic violence, that a PPD is necessary or desirable to protect the aggrieved and it is not more appropriate for the action taken to include an application to a court for a DVO.¹⁰</p> <p>There are circumstances where a PPD cannot be issued, including if: the respondent or aggrieved is a child or a police officer; if the respondent is taken into custody (as the court can make an order); a DVO or interstate order is or has been in force; or the respondent has been convicted of a domestic violence offence in the previous 2 years or there are charges ongoing.¹¹</p>

¹ *Domestic and Family Violence Protection Act 2012 (Qld)* s 101 ('DFVPA').

² Ibid s 101A.

³ Ibid s 105(2)(a). However, if the local Magistrates Court for the respondent does not sit during this period, then the matter will be heard at the court's next sitting date: Ibid s 105(2)(b).

⁴ DFVPA (n 1) s 106. From 26 May 2025, it also prohibits the person from organising, encouraging, asking, telling, forcing or engaging another person to do something that, if done by the respondent, would be domestic violence against the aggrieved or named person or, if the named person is a child, that would expose the child to domestic violence: Ibid ss 106(b), (c)(iii), (d)(iv)–(v) inserted by: Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024 (Qld) s 50 commencing by proclamation (2024 SL No. 146 item 3).

⁵ DFVPA (n 1) s 106A. These additional conditions can include a cool-down condition, a no-contact condition and an ouster condition.

⁶ Ibid s 125(1)-(2).

⁷ Ibid ss 23, 28, 37, 42, 44, 50.

⁸ Ibid s 100A.

⁹ Ibid s 100R.

¹⁰ Ibid s 100B.

¹¹ Ibid s 100C. See also s 100D(2) that contains further exceptions.

Table A-2: 'Relevant relationships' under the *Domestic and Family Violence Protection Act 2012* (Qld)

Intimate personal relationship ¹²	Family relationship	Informal care relationship
<p>Spousal relationship¹³ A spouse includes a de facto partner, a former spouse of the person; and a parent, or former parent,¹⁴ of a child of the person.</p>	<p>A family relationship¹⁵ exists between 2 persons if 1 of them is or was the relative of the other, whether connected either by blood or marriage.¹⁶</p>	<p>An informal care relationship¹⁸ exists between 2 persons if 1 of them is or was dependent on the other person (the carer) for help in daily living.</p>
<p>Engagement relationship¹⁹ An engagement relationship exists between 2 persons if the persons are or were engaged to be married to each other, including a betrothal under cultural or religious tradition.</p>	<p>Examples of an individual's relatives given in the Act are: an individual's spouse child (including a child over 18 years) stepchild parent step-parent sibling grandparent aunt nephew cousin half-brother mother-in-law aunt-in-law.</p>	<p>For example: dressing or other personal grooming meal preparation or eating shopping for a person's groceries telephoning a specialist to make a medical appointment for a person</p>
<p>Couple relationship²⁰ A couple relationship exists between 2 persons if the persons have or had a relationship as a couple.</p>	<p>Examples of former relatives include the person's former mother-in-law, a former step-parent, or step-siblings in circumstances where the parent they do not have in common has died.</p> <p>A relative¹⁷ also includes a person whom the person regards or regarded as a relative, especially where the concept of a relative may be wider for some people than others.</p>	<p>An informal care relationship does not exist between a child and a parent of a child.</p> <p>An informal care relationship does not exist if a person helps the other in an activity of daily living under a commercial arrangement (for example a nurse who attends each day to help with bathing).</p> <p>A commercial arrangement may exist even if a person does not pay a fee (for example – help from a voluntary organisation).</p> <p>An arrangement is not a commercial arrangement if 1 person receives a pension or allowance, or reimbursement for the purchase price of goods, for the help provided under the arrangement.</p> <p>An arrangement is not a commercial arrangement if 1 person pays a fee for the help provided under the arrangement because of domestic violence committed by the other person.</p>

¹² Ibid s 14.

¹³ Ibid s 15.

¹⁴ A 'parent' of a child, means the child's mother or father; and anyone else, other than the chief executive (child protection), having or exercising parental responsibility for the child: Ibid s 16. It also excludes foster and kinship carers or other person standing in the place of a parent on a temporary basis.

¹⁵ Ibid s 19.

¹⁶ Relatives of a de facto couple, including former de facto spouses, have a family relationship under ibid; *DL v MD & Queensland Police Service* [2022] QDC 228.

¹⁷ DFVPA (n 1) s 19.

¹⁸ Ibid s 20.

¹⁹ Ibid s 17.

²⁰ Ibid s 18.

Appendix 5: Changes to the definition of domestic violence

In force at 2 April 2012	In force at 17 September 2012	In force at 1 August 2023:
Domestic violence is any of the following acts that a person commits against another person if a domestic relationship exists between the 2 persons	Domestic violence means behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that	Domestic violence means behaviour, or a pattern of behaviour by a person (the first person) towards another person (the second person) with whom the first person is in a relevant relationship that
<p>(1)(a) wilful injury; (b) wilful damage to the other person's property; <i>Example of paragraph (b)– wilfully injuring a de facto's pet</i> (c) intimidation or harassment of the other person; <i>Examples of paragraph (c)–</i> <i>1 following an estranged spouse when the spouse is out in public, either by car or on foot</i> <i>2 positioning oneself outside a relative's residence or place of work</i> <i>3 repeatedly telephoning an ex-boyfriend at home or work without consent (whether during the day or night)</i> <i>4 regularly threatening an aged parent with the withdrawal of informal care if the parent does not sign over the parent's fortnightly pension cheque.</i> (d) indecent behaviour to the other person without consent; (e) a threat to commit an act mentioned in paragraphs (a) to (d).</p>	<p>(1) (a) is physically or sexually abusive; or (b) is emotionally or psychologically abusive; or (c) is economically abusive; or (d) is threatening; or (e) is coercive; or (f) in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or wellbeing or that of someone else.</p>	<p>(1) (a) is physically or sexually abusive; or (b) is emotionally or psychologically abusive; or (c) is economically abusive; or (d) is threatening; or (e) is coercive; or (f) in any other way controls or dominates the second person and causes the second person to fear for the second person's safety or wellbeing or that of someone else.</p>
	<p>(2) Without limiting subsection (1) domestic violence includes the following behaviour— (a) causing personal injury to a person or threatening to do so; (b) coercing a person to engage in sexual activity or attempting to do so; (c) damaging a person's property or threatening to do so; (d) depriving a person of the person's liberty or threatening to do so; (e) threatening a person with the death or injury of the person, a child of the person, or someone else; (f) threatening to commit suicide or self-harm so as to torment, intimidate or frighten the person to whom the behaviour is directed; (g) causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the person to whom the behaviour is directed, so as to control, dominate or coerce the person;</p>	<p>(3) Without limiting subsection (1) or (2), domestic violence includes the following behaviour— (a) causing personal injury to a person or threatening to do so; (b) coercing a person to engage in sexual activity or attempting to do so; (c) damaging a person's property or threatening to do so; (d) depriving a person of the person's liberty or threatening to do so; (e) threatening a person with the death or injury of the person, a child of the person, or someone else; (f) threatening to commit suicide or self-harm so as to torment, intimidate or frighten the person to whom the behaviour is directed; (g) causing or threatening to cause the death of, or injury to, an animal, whether or not the animal belongs to the person to whom the behaviour is directed, so as to control, dominate or coerce the person;</p>

In force at 2 April 2012	In force at 17 September 2012	In force at 1 August 2023:
	(h) unauthorised surveillance of a person; (i) unlawfully stalking, intimidating, harassing or abusing a person.	(h) unauthorised surveillance of a person; (i) unlawfully stalking, intimidating, harassing or abusing a person.
		(2) Behaviour, or a pattern of behaviour, mentioned in subsection (1)— (a) may occur over a period of time; and (b) may be more than 1 act, or a series of acts, that when considered cumulatively is abusive, threatening, coercive or causes fear in a way mentioned in that subsection; and (c) is to be considered in the context of the relationship between the first person and the second person as a whole.
(2) The person committing the domestic violence need not personally commit the act or threaten to commit it. A person who counsels or procures someone else to commit an act that, if done by the person, would be an act of domestic violence is taken to have committed the act.	(3) A person who counsels or procures someone else to engage in behaviour that, if engaged in by the person, would be domestic violence is taken to have committed domestic violence.	(4) A person who counsels or procures someone else to engage in behaviour that, if engaged in by the person, would be domestic violence is taken to have committed domestic violence.
	(4) To remove any doubt, it is declared that, for behaviour mentioned in subsection (2) that may constitute a criminal offence, a court may make an order under this Act on the basis that the behaviour is domestic violence even if the behaviour is not proved beyond a reasonable doubt.	(5) To remove any doubt, it is declared that, for behaviour mentioned in subsection (3) that may constitute a criminal offence, a court may make an order under this Act on the basis that the behaviour is domestic violence even if the behaviour is not proved beyond a reasonable doubt.

Appendix 6: Significant DFV reforms, reviews and events (2009 - 2025)

Name of activity	Date/Time	Type of activity	Description
For our sons and daughters: a Queensland Government strategy to reduce domestic and family violence 2009–2014 released	2009	 Systems	This strategy aimed to prevent domestic and family violence through a coordinated approach involving prevention, early intervention and support for victims. It focused on raising awareness, improving service responses, holding perpetrators accountable and fostering community partnerships to create a culture of non-violence and respect.
Consultation paper for the Review of the <i>Domestic and Family Violence Protection Act 1989</i> released	Mar 2010	 Reviews	The consultation paper invited public input on changes to improve the Act to better protect victims and hold perpetrators accountable. It explored key issues such as enhancing the safety of victims, improving the effectiveness of protection orders, addressing the needs of vulnerable groups, and ensuring the legal framework aligned with contemporary understandings of domestic and family violence.
Australian Law Reform Commission, in association with the New South Wales Law Reform Commission, Family Violence — A <i>National Legal Response</i> report released	Nov 2010	 Reviews	This report provided a comprehensive review of legal frameworks addressing family violence in Australia. The report made 187 recommendations aimed at improving the legal system’s response to family violence, focusing on better integration between federal, state, and territory laws, enhancing victim protection, and ensuring a consistent and holistic approach to tackling family violence across jurisdictions.
<i>Domestic and Family Violence Protection Act 2012</i> (DFVPA) enacted	Feb 2012	 Legislation	The DFVPA replaced the <i>Domestic Violence (Family Protection) Act 1989</i> (Qld). It introduced a range of measures to address DFV in Queensland. Changes included: <ul style="list-style-type: none"> expanding the definition of ‘domestic violence’ to encompass behaviour that is physically or sexually abusive, emotional, psychologically or economically abusive, threatening or coercive or in any other way controls or dominates another person causing fear; increasing maximum penalties for contravening a domestic violence order (DVO) or a police protection notice (PPN); establishing a new statutory requirement for police to investigate every report of DFV.
Maximum penalties for contravention of a domestic violence order (CDVO) increase on commencement of DFVPA	17 Sept 2012	 Sentencing	Change to increase the maximum penalty for CDVO from 2 to 3 years imprisonment commenced.
Definition of domestic and family violence expanded on commencement of DFVPA	17 Sept 2012	 Legislation	‘Domestic violence’ now defined as physical or sexual abuse, emotional or psychological abuse, threatening or coercive behaviour. For a complete list of behaviours captured, see Appendix 5 .
Special Taskforce on Domestic and Family Violence in Queensland releases its report, <i>Not Now, Not Ever: Putting an end to domestic and family violence in Queensland</i>	28 Feb 2015	 Reviews	The Special Taskforce delivered its report on improving responses to domestic and family violence to the Queensland Government. The report made 140 recommendations, including Rec 118: DV circumstance of aggravation and Rec 121: review of sufficiency of penalties for repeat CDVO.

