



Queensland

Coercive Control and Domestic and Family Violence Reform Youth Act 2021

Act No. 3 of 2021

A Youth Act to acknowledge the nuances and intersectionality of domestic and family violence

[Assented to 13 October 2021]



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The Youth Parliament of Queensland enacts—

Chapter 1

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Coercive Control and Domestic and Family Violence Reform Youth Act 2021*.

2 Commencement

This Youth Act commences on a day to be fixed by proclamation.

3 Main purpose of Youth Act

The main purpose of this Youth Act is to acknowledge the nuance and intersectionality of Domestic and Family Violence and coercive control, creating better support mechanisms for aggrieved persons through both proactive and reactive mechanisms.

4 Definitions

In this Youth Act—

Authorised member means a person who has been given approval by an independent third party to work with children and those who have a relevant qualification

Examples of people who may be considered an authorised person—

- A person who holds a blue card.
- A person with a social work, psychology or other relevant qualification.

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Best interest means that the child will be protected from physical or psychological harm, abuse, neglect or family violence and that both parents have meaningful involvement in the child's life.

culturalisation means a process where 'culture' becomes the framework used by dominant society to pre-empt both racism and sexism.

emotional community bias means a community predisposition that stems from an emotional tie to a situation that then inclines them to believe something regardless of other perspectives.

First degree relative means a person who is directly related to the child or a person who given the circumstances, it is reasonable to regard that person as a first degree relative especially considering that for some people the concept of a relative may be wider than is ordinarily understood—

- (a) A person who is directly related to the child;
- (b) A person who regards themselves or is regarded by the child as a relative.

Examples of people who may have a wider concept of a relative—

- Aboriginal people
- Torres Strait Islanders
- Members of certain communities with non-English speaking backgrounds
- People with particular religious beliefs

high-risk domestic violence incident means a domestic violence incident where it is reasonably suspected the aggrieved person or any children present may be in danger of imminent grievous bodily harm or death.

interactional approach means different aspects of a person's identity that can expose [that person] to overlapping forms of discrimination and marginalisation. These aspects include gender, class, ethnicity and cultural background, religion, disability, and sexual orientation.

medium-risk domestic violence incident means a domestic violence incident where it is reasonably suspected the aggrieved person or any children present may be in danger of harm.

Primary Aggrieved means the party who is deemed by the court to be the party who has primarily had violence perpetrated against them.

specialised domestic violence officer means a police officer who has undergone intensive domestic violence response training and has been deemed fit to work in their specialised capacity.

Chapter 2 Domestic and Family Violence Response and Protection Reform

Part 1 Amendments to *Domestic and Family Violence Protection Act 2012*

5 *Insert Section 8A Coercive Control*

Coercive Control refers to a particular pattern of behaviours' by a person towards an individual in a relevant relationship unto which they continuously exercise forms of intimidation, exploitation, and control. These behaviours ultimately control the lives of aggrevants and result in an unequal power dynamic, leaving the individual dependent on the perpetrator. Forms of *Coercive Control* include—

- (a) Emotional abuse;
- (b) Financial abuse;

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- (c) Psychological abuse;
- (d) Spiritual abuse;
- (e) Social isolation;
- (f) Technology-based abuse;
- (g) Reproduction control;
- (h) Identity abuse;
- (i) Citizenship status abuse.

Maximum Penalty - 5 years imprisonment

Note

Penalty intended to apply through Judge's discretion of mitigating and aggravating circumstances. Maximum penalty to apply per charge, not wholly for the legislation.

6 Insert Forms of Coercive Control

- (1) Emotional abuse may include—
 - (a) constant criticism;
 - (b) constant degradation;
 - (c) Intentional humiliation of the victim;
 - (d) Criticism of victim's appearance;
 - (e) threatening to commit suicide or self-harm to intimidate; or control the victim.
- (2) Financial abuse may include—
 - (a) Physical violence or verbal abuse about financial purchases;
 - (b) Restricting of access to pay or joint bank accounts;
 - (c) Refusal to provide finances to pay for necessary items;
 - (d) Refusing to allow the victim to work or furthering their education.
- (3) Psychological abuse may include—

