

**‘No Way,
It’s Not Our Way’**



QIFVLS
**Queensland Indigenous Family
Violence Legal Service**

**Empowering victims and growing
stronger communities. – Practice
Matters: *Not Now, Not Ever Research
Symposium.***



Australian Government

Department of the Prime Minister and Cabinet



Queensland
Government



Disclaimer: This presentation contains information that is not legal advice and therefore should not be considered as such.

Acknowledgement

We would like to show our respect and acknowledge the traditional, and historic custodians of this land. We would also like to pay respect to the elders past and present and extend that respect to other Aboriginal and Torres Strait Islander people present.



WHO ARE QIFVLS

- Legal Advice
- Representation
- Case Work
- Information
- Community Education
- Community Legal Education



The Facts:

- Aboriginal and Torres Strait Islander women are significantly more likely to be victims of domestic and family violence.
- Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised for assaults and 10 times more likely to die from assaults than non Aboriginal and Torres Strait Islander women.
- One woman killed each week from an act of Domestic Violence. Statically more likely to be killed in her home.
- D&FV is the leading cause of Death in women aged 15-44.

Is There Any Hope?

- YES: research also shows that:
- Building greater equality and respect between men and women can reduce attitudes that support violence.
- Social policy initiatives addressing gender inequity are central to reducing domestic violence.
- Legislative change.



**Legislative change to Domestic & Family
Violence – is this empowering survivors
and victims?**

Implemented legislative reform:

- Increased maximum penalties for contravening a protection order;
- Increased jurisdiction of the Magistrates Court;
- Special rules of evidence apply to a contested hearing in a DVO application;
- The recognition that domestic violence is a criminal act and no longer a 'private' matter;
- Changes to hearing of cross applications;
- Ouster conditions – the ability to remove the respondent from the family home;
- regard to victim impact statements by courts;
- The creation of a stand alone criminal offence of non-fatal strangulation;
- Sentencing submissions and aggravating features to be considered on sentence.

Proposed Legislative Reform:

The Domestic & Family Violence Protection & Other Legislation Amendment Act 2016

- Increase the duration of a DVO to 5 yrs.
 - Expand the protection which can be provided by a PPN;
 - Clarify that a court may make a DVO when a victim has been threatened or fears for their safety/wellbeing.
- Require courts to consider whether additional conditions are *necessary or desirable*;
 - Require the Courts to consider any existing FL order & whether it needs to be varied or suspended?
 - Amendments to VIOs

CASE STUDIES



Legal Acknowledgements

- Explanatory Notes of the Domestic and Family Violence Protection Bill 2011
- *Domestic and Family Violence Protection Act 2012 (Qld)*
- *Domestic and Family Violence Protection Regulation 2012*
- *Domestic and Family Violence Protection Rules 2014;*
- *Domestic and Family Violence Protection and Other Legislation Amendment Act 2016.*
- Department of Communities – Child Safety & Disability Services – Domestic & Family Violence Act 2012 Training Package