Name of activity	Date/Time	Type of activity	Description
Queensland Government response to Special Taskforce report	Aug 2015	 Systems	The Queensland Government released its response to the Special Taskforce's report, accepting all 121 of the recommendations directed at government, including the establishment of specialist DFV courts, the implementation of high-risk teams in key regions and making strangulation a stand-alone criminal offence.
Trial of Specialist Domestic and Family Violence Court commences in Southport	Sep 2015	 Systems	The first specialist DFV court was established in Southport with a dedicated magistrate with expertise in domestic and family violence issues, specialist prosecutors, court support workers for the aggrieved and respondent and access to domestic and family violence perpetrator programs. The trial ran for 22 months – from 1 September 2015 to 30 June 2017.
Criminal Law (Domestic Violence) Amendment Act 2015 commenced	22 Oct 2015	 Legislation	Changes implemented under this Act included: <ul style="list-style-type: none"> expanding the definition of an aggravated CDVO offence to include prior convictions for <i>any</i> DV offence (not just an offence under Part 7 of the DFVPA); and reclassifying aggravated CDVO as an indictable offence, meaning it can be dealt with by the higher courts if certain criteria are met.
Coroners (Domestic and Family Violence Death Review and Advisory Board) Amendment Act 2015 commenced	22 Oct 2015	 Legislation	The Act established the statutory framework for the Domestic and Family Violence Death Review and Advisory Board (DFVDRAB) in response to recommendations made in the Special Taskforce's <i>Not Now, Not Ever</i> report.
Maximum penalties for CDVO increase	22 Oct 2015	 Sentencing	Maximum penalties for CDVO increased: <ul style="list-style-type: none"> for non-aggravated CDVO, from 2 years imprisonment or 60 penalty units to 3 years imprisonment or 120 penalty units; and for aggravated CDVO, from 3 years imprisonment or 120 penalty units to 5 years imprisonment or 240 penalty units.
DV flag scheme commences	1 Dec 2015	 Sentencing	Changes made to allow for the recording of an offence as a 'domestic violence offence' meaning a person can be charged with a DV offence and a conviction recorded as being for a DV offence in their criminal history.
Domestic Violence Implementation Council established	Dec 2015	 System	The Domestic Violence Implementation Council was established to monitor and advocate for recommendations made in the Special Taskforce's <i>Not Now, Not Ever</i> report.
Domestic and Family Violence Death Review and Advisory Board commenced	4 Dec 2015	 Systems	The DFVDRAB is responsible for undertaking research to identify trends and risk factors relating to domestic and family violence deaths; produce reports on the elements of good practice in preventing domestic and family violence deaths and make recommendations to the minister regarding ways to prevent or reduce domestic and family violence deaths.
Domestic and Family Violence Prevention Strategy 2016-2026 and First Action Plan of the DFV Prevention Strategy 2015-2016 released	Feb 2016	 Systems	Developed by the Queensland Government with feedback from service sector providers and community members, the Strategy's long-term objective was that all Queenslanders feel safe in their home homes and children can grow and develop in safe and secure environments. A stronger justice system response that will prioritise victim safety and hold perpetrators to account was 1 of 3 foundational elements underpinning the strategy.

Name of activity	Date/Time	Type of activity	Description
Changes to legal practice in response to Special Taskforce report	2016	 Systems	Several practice changes took place following the delivery of the Special Taskforce's <i>Not Now, Not Ever</i> report.
<i>Criminal Law (Domestic Violence) Amendment Act 2016</i> enacted	5 May 2016	 Legislation	In response to recommendations made by the Special Taskforce, this Act was passed to introduce: <ul style="list-style-type: none"> • a new DV aggravating factor in section 9(10A) of the <i>Penalties and Sentences Act 1992</i> (PSA); and • a new offence of choking, suffocation or strangulation in a domestic setting.
Offence of choking, suffocation or strangulation in a domestic setting commences	5 May 2016	 Legislation	A new offence of choking, suffocation or strangulation was established in the <i>Criminal Code</i> to reflect the inherent dangerousness of the behaviour and because it is a predictive indicator of escalation in domestic violence offending. It carries a maximum penalty of 7 years imprisonment.
DV aggravating factor in s 9(10A) of the <i>Penalties and Sentences Act 1992</i> (PSA) commences	5 May 2016	 Sentencing	Section 9(10A) of the PSA commenced operation requiring a court to treat the fact a person has been convicted of a DV offence as an aggravating factor, unless the court thinks it is not reasonable because of the exceptional circumstances of the case.
Domestic and Family Violence Death Review and Advisory Board membership finalised	July 2016	 Systems	Following a state-wide recruitment process, the Attorney-General announced the appointment of Board members. The Board comprised 12 members, both government and non-government. The State Coroner, Mr Terry Ryan, was appointed as the inaugural Chair.
Integrated service response pilots in Logan/Beenleigh (urban), followed by Mount Isa (regional) and Cherbourg (remote Indigenous community) commences	July 2016	 Systems	In response to recommendations made by the Special Taskforce, the integrated service response trials brought multiple DFV service systems together to provide a high quality, cohesive response to victim survivors, their children and persons using violence.
<i>Domestic and Family Violence Best Practice Guidelines</i> released	July 2016	 Systems	Developed by the Queensland Law Society (QLS) to assist legal practitioners in dealing with legal matters where DFV is identified. and published in response to the Special Taskforce's <i>Not Now, Not Ever</i> report.
<i>National Domestic and Family Violence Bench Book</i> launched	Aug 2016	 Systems	The bench book was developed to provide a central resource for judicial officers considering legal issues relevant to DFV-related cases. It provides background information supported by research, links to legal and related resources, and practical guidelines for courtroom management.
<i>Domestic and Family Violence Protection and Other Legislation Amendment Act 2016</i> enacted	20 Oct 2016	 Legislation	Amendments to the DFVPA, the <i>Police Powers and Responsibilities Act 2000 (Qld)</i> and other legislation were enacted : <ul style="list-style-type: none"> • enhancing responses to the DFV protection system, including providing victims with access to earlier and more tailored protection; • requiring police to consider the immediate protection of victims before applications for DVOs are heard by the court; and • broadening the discretion of a court to determine the appropriate duration of protection orders, and increasing the standard duration from 2 to 5 years.

Name of activity	Date/Time	Type of activity	Description
High Risk Teams commence in Logan/Beenleigh, Mt Isa and Cherbourg	Jan 2017	 Systems	High risk teams for domestic and family violence cases coordinate service delivery from police, health, corrections, and domestic violence services. First trial site was Logan/Beenleigh (urban), followed by Mt Isa (regional) and Cherbourg (remote Indigenous community).
<i>Evaluation of the Specialist Domestic and Family Violence Court Trial in Southport</i> report released	Feb 2017	 Reviews	Undertaken by Griffith University, the evaluation found that overall the Southport Specialist DV Court had made strong progress on its short and medium-term process outcomes. Researchers made 16 recommendations for the Southport court, as well as rolling out a specialist approach state-wide.
<i>Bail (Domestic Violence) and Another Act Amendment Act 2017</i> enacted	30 Mar 2017	 Legislation	As a result of changes made by the <i>Bail (Domestic Violence) and Another Act Amendment Act 2017</i> : <ul style="list-style-type: none"> the presumption of bail was reversed where the person is charged with domestic violence, including breaches; and the wearing of a GPS tracking device could be ordered as a bail condition for domestic violence offences.
Standard duration of DVOs increases to 5 years, and new mandatory conditions commence	30 May 2017	 Legislation	Changes made by the <i>Domestic and Family Violence Protection and Other Legislation Amendment Act 2016</i> came into effect including: <ul style="list-style-type: none"> increasing the standard duration of protection orders from 2 years to 5 years, unless the court is satisfied there are reasons for setting a shorter period; and requiring courts to consider whether any additional conditions are necessary or desirable.
Rollout of additional specialist Domestic and Family Violence Courts	Jul 2017 onwards	 Systems	Specialist DFV courts were established in Beenleigh, Mount Isa, Townsville and Palm Island (as a circuit of the Townsville specialist court), Brisbane and Cairns.
<i>Magistrates Courts Domestic Violence Benchbook</i> launched	2018	 Systems	For Magistrates Courts, the Benchbook reflects current and domestic family violence jurisprudence in Queensland and follows the DFVPA provisions. It is to be read with the National Bench Book.
Statewide policies for addressing DV against Aboriginal and Torres Strait Islander people and people with disability released	May 2019	 Systems	Queensland Government released: <ul style="list-style-type: none"> <i>Queensland's Plan to Respond to Domestic and Family Violence Against People with Disability</i>; and <i>Reshaping Our Approach to Aboriginal and Torres Strait Islander Domestic and Family Violence: Framework For Action</i>.
Domestic and Family Violence Prevention Council established	2019	 Systems	The Domestic and Family Violence Prevention Council replaced the Domestic Violence Implementation Council.
Implementation of online domestic and family violence reporting tool for police	Apr 2020	 Systems	The police online domestic and family violence reporting tool was introduced during the initial stages of the COVID-19 pandemic to support people being able to report incidents to the police while containment measures were in place.
Updates to legal practice guidelines, <i>Domestic and Family Violence: Best Practice Framework for Legal and Non-Legal Practitioners</i>	Oct 2020	 Systems	The Queensland Law Society (QLS) and Legal Aid Queensland (LAQ) collaborated to develop a framework to guide and help legal and non-legal practitioners deliver services to people affected by DFV. This new framework built on earlier versions.

Name of activity	Date/Time	Type of activity	Description
Establishment of QPS' Domestic and Family Violence and Vulnerable Persons Command	Mar 2021	 Systems	The Domestic, Family Violence and Vulnerable Persons Command within QPS leads the enhancement of the Queensland Police Service's capability to prevent, disrupt, respond to and investigate incidents of domestic and family violence and those involving vulnerable persons (including children, elders, people with disability and people with mental health issues).
Changes made to how police record domestic and family violence offences	Jul 2021	 Systems	A change in recording practices was implemented by the Queensland Police Service, requiring police officers to record within their administrative system (QPRIME) all criminal offences associated with domestic and family violence. This has resulted in an increase in the number of assault offences officially recorded.
Women's Safety and Justice Taskforce delivers its first report, <i>Hear Her Voice - Report One: Addressing Coercive Control and Domestic and Family Violence in Queensland</i>	Dec 2021	 Reviews	The first of 2 reports by the Women's Safety and Justice Taskforce examining ways to address coercive control and DFV in Queensland was delivered. The report made 89 recommendations including the criminalisation of coercive control, raising community awareness about DFV, improving support service and police responses to DFV, as well as for the Queensland Sentencing Advisory Council to consider the impact of the DV aggravating factor on all offences.
Southport Specialist Domestic and Family Violence Court: Process and Outcomes Evaluation 2017-21 released	Dec 2021	 Reviews	The second evaluation of the Southport Specialist DFV Court found the specialist court had been successfully implemented and integrated its civil and criminal responses and was able to respond to DFV in diverse relationship types. The report made 7 recommendations to strengthen the model and inform rollout to other locations.
The Queensland Government response to <i>Hear Her Voice - Report One</i>	10 May 2022	 Systems	The government's response to the first report of the Women's Safety and Justice Taskforce supported or supported-in-principle all 89 recommendations.
Women's Safety and Justice Taskforce delivers second report, <i>Hear Her Voice - Report Two: Women and Girls' Experiences Across the Criminal Justice System</i>	Jul 2022	 Reviews	The second of 2 reports by the Women's Safety and Justice Taskforce included 188 recommendations to improve Queensland's criminal justice system for women and girls who are victim survivors of sexual violence, or who are accused persons or offenders.
Video Recorded Evidence-In-Chief pilot commenced	Sep 2022	 Systems	The Video Recorded Evidence-in-Chief pilot commenced on 12 September 2022 in Ipswich and Southport Magistrates Courts. The pilot ran for 12 months for adult domestic and family violence related criminal procedures.
The Queensland Government response to <i>Hear Her Voice - Report Two</i>	Dec 2022	 Systems	The government's response to the second report of the Women's Safety and Justice Taskforce supported 103 recommendations in full, 71 recommendations in principle, and noted 14 recommendations. Recommendations included those relating to legislative reform, placing victim-survivors at the centre of interventions, working with Aboriginal and Torres Strait Islander communities, changing community attitudes, supporting victims through the court process, rehabilitating female offenders and to support measuring and monitoring justice system performance.
Commission of Inquiry into Police Service responses to domestic and family violence delivers its final report, <i>A Call for Change</i>	10 Nov 2022	 Reviews	The Commission of Inquiry made 78 recommendations to address significant systemic issues in the QPS and improve its responses to addressing domestic and family violence.