- (a) controlling what the victim eats;
 - (b) controlling access to medications;
 - (c) undermining the victims perception of reality;
 - (d) questioning the victims judgement;
 - (e) Manipulating the victim with intent to persuade insanity;
 - (f) frequent verbal abuse through text messages or phone calls;
 - (g) Monitoring of personal activity.
- (4) Spiritual abuse may include—
- (a) forcing the victim to participate in religious activities;
 - (b) stopping the victim from taking part in their religious or cultural practices;
 - (c) misusing spiritual or religious beliefs and practices to justify abuse and violence.
- (5) Social isolation may include-
- (a) monitoring the victims phones and devices without permission;
 - (b) controlling the friends and family members the victim has contact with;
 - (c) continuously criticising the victims friends and family;
 - (d) purposefully humiliating the victim publically;
 - (e) moving residence with the intention to isolate a person;
 - (f) restriction of social contact or activities.
- (6) Technology-based abuse may include—
- (a) constant messaging or calling of the victim;
 - (b) Monitoring the victims phone and other devices without permission;
 - (c) inhibiting the victims access to technology;

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- (d) monitoring the victim on social media, or actively abusing and humiliating them on online platforms;
 - (e) tracking the victims movements;
 - (f) monitoring the victims internet usage;
 - (g) video or audio-recording of the victims home, car and workplace without their consent or knowledge;
 - (h) posting sexually explicit images or videos of the victim online with harmful intent;
 - (i) threatening to post sexually explicit content.
- (7) Reproductive control may include—
- (a) Refusal to allow the use of contraceptives;
 - (b) Forcing the use of contraceptives;
 - (c) tampering with the victims contraception;
 - (d) pressuring a pregnancy termination;
 - (e) Refusing the option to terminate a pregnancy;
 - (f) pressuring the victim to assist in the creation of children.
- (8) Identity abuse may include—
- (a) threatening to reveal the victims sexual orientation or identity to others;
 - (b) threatening to reveal the victims HIV status to others;
 - (c) using a person's sexuality in a threatening or coercive way.
- (9) Citizenship status abuse may include—
- (a) Forcing an immigrant, refugee or person of whom has no Australian citizenship or permanent residency into marriage;
 - (b) Threatening an immigrant, refugee or person of whom has no Australian citizenship or permanent residency with deportation or reporting to an authority such as the Queensland Police Service for failure to comply with demands;

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- (a) Parent
 - (b) Legal Guardian; or
 - (c) first-degree relative.
- (3) All individuals involved in a domestic violence matter will be automatically named as named persons in the order
- (a) An individual is deemed to be involved if they have witnessed or been directly subject to a form of domestic violence or coercive control.

9 Insert Parental Rights Of Domestic Violence Order Respondents

- (1) If a cross application (as defined in *s41A Domestic and Family Violence Protection Act 2012 (Qld)*) is made, children are to reside with the Primary Aggrieved, with section 10 still applying to all parties.
- (2) If the child Identifies as Aboriginal or Torres Strait Islander and cannot stay with their legal parent or guardian, due consideration must be given for emotional attachments the child may have to other members of their community (Multiple caregiver framework). If the child's safety is assured;
 - (a) they must be placed with an Authorised member of their community; and
 - (b) there must be a consultation with Authorised members of the community to determine if that temporary arrangement is in the child's best interests.
- (3) If failure to comply with a Domestic Violence Order or Temporary Protection Order is recorded on more than three instances, offenders will be liable to imprisonment of up to 2 years.

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- (4) Specialised domestic violence officers must undergo six-monthly performance reviews to prove they are fit to work in their specialised capacity.
- (5) If a specialised domestic violence officer fails their review, they will be banned from responding to domestic violence incidents until they re-complete their training and pass a subsequent performance review.
- (6) Only specialised domestic violence officers are permitted to respond to domestic violence incidents.
- (7) In the event of a specialised officer's unavailability, a regular officer is permitted to respond provided they refer the case and/or the aggrieved person's details to the specialised officers once they become available.

