

**CRIMINAL LAW (COERCIVE CONTROL AND AFFIRMATIVE CONSENT) AND OTHER LEGISLATION
AMENDMENT BILL 2023**

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Submitter Comments:



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27 October 2023

Committee Secretary
Legal and Safety Affairs Committee
Email submission: LASC@parliament.qld.gov.au

**Re: Criminal Law (Coercive Control and Affirmative Consent) and Other
Legislation Amendment Bill 2023**

Multicultural Australia welcomes the introduction of landmark legislation to criminalise coercive control. We congratulate Queensland Government on progressing transformational reform to address domestic and family violence and sexual violence in our community. The introduction of the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Bill 2023*, progresses the second tranche of reforms, recommended by the Women's Safety and Justice Taskforce – and we welcome this as strong statement from Queensland Government against the harm perpetrated against women and our community broadly.

Multicultural Australia has consistently engaged in conversations on Domestic and Family Violence at various levels. We have engaged with the Queensland Government process – from early engagement with the Women's Safety and Justice Taskforce¹, to the first tranche of legislative amendments to strengthen Queensland's response to domestic violence², and the more recent engagement in the consultation around the development of a Queensland Domestic and Family Violence Perpetrator Strategy³. We have engaged in consultations around the National Principles to address coercive control as well as engaged with key systems and processes invested in this significant reform⁴. Significantly, our engagement on these matters is through deep engagement with members of Queensland's diverse multicultural communities. Multicultural Australia's submissions and contributions to consultations on this important reform have included and been informed by community voice.

Multicultural Australia's engagement in critical discussions around domestic and family violence and progressing DFV reform in Queensland and nationally, is part of our commitment towards highlighting the significant risks and harm perpetrated on our community by violence (including coercive control) and shifting entrenched beliefs around domestic and family violence and sexual violence. Equally importantly, we seek to highlight the unique, intersectional experiences of diverse multicultural communities – their experiences around domestic and family violence (DFV) and their experiences within the DFV systems.

In providing this response to the Legal Affairs and Safety Committee, our intention is to draw attention to the following:

¹ Multicultural Australia submission to the WSJT 'Options for Legislating against Coercive Control and the Creation of a Standalone Domestic Violence Offence'. <https://www.womenstaskforce.qld.gov.au/submissions/discussion-paper-1>

² Multicultural Australia submission 'Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022'. Submission enclosed with this letter. Following this submission, we also appeared at the Legal Affairs and Safety Committee's Public Hearing to provide evidence on the proposed legislative change.

³ Joint submission provided by Multicultural Australia, Refugee and immigration Legal Service (RAILS), Islamic Women's Association of Australia (IWAA) and South's Community Hub. Submission enclosed with this letter.

⁴ For example, Multicultural Australia is a member of the Queensland Police Service (QPS) Domestic and Family Violence Advisory Group – as part of our commitment to engaging with QPS towards mechanisms for better police responses to domestic and family violence. We also engaged in consultations organized through DJAG towards the development of the Domestic and Family Violence Training and Change Management Framework (to guide training approaches for staff employed in government and community agencies). Our commitment to reform is also reflected in our engagement around the Queensland Women's Strategy – as a pre-requisite for reform on domestic and family violence issues.

- The specific needs of diverse multicultural population groups in Queensland – safeguarding against unintended consequences.
- Supporting community readiness around the legislative changes - importance of a partnership approach in the design of community education campaigns.

Diverse community experiences – and safeguarding against unintended consequences to legislation:

Multicultural Australia notes the diversity of experiences, beliefs and understanding around domestic and family violence across the community – including diverse multicultural communities. Within multicultural communities, we have highlighted the complex forms of abuse and control perpetrated (including the role of migration status), experiences of children in coercive control situations, as well as rationalisations by perpetrators and acceptance by survivors. In particular, we have noted the vulnerabilities of migrant and refugee women and how their experiences of violence, control and abuse are shaped by the intersection of their identities and the DFV response system. These factors impact on their ability to identify and report domestic violence and in turn impact on the ability of the system to collect sufficient and credible evidence to enforce the law. We have also noted the importance placed by many multicultural communities on the engagement of the broader family or cultural community in instances of dispute, conflict or even abuse between partners. Multicultural Australia would invite the LASC to consider safeguards against any potential negative consequences of legislation to both survivors and perpetrators within multicultural communities. In particular, we note:

- *Creation of criminal offence of engaging in domestic violence to aid respondent; and the additional standard condition on protection orders and PPNs:* we are highly supportive of the intent behind creation of this offence and the imposition of this additional standard. However, we remain concerned that this has significant potential to adversely affect multicultural communities. Without adequate system-wide and cultural change – particularly within our police and justice systems, we render some groups particularly vulnerable to the proposed legislative changes. Multicultural Australia would recommend that in addition to progressing work on the necessary systemic and cultural change reform, Queensland government invest in research and data collection on the prevalence, reporting rates and experiences in relation to DFV and sexual and gender-based violence against women from diverse backgrounds (including research on their experiences of coercive control). We would also note the need for data collection around culturally disaggregated DFV statistics around perpetrators (including for criminal charges relating to DFV). In the absence of credible evidence and information, we may continue to perpetuate the barriers and disadvantages experienced by multicultural communities within the criminal justice system.
- *Court-based perpetrator diversion scheme:* we are highly supportive of the intent to create a pathway for diversion for DFV offenders before the criminal justice system is fully engaged. We strongly endorse the Taskforce's intent behind this recommendation that a perpetrator be diverted before their offending escalates and provided with support and strategies to help change behavior in relationships. We note that providers and programs for the diversion scheme will be approved by the chief executive (Department of Justice and Attorney-General) and the scheme will apply only if there is an approved provider who can provide an approved diversion program or counselling for the defendant for the scheme. This would imply that the scheme will be limited operationally to specific locations where providers have been approved.

Here Multicultural Australia would note that there are very limited options currently

available to diverse multicultural communities that address offending of this nature, including early intervention programs. We invite the LASC to consider appropriate safeguards around recommending investment in the identification and resourcing of culturally safe and appropriate support services to address offending behaviours across diverse communities. This is essential to ensure that the criminal justice system does not become the default management system for perpetrators from non-English/ culturally diverse backgrounds – further entrenching disadvantage.

Supporting community readiness around legislative changes:

Multicultural Australia welcomes the announcement of broad community education campaigns and tailored communication responses for diverse cohorts – to support their readiness for changes to the law⁵. We welcome the recognition of the need for specialized communication methods and messages across diverse communities – and we invite consideration of tailored messaging for migrant and refugee communities in Queensland. In supporting this announcement, we recommend that information and communication campaigns and resources are developed in partnership with community members. This flows from the significant experience and evidence that Multicultural Australia holds around the benefits and efficacy of programs, campaigns and responses that are designed and implemented in collaboration with community partners.

We remain committed to working with the Queensland Government and other stakeholders to progress these important reforms. We strongly support a partnership approach between government, services and communities to secure broad societal change – not only around addressing domestic and family violence and sexual violence – but promoting gender equality within our community.

Yours sincerely,



Christine Castley

CEO, Multicultural Australia

Attached:

- *Multicultural Australia Submission – Domestic and Family Violence Protection (Combating Coercive Control) and other Legislation Amendment Bill 2022*
- *Submission to the Development of a Queensland Domestic and Family Violence Perpetrator Strategy – Join submission from Multicultural Australia, Refugee and Immigration Legal Service (RAILS), Islamic Women’s Association of Australia (IWAA) and*

⁵

[https://statements.qld.gov.au/statements/98894#:~:text=The%20Criminal%20Law%20\(Coercive%20Control,the%20offence%20of%20coercive%20control.](https://statements.qld.gov.au/statements/98894#:~:text=The%20Criminal%20Law%20(Coercive%20Control,the%20offence%20of%20coercive%20control.)