Name of activity	Date/Time	Type of activity	Description
Queensland Government response to <i>A Call for Change</i>	Nov 2022	 Systems	The government's response to the Commission of Inquiry report accepted all 78 recommendations in principle.
<i>Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023</i> enacted	28 Feb 2023	 Legislation	The Act was passed and included several reforms, including: <ul style="list-style-type: none"> • a requirement for police to provide courts with a respondent's criminal and domestic violence history (including orders made against a person in Queensland or interstate); • providing for a court's consideration of a respondent's DV history when making decisions regarding protection order applications and determining an offender's character; • requiring courts to consider the effect of DV experienced by the person being sentenced as a mitigating factor, unless this is not reasonable; • changing the definitions of 'domestic violence', 'emotional or psychological abuse' and 'economic abuse' in the DFVPA to include reference to a 'pattern of behaviour'; and • modernising the offence of unlawful stalking to create a new circumstance of aggravation when committed in a domestic relationship.
Expanded definition of 'domestic violence' commences	1 Aug 2023	 Legislation	Introduced by the <i>Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023</i> . The changes clarify that domestic violence can include a pattern of behaviour that may occur over a period of time and may be more than 1 act, or a series of acts, that when considered cumulatively is abusive, threatening coercive or causes fear and is to be considered in the context of the relationship between the first person and the second person as a whole. See further Appendix 5 .
Changes to police and court responses to DV, including a legislative requirement for courts to consider DV as a mitigating factor at sentence	1 Aug 2023	 Sentencing	Introduced by the <i>Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023</i> .
New unlawful stalking offence with a circumstance of aggravation when committed in a domestic relationship established	1 Aug 2023	 Legislation	Introduced by the <i>Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023</i> . The new offence has a maximum penalty of 7 years imprisonment.
Office of the Victims' Commissioner established and the interim Victims' Commissioner appointed	Sep 2023	 Systems	Interim Victims' Commissioner appointed.

Name of activity	Date/Time	Type of activity	Description
Additional sentencing considerations included in PSA commence, including a defendant's history of being abused or victimised.	Mar 2024	 Sentencing	Introduced by the <i>Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023</i> . New amendments to the PSA require courts to take into account a number of factors including: <ul style="list-style-type: none"> the hardship that any sentence imposed would have on the offender; and a defendant's history of being abused or victimised and the probable effect any sentence would have on a person to whom the offender is the primary caregiver, or person they are in an informal care relationship with, or on the child if the defendant is pregnant.
Victims' Commissioner and Sexual Violence Review Board Act 2024 enacted	9 May 2024	 Legislation	The Victims' Commissioner has the power to conduct systemic reviews of key matters relating to victims of crime and review the state's Charter of Victims' Rights.
Permanent Victims' Commissioner to promote and protect victims' rights appointed	29 Jul 2024	 System	Inaugural Victims' Commissioner appointed.
Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024 enacted	18 Mar 2024	 Legislation	Reforms introduced by this Act included: <ul style="list-style-type: none"> introducing an affirmative model of consent for sexual violence offences; establishing a new coercive control offence; introducing new aggravating factors for sentencing; making changes to DV averments.
Independent Domestic and Family Violence Advisory Panel established	May 2025	 System	A Domestic and Family Violence Advisory Panel was established to provide independent advice to government on reforms to address domestic and family violence in Queensland. It has experts from various backgrounds including policing, legal, academic and support services.
New offences of coercive control and engaging in domestic violence or associated domestic violence to aid respondent commence	26 May 2025	 Sentencing	New offences introduced by the <i>Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024</i> , including coercive control, established. The offence of coercive control, which carries a maximum penalty of 14 years imprisonment, criminalises a course of conduct that occurs in a domestic relationship, consisting of 1 or more occasion of physically, emotionally or economically abusive or isolating behaviour that is intended to coerce or control a person and is reasonably likely to cause harm.

Name of activity	Date/Time	Type of activity	Description
Commencement of DV-related sentencing reforms including new aggravating factors, a court-based DV diversion scheme for adults, and new standard conditions for DVOs	26 May 2025	 Sentencing	<p>Other reforms under the <i>Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024</i> come into effect including to:</p> <ul style="list-style-type: none"> introduce new statutory aggravating factors in section 9 of the PSA if a person commits a DV offence against a child, or has exposed a child to DV, or if an offence also constitutes a contravention of an order or release conditions under the DFVPA; establish a DV court-based perpetrator diversion scheme; include as a new standard condition of DV orders that the respondent 'not organise, encourage, ask, tell, force or engage another person to do something that, if done by the respondent, would be domestic violence against the aggrieved'.
<i>Domestic and Family Violence Protection and Other Legislation Amendment Act 2025</i> enacted	4 Sep 2025	 Legislation	<p>Reforms introduced by this Act included:</p> <ul style="list-style-type: none"> the establishment of a framework for police protection directions (PPDs) to improve efficiencies for police responding to DFV; changes to allow a court to impose an electronic monitoring device condition on a domestic violence order as part of a pilot GPS monitoring scheme for high-risk perpetrators; changes to simplify, streamline and expand the video-recorded evidence-in-chief framework statewide to support victim survivors of DFV.
Police Protection Directions (PPDs) commence	1 January 2026	 System	<p>PPDs commence as a new form of order that can be issued by police. A PPD is a 12-month direction requiring the respondent to not commit domestic violence against the aggrieved and any other named persons on the PPD. The maximum penalty for contravening a PPD is 120 penalty units or 3 years' imprisonment.</p>

Appendix 7: Approach to sentencing domestic violence offences in other jurisdictions

Other Australian states and territories and common law jurisdictions, such as Canada, England and Wales, and New Zealand have adopted different approaches to the sentencing of domestic and family violence offences.

Maximum penalties for contravention of a domestic violence order

As shown in Table A-3, maximum penalties for contravention of a domestic violence order (and equivalent orders) vary as do circumstances of aggravation for jurisdictions in Australia and New Zealand.

Table A-3: Maximum penalties for contravention of a domestic violence order (or equivalent) in Australia and New Zealand

State/Territory	Offence	1st instance	2nd instance	3rd instance	4th instance
QLD – Domestic and Family Violence Protection Act 2012 (Qld) s 177(2)	Contravention of domestic violence order	120 penalty units (\$20,028) ²¹ or 3 years' imprisonment	240 penalty units (\$40,056) ²² or 5 years' imprisonment (If within 5 years has committed a domestic violence offence)		
ACT – Family Violence Act 2016 (ACT) s 43(2)	Offence–contravention of family violence order	500 penalty units (\$80,000) ²³ and/or 5 years' imprisonment			
NSW – Crimes (Domestic and Personal Violence) Act 2007 (NSW) s 14(1)	Contravention of apprehended violence order	50 penalty units (\$5,500) ²⁴ and/or 2 years' imprisonment 100 penalty units (\$11,000) and/or 3 years' imprisonment ²⁵	150 penalty units (\$16,500) and/or 5 years' imprisonment ²⁶ (if on at least 2 occasions in 28 days prior to the contravention, the person breach another order against the same person, the same order or an apprehended DVO against a different person and the breach conduct is likely to cause physical or mental harm)		

²¹ The value of a penalty unit from 1 July 2025 is \$166.90: Penalties and Sentences Regulation 2025 (Qld) s 4.

²² Ibid.

²³ The value of a penalty unit as at 16 November 2025 is \$160: Legislation Act 2001 (ACT) s 133(2)(a).

²⁴ The value of a penalty unit as at 24 November 2025 is \$110: Crimes (Sentencing Procedure) Act 1999 (NSW) s 17.

²⁵ Where the person knowingly contravened a prohibition or restriction specified in the order with the intention of causing the protected person (a) physical or mental harm, or (b) to fear for their safety or the safety of another person: *Crimes (Domestic and Personal Violence) Act 2007* (NSW) s 14(1A) ('CDPVA').

²⁶ Ibid s 14(1C).

State/Territory	Offence	1st instance	2nd instance	3rd instance	4th instance
NT – Domestic and Family Violence Act 2007 (NT) s 121	Contravention of DVO [domestic violence order]	200 penalty units ²⁷ (\$37,800) ²⁸ or 2 years' imprisonment ²⁹ 5 years' imprisonment if involved harm or threat of harm ³⁰	3 years' imprisonment (and no harm or threat of harm involved) ³¹	3 years' imprisonment: (If at least 3 offences committed within a 28 day period, dealt with together and involve no harm or threat of harm) ³²	
SA – Intervention Orders (Prevention of Abuse) Act 2009 (SA) s 31	Contravention of intervention order Basic: non-aggravated Aggravated: where offence occurs in presence of child. Violent: physical violence or threat of physical violence	'Intervention order' breach: \$2,000 or 2 years imprisonment. Basic: 3 years' imprisonment Aggravated: 5 years' imprisonment Violent: 7 years' imprisonment Aggravated & violent: 10 years' imprisonment	Basic: 7 years' imprisonment Aggravated: 10 years' imprisonment (If contravention committed within 5 years)		
Tas – Family Violence Act 2004 (Tas) s 35	Contravention of FVO [family violence order] or PFVO [police family violence order]	20 penalty units (\$4,100) ³³ or 12 months imprisonment	30 penalty units (\$6,150) or 18 months imprisonment (If there has been any previous contravention)	40 penalty units (\$8,200) or 2 years' imprisonment (If there has been 2 of any previous contravention)	5 years' imprisonment (If there has been 3 of any previous contravention)

²⁷ Sentencing Act 1995 (NT) s 28.

²⁸ The value of a penalty unit from July 2025 to June 2026 is \$189: *Penalty Units Act 2009* (NT); Northern Territory Government, 'Penalty Units' (1 July 2025) <<https://agd.nt.gov.au/attorney-general-and-justice/units-and-amounts/penalty-units>>.

²⁹ *Domestic and Family Violence Act 2007* (NT) s 121(1).

³⁰ Ibid s 121(5). The court must sentence a person to actual imprisonment if they are found guilty of a breach of a DVO offence and the offence involved harm or threat to commit harm: Ibid s 122.

³¹ *Domestic and Family Violence Act* (n 29) s 121(4). The court must sentence a person to actual imprisonment if they are found guilty of a breach of a DVO offence and they have been found guilty previously of breach of a DVO: Ibid s 122.

³² *Domestic and Family Violence Act* (n 29) s 121(2). The court must sentence a person to actual imprisonment if they are found guilty of a breach of a DVO offence and they have been found guilty of at least 3 DVO breaches, the conduct of these offences took place in a period of 28 days and the person is being sentenced for the offences at the same time and the offences did not involve harm or threat of harm to the aggrieved: Ibid s 122.

³³ The value of a penalty unit from July 2025 to 30 June 2026 is \$205: *Penalty Units and Other Penalties Act* (Tas); 'Penalty Units Indexed Amounts | Department of Justice' <<https://www.justice.tas.gov.au/about-us/legislation/penalty-units-indexed-amounts>>.