12 Designated Responders to Domestic Violence Incidents

- (1) Each specialised domestic violence unit will have a designated medium-risk and high-risk team to respond to incidents deemed medium-risk domestic violence incidents and high-risk domestic violence incidents respectively.
- (2) The high-risk team may include:
 - (a) a Specialised Domestic Violence Officer;
 - (b) a Queensland Health worker;
 - (c) a Queensland Corrective Services Worker;
 - (d) a Department of Housing worker; and/or
 - (e) a Domestic Violence support service worker.
- (3) The medium-risk team may include:
 - (a) a Specialised Domestic Violence Officer; and/or
 - (b) a social worker or similar professional.

13 Specialised Liaison Officers

- (1) A minimum of 1 designated cultural liaison officer, must be made available in every police station

- (2) Cultural liaison officers will -
 - (a) Assist culturally diverse aggrieved persons in the Domestic Violence response process; and
 - (b) Assist with translating; and
 - (c) Assist victims to engage with outside support systems and resources
- (3) Every police station is required to have an Indigenous and/or Torres Strait Islander liaison officer.
- (4) Indigenous and/or Torres Strait Islander liaison officers will -
 - (a) assist domestic violence aggrieved persons with an Aboriginal or Torres Strait Islander background to explain their situation.
 - (b) recognise differing understandings and experiences of domestic violence amongst Aboriginal or Torres Strait Islander communities.
 - (c) respect the aggrieved person's opinion with regard to how to proceed in the investigation.
- (5) Specialised Liaison Officers will work alongside person's involved throughout the entire criminal process

14 Accessibility to Police Stations and Services

- (1) All Police Stations state-wide will utilise a foreign language translation service such as, but not limited to, the TIS Telephone System.

15 Police Response to Domestic Violence Matters

- (1) Police Officers will undergo mandatory domestic violence response training including -
 - (a) implicit bias training, including training to recognise and combat racial profiling and stereotyping;
 - (b) cultural sensitivity and cross-cultural communication training;

-
- (c) is inclusive of LGBT+ identities, Aboriginal and Torres Strait Islander identities, and culturally diverse identities; and
 - (d) must be ongoing with revisions every semester.
- (2) All school staff of whom engage with students must undergo Domestic Violence educational training that:
- (a) provides them with appropriate skills for teaching students about Domestic and Family Violence;
 - (b) identifies attributes that may indicate students as victims of Domestic and Family Violence or Coercive Control; and
 - (c) gives comprehensive information about available and accessible resources.
- (3) Training will be required to be revisited every year.
- (4) Revisions must be updated with the latest information.

17 Primary Level Domestic Violence Education

- (1) Primary level school students must engage with material that-
- (a) is age-appropriate; and
 - (b) helps them identify what a healthy relationship looks like; and
 - (c) introduces consent as a concept to be applied in all situations, regardless of relationship; and
 - (d) Provides easily accessible resources in the event of a problem.
- (2) Students must also demonstrate an acceptable level of understanding as determined by the Domestic and Family violence Organisation.

18 Secondary Level Domestic Violence Education

- (1) Junior high school students must receive 'Healthy Relationships' and Domestic Violence education that-

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- (a) Introduces foundational understandings of what Domestic Violence is including:
 - (i) Physical abuse; and
 - (ii) Emotional abuse; and
 - (iii) Verbal abuse; and
 - (iv) Psychological abuse; and
 - (v) Financial abuse; and
 - (vi) Coercive control; and
 - (b) education on how to identify domestic violence; and
 - (c) gives information on how to respond appropriately and safely when they, or someone they know, is affected; and
 - (d) what resources are available for help.
- (2) Senior high school students must receive Domestic and Family Violence education that-
- (a) Introduces more complex understandings of Domestic Violence that educates on-
 - (i) the law enforcement response to victims of Domestic and Family Violence
 - (ii) how to respond if they think someone close to them is experiencing domestic violence
 - (iii) what domestic violence may look like amongst young adults with the introduction of social media;
 - (iv) sexual abuse; and
 - (v) gives information on support services and resources that are available for help.
- (3) Students must also demonstrate an acceptable level of understanding as determined by the Domestic and Family violence Organisation.

19 Tertiary Level Domestic Violence Education

- (1) Higher education institutions will have optional Domestic Violence education available for students.
- (2) Resources and services about Domestic Violence and ‘Healthy Relationships’ must be made easily accessible to students within a confidential capacity.