South's Community Hub.

- *Multicultural Australia submission to the Review of sentencing for sexual violence offences and aggravating factor for domestic and family violence offences*



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4 July 2023

John Robertson
Chair
Queensland Sentencing Advisory Council
Email submission: submissions@sentencingcouncil.qld.gov.au

Dear Mr. Robertson,

Re: Review of sentencing for sexual violence offences and aggravating factor for domestic and family violence offences

Multicultural Australia thanks the Queensland Sentencing Advisory Council for the invitation to comment on the current review into aspects of sexual and domestic violence sentencing. We are strongly supportive of the Queensland Government's commitment and action on the prevention of Domestic and Family Violence (DFV) in our state and nationally. The work of the Women's Safety and Justice Taskforce has provided a significant roadmap for domestic violence and justice system reform in Queensland, and we welcome the Queensland Government's staged response towards implementing this reform.

Multicultural Australia notes the Queensland Sentencing Advisory Council is tasked with investigating and reporting on two aspects of sentencing under the Penalties and Sentences Act 1992 (Qld) (PSA) – (1) sentencing for rape and sexual assault offences ('sentencing for sexual violence offences') and (2) the operation and efficacy of the aggravating factor for domestic violence offences under section 9(10A) of the PSA ('domestic violence as an aggravating factor'). The review will consider if the current sentencing practices for sexual assault and rape adequately reflect the seriousness of this offending and any changes required to ensure the imposition of appropriate sentences. We also note the review will explore the impact of the legislated aggravating factor for domestic violence offences on sentences – and affects if any, on victims' satisfaction with the sentencing process.

Multicultural Australia supports ongoing efforts through systems and legislative reform, to provide a strong message to the community around the social attitudes and norms shaping the context in which sexual and domestic and family violence occurs. This includes acceptable behaviours in families and relationships, shifting entrenched beliefs around DFV, responding to the gravity of the very significant risks of DFV and coercive control, and validating victims' experiences and empowering them to understand their rights and seek help. We consider the current review of sentencing for sexual violence offences and aggravating factor for domestic and family violence offences as a critical part of this reform process.

Multicultural Australia has participated in constructive conversation on the important issue of domestic and family violence and coercive control in Queensland. We have engaged early, and consistently with the QLD DFV reform process – including, through our engagement with the Women’s Safety and Justice Taskforce (WSJT) and the legislative reform leading to the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023*.

As a multicultural for-purpose organisation and Queensland’s Settlement Service provider for migrants and refugees, Multicultural Australia has significant experience spanning over 25 years, welcoming refugees, people seeking asylum, international students and other new arrivals to Queensland. We have consistently raised issues relevant to the experiences of marginalized communities and individuals (especially in migrant and refugee communities) and noted the need to consider any potential unintended consequences or risks flowing from changes to the legislative settings towards DFV reform in Queensland.

We draw attention to the submissions provided by Multicultural Australia to the WSJT, and our submission to the Inquiry on the Domestic and Family Violence Protection (Combating Coercive Control) and other Legislation Amendment Bill 2022 (provided as attachments with this submission). We believe the issues and concerns raised in our submissions are important to the current Queensland Sentencing Advisory Council review as well. We draw particular attention to the following considerations:

1. **Significant diversity (cultural and linguistic) across Queensland communities in their experiences of DFV:** experiences of DFV may not be same across all migrant and refugee communities. Language barriers, community pressures, lack of understanding of law, systems etc. may be some of the multi-dimensional barriers and challenges faced by DFV victims from culturally diverse backgrounds. Likewise, there may be varying experiences and beliefs held by perpetrators of DFV. While culture or faith is never an excuse for breaking the law – many perpetrators may use rationalization of behaviours based on culture and established gender roles.
2. **Recognition of the behaviours of DFV perpetrators from migrant and refugee backgrounds:** there is recognition of the way in which behaviours of DFV perpetrators from migrant and refugee backgrounds can be shaped by culturally specific factors and/or by the experience of war, conflict, trauma, torture, rape and sexual assault/violence – which can result in significant physical and mental health conditions. These experiences can increase the likelihood of contact with the criminal justice

system and can also create barriers, including fear and distrust of services – that deter perpetrators from seeking help. At the same time, there are very limited options currently available that address issues specific to culturally and linguistically diverse and/or refugee background communities and offending of this nature, including early intervention programs. In the absence of culturally safe and appropriate support services to address offending behaviours, the criminal justice system becomes the default management system and further entrenches disadvantage. Multicultural Australia notes the critical importance of addressing structural causes behind the criminalization of at-risk populations – to ensure current inequality in our system is not exacerbated by DFV legislation and sentencing.

The above two factors are important to the current QSAC review to consider that there may be significant variations in community experiences with the sentencing processes for adult offenders for sexual and domestic and family violence (for both - victim/survivors and persons charged with/ convicted of these types of offences). In Multicultural Australia's experience, there are significant cultural barriers to the reporting, successful charging and prosecution of DFV related offences for our clients/ community members. However, there is no easy or clear visibility of these experiences within the current legislative and systems response. There is limited quantitative data on the prevalence of DFV for migrant and refugee women in Australia, or any culturally disaggregated DFV statistics around perpetrators (including, for criminal charges relating to DFV).

Relevant to the QSAC review process, Multicultural Australia would seek detailed and informed consideration of the following:

1. Clear understanding of the sentencing outcomes for diverse communities in Queensland: this could include collection of cohort-specific data on perpetrator and sentencing outcomes and experiences. As example, we refer The Queensland Sentencing Advisory Council Research Brief No.1, May 2021 - *The impact of domestic violence as an aggravating factor on sentencing outcomes*. Exploring the difference in sentencing outcomes for cases involving charges of common assault or assault occasioning bodily harm sentenced as DV offences compared to cases that are not; the Brief finds a more common imposition of custodial penalties for DV offences, leading to a conclusion that courts may be treating DV offences as more serious offending, warranting greater use of custodial penalties and longer custodial sentences. Information such as this is not clearly available across diverse group such as age, Aboriginal and Torres Strait Islander status or other cultural/diversity indicators. We


would seek the current Review consider ways for a clearer data picture of offending as well as victim/survivor experiences across diverse cultural communities.

2. Consideration of sentencing in the context of broader DFV perpetrator interventions: Multicultural Australia strongly supports the need to hold domestic and family violence and sexual violence offenders to account. In this regard, sentencing as an intervention is critical in communicating with perpetrators that their behaviour is criminal and socially unacceptable. However, we also strongly believe that sentencing as a perpetrator intervention needs to be taken into account along with any other interventions that the offender may be subject to previously (for example, intervention orders or perpetrator intervention programs). This consideration should be extended to the availability of culturally safe and appropriate options available to perpetrators in the first instance. The use of custodial options should not accentuate any existing disadvantage and there should be greater discretion to engage perpetrators in other more effective responses.
3. Ensuring a broad capture of community views on penalties imposed on offenders convicted of DFV and sexual assault and rape offences. This includes ensuring the voices of our culturally diverse communities and Aboriginal and Torres Strait Islander communities are reflected appropriately. Multicultural Australia would welcome the consideration of appropriate inclusion and accessibility measures to ensure the broader Queensland community is able to engage with the review.

Multicultural Australia welcomes the current review and invites the Queensland Sentencing Advisory Council to provide attention to the sentencing experiences of culturally diverse communities (including, victim/survivors' and their experience/satisfaction with the sentencing processes). The experiences of marginalized communities including refugees and migrants from diverse cultural and linguistic backgrounds should be captured in this important review process, as investment in developing greater public confidence in the criminal justice system across our diverse communities, and in ensuring appropriate accountability for domestic and family violence and sexual violence offences.