State/Territory	Offence	1st instance	2nd instance	3rd instance	4th instance
Vic – Family Violence Protection Act 2008 (Vic) ss 123(2), 123A, 125A(1)	Contravention of family violence intervention order	240 penalty units ³⁴ (\$48,842.40) ³⁵ and/or 2 years' imprisonment			
	Contravention of order intending to cause harm or fear for safety	5 years' imprisonment and/or 600 penalty units ³⁶ (\$122, 106). ³⁷			
	Persistent contravention of notices and orders			5 years' imprisonment and/or 600 penalty units ³⁸ (\$122, 106) ³⁹	
WA – Restraining Orders Act 1997 (WA) ss 61, 61A	Breach of restraining order ⁴⁰	\$10,000 and/or 2 years' imprisonment			
	Penalty for repeated breach of restraining order			\$10,000 and/or 2 years' imprisonment Must impose imprisonment, unless 'unjust' and no safety concerns ⁴¹ (If at least 2 previous relevant offences within 2 years) ⁴²	
NZ – Family Violence Act 2018 (NZ) s 112	Offence to breach protection order (or related property order)	3 years' imprisonment			

³⁴ Sentencing Act 1991 (Vic) s 110.

³⁵ The value of a penalty unit from July 2025 to June 2026 is \$203.51: *Monetary Units Act 2004* (Vic) s 5; Department of Justice and Community Safety Victoria, 'Penalties and Values' (General) <<https://www.justice.vic.gov.au/justice-system/fines-and-penalties/penalties-and-values>>.

³⁶ *Sentencing Act* (n 34) s 110.

³⁷ The value of a penalty unit from July 2025 to June 2026 is \$203.51: *Monetary Units Act* (n 35) s 5; Department of Justice and Community Safety Victoria (n 35).

³⁸ *Sentencing Act* (n 34) s 110.

³⁹ The value of a penalty unit from July 2025 to June 2026 is \$203.51: *Monetary Units Act* (n 35) s 5; Department of Justice and Community Safety Victoria (n 35).

⁴⁰ Where the person is bound by a Family Violence Restraining Order: *Restraining Orders Act 1997* (WA) pt 1B, s 61(1).

⁴¹ *Ibid* s 61A(6).

⁴² Previous offences must have been committed before or after the qualifying relevant offence or have been counted at sentence for a different relevant offence: *Ibid* s 61A(2A). However, 2 or more previous relevant offences committed on the same day are to be treated as a single conviction: *Ibid* s 61A(2B).

Aggravating factors and circumstances of aggravation

Domestic violence context of offence as aggravating

Similar to Queensland, in the Northern Territory it is an express aggravating factor at sentence if the person and victim were in a domestic relationship and the offence involved domestic violence in the nature of conduct that was physically or sexually abusive, coercive control of the victim, or exposed a child to domestic violence.⁴³ In addition, the Act expressly provides that a purpose of sentencing a person for any offence can be for the 'protection of any person who is in a family relationship or a domestic relationship with the offender'.⁴⁴

In New Zealand, the sentencing legislation requires a court to treat as aggravating that the offence was a family violence offence committed—

- (i) while the person was subject to a protection order; and
- (ii) against a person who, in relation to the protection order, was a protected person (as so defined).⁴⁵

This is similar to the aggravating factor that came into effect in Queensland on 26 May 2025 (see section 6.6). While there is no direct equivalent to section 9(10A) of the PSA, other general aggravating factors apply that include elements of this, such as if the person is found to have been abusing a position of trust in relation to the victim, where the offence involved actual or threatened use of violence or a weapon, if the offence involved particular cruelty, or the victim was particularly vulnerable because of any factor known to the offender.⁴⁶

In Canada, evidence that the person being sentenced, in committing the offence, abused that person's intimate partner or a member of the victim or the offender's family is a relevant aggravating factor.⁴⁷ This is listed alongside other factors that can also be aggravating in the context of domestic violence offending, such as that the person abused a position of trust in relation to the victim, or that the offence had a significant impact on the victim considering their age and personal circumstances.⁴⁸

In England and Wales, which has formal sentencing guidelines developed by the Sentencing Council that courts must follow,⁴⁹ there is a general guideline that applies to domestic violence offences – *Overarching Principles: Domestic Abuse Guideline*.⁵⁰ The guideline states that: 'The domestic context of the offending behaviour makes the offending more serious because it represents a violation of the trust and security that normally exists between people in an intimate or family relationship'.⁵¹ It further notes: 'there may be a continuing threat to the victim's safety, and in the worst cases a threat to their life or the lives of others around them'.⁵² The guideline not only recognises the offending is more serious, but also lists aggravating and mitigating factors 'of particular relevance to offences committed in a domestic context'.⁵³ The fact an offence occurred in a domestic context is also listed in several offence-specific guidelines as an aggravating factor.⁵⁴

In Scotland, an offence is aggravated where it involved abuse of a partner or ex-partner⁵⁵ by the offender.⁵⁶ An offence is aggravated if the offender intended to cause their partner or ex-partner to suffer physical or

⁴³ *Sentencing Act* (n 27) s 6A(1)(fa).

⁴⁴ *Ibid* s 5(1)(e) Note for subsection (1)(e).

⁴⁵ *Sentencing Act 2002* (NZ) s 9(1)(ca).

⁴⁶ *Ibid* ss 9(1)(a), (e), (f), (g).

⁴⁷ *Criminal Code 1985* (RSC c C-46) s 718.2(a)(ii).

⁴⁸ *Ibid* ss 718.2(a)(iii), (iii.1).

⁴⁹ See *Sentencing Act 2020* (UK) pts 2–13, pt 4, s 59 ('*Sentencing Code* (UK)').

⁵⁰ Sentencing Council for England and Wales, *Domestic Abuse: Overarching Principles* (Guidelines, 24 May 2018).

⁵¹ *Ibid* [9].

⁵² *Ibid*.

⁵³ Sentencing Council for England and Wales (n 50) 'Aggravating and mitigating factors'.

⁵⁴ See, for example, the guidelines for the offences of: Arson (effective from 1 October 2019), Assault occasioning actual bodily harm (effective from 1 July 2021), Causing grievous bodily harm with intent to do grievous bodily harm/Wounding with intent to do GBH (effective from 1 July 2021), Harassment (fear of violence)/Stalking (fear of violence) (effective from 1 October 2018), Attempted murder (effective from 1 July 2021) Unlawful act manslaughter (effective from 1 November 2018).

⁵⁵ *Abusive Behaviour and Sexual Harm (Scotland) Act 2016* s 1(6). Defined as spouses or civil partners of each other, living together as spouses or in an intimate personal relationship and the references to person's ex-partner are to be construed accordingly.

⁵⁶ *Ibid* s 1.

psychological harm or is reckless to causing their partner or ex-partner to suffer physical or psychological harm.⁵⁷ It is immaterial if the offence does not in fact cause physical or psychological harm to the victim survivor.⁵⁸ When this provision is applied the court must:

- state on conviction that the offence is aggravated;
- record the conviction in a way that shows that the offence is aggravated;
- take the aggravation into account in determining an appropriate sentence; and
- state how the sentence would have been different had the offence not been aggravated and the extent of and reasons for that difference, or the reasons why there is no difference.⁵⁹

Other aggravating factors, including repeated domestic violence offending

In Tasmania, there is no aggravating factor that applies generally to all offences on the basis the offence was also a family violence offence. However, when determining sentence for a family violence offence,⁶⁰ a court or a judge must consider as aggravating the fact that the person being sentenced: knew, or was reckless as to whether, a child was present or on the premises at the time of the offence; knew, or was reckless as to whether, the affected person was pregnant; or is a serial family violence perpetrator.⁶¹

A 'serial family violence perpetrator' declaration is made by a court and recorded on the person's criminal history.⁶² The court must make a declaration if the person is 18 years or older in certain circumstances, including if the person has been convicted (counting the current offence) of at least 2 indictable family violence offences with at least 2 being committed on different days, or at least 3 family violence offences, whether indictable or summary, with at least 3 of those offences committed on different days, provided the court is of the view the making of the declaration is warranted.⁶³ This also applies if the person has been convicted of the offence of persistent family violence.⁶⁴

This new serial perpetrator designation was introduced by the Tasmanian Government in 2022 'to identify perpetrators who repeatedly commit family violence offences' and 'aims to provide for a heightened justice response ... through the imposition of certain restrictions, facilitating rehabilitation or providing for enhanced supervision'.⁶⁵ In addition to this being an aggravating factor at sentence, it is also relevant to decision-making relating to parole applications.⁶⁶

Other legislative guidance for domestic violence offences regarding aggravation or mitigation

In the Australian Capital Territory (ACT), in deciding how an offender should be sentenced for a family violence offence, a court must consider the nature of family violence and the context of the offending, including:

- the matters listed in the preamble to the *Family Violence Act 2016* (ACT);
- whether the offending occurred at the home of the victim, offender or another person;
- whether the offending occurred when a child was present; and
- if the offence is a serious family violence offence (defined as a family violence offence punishable by imprisonment for 5 years or more)⁶⁷ – whether the offender has 1 or more other convictions for serious family violence offences.⁶⁸

This same section provides that a court must not reduce the severity of a sentence it would otherwise have imposed because the offence is a family violence offence or a family violence order is in force against the

⁵⁷ Ibid s 1(2); Psychological harm includes fear, alarm or distress: Ibid s 1(7).

⁵⁸ *Abusive Behaviour and Sexual Harm (Scotland) Act* (n 55) s 1(3).

⁵⁹ Ibid s 1(5).

⁶⁰ Defined to mean 'any offence the commission of which constitutes family violence'

⁶¹ *Family Violence Act 2004* (Tas) s 13.

⁶² Ibid s 13A.

⁶³ Ibid s 29A(2).

⁶⁴ Ibid s 29A(2)(b)(iii). The offence of persistent family violence is established under s 170A of the *Criminal Code* (Tas).

⁶⁵ Department of Justice (Tasmania), 'Family Violence Reforms Bill 2021 - Fact Sheet'.

⁶⁶ Ibid.

⁶⁷ *Crimes (Sentencing) Act 2005* (ACT) s 34B(3).

⁶⁸ Ibid s 34B(1). 'Family violence offence' is defined in the *Family Violence Act 2016* (ACT) dictionary..

offender in relation to the family violence offence.⁶⁹ This requirement was originally enacted in response to a recommendation made by the Australian and NSW Law Reform Commissions.⁷⁰

General aggravating factors - not specific to domestic violence offences

In New South Wales (NSW), while the fact the person is convicted of a domestic violence offence is not expressly aggravating, statutory aggravating factors include several factors that could apply to such offences including that:

- the offence: involved the actual or threatened use of violence or a weapon; was committed in the home of a victim or any other person, involved gratuitous cruelty or a grave risk of death to another person or persons;
- the injury, emotional harm, loss or damage caused by the offence was substantial; and
- the person abused a position of trust or authority in relation to the victim, and the victim was vulnerable.⁷¹

Relationship between the person being sentenced and victim as a circumstance of aggravation

Both South Australia and Western Australia have introduced circumstances of aggravation which can apply in domestic violence contexts and increase the maximum penalty for those offences to which they apply.