Chapter 3 Intersectional Understanding and Support for Domestic and Family Violence Victims

Part 1 Aboriginal and Torres Strait Islander Domestic and Family Violence Prevention and Support

20 Application

- (1) This part is only applicable to Aboriginal and Torres Strait Islander communities.

21 Training for Response to Domestic Violence

- (1) Government officials, Law Enforcement and support service providers must be given training on the unique challenges Aboriginal and Torres Strait Islander victims face when dealing with Domestic and Family Violence, that includes-
 - (a) Effects of disconnection from ones community; and
 - (b) feelings of shame and betrayal associated with reporting community members; and

- (c) Consequential impacts on cultural and spiritual life; and
 - (d) fear that the violence will persist or get worse if it is reported; and
 - (e) fear that they may lose control of their life when dealing with government officials, courts and/or law enforcement; and
 - (f) fear of losing their children and the subsequent disconnection from culture; and
 - (g) fear of becoming homeless as well as any other adverse effect of socio-economic disadvantage.
- (2) The training must include a section that is specific to the Indigenous community in that region.
 - (3) The training must be facilitated by a group that includes at least 2 Aboriginal or Torres Strait Islander persons.
 - (4) Any person who needs specialised training will be required to participate in domestic violence response training every two years continuing for the length of their employment.
 - (5) Training will involve an assessment component that must be passed before an officer can return to regular duty.
 - (6) Training content will be reviewed and updated every three years.

22 Aboriginal and Torres Strait Islander Liaison Officer in Police Stations

- (1) An Indigenous and/or Torres Strait Islander Liaison Officer must be offered to the reportee in all instances that there is a report of Domestic Violence against an Indigenous and/or Torres Strait Islander person.
- (2) In the event that the Liaison Officer is not available, the report, including all information, must be given to the acting Liaison officer to mitigate-
 - (a) bias;
 - (b) neglect; and

- (c) inadequate justice-based responses
- (3) in all instances where possible, the acting Liaison Officer that begins any launched investigation must remain the contact person for the Aboriginal or Torres Strait Islander identifying victim to-
 - (a) build trust between the officer and the victim; and
 - (b) ensure consistent information and support

23 Support Strategies for Indigenous Victims

- (1) All support strategies must include Aboriginal and Torres Strait Islander voices. This should be achieved through-
 - (a) Consultations with professionals in Domestic Violence Prevention, Child Safety and Law/Justice who identify as Aboriginal or Torres Strait Islander;
 - (b) ensuring that connections to culture are maintained;
 - (c) providing neurological development and trauma-informed healing practices for victims; and
 - (d) ensuring cultural safety.
- (2) if a child must be removed from their community (this should be the last and only option), there must be strategies in place to prevent cultural disconnection
- (3) Support strategies must be flexible and consider:
 - (a) Spiritual violence including, but not limited to, dispossession from native lands, change of lifestyle; and
 - (b) Historical lack of institutional trust and its impacts on the strategy.
- (4) Support strategies must also address potential causes of domestic violence not limited to intergenerational trauma.

Part 2

Cultural and Linguistically Diverse Domestic and Family Violence Support

24 Purpose

- (1) To adapt an intersectional approach when addressing Domestic and family violence in Culturally and Linguistically Diverse (CALD) and Non-English Speaking Background (NESB) communities.
- (2) To ensure all respondents of domestic violence are trained in specific cultural and linguistic, non-biased responses to victims and perpetrators.
- (3) To provide legal literacy training and education to the victims of DV violence.
- (4) To ensure that service providers are fully resourced and culturally competent to address the unique set of circumstances faced by CALD communities.
- (5) To improve state-wide data collection service among Domestic and family violence victims in CALD communities.

25 Training for Response to Domestic and Family violence

- (1) Government officials, Law Enforcement and support service providers must be given training on the unique challenges CALD communities face when dealing with Domestic and Family Violence, that includes—
 - (a) Training in cultural and religious sensitivities of specific communities.
 - (b) Understanding the intersectional vulnerabilities that exist as opposed to singular categories (e.g., race and gender) in CALD such as race, age, ethnicity, class, gender, sexual orientation, immigration status, socio-economic status, inequality, marginalization, casteism, racism, past trauma etc.