Multicultural Australia is keen to work with key stakeholders in supporting the DFV reform process in Queensland and ensuring we address the root cause of offending in this space. We would be happy to assist with any further information on the experiences of multicultural communities (including refugees and migrants) through the DFV system – and also provide any assistance in linking with diverse communities directly.

Yours sincerely,



Christine Castley

CEO, Multicultural Australia

Attachments:

1. *Multicultural Australia Submission to the Women's Safety and Justice Taskforce – Options for Legislating against Coercive Control and the Creation of a Standalone Domestic Violence Offence*
2. *Multicultural Australia Submission – DFV Protection (Combatting Coercive Control) and Other Legislation Amendment Bill 2022*



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**Domestic and Family Violence
Protection (Combating Coercive
Control) and Other Legislation
Amendment Bill 2022**

1 November 2022
Committee Secretary
Legal Affairs and Safety Committee
PARLIAMENT HOUSE QLD 4000
Email submission: lasc@parliament.qld.gov.au

Re: Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022

Multicultural Australia is pleased to provide this submission to the Legal Affairs and Safety Committee.

Multicultural Australia welcomes the Queensland Government's commitment and action on the prevention of Domestic and Family Violence (DFV) in our state and nationally. The work of the Women's Safety and Justice Taskforce has provided a significant roadmap for domestic violence and justice system reform in Queensland, and we welcome the Queensland Government's staged response towards implementing this reform.

The establishment of the Independent Commission of Inquiry into QPS responses to Domestic and Family Violence, and the introduction of the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022* in Parliament, are very significant milestones for our State.

The introduction of the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2022*, is intended as the first round of legislative reforms to strengthen Queensland's response to coercive control before the introduction of a standalone criminal offence next year.

We support the government's staged approach to legislating against coercive control and recognise the value in sending a strong message to the community around acceptable behaviours in families and relationships, shifting entrenched beliefs around DFV, responding to the gravity of the very significant risks of coercive control, and validating victims' experiences and empowering them to understand their rights and seek help. At the same time, there is need to proceed with caution – to reflect on any potential unintended consequences and risks for marginalised individuals – especially in migrant and refugee communities. It is therefore critically important to ensure the legislative settings are right, to underscore this historic reform process.

In providing this submission, Multicultural Australia's intention is to ensure that the Committee Inquiry considers the impact of impending legislation on diverse communities in Queensland. As

Queensland's Settlement Service Provider for migrants and refugees, Multicultural Australia works closely with diverse multicultural communities in Queensland – from new and emerging communities to the more established communities. We have previously engaged in this important conversation around *Coercive Control* – providing a detailed submission to the Women's Safety and Justice Taskforce. Our submission to the Taskforce spoke to the experiences of DFV across diverse cultures, in the context of migration, as well as the experiences of diverse communities within the DFV systems.

Multicultural Australia has committed to engaging in constructive conversation on this important national issue. We consider that the ongoing national conversations around creating a shared national understanding of coercive control are relevant to the Committee's consideration of the Bill currently before it. In this regard, we note the current work by the Australian Government, in collaboration with state and territory governments, to develop National Principles to Address Coercive Control.¹ This is an opportunity for Queensland to take leadership in developing a culturally safe, trauma-informed, therapeutic model of community education and capacity building that will effectively address the root causes of offending in this space.

For any queries in relation to this submission, please contact Rose Dash, Chief Client Officer, Multicultural Australia [REDACTED] or [REDACTED].

Yours sincerely,

[REDACTED]

Christine Castley
CEO, Multicultural Australia

¹ Attorney-General's Department. Consultation Draft – National Principles to Address Coercive Control. <consultations.ag.gov.au/families-and-marriage/coercive-control/>.

Introduction

Multicultural Australia seeks careful consideration of the potential unintended consequences of legislating against coercive control, and its impact on migrant and refugee communities who already face significant challenges in the context of the current *Domestic and Family Violence Protection Act 2012* (Qld). In making this submission, we reference our submission to the Women's Safety and Justice Taskforce (Options for Legislating Against Coercive Control).²

Our submission to the current Inquiry seeks to highlight the following:

1. Consideration of legislative changes around domestic and family violence (DFV) and Coercive Control must be informed by a multitude of experiences. In particular, we submit that this inquiry should consider the vulnerabilities of migrant and refugee victim-survivors, and how their experiences of violence and abuse are shaped by an intersection of gender with other social categories including race, ethnicity, immigration status, etc. These factors impact the ability to identify and report domestic violence, and the ability to collect sufficient and credible evidence to support enforcement. Further, there should be consideration of potential inadvertent negative consequences of legislation for victims and perpetrators within multicultural communities.
2. Introduction of any legislative changes must be accompanied by a wide-ranging implementation process that includes communication, education, resourcing, and carefully planned and staged lead-in time.

Diversity of Experiences

There is a diversity of identities and experiences across the broad group of migrant and refugee communities that have implications for understanding and defining coercive control. There are variations in coercive controlling behaviours or risk factors used by perpetrators in domestic relationships as well as variations in community understanding of coercive control, including its gravity and available service responses.

Multicultural Australia considers it important for the Committee to consider the different understandings of DFV that may be held within communities, and the way in which these unique understandings impact the complex forms of abuse and control that can be perpetrated (including in relation to specific vulnerabilities, such as migration status and fear of support service

² Attachment 1 to this submission.

responses, including child safety); and rationalisations by perpetrators and acceptance by victim-survivors.

Victim-Survivors and Children

For migrant and refugee communities, current understandings about DFV must be interlaced with understandings of cultural expectations around gender, sexuality, family formation, etc. For some communities, DFV may be seen as a family matter requiring resolution only from family, without any 'outside' intervention. The 'family' itself could be viewed as the extended family, or even the cultural community. Families from collectivist societies may subordinate their needs to those of the collective. Victim-survivors in marital violence and abusive relationships may choose to protect and conceal the status quo to uphold family's status and reputation.

Coercive control can generally extend across relationships to children, who can be used as part of a strategy to control victim-survivors. For victim-survivors from migrant and refugee communities these could include fears of deportation and loss of children or an assumption that the perpetrator has more rights to children.

Immigration-related abuse is another critical consideration in understanding coercive control for this cohort. Many victim-survivors experience types and effects of violence that are a unique intersection of immigration and/or their ethnicity and identity as an immigrant. The structural complexity of immigration, and the related legal and practical considerations, can control and trap victim-survivors, with visa status being leveraged as a weapon for control and abuse.

Perpetrators

DFV and controlling behaviours in migrant and refugee communities can often be rationalised by perpetrators as part of cultural expectations and established gender roles. However, it is important that there is recognition of the way in which the behaviours of perpetrators of DFV from migrant and refugee backgrounds can be shaped and impacted by culturally specific factors and/or by the experience of war, conflict, torture, trauma, rape, and sexual assault, which can result in significant physical and mental health conditions. These experiences increase the likelihood of contact with the criminal justice system and can also create barriers, including fear and distrust of services and government, that deter perpetrators from seeking appropriate help. At the same time, Multicultural Australia notes the very limited options currently available that address issues specific to culturally and linguistically diverse and/or refugee backgrounds and offending of this nature, including early intervention programs. In the absence of culturally safe and appropriate support services to address offending behaviours, the criminal justice system becomes the default

management system and further entrenches disadvantage. Without addressing the structural causes behind the criminalisation of at-risk populations, legislating against coercive control will only exacerbate current inequality within the community.

Service Responses

As outlined above, there are significant barriers that deter victim-survivors and perpetrators from migrant and refugee communities from seeking a service response to DFV

For those that seek service interventions, limited literacy of language (both English and first language) and lack of knowledge of processes and systems can be key barriers. Appropriately credentialed interpreters are not always made available through Court and Queensland Police Services (QPS) responses, and there is a lack of accessible, culturally appropriate and safe spaces available for migrant and refugee victim-survivors leaving abusive relationships.

