**Australia’s Sixth Periodic Report under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**

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# Appendix I – Introduction

## Consultation with non-government organisations

The following organisations were invited to submit comments on the draft report:

1. Amnesty International
2. Anti-Slavery Australia
3. Australian Council of Social Service
4. Australian Human Rights Commission
5. Australian Lawyers for Human Rights
6. Australian Women Against Violence Alliance
7. Disabled People's Organisations Australia
8. Federation of Ethnic Communities Councils of Australia
9. First Peoples Disability Network
10. Human Rights Law Centre
11. Human Rights Watch
12. International Social Service Australia
13. Kingsford Legal Centre, UNSW
14. Law Council Of Australia
15. National Aboriginal and Torres Strait Islander Legal Services
16. National Association of Community Legal Centres
17. National Children's and Youth Law Centre
18. National Congress of Australia's First Peoples
19. National Ethnic Disability Alliance
20. National Family Violence Prevention Legal Services
21. National Social Security Rights Network
22. Intersex Human Rights Australia
23. People with Disability Australia
24. Public Interest Advocacy Centre
25. Refugee Council of Australia
26. Save The Children
27. Sisters Inside
28. SNAICC
29. Uniting Justice Australia
30. UNICEF
31. Women with Disability Australia

# Appendix II - Issue 1

While the report focuses on violence against women in the context of sexual violence/assault and domestic/family violence, the Australian Government recognises there are other forms of gender-based violence that occur related to law, the state and culture including forced sterilisation, forced abortion, forced contraception, forced marriage and restrictive practices. The Australian Government also recognises the many settings and spaces in which gender-based violence occurs including prisons, detention centres and other forms of institutional settings.

## National plan to Reduce Violence against Women and their Children 2010–2022

The National Plan to Reduce Violence against Women and their Children 2010–2022 (National Plan) is a platform for action by Australian, state and territory governments, together with the non-government sector, business and communities driving an integrated approach to preventing and responding to domestic, family and sexual violence.

The National Plan sets out six National Outcomes to work towards over 12 years from 2010 to 2022:

1. Communities are safe and free from violence.
2. Relationships are respectful.
3. Indigenous communities are strengthened.
4. Services meet the needs of women and their children experiencing violence.
5. Justice responses are effective.
6. Perpetrators stop their violence and are held to account.

These outcomes are being delivered through four three-year Action Plans. The Third Action Plan is the halfway point of the National Plan.

## Third Action Plan 2016–2019

The Third Action Plan draws on:

* the Council of Australian Government’s Advisory Panel on Reducing Violence against Women and their Children
* recent senate inquiries and royal commissions across the country
* progress reports on the First and Second Action Plans and the evaluation of the Second Action Plan, and
* national workshops with over 400 non-government organisations, academics and businesses.

The six National Priority Areas for attention in the Third Action Plan are:

1. Prevention and early intervention.
2. Aboriginal and Torres Strait Islander women and their children.
3. Greater support and choice.
4. Sexual violence.
5. Responding to children living with violence.
6. Keeping perpetrators accountable across all systems.