In South Australia, aggravating circumstances include where the person 'committed the offence knowing that the victim of the offence was a person with whom the offender was, or was formerly, in a relationship (as defined)', as well as 'if the offender was, at the time of the offence, acting in contravention of' a court order by engaging in conduct the order was designed to prevent.⁷² Aggravating circumstances apply to a wide range of offences including unlawful threats to kill/endanger life or cause harm,⁷³ assault and assault occasioning bodily harm;⁷⁴ causing serious harm intentionally or recklessly;⁷⁵ or causing harm intentionally or recklessly;⁷⁶ endangering the life of another;⁷⁷ do an act/make an omission likely to cause serious harm with intent, or recklessly;⁷⁸ do an act/make an omission likely to cause harm;⁷⁹ theft;⁸⁰ serious criminal trespass - place of residence;⁸¹ and criminal trespass - place of residence.⁸² They also apply to several sexual offences, increasing the maximum penalty, including compelled sexual manipulation, indecent assault and procuring a child to commit an indecent act.⁸³

In Western Australia, circumstances of aggravation apply to a wide range of offences involving physical violence including grievous bodily harm;⁸⁴ suffocation and strangulation;⁸⁵ wounding,⁸⁶ common assault;⁸⁷ assault occasioning bodily harm;⁸⁸ and assault with intent.⁸⁹ Circumstances of aggravation include that the offender is in a family relationship with the victim of the offence, a child was present when the offence was committed, or the conduct of the person constituted a breach of an order (excluding one made or registered

⁶⁹ *Crimes (Sentencing) Act* (n 67) s 34B(2).

⁷⁰ Explanatory Statement, Family Violence Bill 2016 (ACT) referencing: Australian Law Reform Commission and New South Wales Law Reform Commission, Family Violence—A National Legal Response (Final Report No 114 (ALRC); 128 (NSWLRC), 2010) vol 1, rec 13–3. This provision was formerly located in section 34(2) of the *Crimes (Sentencing) Act* (n 67).

⁷¹ *Crimes (Sentencing Procedure) Act* (n 24) ss 21A(2)(b)–(c), (eb), (f), (g), (ib), (k), (l).

⁷² *Criminal Law Consolidation Act 1935* (SA) ss 5AA(1)(g), (l), (4a)..

⁷³ *Ibid* s 19.

⁷⁴ *Ibid* ss 20(3)–(4); This increases to 4 years (common assault) and 5 years (AOBH) if the persons uses, or threatens to use, an offensive weapon: *Ibid* ss 20(3)(c) and 20(4)(c).

⁷⁵ *Criminal Law Consolidation Act* (n 72) ss 23(1), (3).

⁷⁶ *Ibid* ss 24(1)–(2).

⁷⁷ *Ibid* s 29(1).

⁷⁸ *Ibid* s 29(2).

⁷⁹ *Ibid* s 29(3).

⁸⁰ *Ibid* s 134.

⁸¹ *Ibid* s 170(1)(b).

⁸² *Ibid* 170A(1)(b).

⁸³ *Ibid* ss 48A, 56, 63B.

⁸⁴ *Criminal Code Act 1913* (WA) sch, s 297(3) ('*Criminal Code* (WA)').

⁸⁵ *Ibid* s 298.

⁸⁶ *Ibid* s 301.

⁸⁷ *Ibid* s 313(1)(a).

⁸⁸ *Ibid* s 317(1)(a).

⁸⁹ *Ibid* s 317A(d).

under Part 1C of the *Restraining Orders Act 1997*).⁹⁰ The first 2 circumstances of aggravation do not apply if the offender was a child at the time of committing the offence.⁹¹

Guidance on penalty types and preconditions

Some jurisdictions provide further guidance on the types of penalties that are appropriate for a domestic violence offence. For example, in NSW when a court finds a person guilty of a domestic violence offence, there is a presumption that a court must impose:

- a sentence of full-time detention; or
- a supervised order (being an intensive correction order (ICO), community correction order (CCO) or conditional release order (CRO) that includes a supervision condition);

unless satisfied a different sentence is more appropriate in the circumstances and the court gives reasons for reaching that view.⁹²

Additionally:

- an ICO cannot be ordered unless the court is satisfied the victim of the domestic violence offence, and any other person with whom the offender is likely to live, will be adequately protected by the conditions of the order or for some other reason;⁹³
- a home detention condition cannot be ordered if the court reasonably believes the offender will live with the victim of the domestic violence offence;⁹⁴
- before making either a CCO or CRO for a domestic violence offence, the court must consider the victim's safety.⁹⁵

In Western Australia, the sentencing legislation requires a court to impose an electronic monitoring requirement if a court makes a community-based order, an intensive supervision order or a conditional suspended imprisonment order and an offence to which that order may apply is a family violence offence meeting certain additional criteria,⁹⁶ unless the court is satisfied there are exceptional circumstances.⁹⁷

In the Northern Territory, when sentencing an offence that involves domestic violence, a court must consider 'whether there is an unacceptable risk that the offender may commit domestic violence against a person' and whether the making of an order, including a condition of the order, would mitigate that risk.⁹⁸ The court must also ensure that the sentence is consistent with the conditions of a DVO.⁹⁹ The same requirements apply when making specific types of orders, such as a CCO or ICO.¹⁰⁰

Non-legislative guidance

In addition to legislative forms of guidance, case law in many jurisdictions supports the treatment of offences occurring in a domestic-violence context as being more serious. In some jurisdictions, case law is the primary form of sentencing guidance.

⁹⁰ Ibid ss 221(1)(a)–(c).

⁹¹ Ibid ss 221(1)(a)–(b), (1A).

⁹² *Crimes (Sentencing Procedure) Act* (n 24) s 4A.

⁹³ Ibid s 4B(1).

⁹⁴ Ibid s 4B(2).

⁹⁵ Ibid s 4B(3).

⁹⁶ There are either that: (a) an offence in respect of which a community-based order ('CBO') intensive supervision order ('ISO') or order of conditional suspended imprisonment ('CSI') may apply is a family violence offence (category A) and —(i) the offender is bound by a family violence restraining order; and (ii) the person against whom the family violence offence (category A) was committed is protected by the family violence restraining order; or (b) an offence in respect of which a CBO or ISO may apply is a family violence offence (category B) and the offender is a 'serial family violence offender' (a declaration which can be made at the time the person is sentenced, or which can have been made earlier by another court): *Sentencing Act 1995 (WA)* ss 67A, 76A, 84CA. See s 124E regarding the making of a serial family violence offender declaration.

⁹⁷ Ibid ss 67A(3), 76A(2C), 84CA(3C).

⁹⁸ *Sentencing Act* (n 27) ss 5(5)–(6).

⁹⁹ Ibid ss 5(6)(c)–(d).

¹⁰⁰ Ibid ss 34, 48. These considerations also apply in breach of a community correction order or intensive correction order proceedings if the offender breached a condition because they committed domestic violence: Ibid ss 39B(4), 48G(3).

For example, sentencing legislation in Victoria does not specify particular aggravating or mitigating factors. This means that there is 'no specific guidance' as to how domestic violence cases should be treated, 'other than general statements made from the higher courts'.¹⁰¹

The *Victorian Sentencing Manual*¹⁰² sets out some common law principles which underpin sentencing in Victoria, including in relation to domestic and family violence (referred to as family violence in the manual).¹⁰³ It highlights that:

- breaching a domestic violence order will increase the seriousness of the offending;¹⁰⁴ and
- the gravity of the offending 'is not to be measured solely by the physical consequences' and the whole context must be considered.¹⁰⁵

The Victorian Sentencing Advisory Council has also published 'Guiding Principles for Sentencing Contraventions of Family Violence Intervention Orders' which set out several factors that may be present and increase its seriousness such as the presence of children, offending taking place in or in the vicinity of the victim's home, and an abuse of power by a person the victim has ongoing emotional, legal and/or financial ties to (such as the joint care of children).¹⁰⁶ In contrast to the guidelines in England and Wales,¹⁰⁷ these have no formal legal status.

¹⁰¹ Sentencing Advisory Council (Victoria), *Sentencing Practices for Breach of Family Violence Intervention Orders* (Final Report, 2009) 35 [3.5].

¹⁰² Judicial College of Victoria, *Victorian Sentencing Manual* (Judicial College of Victoria, 4th ed, 2025)..

¹⁰³ *Ibid* 5.2.8.3 'Family violence'.

¹⁰⁴ *Ibid* citing: *Filiz v The Queen* [2014] VSCA 212, [21]; *Marrah v The Queen* [2014] VSCA 119, [20], [25]; *Baker v The Queen* [2021] VSCA 158, [32]; *Skeates (a pseudonym) v The King* [2023] VSCA 226, [60].

¹⁰⁵ Judicial College of Victoria (n 102) 5.2.8.3 citing: *Skeates (a Pseudonym) v The King* (n 104) [77].

¹⁰⁶ Sentencing Advisory Council (Victoria), *Guiding Principles for Sentencing Contraventions of Family Violence Intervention Orders* (Report, 2009) 4.

¹⁰⁷ Sentencing Act 2020 (UK) pts 2 to 13 ('Sentencing Code') s 59. The court must follow any relevant sentencing guidelines, 'unless the court is satisfied that it would be contrary to the interests of justice to do so'.

Appendix 8: Key statistical terms

Statistical Terms used within this report

Median: a measure used to describe the central value of a dataset. It is the middle value (or the half-way point) of an ordered dataset. Half of the values lie above the median, and half below. The advantage of using the median, is that, compared with the mean, it is relatively unaffected by extreme scores at either end of the distribution. Medians are most often used to describe sentence lengths, or order durations.

Average (also referred to as the mean): a measure used to describe the central position of a dataset. The average is calculated by adding all the values in a dataset and dividing the sum by the total number of values. The average is affected by outliers – extreme values at either end of the distribution can cause the average to shift significantly.

Pearson's Chi-squared Test: a statistical test used to compare proportions between groups. For example, whether the likelihood of receiving a custodial sentence is significantly different for CDVOs sentenced pre-2015 compared with post-2015; or for DV offences compared with non-DV offences.

Wilcoxon rank-sum test: a statistical test used to compare continuous values between 2 groups. In this report, we use it to compare sentence lengths or amounts. For example, whether there is a statistical difference in the distribution of sentences imposed for CDVOs sentenced pre-2015 compared with post-2015; or for DV offences compared to non-DV offences.

Interpreting a box plot

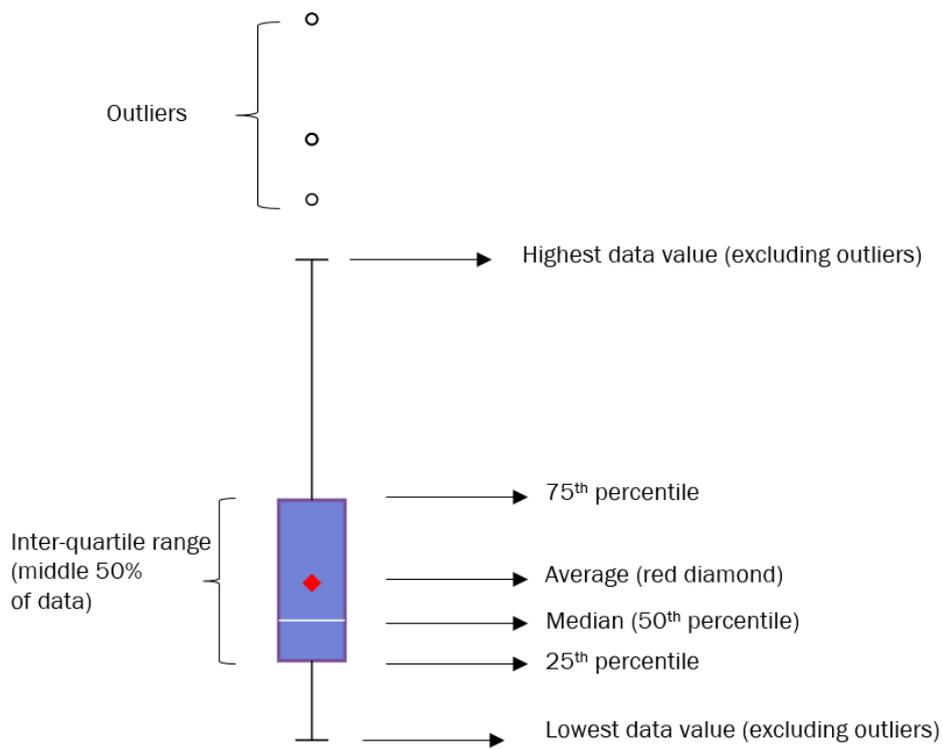
A box plot (or a box-and-whisker plot) is a type of graph that summarises data using a number of different statistics.