Significantly, how refugee and migrant victim-survivors and perpetrators appear and present to services can influence service responses. Victim-survivors and perpetrators may report prior trauma, experiences of war or conflict, rape, sexual assault, torture etc., that has resulted in physical, mental and sexual health conditions, and these may influence how they present to services. Further, refugee and migrant communities' prior experience of abuses of trust by service systems may leave survivors or perpetrators fearful to speak out or seek help outside of their trusted relationships.

In terms of services, a lack of cultural knowledge or respect for diversity, lack of a representative workforce, limited specialist CALD services, and ingrained racism and stigma can impact community help-seeking behaviours. There is an urgent need to resource specialist consultancy and advice services that can provide assistance to mainstream organisations supporting victim-survivors and perpetrators from CALD backgrounds. Our current system – even with its focus on responding to physical incidents and violence – is stretched in supporting migrant and refugee communities. Overlaying requirements to prosecute non-physical abuse will likely impact current legal and justice systems. We highlight the importance of ensuring that the legislative reforms, which will expand the QPS mandate, are accompanied by appropriate – and adequately resourced – systemic and cultural reforms. This is important to ensure that current deficits in responding to the needs of victim-survivors and perpetrators of DFV from diverse communities are addressed, rather than exacerbated.

The need for community education

Through our community conversations, Multicultural Australia has noted a gap in information

about the different forms of abuse classified under DFV law. While there is predominant acceptance of DFV as a serious issue in the community, requiring at times the involvement of community leaders, elders, or religious leaders, there remains opacity around its various forms. In our conversations, individuals across diverse community and cultural groups identified a range of 'issues' as causal factors of DFV. These ranged from traditional or religious beliefs and cultural norms; relationship patterns particular to communities (e.g., arranged marriages); settlement issues (e.g., unemployment or financial pressures); alcohol and drugs; and mental health-related factors (e.g., settlement stress and depression).

Due to a lack of understanding of the Australian legal system, victim-survivors and perpetrators in migrant and refugee communities may not know and/or recognise that family violence is prohibited and that it extends beyond physical violence (to include financial, emotional, and psychological abuse). This can mean people may not easily identify themselves as victims of DFV and may lack knowledge of whether and how to report and seek assistance.

Legislative changes

Proposed legislative reform

Multicultural Australia supports in principle the reforms proposed by the Bill that pertain to implementation of the first tranche of legislative amendments recommended by the Women's Safety and Justice Taskforce in its first report,³ as part of the system-wide reform that was recognised to be needed prior to the creation of the standalone criminal offence of coercive control.

We emphasise that there must be careful, nuanced consideration of the potential unintended consequences of legislating against coercive control and its impact on migrant and refugee communities, with a view to mitigating adverse effects. Multicultural Australia seeks careful consideration of the unintended consequences of criminalisation for both victim-survivors and perpetrators.

We do not seek to respond to the entirety of the reforms proposed by the Bill, but make the following comments:

- Proposal to rename, modernise and strengthen the offence of unlawful stalking in Chapter

³ Women's Safety and Justice Taskforce. *Hear her Voice – Report One – Addressing coercive control and domestic and family violence in Queensland.*

33A of the *Criminal Code 1899* (Qld):

- We acknowledge the value, recognised by the Women's Safety and Justice Taskforce, of reflecting (through the creating of a circumstance of aggravation) the additional harm caused by stalking that occurs within an intimate, family or informal care relationship DFV. We also support broadening unlawful stalking conduct to include use of technology to facilitate this, including unauthorised electronic surveillance of victims and provision and publication of offensive materials on websites and social media platforms. We consider that this amendment is important and timely and is consistent with reforms in other Australian jurisdictions.
- We note that the Taskforce's recommendations for training – for police, lawyers and judicial officers – prior to the commencement of these reforms is predominantly directed at ensuring enforcement. We consider that there is a strong need for community education and capacity building, to ensure that there is awareness and understanding of the legislative changes and targeted support for perpetrators and potential perpetrators to change behaviours, as noted above.
- Proposed amendments to the *Domestic and Family Violence Protection Act 2012* (Qld):
 - We support in principle the amendments to include reference to a 'pattern of behaviour', which may occur over a period of time and should be considered cumulatively against the threshold test and in the context of the relationship as a whole. We note that, while these reforms have the potential to strengthen systems' responses to coercive control, to effectively achieve this we reiterate the critical importance of targeted, early intervention strategies aimed at preventing the perpetration of coercive control.
 - We would like to note that, while the recommendations of the *Not Now, Not Ever* Report of the Special Taskforce on Domestic and Family Violence in Queensland sought a holistic response that focused on effectively responding to perpetrators and victim-survivors, to date the development of effective, targeted intervention strategies and supports aimed at changing abusive behaviour have been extremely limited.
 - Multicultural Australia's Case Managers report a lack of appropriate services to support perpetrators to change their behaviours, particularly

those who are appropriately trained and resourced to support perpetrators from CALD and refugee backgrounds. We submit that there is an urgent need for funding to properly resource these supports and note the value in investing in preventative services, including as part of the funding committed by the Queensland Government to achieve the proposed reforms.

- We support the amendments to require applications and cross applications to be heard together, so that a holistic consideration of the person(s) most in need of protection can be engaged in, with only one order made to protect the person most in need of protection (absent exceptional circumstances supported by clear evidence).
- We support in principle the recommended amendments to ensure a respondent's criminal and domestic violence history is disclosed, to inform the court's assessment of risk in an application for a protection order. However, we note that the definition of 'criminal history' (inclusive of all convictions of, and charges against, a person for an offence in Queensland or interstate) and 'domestic violence history' (defined to include all Queensland current and expired domestic violence orders and police protection notices between the respondent and any other person) in Clause 56 are very broad. We note the importance of permitting evidence to be provided by the respondent in relation to mitigating factors relating to their histories, akin to the mitigatory circumstances proposed for youth offenders and victims of domestic violence who have been charged with criminal offending. We also note the risk of compromise to the right to a fair hearing for the accused. We therefore suggest that this provision could be amended to achieve a greater balance between the rights of victim-survivors and perpetrators in this regard.
- Proposed amendments to the *Youth Justice Act 1992* (Qld):
 - We strongly support the proposed amendments aiming to provide specific mitigatory circumstances for child offenders who are victims of, or who have been exposed to, domestic violence. We note with concern the over-representation of youth offenders from CALD and First Nations backgrounds, who have experienced torture and trauma and consider this an important reform, that will also bring Queensland into closer alignment with other Australian jurisdictions.

- Proposed amendments to the *Evidence Act 1977 (Qld)*:
 - We support the expansion of the class of protected witnesses for cross-examination and the removal of limitations around accessibility of evidence of the history of a domestic relationship. We also support amendments allowing for expert evidence about domestic violence to be given in criminal proceedings. Further, we submit that consideration should be given to expanding the scope of the expert evidence that may be given to permit supplementary expert evidence relating to a diversity of experiences relevant to DFV and its intersection with various identities to be given. In defining the expert for this expanded scope of evidence, we submit that the ability to demonstrate specialised knowledge, gained by training, study or experience (including lived experience), across a diversity of relevant vulnerabilities, should be considered. For example, this could include a person with expertise in visa-related abuse, disability, or culturally-specific gender roles. This evidence could supplement expert evidence in relation to DFV.
 - We also support the proposed amendments to require jury directions to address common stereotypes, myths and other misconceptions jurors may hold, and to inform jurors of the factors impacting victims of DFV. In this regard, we emphasise the critical importance of cultural capability training for the judiciary, to ensure that there is a nuanced understanding of the impact of torture and trauma, particularly for refugees and those with a refugee-like experience, on behaviour. We note that the Explanatory Notes to the Bill focusses on the impact on the behaviour of victims of DFV, a focus which we support. We also note the importance of directions that address the behaviour of perpetrators, with a view to providing insight into the causes of this behaviour.
- Proposed amendments to the *Penalties and Sentences Act 1992 (Qld)*:
 - We support the proposed amendments to require the court, in sentencing an offender who is a victim of domestic violence, to treat as a mitigating factor the extent to which the commission of the offence is attributable to the impact of the violence. We consider empowering the court to consider all relevant factors in sentencing important in protecting the right to recognition and equality before the law of all defendants.