## Experimental Data – Victims of Family and Domestic Violence\*

## Sex and age by Indigenous Status by selected offence, selected states and territories, 2014

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld** | | | **SA** | | | **NT** | | |
|  | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
| **HOMICIDE AND RELATED OFFENCES** | | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 0 | 7 | 15 | 0 | 3 | 3 | 0 | 6 | 6 | 0 | 0 | 0 |
| Females | 0 | 14 | 17 | 0 | 3 | 8 | 0 | 5 | 5 | 0 | 0 | 3 |
| Age group (years) |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 | 0 | 3 | 3 | 0 | 5 | 5 | 0 | 0 | 0 | 0 | 0 | 0 |
| 20–34 | 0 | 3 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 3 |
| 35–54 | 3 | 18 | 17 | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 |
| 55 years and over | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 3 | 3 | 0 | 0 | 0 |
| Location of offence |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 3 | 20 | 31 | 0 | 11 | 13 | 0 | 6 | 6 | 0 | 0 | 0 |
| Community | 0 | 4 | 4 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 3 |
| Other | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Unspecified | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Relationship of Offender to Victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Known to victim | 3 | 22 | 31 | 0 | 11 | 13 | 0 | 5 | 5 | 3 | 0 | 4 |
| Intimate Partner | 3 | 12 | 21 | 0 | 3 | 3 | 0 | 3 | 3 | 3 | 0 | 3 |
| *Partner* | *3* | *8* | *13* | *0* | *0* | *5* | *0* | *3* | *3* | *3* | *0* | *3* |
| *Ex-partner* | *0* | *3* | *3* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* |
| Other family member | 0 | 12 | 12 | 0 | 7 | 7 | 0 | 0 | 0 | 0 | 0 | 0 |
| Other non-family member | 0 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld** | | | **SA** | | | **NT** | | |
|  | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
| **ASSAULT** | | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 743 | 7,532 | 9,261 |  |  |  | 149 | 978 | 1,157 | 607 | 168 | 807 |
| Females | 2,198 | 15,091 | 19,488 |  |  |  | 885 | 3,541 | 4,534 | 3,064 | 355 | 3,482 |
| Age group (years) |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 | 606 | 3,796 | 4,963 |  |  |  | 126 | 697 | 847 | 476 | 63 | 545 |
| 20–34 | 1,340 | 8,605 | 11,224 |  |  |  | 516 | 1,905 | 2,482 | 1,823 | 236 | 2,105 |
| 35–54 | 880 | 8,063 | 10,062 |  |  |  | 340 | 1,553 | 1,931 | 1,254 | 201 | 1,491 |
| 55 years and over | 105 | 2,139 | 2,464 |  |  |  | 18 | 310 | 335 | 97 | 23 | 129 |
| Location of offence |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 2,409 | 19,837 | 25,019 |  |  |  | 782 | 3,974 | 4,872 | 1,514 | 325 | 1,895 |
| Community | 399 | 1,869 | 2,551 |  |  |  | 219 | 388 | 626 | 1,610 | 77 | 1,710 |
| Other | 135 | 917 | 1,182 |  |  |  | 40 | 148 | 192 | 548 | 116 | 681 |
| Unspecified | 3 | 21 | 30 |  |  |  | 0 | 0 | 0 | 0 | 0 | 0 |
| Relationship of Offender to Victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Known to victim | 2,927 | 22,319 | 28,394 |  |  |  | 1,028 | 4,487 | 5,655 | 3,630 | 520 | 4,246 |
| Intimate Partner | 1,689 | 12,424 | 15,877 |  |  |  | 846 | 3,402 | 4,337 | 2,638 | 350 | 3,053 |
| *Partner* | *1,299* | *9,455* | *12,026* |  |  |  | *619* | *2,220* | *2,893* | *2,305* | *227* | *2,580* |
| *Ex-partner* | *388* | *2,974* | *3,857* |  |  |  | *231* | *1,184* | *1,444* | *325* | *124* | *472* |
| Other family member | 1,091 | 7,786 | 9,984 |  |  |  | 175 | 1,059 | 1,275 | 901 | 99 | 1,031 |
| Other non-family member | 149 | 2,106 | 2,525 |  |  |  | 10 | 27 | 36 | 90 | 65 | 165 |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld** | | | **SA** | | | **NT** | | |
|  | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
| **SEXUAL ASSAULT** | | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 4 | 96 | 114 | 0 | 0 | 0 | 0 | 17 | 20 | 0 | 5 | 7 |
| Females | 52 | 577 | 692 | 8 | 26 | 36 | 14 | 218 | 230 | 60 | 17 | 81 |
| Age group (years) |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 | 28 | 296 | 373 | 0 | 3 | 3 | 5 | 82 | 87 | 27 | 11 | 43 |
| 20–34 | 15 | 208 | 244 | 8 | 11 | 17 | 4 | 80 | 86 | 19 | 4 | 26 |
| 35–54 | 8 | 149 | 166 | 0 | 7 | 7 | 8 | 57 | 66 | 16 | 3 | 18 |
| 55 years and over | 0 | 16 | 20 | 0 | 0 | 0 | 0 | 4 | 4 | 0 | 0 | 4 |
| Location of offence |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 53 | 626 | 741 | 3 | 25 | 29 | 14 | 223 | 238 | 40 | 12 | 57 |
| Community | 0 | 26 | 28 | 0 | 0 | 5 | 0 | 5 | 5 | 13 | 0 | 14 |
| Other | 3 | 18 | 27 | 0 | 0 | 0 | 0 | 5 | 5 | 9 | 5 | 17 |
| Unspecified | 0 | 3 | 3 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| Relationship of Offender to Victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Known to victim | 47 | 550 | 664 | 8 | 26 | 36 | 14 | 231 | 247 | 66 | 17 | 88 |
| Intimate Partner | 8 | 233 | 265 | 5 | 21 | 29 | 8 | 144 | 157 | 31 | 8 | 40 |
| *Partner* | *5* | *155* | *175* | *5* | *15* | *20* | *0* | *85* | *87* | *16* | *3* | *24* |
| *Ex-partner* | *5* | *81* | *91* | *0* | *11* | *11* | *5* | *59* | *67* | *10* | *8* | *18* |
| Other family member | 32 | 249 | 316 | 3 | 6 | 7 | 4 | 82 | 85 | 32 | 12 | 46 |
| Other non-family member | 5 | 64 | 78 | 0 | 0 | 0 | 3 | 5 | 6 | 3 | 0 | 4 |