The 'box' represents the middle half of the data (the interquartile range). A quarter of the observations in the data are greater than this box, and a quarter of the observations are smaller than this box.

The median (as described above) is represented by the white line inside the 'box' (the middle value) and the red diamond indicates the average (or mean).

The T-shaped whiskers that extend from the box represented the last point in the data that is still within 1.5 times the interquartile range. This can sometimes be referred to the highest (or lowest) data value, excluding outliers.

The circles are outliers. Those are single data points or values that are more than 1.5 times away from the interquartile range. These values are considered to be 'extreme'.



Appendix 9: Methodology for investigating trends in non-MSO CDVO cases

Where a single sentencing event involves multiple offences, the Council usually reports on the most serious offence ('MSO'). The MSO is the offence that received the most serious penalty (or sentence) based on the classification scheme used by the Australian Bureau of Statistics (ABS).¹⁰⁸

Some cases include a CDVO charge that is not the MSO because another offence in the case received the most serious penalty. In **Chapter 5**, we examined these cases to better understand how CDVO offences are sentenced when they are not the MSO.

Aim

This analysis aimed to explore the relationship between the penalty type given for a CDVO (non-MSO) offence and the penalty type given for the MSO in the same sentenced case, where the MSO was not a CDVO offence.

Approach

This research examined all sentenced cases involving at least one charge of CDVO sentenced in the Queensland Magistrates and higher courts over the period 1 July 2012 to 30 June 2024. The analysis only included people sentenced as adults.

Methodology

The data used for this analysis was obtained from the Courts Database as maintained by the Queensland Government Statistician's Office (Queensland Treasury). The Courts Database contains information collected by the Department of Justice through the Queensland Wide Inter-linked Courts (QWIC) system, which is used to manage court operations across the state. The data used in this report was extracted from the Courts Database in August 2024.¹⁰⁹

Each case was grouped into one of two categories:

1. **CDVO (MSO):** cases where a CDVO charge was the offence that received the most serious penalty. If multiple CDVO charges were sentenced in the same case, the offence with the most serious penalty and the longest sentence length was categorised as the primary CDVO (MSO).
2. **CDVO (non-MSO):** cases where a CDVO charge was sentenced, but another offence received the most serious penalty. If multiple non-MSO CDVO charges were sentenced, the CDVO charge with the most serious penalty and the longest sentence length was categorised as the primary CDVO (non-MSO).

For CDVO (non-MSO) cases, the analysis looked at the penalty type given for the CDVO offence and compared it to the penalty type given for the MSO where the MSO was not a CDVO offence.

¹⁰⁸ See Australian Bureau of Statistics, *Criminal Courts Australia, 2018-19 (2020) Appendix 3, Sentence Type Classification*.

¹⁰⁹ The Queensland Courts Database is continually updated as more information is entered into administrative systems. The information presented in this report may vary from data published elsewhere due to differences in the dates data were extracted.

Appendix 10: Pilot methodology to determine the conduct involved in CDVO offences

The methodology described here refers to preliminary work undertaken by the Council to test a proposed methodology for a large-scale representative study. The study aims to explore the types of conduct involved in cases sentenced for contravention of a domestic violence order (CDVO). It also seeks to ensure an adequate sample size to address specific research questions.

The information in this report is based on the results of the pilot study, which looked at the first 200 coded cases out of a total of 1,395 cases.

Aim

The pilot project aimed to lay the groundwork for a large-scale representative research project to:

1. Explore the different types of conduct that are sentenced for CDVO,¹¹⁰ when it is sentenced as the MSO;
2. Examine how frequently each type of conduct is sentenced, and the types of sentences given for different types of conduct; and
3. Examine whether the type of conduct sentenced for CDVO have changed over time, comparing a periods before and after the legislative increase in the maximum penalties for CDVO on 22 October 2015.¹¹¹

The pilot study involved identifying and selecting relevant information sources, determining the appropriate sample size for the full project to ensure representative results, and developing an initial coding frame to generate initial, general descriptive information to guide the future project.

Approach

There are limited administrative data sources available to explore the nature and seriousness of the behaviour that constitutes a CDVO offence as sentenced in the courts. The 4 primary administrative sources include:

- The Queensland Wide Inter-linked Courts system (QWIC): administratively records the offence of CDVO, including the date of the offence and the fact that a DVO condition has been breached. However, it does not record the specific DVO condition breached or the type of conduct that led to the breach.
- Court brief: a paper file containing documents tendered to the court, such as a statement of facts.
- Queensland Police – Bench Charge Sheet (QP9): a written summary of the police version of the facts, available to the defendant when they first appear in court.¹¹² While it may describe the nature of CDVO conduct, the facts contained may not be presented in its entirety to the court at sentence. They may also contain facts that may otherwise be considered not in contention.
- Sentencing submissions and remarks: the record of what was said at a sentencing hearing by all parties. They contain valuable information about the offence, offender and victim survivor, as well as the reasons given by the judge or magistrate for the sentence imposed. However, they do not include any documents tendered but not read out aloud in court, such as a statement of facts.

¹¹⁰ DFVPA (n 1) s 177.

¹¹¹ Criminal Law (Domestic Violence) Amendment Act 2015 (Qld).

¹¹² See, Legal Aid Queensland, 'Criminal Law Duty Lawyer', *Legal Aid Queensland* (10 March 2025) <<https://www.legalaid.qld.gov.au/Find-legal-information/Criminal-justice/Criminal-court-process/Criminal-law-duty-lawyer>>.

Methodology

While sentencing submissions and remarks have shortcomings and limitations, it was determined that they would provide the most reliable source of information considered by a court as being relevant to the sentencing outcome.

A content analysis of sentencing submissions and remarks was chosen as the most appropriate approach. These records were considered to be an accurate source of details presented to court about the conduct that constituted the CDVO offence.

This information could then be supplemented with administrative data from both the QWIC system and the QP9 records regarding non-contestable facts, such as the sentencing outcome, offender and victim survivor demographics, and the relationship between the parties.

Sampling methodology

The Council identified 2 financial years for sampling:

- 2014–15: The last complete year of data before the maximum penalties for CDVO increased, reflecting sentencing practices before the change, and
- 2023–24: The most recent financial year available at the time this methodology was developed. This year would best reflect current sentencing practices.

In criminology, content analysis of sentencing remarks and similar materials often use a census sampling approach¹¹³ where all eligible cases that meet the study criteria are coded. However, due to the high volume of CDVO (MSO) offences sentenced in the data periods (n=11,831 in 2023–24 and n=5,529 in 2014–15 respectively), a census approach to sampling was not feasible.

To account for the changes in maximum penalties, which affected both aggravated and non-aggravated CDVO, calculations were undertaken to determine the minimum sample size required to detect statistically significant differences in sentencing outcomes for these two categories.

A random selection of sentencing submissions and remarks was determined to be required as follows:

- For 2014–15: 674 (of 5,529) cases, made up of:
 - aggravated CDVO (MSO): 333 cases; and
 - non-aggravated CDVO (MSO): 341 cases.
- For 2023–24: 721 (of 11,831) cases, including:
 - aggravated CDVO (MSO): 366 cases; and
 - non-aggravated CDVO (MSO): 355 cases.

As 99.9 per cent of CDVO (MSO) cases during the period were sentenced in the Magistrates Courts,¹¹⁴ recordings of proceedings need to be requested from Courts and Tribunals Recording and Transcription Services (RTS) within the Department of Justice.

For the large-scale project, recordings of proceedings were requested for all 1,395 cases. However, due to delays in obtaining these records, only 200 cases were available in time for the pilot project. This subset was used to test the coding frame and identify areas for future refinement.

Coding frame

A test coding frame was developed for a qualitative content analysis. The coding included:

- physical/non-physical violence;

¹¹³ William L Benoit, 'Content Analysis in Political Communication' in *The Sourcebook for Political Communication Research* (Routledge, 2011).

¹¹⁴ Queensland Sentencing Advisory Council, *Sentencing Spotlight on Contravention of a Domestic Violence Order* (May 2025) 8.

- nature of conduct (physical harm, threats to physical harm - in position to carry out, threats to physical harm - not in a position to carry out, contacting, verbal abuse, property damage, threat/attempt to hit with object, self-harm, physical force not related to personal violence, other);
- condition/s breached;
- victim/perpetrator relationship;
- victim age;
- most serious behaviour (where there is more than one type of behaviour this is identified by a ranking system where there is more than one type of behaviour);¹¹⁵
- whether the act is a course of conduct (or if it was charged as one act).

For the pilot project, the coded data was then matched with administrative QWIC data on sentencing outcomes. The data was analysed using the R statistical programming language to identify patterns or changes in sentencing outcomes and conduct types over time.

Limitations

Due to the small and non-representative nature of the 200-case sample, the pilot study was only able to provide general descriptive findings.

¹¹⁵ An approach of ranking the most serious of the behaviours involved in the contravention offence was adopted for the pilot coding project, this approach will not be continued in the coding of the full sample. The reason for moving away from this approach was the concern that by analysing sentencing outcomes based on a single primary conduct, all other conducts that the magistrate may have considered would be missed. This approach may have also introduced unintentional bias to the analysis as by ranking the seriousness of conduct we immediately assume this will attract a higher penalty than other conducts on the case which may not accurately reflect how magistrates view these behaviours.

Appendix 11: Methodology for analysis of exceptional circumstances to section 9(10A) of the *Penalties and Sentences Act 1992 (Qld)*

Aim

This analysis aimed to explore how exceptional circumstances are applied when domestic violence is an aggravating factor for the purpose of sentencing. Specifically, it examined:

1. The circumstances in which exceptional circumstances have been found to exist.
2. The circumstances in which exceptional circumstances have been raised but not found to exist.

Approach

The Council reviewed sentencing remarks from the District and Supreme Courts. These remarks were available from the Queensland Sentencing Information Service (QIS).¹¹⁶

Methodology

A free-text keyword search was conducted of the QIS website using the terms 'exceptional' and 'domestic violence.' The search covered sentencing remarks from the most recent 6 years (1 July 2019 to 30 June 2025).

Cases were included if they met the following criteria:

1. the case involved an adult sentenced for a 'domestic violence offence' as defined in *Criminal Code (Qld)* sch 1, s 1);
2. the term 'exceptional' was mentioned in the context of section 9(10A) of the PSA;
3. the court made one of the following findings about whether exceptional circumstances existed:
 - exceptional circumstances were discussed and found; or
 - exceptional circumstances were discussed but not found.

The following information was coded for each case:

1. the MSO offence type and whether a weapon was used;
2. the gender of the person sentenced and the victim survivor;
3. the type of relationship between the person sentenced and the victim survivor:
 - intimate personal relationship (current or former); or
 - family relationship; or
 - informal care relationship;¹¹⁷
4. the reasons given by the court for finding or rejecting exceptional circumstances, including whether these reasons differed from the 2 legislated examples.

¹¹⁶ Sentencing remarks which were available on QIS as at 30 June 2025.

¹¹⁷ DFVPA (n 1) s 13.

To ensure confidentiality, all cases analysed were deidentified using the below format:

Case study # (Offence (weapon used), gender of offender/gender of victim, relationship type).

Limitations

This analysis was designed to provide examples of how exceptional circumstances are being applied in domestic violence offences. It does not consider whether section 9(10A) of the PSA is achieving its policy aims, is operating as intended, or whether a finding of exceptional circumstances in any way impacted the outcome when compared to other cases where it was not found.