In implementing the proposed reforms, Multicultural Australia emphasises the importance of

acknowledging the particular challenges that the current legal and justice systems pose for migrant and refugee communities and of ensuring that legislative reform does not replicate or amplify existing inequities.

Implementation of proposed reforms

A well-defined offence of coercive control could have significant benefits by providing an objective basis for education and behavioural change across ethnic and faith-based organisations about appropriate behaviour in relationships. However, this will only be effective if it is supported by a carefully crafted legislative solution, and by investment in education, cultural capability, and support (including translator/interpreter services) for service providers, law enforcement agencies, and the judiciary.

Multicultural Australia recommends an accessible program of education, training and awareness raising with stakeholders, police, and frontline services prior to introduction of a criminal offence of coercive control. This will require systemic reform to prioritise identifying, learning and training around specific forms of controlling and non-physical abuse in migrant and refugee communities.

Further, we recommend rolling-out awareness campaigns about coercive control, as a priority. This should include targeted and contextually specific campaigns for diverse communities, including migrant and refugee communities.

Multicultural Australia strongly recommends the engagement of people with lived experience of a refugee/resettlement journey in this important work.

Multicultural Australia provides the following example of a strong and effective community leadership model that has been collaboratively developed to respond to DFV. The program seeks to raise awareness and develop skills and confidence to prevent family violence, resolve conflict, and promote individual and community transformation. We consider that this model provides a blueprint for community-led and held programs of education in this area. This is particularly pertinent at present, in the context of the current work by the Australian Government, in collaboration with state and territory governments, to develop National Principles to Address Coercive Control.⁴ We consider this an opportunity for Queensland to take leadership in developing a culturally safe, trauma-informed, therapeutic model of community education and capacity building that will effectively address the root causes of offending in this space.

⁴ Attorney-General's Department. Consultation Draft – National Principles to Address Coercive Control. <consultations.ag.gov.au/families-and-marriage/coercive-control/>.

Family Peace-Building

The 'Family Peace-Building' Project emerged in Brisbane out of deep engagement and collaboration between multicultural service agencies and community leaders.

Experienced multicultural agencies in deep partnership with community leaders have developed training and dialogue to up-skill people to become leaders in family and community peace building.

The Peace-Building team (comprising the 'Community Leaders Gathering', Multicultural Australia, Refugee and Immigration Legal Service (RAILS), South Community Hub and the Islamic Women's Association of Australia) have built on their years of experience and collaboration with multicultural communities to develop the Peace-Building and family violence prevention training – delivered thus far on very limited funding. The agencies have also worked closely with key domestic violence services, Queensland Police Service and the Dispute Resolution Branch of the Department of Justice.

The first 'Family Peace-Building' Training Program commenced in 2020 following a two-year 'Community Conversations' consultation with 27 refugee-background communities and close collaboration with key DFV agencies and the national research centre ANROWS. The 'Community Conversations' consultation was a project of the ongoing 'Community Leaders Gathering' hosted by Multicultural Australia. It found that most in the community didn't know the full legal meaning of family violence, some accepted family violence as normal, and some men saw the system as threatening their manhood and favouring women. The main reasons given for family violence were cultural, financial and lack of understanding of the law.

The 2020 'Family Peace-Building' program co-designed with community leaders covered:

- Understanding and communicating conflict, violence and the law;
- The extent and causes of family violence;
- Ways to prevent family violence;
- Getting to know and work more effectively with key services;
- Strengthening skills in working with abusers to promote change and accountability;
- Resolution and restoration of the community.

Two key resources co-designed with community leaders were developed for the training - a [Peace-building Leaders Toolkit](#) and a [Peace-building Pledge](#) which were launched by the State Attorney General in 2021.

Three 'Family Peace-Building' programs have been presented to 50 community leaders thus far. Short evaluations and reports of the three programs have indicated success in developing community capacity. For example: post-session polls indicated 100% felt more confident to engage with police and to use new communication skills; nearly 90% were more confident to speak to men who used violence; and 80% were more aware of when to use Dispute Resolution Branch services. Anecdotally, post-program reports are also very promising, as the following examples highlight:

- A male religious leader gave pastoral advice which emphasised the woman had a choice to leave her husband if she needed. Previously the leader would have advised

to keep the marriage together with little consideration of alternatives;

- A female leader was able to identify, name and explain psychological abuse to a female community member who was being tormented and manipulated by her husband over many years;
- A male religious leader for the first time included a female leader in negotiations between partners in a family dispute; and
- DV Connect developed closer relationships with leaders and services following the training.

Finally, we emphasise the importance of ensuring that communities are adequately resourced and supported to engage in the important, transformative work of addressing gender norms and the drivers of gender-based violence. In our experience, community elders and leaders are generous with their time and effort in supporting families through DFV issues. This is a significant impost on community members, and there is no remuneration available for such roles. We submit that the resourcing committed by the Queensland Government to accompany the implementation of this first tranche of legislative reforms should include specific consideration of meeting the needs of diverse communities.



**MULTICULTURAL
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Development of a Queensland domestic and family violence perpetrator strategy



22 September 2023
Women's Safety and Violence Prevention
Department of Justice and Attorney-General
BRISBANE QLD 4001

Electronic submission

Re: development of a Queensland domestic and family violence perpetrator strategy

Thank you for the opportunity to provide this response towards the development of a Queensland domestic and family violence perpetrator strategy. We welcome Queensland Government's commitment and action towards the prevention of Domestic and Family Violence (DFV) in our community.

This submission is provided jointly by Refugee and Immigration Legal Service (RAILS), South Community Hub, Islamic Women Association of Australia Inc. (IWAA) and Multicultural Australia. We are experienced multicultural agencies, working in deep partnership with CALD communities to support family violence prevention and response, and the transformative work of addressing the drivers of gender-based violence, i.e., rigid beliefs around gender norms and roles, and inequality.

We support the Queensland government's staged approach in addressing domestic and family violence – including the consideration of a DFV perpetrator strategy. We recognise the value in sending a strong message to community around acceptable behaviours in families and relationships, shifting entrenched beliefs around gender inequality, DFV, and responding to the gravity of the significant risks of violence (including, coercive control) experienced by CALD and other communities.

Our submission is provided to highlight the unique, intersectional experiences of diverse, multicultural communities – their experiences of DFV and their experiences within the DFV systems responses. In the formulation of a DFV perpetrator strategy, it is important to consider different understandings of DFV that may be held within CALD communities, the way in which these understandings may impact the complex forms of abuse and control that can be perpetrated, the strengths and challenges of diverse cultural communities, and why (or how) a specific and considered response to address perpetrator behaviours in diverse communities is needed.

Our organisations have significant experience working with CALD communities in DFV education and prevention – and we are keen to share our reflections and learnings towards the development of a DFV prevention strategy. Our submission shares specific experiences of community members from culturally and linguistically diverse backgrounds – including behaviours of perpetrators.

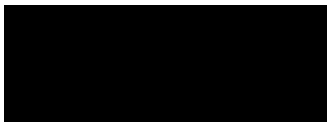
We also submit an example of a strong and effective community leadership model that has been collaboratively developed to respond to DFV. The program seeks to raise awareness and develop skills and confidence to prevent family violence, resolve conflict, and promote individual and community transformation.