- (c) To understand that *culturalization* of domestic and family violence victims exacerbates the marginalization of CALD victims due to their specific challenges and unique circumstances. Other factors such as racism and gaps in interaction of different social categories are often not considered.
- (d) Outreach to marginalised communities which are often discriminated for their identity and religious symbols.

26 Education for CALD communities

- (1) Recent migrants and refugees should be provided with basic legal literacy to protect them from Domestic and family violence.
- (2) The education program should inform them of their legal rights and knowledge of services they can avail.

27 Support services

- (1) Victims of Domestic and family should be provided with specialist support services which are culturally competent and caters to their individual needs such as English language proficiency, sexuality, prior victimisation, religious and cultural sensitivities.
- (2) Victims should be provided with professional interpreters.
- (3) Support service providers should be trained in cultural competence in order to recognize the diverse experiences of victims and responsive to the needs of diverse groups.
- (4) More funding shall be provided to service organisation to train the staff in order to ensure appropriate services for CALD communities.
- (5) Providing appropriate financial support for victims of DV and family violence who are recent migrants and refugees.
- (6) Extend access to shelter accommodation and housing solutions to the non-resident victims.

28 Implement a state-wide family violence data collection

- (1) The lack of specific data available on the victims in CALD communities makes it harder to appropriate services and identify recurring themes.
- (2) A state-wide data collection and research would fill the existing gaps in demographic information on CALD communities.

29 Amendment to the *Penalties and Sentences Act 1992 (Qld)*

- (1) *Insert Part 2 Section (2)(c)*
 - (a) To consider the cultural and linguistic background of the perpetrator and the victim and the role that it played in the occurrence and/or severity of the crime.
 - (i) Considerations may include:
 - (A) Cultural and Religious beliefs and practices;
 - (B) Social standards and practices of the individuals nation of origin;
 - (C) Individuals' time spent in their nation of origin.

Part 3 Rural Communities

30 Establishment of External Support Networks

- (1) External support networks are to be established for victims of domestic violence in rural and remote areas to provide access to existing support networks.
- (2) Victims will be able to access formal rural support groups with an organised police unit that has undergone the necessary training.
- (3) External support networks for victims of domestic violence are to be established in attempt to mitigate –

- (a) Instances of case neglect; and
 - (b) Emotional community bias; and
 - (c) Lack of community outreach programs; and
 - (d) Inadequate justice-based responses.
- (4) External support networks will be established through –
- (a) Expansions of online report systems; and
 - (b) Visits from external police responders following reports; and
 - (c) the National Disability Insurance Scheme (NDIS); and
 - (d) support worker networks and provider systems; and
 - (e) intra-organisational cooperation; and
 - (f) advocacy networks.
- (5) The external support networks are to be established through a management program integrated into the current police report system.
- (6) The program is cyclical and will involve the following phases –
- (a) Phase 1 – establishing the access to police networks and report systems in the region
 - (b) Phase 2 – developing proficient report strategies
 - (c) Phase 3 – implementing external police access
 - (d) Phase 4 – ensuring accountability for appropriate training

31 Implementation of Rural Support Network

- (1) Phase 1 will be achieved by –
- (a) Researching the accessibility of police networks and report systems in the region, and
 - (b) Establishing convenience standards for police networks, and

- (c) Expanding relevant domestic violence report systems, and
 - (d) Promoting the established police network and report system's availability within the community.
- (2) Phase 2 will be achieved by –
- (a) Developing Domestic violence prevention policies, that will –
 - (i) Decide domestic violence indicators, and
 - (ii) Outline domestic violence training standards for responders
 - (iii) Require police follow up management, including reports on active cases
 - (iv) Advise on management practices, and
 - (v) Promoting domestic violence report system awareness and involvement in the community.
- (3) Phase 3 will be achieved by –
- (a) Integrating external police accessibility into the planning and management of current police networks, and
 - (b) Monitoring that the domestic violence training of external police investigators is proficient.
- (4) Phase 4 will be achieved by –
- (a) Reviewing the training reports for any current acting police officer, and
 - (b) Evaluating the efficiency and effectiveness of their domestic violence training.