The data in this report is based solely on sentencing remarks from the District and Supreme courts and does not consider Magistrates Courts sentencing remarks. This is because QGIS does not include Magistrates Courts sentencing remarks which are not routinely transcribed. Obtaining these would require a prohibitively large and costly sample of domestic violence cases sentenced in the Magistrates Courts. Based on our District Court and Supreme Court data, exceptional circumstances are raised in only a very small proportion of cases, suggesting that a substantial sample would be required to determine how often exceptional circumstances are successfully raised.

The findings are not representative of all sentenced cases. The Council's research relied on the availability of searchable transcripts for cases sentenced in the District and Supreme Courts. However, previous research by the Council¹¹⁸ has found that sentencing remarks for some cases are not contained within QGIS.

Another limitation is the reliance on specific words or terms, for example, the 'exceptional circumstances' search phrase. What judges say when delivering their remarks does not necessarily reflect all the factors they considered when deciding on a the sentence. Judicial officers are required to satisfy a range of often contradictory purposes and audiences' (e.g. victim survivors, the person being sentenced, prosecution and defence lawyers, other judicial officers, the appeal court and the media), which may influence what is expressly mentioned, making it hard to know exactly what influenced the sentencing decision.¹¹⁹ The information in the sentencing transcripts – the type, level and detail of information – often varied by judicial officer and court level, rendering them an inconsistent source of data.¹²⁰

¹¹⁸ Queensland Sentencing Advisory Council, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (Final Report, December 2024) ('*The Ripple Effect*').

¹¹⁹ Cyrus Tata, *Sentencing: A Social Process – Re-Thinking Research and Policy* (Palgrave Macmillan, 2020) ch 3, 69; ch 7, 147..

¹²⁰ *The Ripple Effect* (n 118).

Appendix 12: Summary table - sentencing outcomes for section 9(10A) offences vs non-9(10A) offences

Offences are categorised based on the Australian and New Zealand Standard Offence Classification, 2023. An asterisk indicates a statistically significant difference.

Offence	Total cases (MSO)	DV cases n (%)	Penalty type distribution	% custodial	Median custodial sentence
01 Homicide					
Manslaughter (HC)	223	54 (24.2%)		-	=
Murder (HC)	118	31 (26.3%)	-	-	-
02 Assaults					
Acts intended to cause GBH and other malicious acts (HC)	250	58 (23.2%)	*	-	↓*
Assaults occasioning bodily harm (aggravated) (MC)	5,124	1,375 (26.8%)	*	↑*	=*
Assaults occasioning bodily harm (aggravated) (HC)	1,266	338 (26.7%)	*	↑*	↑*
Assaults occasioning bodily harm (non-aggravated) (MC)	14,358	5,875 (40.9%)	*	↑*	↑*
Assaults occasioning bodily harm (non-aggravated) (HC)	1,699	1,006 (59.2%)	*	↑*	↑*
Common assault (MC)	17,783	5,453 (30.7%)	*	↑*	↑*
Common assault (HC)	556	245 (44.1%)	*	↑	↑
Grievous bodily harm (HC)	1,391	340 (24.4%)	-	↑	=*
Serious assault of a person 60 years and over (MC)	1,795	403 (22.5%)	*	↑*	↑*
Torture (HC)	112	30 (26.8%)		↑	=
Wounding (HC)	916	430 (46.9%)		↑	=
03 Sexual offences					
Distributing intimate images (MC)	162	34 (21.0%)		↑	-
Indecent treatment of children under 16 (aggravated) (HC)	965	353 (36.6%)	-	↑	↑
Indecent treatment of children under 16 (non-aggravated) (HC)	460	45 (9.8%)		↑	↑
Rape (HC)	1,064	377 (35.4%)	*	↑	=*
Repeated sexual conduct with a child (HC)	557	237 (42.5%)		-	↑
Sexual assault (non-aggravated) (HC)	468	54 (11.5%)	*	↑	↑*
04 Harm or endanger persons					
Deprivation of liberty (MC)	143	65 (45.5%)		↓	↑
Going armed so as to cause fear (MC)	2,082	184 (8.8%)	-	↑	=
Threatening violence (aggravated) (HC)	126	54 (42.9%)		↑	↓
Threatening violence (non-aggravated) (MC)	981	241 (24.6%)	-	↑*	=*
Stalking (aggravated) (HC)	423	319 (75.4%)		↑	↑
Stalking (non-aggravated) (MC)	955	251 (26.3%)	*	↑*	↑*
06 Burglary					
Burglary (aggravated) (MC)	973	66 (6.8%)	-	↑	=
Burglary (aggravated) (HC)	896	124 (13.8%)	-	↑	↓
Burglary and commit indictable offence (MC)	5,863	281 (4.8%)	-	↑*	=*
Burglary and commit indictable offence (HC)	461	48 (10.4%)		↓	↓*
Trespass (of a dwelling) (MC)	3,081	53 (1.7%)	-	↑	=
Unlawful entry and commit offence (aggravated) (MC)	4,965	30 (0.6%)	-	↑	↓
Unlawful entry and commit offence (non-aggravated) (MC)	4,308	34 (0.8%)	-	↓	↓
07 Theft					
Stealing (MC)	34,554	151 (0.4%)	-	↑*	↑
Unlawful use of a motor vehicle (non-aggravated) (MC)	8,531	48 (0.6%)	-	↑	↓

Offence	Total cases (MSO)	DV cases n (%)	Penalty type distribution	% custodial	Median custodial sentence
10 Weapons and explosives offences					
Possession of a knife in a public place or a school (MC)	11,619	50 (0.4%)	-	↓	-
11 Property damage					
Arson (HC)	516	94 (18.2%)		↑*	=*
Wilful damage (MC)	20,092	4,472 (22.3%)	*	↑*	↑*
12 Public order offences					
Public nuisance (aggravated) (MC)	6,593	62 (0.9%)	-	↑	-
Public nuisance (non-aggravated) (MC)	22,085	431 (1.9%)	-	↑*	↑*
13 Traffic and vehicle offences					
Dangerous operation of a vehicle (aggravated) (MC)	2,013	56 (2.8%)	-	↑	↑
Dangerous operation of a vehicle (non-aggravated) (MC)	4,469	290 (6.5%)	-	↑*	=
14 Offences against justice procedures and orders					
Attempting to pervert justice (HC)	237	55 (23.2%)	*	↑	↑*
Breach bail condition (MC)	21,322	605 (2.8%)	*	↑*	↑*

Data include adult offenders, MSO, Magistrates Courts and higher court cases sentenced between 1 July 2016 and 30 June 2024.

Notes: * indicates a significant difference

a blank cell indicates a significant difference was not found

- indicates that significance testing was not undertaken

↑ indicates that the result was higher for the DV offence

↓ indicates that the result was lower for the DV offence

= indicates the median sentence was the same for DV and non-DV

Source: QGSO, Queensland Treasury – Courts Database, extracted September 2024

Appendix 13: Analysis of non-DV offence exceptions to DV aggravating factor analysis

Aim

In **Chapter 9**, we compared outcomes for DV offences with those for non-DV offences between 2016 and 2024 as part of our assessment of the impact of section 9(10A) of the *Penalties and Sentences Act 1992* (Qld) (PSA) on sentencing outcomes.

In most cases we found DV offences were treated as more serious forms of offending being more likely to attract a custodial sentence and resulting in longer custodial sentences.

There were 2 offences for which the reverse trend was true for which our findings were statistically significant:

1. Burglary and commit indictable offence (*Criminal Code* (Qld), s 419(5)):
 - For offences sentenced in the Magistrates Courts, DV offences were less likely than non-DV offences to receive a custodial penalty (67.6% vs 74.7%). A higher proportion of non-DV offences also received custodial penalties at or above 40 per cent of the maximum available penalty (47.3%), compared to DV offences (31.1%), and a higher proportion of non-DV offences resulted in sentences that were 80 per cent or more of the maximum available penalty of 3 years.
 - For cases sentenced in the higher courts, while there was no statistically significant difference in the proportion of custodial penalties, non-DV offences had a longer median sentence (3.0 years) compared to DV offences (2.3 years). A statistically significant difference was found in the custodial sentence length distribution.
2. Acts intended to cause grievous bodily harm (GBH) and other malicious acts (*Criminal Code* (Qld), s 317) (malicious acts):
 - While all sentences imposed were custodial, a difference was found in the custodial penalty type distribution. The median custodial sentence length was also higher for non-DV offences (7.0 years) than for DV offences (6.0 years). A statistically significant difference was found in the custodial sentence length distribution.

The aim of this research was to explore case-specific factors that might help to explain the reasons for this finding.

Approach

The Council reviewed sentencing remarks from both the District and Supreme Courts available from the Queensland Sentencing Information Service (Q SIS).

Methodology

Sentencing remarks for the 5 DV cases and 5 non-DV cases with the lowest and highest custodial sentences for burglary and commit indictable offence and malicious act offences sentenced in the higher courts were analysed.

The 5 lowest and highest outcomes were identified in the administrative data. Sentencing remarks were then located on the Queensland Sentencing Information System ('Q SIS') or requested where these were not available on Q SIS.

A manual review of the remarks was undertaken by the Council to identify key case, offence and defendant-related factors that might have influenced the sentence. Due to several sentences being imposed at the same level, more than 5 cases were examined in some instances.

The findings are summarised in Table A-4 and Table A-5 below.

Table A-4: Sentence outcome and case characteristics for non-DV cases and DV cases resulting in the shortest and longest 5 custodial sentences – Burglary and commit indictable offence

Case characteristics	Non-DV cases	DV cases
1. SENTENCING RANGES		
'High end' cases	6.5 to 7.5 years	3.0 to 7.5 years
'Low end' cases	2.0 to 4.1 months	3.0 to 12 months
2. CONDUCT		
'High end' cases	<p>Burglary and stealing: D stole a safe at private residence with Vs' wedding and engagement rings and one of V's mother's engagement ring (26 offences, including other offences of burglary and stealing).</p> <p>Burglary and stealing: D convicted of 61 counts involving 3 series of offences, including 13 counts of burglary and stealing, while employed as a grounds person at several residential complexes. Also offended outside of this context.</p> <p>Burglary and stealing: D committed a 'home invasion' with others as part of a 6-week 'crime spree' involving stealing, driving dangerously and crashing cars, assaulting people to get cars and stealing petrol. Multiple offences charged.</p> <p>Burglary and commit GBH: D broke into the home of the V, an elderly woman living by herself, at night. He attacked her, punched and kicked her and stabbed her in the eye with a butter knife.</p> <p>Burglary and stealing: D offended as part of a 'one man crime spree' - mostly involving breaking or entering houses, stealing car keys and property, and stealing cars. More than 100 offences charged.</p> <p>Burglary and stealing: D committed numerous offences including breaking into a property and into a secure gun safe stealing rifles. More than 80 offences charged.</p>	<p>Burglary and unlawful wounding: D entered V's home (ex-girlfriend) armed himself with a knife and lunged at the V when she got home stabbing her 4 times.</p> <p>Burglary and common assault: D turned up at V's house and managed to get inside, knocking a saucepan and splashing her eye - also firing 2 shots with a gun outside the house.</p> <p>Burglary and commit assault occasioning bodily harm (AOBH): D came looking for V at her unit and looked through a window. D ripped off the screen, reached through the window and stuck her with a window screen to the head and tried to take a machete V had.</p> <p>Burglary and commit common assault: D went to V's home late at night holding a hammer up threatening her - also pushing her against a wall causing her to fall (separate charge of common assault).</p> <p>Burglary and stealing: D broke into V's (his ex-partner's) house (DVO in place), stealing money and vandalising her laptop.</p>
'Low end' cases	<p>Burglary and stealing: D took a 'significant amount of property', including jewellery and knives as well as house and car keys (stealing) and took 3 cars (unlawful use of a motor vehicle) (with 2 co-offenders)</p> <p>Burglary and stealing: D's offences committed 8 years prior. No one at home.</p> <p>Burglary and common assault: 'Vigilante' action by neighbour, D, who spoke to V's partner about a disagreement the V had with V's partner and daughter. D punched V in the chest (common assault) running out and asking V to come out to fight him.</p>	<p>Burglary and commit AOBH: D1 was a party to an offence committed by D2 who was upset about information on social media posted about her.</p> <p>Burglary and common assault: D1 restrained the V, his daughter's former partner, while his daughter retrieved her young daughter who her mother-in-law and the V refused to hand over.</p> <p>Burglary and commit AOBH: D1 smashed a window trying to get D2 out who was retrieving her cat from the V's house (ex-partner). D1 spat at V during incident. D2 tackled V.</p> <p>Burglary and commit wilful damage: D broke into ex-partner's home and made holes in the wall, threw furniture and broke things while V and her family were out.</p>