We are keen that the Strategy addresses the diversity of experiences and identities across the broad group of cultural and linguistically diverse communities, variations in risk factors used by perpetrators as well as variations in community understanding of DFV and available service responses. We submit that the Strategy needs to recognise and emphasise the importance of translator and interpreter services, and the significant gap in the availability in the use of these services within the justice system and related DFV support services, impacting access to justice and to services. We highlight the need for urgent action on appropriate and dedicated funding and capability uplift (including increasing understanding of the importance of professional translator and interpreter services) within the system.

We see this as an opportunity for Queensland to take leadership in developing a culturally safe, trauma-informed, therapeutic model of community education and capacity building to address the root causes and impacts of DFV offending in CALD communities.

For any queries in relation to this submission, please do not hesitate to contact Jason Olsson-Seeto, Chief Development Officer – Multicultural Australia, at [REDACTED].

Yours sincerely



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Robert Lachowicz
Refugee and Immigration Legal Service
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Dr Nora Amath
**Islamic Women's Association
of Australia (IWAA)**
**National Manager- Refugee Settlement
Manager- CAMS Program**



Seblework Tadesse
Manager
South's Community Hub

Introduction

Our submission to the current consultation seeks to highlight the following:

1. Diversity of experiences and identities across the broad group of culturally and linguistically diverse communities (including, migrant and refugee communities) – the variations in controlling behaviours or risk factors used by perpetrators, as well as variations in community understanding of DFV and available service responses.
2. Limited options available to perpetrators from culturally and linguistically diverse and/or refugee backgrounds, including early intervention programs.
3. Our success in designing multicultural community-led primary prevention and early intervention models.

Our submission also provides specific responses to the questions identified in the consultation document towards development of a Queensland domestic and family violence perpetrator strategy.

Diversity of experiences

This section is informed by our combined service experience and in-depth communication with multicultural community representatives. We note that there is often a gap in information within communities about the different forms of abuses classified under domestic and family violence law. While there is majority acceptance about DFV as a serious issue in the community, requiring at times the involvement of community leaders, elders, or religious leaders – there is some opacity around understanding its various forms.

DFV and controlling behaviours in migrant and refugee communities may often be rationalised by perpetrators as part of cultural expectations and established gender roles. However, it is important that there is recognition of the way in which the behaviours of perpetrators of DFV from migrant and refugee backgrounds can be shaped and impacted by culturally specific factors and/or by the experience of war, conflict, torture, trauma, rape, and sexual assault, which can result in significant physical and mental health conditions, as well as impact to relationships. These experiences increase the likelihood of contact with the criminal justice system and can also create barriers, including fear and distrust of services and government, that deter both perpetrators and victim-survivors from seeking appropriate help.

It is important to note that resettlement can be a complex process for many individuals and families. The family unit may be a resource to support the resettlement process – providing people with a sense of cultural continuity and a link to identity. Nonetheless, the family can also be a site of loss. Some of the unique challenges faced by (refugee) family units include that role designations, used in the western construct of nuclear family for example, may not apply to traditional family structures. Additionally, their refugee experiences can often cause separation or loss of family members prior to arrival in Australia. This could imply complex acculturation

processes within families - as members adjust to new role expectations, including to their gendered identities.

The sanctuary of family structures and roles of household heads may lead to an acceptance of violence and reluctance to seek change, or safety. For example, marriage is protected, respected, and roles of men as protectors/providers remains critical. Our experience points overwhelmingly to migrant and refugee families' desire to address DFV, while retaining the integrity of the family. Most victim-survivors seek an end to the violence, without the family separation. Working with male perpetrators from refugee backgrounds requires an understanding of violence in the context of refugee trauma and settlement challenges, and a need to work within refugee family and community structures.

Limited options for CALD perpetrators – including early intervention

Our services note the very limited options currently available that address issues specific to culturally and linguistically diverse and/or refugee backgrounds and offending of this nature, including early intervention programs. There are significant challenges faced by migrant and refugee communities in the context of current DFV legislation, including racism, stigma and lack of trauma-informed and culturally aware training and diversity within policing cultures, lack of understanding of Australian laws, and cultural factors.

We further emphasise the importance of translator and interpreter services and the current significant gaps in dedicated funding for and availability of these services within the justice system and related DFV support services. Limited access to translator and interpreter services places limitations on accessibility of services and fundamentally impacts access to justice. We highlight the need for urgent action on appropriate resourcing and capability uplift (including increasing understanding of the importance of professional translator and interpreter services) within the system.

Case examples:

- 1. A male perpetrator was separated from his family as a result of DFV (serious criminal charge). However, the wife who was pregnant caring for four children wanted him back in the family. To support the family, appropriate child safety assessments were conducted, and service Case Manager worked with the male perpetrator to secure consent to engaging in appropriate behaviour change programs. However, there are very limited programs that address issues specific to culturally and linguistically diverse and/or refugee men.*
- 2. A protection order was made against a male perpetrator for a five-year duration. His inexperience/ lack of understanding of local Australian laws and systems and an acute fear of police/authority figures from his prior refugee experience impacted what happened next. The man had no contact with his family for five years. He did not know he could seek visitation and only approached support service after five years asking, if he would be "able to see his family" now?*

There is need for explicit recognition of behaviours of perpetrators of DFV from migrant and refugee backgrounds – and development of culturally safe and informed service options to support perpetrators through rehabilitative behaviour change programs (from the earliest indicator of a pattern of behaviour).

In the absence of culturally safe and appropriate support services to address offending behaviours, the criminal justice system becomes the default management system and further entrenches disadvantage.

Community-led interventions

Through our service delivery we note a lack of understanding of the Australian legal system within victim-survivors and perpetrators in migrant and refugee communities. Individuals and families may generally know that family violence is prohibited, but not that it extends beyond physical violence (to include financial, emotional, psychological abuse and coercive control related to visa applications/withdrawals of visa sponsorship). This can mean people may not easily identify themselves as victims of DFV and may lack knowledge of whether and how to report and seek assistance.

Significant benefits could be provided through engagement in education and behavioural change across ethnic and faith-based organisations on the topic of healthy relationships. Effectiveness of such programs requires additional investment in education, cultural capability, and support (including translator/interpreter services) for service providers, law enforcement agencies, and the judiciary. Engagement of people with lived experience of a refugee/resettlement journey would be critical to this work.

Our services have significant experience in working in the primary prevention space with multicultural communities.

An example of primary prevention - Toowoomba men's group

As part of its efforts in the prevention of domestic and family violence, Multicultural Australia coordinates a community-based Toowoomba Men's Group (TMG) – an active group of predominantly Ezidi men who meet fortnightly to share tea, attend information sessions with services, and to discuss trending issues together. Membership is a mix of mature age men and some youth members (participating for benefit of a social connection).

The Group has been connected to a wide range of organisations and has engaged on many issues of importance identified by the members, including mental health, pathways to tertiary education, ways to establish stronger community presence, and including issues of domestic and family violence (DFV). Members of this group are not identified as perpetrators – however, there is focus on raising awareness of DFV issues (especially within the refugee journey and resettlement context).

The group has received presenters from:

- South Community Hub, to talk about individual and community family peace building.
- Domestic Violence Action Centre, to learn about Australian Law and what constitutes DFV in Australia.

- DVAC launch of video with animated community message on DFV - co-attended by the Mayor of Toowoomba, Refugee and Immigrant Legal Service (RAILS) and Queensland Police Service (QPS).
- Toowoomba Regional Council, to support linking to community engagement opportunities such as men's shed.
- Refugee and Immigrant Legal Service (RAILS) to learn about family sponsorship.
- Queensland Program of Assistance to Survivors of Torture and Trauma (QPASTT) who support group conversation and activities to promote mental health wellbeing; and
- Thrive Refugee Enterprises, to discuss supported business opportunities.