32 Functions and Capabilities of the Rural Support Network

- (1) Contact with external police support will be made accessible for domestic violence victims through online report systems which will supply –
- (a) Support; and

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- (4) Disability support networks for victims of domestic violence will be established with the intent to mitigate –
 - (a) Instances of case neglect, and
 - (b) Failure to identify vulnerable victims, and
 - (c) Bias towards victims' testimonies.
- (5) To fully understand the needs of victims with a disability, the support network will recognise bias may stem from the victim's –
 - (a) Physical appearance, and
 - (b) abilities or lack thereof; and
 - (c) Speech.

34 Implementation of Disability Support Network

- (1) The domestic violence support networks are to be established through a management program integrated into the current disability support system.
- (2) The program is cyclical and will involve the following phases –
 - (a) Phase 1 – establishing access to support workers and support networks.
 - (b) Phase 2 – developing proficient report strategies
 - (c) Phase 3 – implementing case worker support
 - (d) Phase 4 – ensuring minimisation of distress
- (3) Phase 1 will be achieved by –
 - (a) Researching the accessibility of disability support networks in the region, and
 - (b) Establishing convenience standards for support workers, and
 - (c) Expanding relevant regional support network access, and

- (d) Promoting the established support networks availability within the community.
- (4) Phase 2 will be achieved by –
- (a) Developing Domestic violence prevention policies for people with disabilities, that will –
 - (i) Decide domestic violence indicators, and
 - (ii) Outline domestic violence training standards for support workers, and
 - (iii) Require case worker follow up management, including) reports on active cases
 - (iv) Advise on management practices, and
 - (b) Promote domestic violence support network awareness and involvement in the community.
- (5) Phase 3 will be achieved by –
- (a) Integrating support worker accessibility into the planning and management of current disability support networks, and
 - (b) Monitoring that the domestic violence training of support workers is proficient, and
 - (c) Requiring support workers to make relevant findings known to police officers in the area if the situation is deemed threatening to the victim.
- (6) Phase 4 will be achieved by –
- (a) Reviewing the training reports for any current acting support worker, and
 - (b) Evaluating the efficiency and effectiveness of their domestic violence training.
- (7) If an enquiry is requested by a victim through the disability support a support worker is required to –
- (a) Proceed with a next day follow up; and
 - (b) Remain with the victim to monitor distress.

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- (8) Support workers are required to update their training by revisiting domestic violence training modules Yearly to be provided by disability service providers or otherwise through the NDIS for sole traders.

35 Establishment of police powers

- (1) In the instance that domestic violence is observed, police are given the power to take the victim with a disability into temporary care, only with the free and willing consent of the individual concerned.
- (2) Temporary care locations are determined by the individual needs of disabilities and include –
 - (a) Care facilities, and
 - (b) Hospitals, and
 - (c) Foster homes, and
 - (d) Crisis centres.
- (3) Police are not permitted to house the individual in the watch house or prison in the event that no other suitable accommodation is available.
- (4) If the individual shows any sign of abuse and gives their consent, they are to be taken to a hospital for a wellness check.
- (5) Indicators of physical abuse may include –
 - (a) Bruising, and
 - (b) Abrasions, and
 - (c) Fractures or sprains, and
 - (d) Bite marks, and
 - (e) dental injuries; and
 - (f) excessive shaking; and
 - (g) paranoia or deep fear of facing the alleged perpetrator; and

- (h) other signs of deep distress including uncontrollable crying, 'numbness', depersonalisation and derealisation; and
 - (i) avoiding or running away from home; and
 - (j) self-harm and suicidality; and
 - (k) distress coping strategies such as rocking, biting, self-harm, sucking.
- (6) In order to receive testimony from victims with disabilities, an interview with an acting support worker and police officer will be undertaken, ensuring the interviewee is aware of their right to stop the interview at their discretion..
- (7) Interviewees are to be offered the opportunity to stop the interview at any time and be offered the opportunity to give testimony at another time and via alternative means including but not limited to pre-recorded testimony or written testimony.
- (8) Witnesses, secondary and tertiary victims, friends and family, must be interviewed.
- (9) In the instance that an aggrieved party is unable to communicate independently, third party communication specialists are to be employed in a timely manner in order to safeguard the integrity of the individual's testimony; Family members or friends are not an appropriate means of communicating testimony.