Case characteristics	Non-DV cases	DV cases
	<p>Burglary and common assault: D stepped inside V's unit and threw a lemon at her brushing her hair (common assault).</p> <p>Burglary and stealing: D took mobile phone and sunglasses (stealing) while in V's premises where they had just shared a drink as 'security' for personal property he wanted back.</p>	<p>Burglary and commit AOBH while armed: Principal offender in second case above. D1 punched and slapped the V (ex-partner) several times and struck him on the collarbone with a clay statue trying to retrieve her daughter.</p>
3. INJURIES/HARM/VALUE OF GOODS		
'High end' cases	<p>Various including:</p> <ul style="list-style-type: none"> Financial losses, including loss of money (incl. in excess of \$100,000), credit and debit cards, loss of property and jewellery, such as wedding and engagement rings; physical injuries including extensive haemorrhaging, cognitive issues, speech and short-term memory problems, loss of sight in one eye, could no longer live independently, significant medical costs; psychological harm including complex PTSD, paranoia, depression and anxiety, and distress. 	<p>In addition to psychological harm:</p> <ul style="list-style-type: none"> wounds to abdomen and right flank and thigh; bruising and swelling and strike to the head, cuts; distress and cramping; damage to property, such as a laptop being vandalised; \$4,000 stolen; and paranoia.
'Low end' cases	<p>Various including:</p> <ul style="list-style-type: none"> property loss, including 50 knives carved by V; property loss; unspecified physical injury due to being punched in the chest; and unspecified, but reference to the need to give evidence at trial as 'traumatic'. 	<p>Various including:</p> <ul style="list-style-type: none"> slight bruising abrasions and property damage (in 1 case, by principal offender, not D) injured shoulder, property damage (but from co-offender's actions), anxiety; and property damage to home, fear and concern about involvement of family.
4. WEAPONS/OTHER AGGRAVATING FEATURES		
'High end' cases	<p>4 cases involved offences committed while on bail or parole</p> <p>1 involved use of a knife</p>	<p>1 involved the use of knife (wounding) [D found with a knife in another, but involved property offending]</p> <p>1 involved a threat with a hammer with children present and another, having a loaded gun also with a child present</p> <p>1 committed on parole, 1 while D on bail and 1 while D subject to a DVO</p>
'Low end' cases	<p>1 case involved offence committed on parole and 1 while D subject to a suspended sentence</p>	<p>1 committed while principal offender (D1's sister) subject to an interim protection order</p>
5. PERSONAL CIRCUMSTANCES OF OFFENDER AND CRIMINAL HISTORY		
'High end' cases	<p>Issues included:</p> <ul style="list-style-type: none"> heavy drug and alcohol use/dependence (particularly methylamphetamine); significant psychological conditions including schizophrenia and schizophrenia-like syndrome; gambling problems; disadvantaged childhood; witnessing DV; and victim of sexual abuse as a child. 	<p>Issues included:</p> <ul style="list-style-type: none"> drug and alcohol use/dependence (including amphetamines / methylamphetamine); psychological conditions; neurodevelopmental conditions including, Autism Spectrum Disorder, ADHD and foetal alcohol syndrome; childhood disadvantage; death of grandparents; relationship breakdown; and exposure to DV as a child.

Case characteristics	Non-DV cases	DV cases
	<p>Criminal histories ranged from limited to substantial and significant (e.g. in one case, over 100 prior burglaries).</p> <p>All Ds pleaded guilty.</p>	<p>Some had either good employment or employment prospects.</p> <p>Criminal histories ranged from 'offences of a lesser kind' to 'extensive', including offences of violence.</p> <p>All Ds pleaded guilty.</p>
<p>'Low end' cases</p>	<p>Issues included:</p> <ul style="list-style-type: none"> • drug and alcohol use/dependence; • schizophrenia; • significant childhood disadvantage; • Homelessness; • relationship breakdowns; and • death of parent. <p>Criminal histories ranged from limited to lengthy.</p> <p>All but 1 D pleaded guilty (1 at a late stage following a trial).</p>	<p>Circumstances mentioned mostly in mitigation including:</p> <ul style="list-style-type: none"> • caregiver for 3 children; • employed; • good work history; • compliance with DVO; • addressing drug and alcohol issues; • attending counselling; and • making an apology. <p>Criminal histories, but mostly limited, 'dated' or 'largely irrelevant'.</p> <p>All Ds pleaded guilty.</p>

Table A-5: Sentence outcome and case characteristics for non-DV cases and DV cases resulting in the shortest and longest 5 custodial sentences – Malicious acts

Case characteristics	Non-DV cases	DV cases
1. SENTENCING RANGES		
'High end' cases	10 to 12 years	8.0 to 9.5 years
'Low end' cases	1.0 to 3.0 years ¹	3.0 ² to 4.5 years
2. CONDUCT		
'High end' cases	<p>Typically element of pre-planning with high levels of violence.</p> <p>Examples included:</p> <ul style="list-style-type: none"> • 'sustained beating' involving an attack on 3 people, including the V, in their home; • shooting the V in the knee demanding money (drug related); • planned attack on V involving persistently beating him about the head after an argument; • pouring lighter fluid on V's genitals in the context of torturing the V over 7 days; • driving at the V, a police officer, at speed resulting in him being flung to the ground while car travelling at 60km per hour. 	<p>High level of violence. While some offending involved a high level of pre-planning, other cases were characterised as involving more spontaneous acts.</p> <p>Examples included:</p> <ul style="list-style-type: none"> • D throwing a bottle filled with petrol at V (his girlfriend), splashing her and flicking a lighter causing fumes to ignite; • stabbing V in the stomach while pregnant; • pouring caustic soda over V (then partner) while zip tied to a tree in the bush at night (also charged with torture); • driving over V and reversing over her causing her to fall and driving over her a second time; • striking V (wife with whom D separated) in the skull with a baseball bat as she was sleeping; • throwing boiling water over a V (former partner) after punching her; • driving at ex-partner's mother and father who were on the footpath, hitting them.
'Low end' cases	<p>Wide range of behaviour involved with very different factual circumstances.</p> <p>Examples included:</p> <ul style="list-style-type: none"> • D swinging a knife at the V's stomach (no contact made); • D 'surgically' removing another man's testicle (at the victim's request); • D throwing a brick towards a police officer to prevent the lawful arrest of her daughter causing a laceration to a police officer's head; • D driving at a police officer at speed, hitting the officer's car (no injury to officer); • D stabbing a V in the neck after he entered the victim's home trying to get the keys to his car. 	<p>Most commonly involved stabbings by family members or ex-partners in circumstances where, in several cases, the D had significant mental health issues or had experienced violence or abuse perpetrated by the D.</p> <p>Examples included:</p> <ul style="list-style-type: none"> • D stabbing the V, his daughter-in-law, 8 times in lower torso and shoulder; • D stabbing the V, her father, twice in the shoulder; • D stabbing the V, his adult sister, 10 times; • D stabbing V, her ex-partner twice (once in the arm and chest); • D driving at V, an ex-partner, hitting her and causing injury to an ankle and hip; • D striking the V, his wife, with a cricket bat in the forehead causing a laceration.
3. INJURIES/HARM TO VICTIM		
'High end' cases	<p>Various (all including both physical and psychological harm) including:</p> <ul style="list-style-type: none"> • gunshot wound to thigh, compound fracture of femur and metallic fragments requiring surgery; • wounds and significant and multiple fractures requiring surgery (including injuries requiring victim to be put into a coma); 	<p>Various (all including both physical and psychological harm) including:</p> <ul style="list-style-type: none"> • significant burns to neck, chest arms and upper thigh (21% of body), scarring and hospitalisation, mental and emotional harm; • shoulder dislocation, fractured ribs, collapsed lung and fractured right femur;

Case characteristics	Non-DV cases	DV cases
	<ul style="list-style-type: none"> significant fractures to skull, severe damage to eye socket, brain damage, sight issues and memory loss; burns to 15 per cent of body (other offences caused subdural haemorrhage, shoulder dislocation, brain damage, memory loss, dislocated jaw); multiple skull fractures and brain injury, eye socket fracture, ruptured eardrum, broken teeth, chronic pain, psychological injury. 	<ul style="list-style-type: none"> skull fracture and subdural haematoma, brain damage, epilepsy and seizures, inability to work, fatigue, loss of hearing in one ear; permanent scarring, PTSD, pain and memories of pain.
'Low end' cases	Various from no harm/reported benefit by victim to his health and wellbeing, to emotional harm and distress, laceration/wound, PTSD and nerve damage.	Various including collapsed lung and bleeding and other injuries (some requiring surgery) as a result of stabbings, anger, sadness and PTSD.
4. WEAPON/FLUID		
'High end' cases	Firearm, shifting spanner, lighter fluid (earlier attempt to use a knife) and vehicle (to evade police)	Petrol, knife, caustic soda, boiling water, vehicle, baseball bat
'Low end' cases	Knife (no contact), surgical instrument, brick (thrown at police officer), vehicle (no contact - police vehicle), knife, bottle (thrown at police officer)	Knives, cricket bat, vehicle
5. PERSONAL CIRCUMSTANCES OF OFFENDER AND CRIMINAL HISTORY		
'High end' cases	Issues included drug misuse, mental health. Generally extensive criminal history, including for offences of violence. 4 pleaded guilty, and 1 was convicted following a trial.	Issues included drug and alcohol misuse and mental health. Criminal history ranged from no or limited prior history to extensive. 4 pleaded guilty (1 initially pleaded not guilty and was convicted at trial, but his original conviction was overturned on appeal). 3 were found guilty following a trial.
'Low end' cases	Issues included: <ul style="list-style-type: none"> drug and alcohol misuse; autism spectrum disorder; testosterone treatment; significant mental health issues; and disadvantaged background. Criminal histories ranged from no criminal history to 'street' or minor offending, to 'more significant histories. All 7 pleaded guilty.	Issues included: <ul style="list-style-type: none"> mental health issues including borderline personality disorder and depression; intellectual disability with autism spectrum disorder; being subjected to 'significant' domestic violence (female offender); and caring responsibilities. Most of those sentenced had no or a limited criminal history. 1 female D had an 'extensive' history but not a significant history of violence. All 6 pleaded guilty.

Notes: 1. All 3 offenders sentenced to 3 years' imprisonment had significant pre-sentence custody that was not declared ranging from 2.5 years (902 days) to 3 years. 2. Of the 2 DV cases that attracted a 3-year custodial sentence, both involved extensive period of pre-sentence custody not declared as time served under the sentence ranging from 20 months to 3 years, 11 months and 2 days (1,432). The shortest custodial sentence taking non-declared time into account was 4 years' imprisonment.