The above strategy is designed as a broad approach to community building and forms an important part of the broader prevention approach to build awareness of available support, create positive connections with services and foster discussion of mental health issues. Beyond building capacity through connections to services, the Group offers an important context for members to connect via sport and other social settings.

Some of the feedback from group members is as follows:

- *'We are very comfortable to attend this group'*
- *'This group will help us deal with the past'*

Our community-led, collaborative 'Family Peace Building' program is an example of a strong and effective community leadership model to respond to DFV. The program seeks to raise awareness and develop skills and confidence to resolve conflict, prevent family violence and promote individual and community transformation. The Consultation paper acknowledges (p 19) that behaviour change is more likely to happen when the government, the broader service system, community and society are working together to prevent violence happening and intervene early when it does.

We consider this model provides a blueprint for community-led and held programs of education and behaviour change particularly for culturally diverse communities. This is also pertinent in the context of the current work by the federal Government, in collaboration with state and territory governments, to develop National Principles to Address Coercive Control. This provides an opportunity for development of a culturally safe, trauma-informed, model of community education and capacity building that can effectively address root causes of DFV and promote family violence prevention, community safety and transformation. Our model integrating community co-design, cultural humility and strength, along with trauma-informed, restorative and transformational approaches provides some key insights and opportunities in the design of approaches to perpetrator programs within the context of cultural communities.

Family Peace Building

The 'Family Peace-Building' Project emerged in Brisbane out of deep engagement and collaboration between multicultural service agencies and community leaders. Experienced multicultural agencies in deep partnership with community leaders have developed training and dialogue to up-skill people to become leaders in family and community peace building.

The Peace-Building team (comprising the 'Community Leaders Gathering', the Islamic Women's Association of Australia, Multicultural Australia, Refugee and Immigration Legal Service (RAILS), and South Community Hub) have built on their years of experience and collaboration with multicultural communities to develop the Peace-building and Family Violence Prevention Training. The agencies have also worked closely with key domestic violence services, Queensland Police Service and the Dispute Resolution Branch of the Department of Justice. While SCH and RAILS have obtained some limited funding through DSS, the experienced training team and their agencies, along with community leaders, have provided significant additional support (unfunded) to keep this program continuing. Multicultural Australia has recently obtained additional funds to provide Family Peace Building training to their pool of Bicultural Support Workers.

The first 'Family Peace-Building' Training Program commenced in 2020 following a two-year 'Community Conversations' consultation with 27 refugee-background communities and close collaboration with key DFV agencies and the national research centre, ANROWS. The 'Community Conversations' consultation project found that most in the community were unfamiliar with the full legal meaning of family violence, some accepted family violence as normal, and some men saw the system as threatening their manhood and favouring women. The main reasons given for family violence were cultural, financial and lack of understanding of the law.

The 'Family Peace-Building' program co-designed with community leaders is based on principles of cultural humility and strengths, is trauma informed, and addresses intersectional frameworks that cover:

- Understanding and communicating about conflict, conflict resolution violence and the law
- The extent and causes of family violence
- Ways to prevent family violence
- Getting to know and work more effectively with key services
- Strengthening skills in working with abusers to promote change and accountability
- Resolution and restoration of the community.

Key resources co-designed with community leaders were developed for the training - a Peace-Building Leaders Toolkit' and a 'Peace-Building Pledge' which were launched by the State Attorney General in 2021.

Short evaluations and reports of the five programs we have run since late 2020 have indicated success in developing community capacity. For example:

- Post-session polls indicated 100% felt more confident to engage with police and to use new communication skills.
- Nearly 90% were more confident to speak to men who used violence.
- 80% were more aware of when to use Dispute Resolution Branch services.

Anecdotally, post-program reports are also very promising, as the following examples highlight:

- A male religious leader gave pastoral advice which emphasised the woman had a choice to leave her husband if she needed. Previously the leader would have advised to keep the marriage together with little consideration of alternatives.
- A female leader was able to identify, name and explain psychological abuse to a female community member who was being tormented and manipulated by her husband over many years.
- A male religious leader for the first time included a female leader in negotiations between partners in a family dispute; and
- DV Connect developed closer relationships with leaders and services following the training.

The Family Peace Building program has led to the development of further programs by the team, including:

- 'Good Life Learning' family violence prevention programs for adult TAFE classes integrating language learning.
- 'Men Managing Change' framework for diverse cultural based on a series of short videos the team developed with cultural communities at a Men's Shed.

We emphasise the importance of ensuring that communities are adequately resourced and supported to engage in this important, transformative work of addressing gender norms and the drivers of gender-based violence. In our experience, community elders and leaders are generous with their time and effort in supporting families through DFV issues. This is a significant impost on community members, and there is no remuneration available for such roles. We strongly recommend that the DFV perpetrator strategy focus on primary prevention and early intervention be reflected on the ground with appropriate resourcing commitments to meet the needs of diverse communities.

Specific response to questions raised in the consultation document:

1. **In the development of the strategy, do you support the use of the term 'persons using violence' when referring to individual people? Why or why not?**

We support the use of the term 'person/s using violence' when referring to individual people, in recognition of their ability to take responsibility, be accountable for their actions and to be able to change behaviours.

2. **Are these the right focus areas for the strategy? Are there other key areas that should be considered?**

We note the broad focus areas highlighted for further consideration to strengthen responses to people using violence in Queensland. These include – improving primary prevention activities, increasing early intervention initiatives, expanding capacity of perpetrator interventions and service responses across a continuum of need and risk (that is intersectional, and trauma informed), expanding beyond a justice system response (to include other social and health service systems), building a specialist workforce, and improving data collection, monitoring and evaluation. Most of these focus areas are highlighted across the vision, purpose, and guiding principles of the Strategy.

While we note and support the need to expand responses beyond the justice system, we

also draw attention to the need to build and retain trust with the justice system. For many communities engaged through the organisations contributing to this submission, interactions with justice and police systems may not be positive or accessible. Our services note the significant barriers victim/survivors as well as people using violence face in our Court systems that lead to the erosion of trust in the process. The Strategy would need to reference making the Justice system accessible across a diversity of needs.

While building trust with the justice system is fundamental, the justice system also needs to continue to be open to change and innovation in how it sees and reacts to this deep and complex social problem of domestic and family violence.

We note the Discussion Paper (p 18) refers to the systemic assumption of the court where a referral to a behaviour change program is taken to mean the person using violence has been effectively held accountable by the court, and that the behaviour change program will subsequently hold that person accountable. That accountability is not always there.

Given the power and opportunities of judicial involvement, and of police intervention, we support exploring community and cultural strengths-based options towards effective accountability, and possible restoration and transformation. For example, our 'Family Peace-Building' team has considered the possibility of a 'Reflection Space' where perpetrators or alleged perpetrators are offered or required to go to 'cool off' and have cultural and spiritual community support towards conflict resolution, violence prevention and safety.

In addition, would welcome the above focus areas to provide clarity on the goal of keeping perpetrators 'in view'. Focus areas identified for consideration could include reference to development of appropriate screening for family violence perpetration and how risk is identified and managed. DFV perpetration requires distinct approaches, and there should be consistent application of risk-identification at various levels and development of appropriate referral pathways.

3. Does the vision, purpose and guiding principles provide the right foundation for the Strategy?

The vision, purpose and guiding principles provide a good foundation for the current Strategy.

The guiding principles could be strengthened to reflect the focus areas better, especially reflecting an intersectional approach. We seek strengthened focus on interventions to be able to meet needs of all perpetrators, including, people from culturally diverse backgrounds, those with disabilities, and people from the LGBTQIA+ community – recognizing that some cohorts of perpetrators do not have access to appropriate services. The current guiding principle – *'In order to support meaningful behaviour change, perpetrator interventions are accessible, integrated, trauma-informed and culturally responsive and respond to the diverse needs of persons using violence'* – could be strengthened as: *'In order to support meaningful behaviour change, perpetrator interventions are accessible, integrated, trauma-informed and culturally responsive and respond to the diverse intersectional needs of persons using violence'*.

The guiding principles could also include a recognition of diverse community approaches

to addressing and reducing violence – recognizing culturally and linguistically diverse communities are supported to design and deliver strategies and responses aimed at reducing violence within their communities.

We also reiterate in relation to all aspects of the Strategy the relevance, within the context of cultural (and all) communities of our Family Peace-Building approach of integrating community co-design, cultural humility and strength, along with trauma-informed, restorative and transformational approaches.

4. How can the Strategy support the community, including men and boys, to be more proactive in addressing the drivers of domestic and family violence?

Drivers of domestic and family violence are complex – ranging from community attitudes and social norms about gender and violence, as well as structural gender inequality.

Appropriate messaging in community, focusing on young people is essential to change trajectory for some families where violence may be prevalent.

5. How should the Strategy support early intervention with people using violence to reduce recurrence, escalation and long-term harm caused by domestic and family violence?

The Strategy should provide a focal point for recognizing opportunities for effective early intervention, through:

- Critical transition points when DFV is likely to emerge/escalate.
- Recognising resettlement and complex transition through a refugee/migration experience can impact relationships – resulting in settlement stress and subsequent DFV.
- Recognising the resettlement needs of refugee victims of DFV post-separation need tailored support to resettle.
- Stressing opportunities for early intervention in adolescence and youth (when attitudes and behaviours on relationships are forming).
- Locating and implementing early intervention measures in diverse communities.
- Integrating community co-design, cultural humility and strength, along with trauma-informed, restorative and transformational approaches.

6. Where should we be focusing our attention to support people using or at risk of using violence to get help early?

Investing in a broad system-wide and appropriate understanding and responses:

- Appropriate early identification (tools, screening and frameworks) to correctly identify people using or at risk of using violence (culturally appropriate and trauma informed).
- Appropriate referrals of people using/at risk of using violence.

- Locating work with perpetrators of domestic and family violence within specialist men's behaviour change programs and services.

7. How should the Strategy support early and effective responses to young people using, or at risk of using, violence?

Provide explicit recognition that young people using violence is a distinct and complex form of DFV requiring a specialist response (child and youth centred practice, trauma informed and investing in the whole-of family).

Extension of current avenues for early and effective responses, ensuring more support services, across diversity of need (regions, cultural diversity, gender, diverse sexual identities etc.) Consider:

- Safe spaces
- Professional support
- Information and education for parents and carers (intergenerational cycle of violence)
- Supportive schools
- Consistent and appropriate responses through trusted adults.

Fitz-Gibbon, K., Meyer, S., Boxall, H., Maher, J., & Roberts, S. (2022). *Adolescent family violence in Australia: A national study of service and support needs for young people who use family violence* (Research report, 18/2022). ANROWS.

8. To inform the Strategy it would be helpful to know if you or someone you know sought assistance as a person using violence:

- a. If so, what worked? Please see above submission
- b. What could have been done better? Please see above submission

9. How can the Strategy support interventions that respond to a person's intersecting needs and take a trauma-informed approach?

It can support by providing an explicit reference to intersectionality of perpetrator's use of violence, including, how perpetrators:

- Seek help or engage with service systems (structural and/or systemic barriers – real and perceived).
- Disclose or talk about their use of violence.
- Engage in personal accountability and change.
- Are ready/motivated to change.

MARAM practice guide - <https://www.vic.gov.au/maram-practice-guides-foundation-knowledge-guide/key-concepts-practice>

Strategy can provide explicit recognition that interventions are trauma-informed through:

- Reflecting impacts of trauma, racism for Aboriginal and Torres Strait Islander/First Nations peoples (understanding of historical context)
- Likewise, recognition of the impact of trauma through a refugee-like journey, for some.
- Childhood experiences of domestic and family violence

Additionally, we provide this summary of key best practice factors outlined by ANROWS in its research: 'Best practice principles for interventions with domestic and family violence perpetrators from refugee backgrounds' 2020

[\(https://www.anrows.org.au/project/best-practice-principles-for-interventions-with-domestic-and-family-violence-perpetrators-from-refugee-backgrounds/\)](https://www.anrows.org.au/project/best-practice-principles-for-interventions-with-domestic-and-family-violence-perpetrators-from-refugee-backgrounds/)

Examples of best practice principles for interventions with domestic and family violence perpetrators from refugee background include that:

- Community should be involved as members often first turn to their community.
- Intervention programs need to be tailored to the needs of the particular attendees, be culturally relevant and take account of issues such as trauma, language, mental and physical health, limited employment or education and should recognise gender inequality as a root cause of DFV.
- For refugee communities trauma, cultural and gender role change, alcohol and gambling, and experience of racism compound and intersect with other challenges such as gender inequality, and therefore should be accounted for in DFV perpetrator interventions.
- May need to work with drug and mental health interventions but not in a way that removes responsibility on abuser for the violence or neglect the effect that violence has on women and children.

10. How can the Strategy improve access to services that can respond to the complex needs of persons using violence throughout Queensland?

Provide explicit recognition of appropriate responses and service referrals:

- Men who use violence may present with a range of complex needs – and appropriate interventions are essential (i.e., accessible men's referral services, individual violence-focused referrals, behaviour change programs etc.)

11. What approach do you think the Strategy should take to respond to women who use violence?

According to research, most women who use violence against their male partners do so either defensively and/or reactionary to *his* DFV; further, women rarely use coercive control in their heterosexual relationships (Bair-Merritt et. al. 2010). However, for women who use violence - accessible, trauma-informed, and safe referral pathways and support

services are recommended to ensure equitable access.

Bair-Merritt MH, Crowne SS, Thompson DA, Sibinga E, Trent M, Campbell J. Why do women use intimate partner violence? A systematic review of women's motivations. *Trauma Violence Abuse*. 2010 Oct;11(4):178-89. doi: 10.1177/1524838010379003. PMID: 20823071; PMCID: PMC2994556.

12. How could the Strategy support engagement with people who are at a high risk of reoffending or who are in custody for offences relating to domestic and family violence?

Please see submission above.

13. How can the Strategy assist the domestic, family and sexual violence sector to build a specialist workforce that has the capability and capacity to effectively respond to persons using violence?

Please see submission above.

14. How should the Strategy define perpetrator accountability?

The Strategy should recognise that establishing perpetrator accountability is complex and multi-layered and not provide simplistic definitions. It should be located within the context of individuals, adaptable to lived experience (i.e., diversity, age, location in regional/remote areas) and providing responses or strategies within the context of men's lives. It should not be left to the imposition of 'system' response, or participation in a program. It is about understanding what accountability might mean for individual perpetrators and what victim/ survivors might need this accountability to reflect.

Chung, D., Upton-Davis, K., Cordier, R., Campbell, E., Wong, T., Salter, M. ... Bissett, T. (2020). *Improved accountability: The role of perpetrator intervention systems* (Research report, 20/2020). Sydney: ANROWS

15. What does perpetrator accountability look like across the three mentioned levels of accountability (systemic, community and individual)?

Please see above submission.

16. Does Figure 1 (p.20) provide a comprehensive list of touchpoints of accountability or are there others that should be considered in developing the Strategy?

17. How can the Strategy contribute to our understanding of who is perpetrating domestic and family violence?

18. How can the Strategy contribute to building the evidence base about what works (and what does not)?