\* Experimental data refers to data sourced from police crime recording systems and are based on a Family and Domestic Violence flag as recorded by police officers. Development and improvement of the data is ongoing.

Source: Australian Bureau of Statistics, 2015, *Recorded Crime – Victims, Australia, 2014*, Data cube: Table 6, cat. no. 4510.0, Available at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4510.02014?OpenDocument>, accessed 28 June 2018.

## Experimental Data – Victims of Family and Domestic Violence\*

## Sex and age by Indigenous Status by selected offence, selected states and territories, 2015

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld (a)** | | | **SA** | | | **NT** | | |
|  | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
|  | **ASSAULT** | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 865 | 8,338 | 10,104 |  |  |  | 272 | 1,481 | 1,815 | 571 | 120 | 722 |
| Females | 2,709 | 16,184 | 20,338 |  |  |  | 1,250 | 4,520 | 5,926 | 2,949 | 310 | 3,351 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Age group (years) |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 | 748 | 4,205 | 5,481 |  |  |  | 217 | 896 | 1,156 | 471 | 52 | 533 |
| 20–34 | 1,597 | 9,413 | 11,856 |  |  |  | 747 | 2,462 | 3,301 | 1,778 | 196 | 2,028 |
| 35–54 | 1,087 | 8,581 | 10,439 |  |  |  | 470 | 2,091 | 2,622 | 1,160 | 160 | 1,370 |
| 55 years and over | 139 | 2,321 | 2,668 |  |  |  | 49 | 479 | 547 | 112 | 29 | 145 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Relationship of offender to victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Intimate Partner | 2,031 | 13,404 | 16,564 |  |  |  | 1,065 | 4,111 | 5,312 | 2,558 | 300 | 2,942 |
| *Partner* | *1,543* | *10,219* | *12,621* |  |  |  | *785* | *2,527* | *3,400* | *2,220* | *201* | *2,482* |
| *Ex-partner* | *488* | *3,187* | *3,934* |  |  |  | *278* | *1,587* | *1,914* | *333* | *101* | *457* |
| Other family member | 1,309 | 8,086 | 10,347 |  |  |  | 454 | 1,819 | 2,343 | 868 | 99 | 987 |
| *Parent* | *261* | *2,424* | *2,987* |  |  |  | *100* | *610* | *749* | *129* | *29* | *159* |
| Other non-family member | 200 | 2,508 | 2,965 |  |  |  | 4 | 43 | 53 | 63 | 31 | 99 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Location |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 2,941 | 21,266 | 26,298 |  |  |  | 1,151 | 5,168 | 6,514 | 1,518 | 262 | 1,836 |
| Community | 466 | 2,099 | 2,712 |  |  |  | 291 | 607 | 916 | 1,508 | 79 | 1,617 |
| Other | 160 | 1,022 | 1,280 |  |  |  | 79 | 223 | 311 | 499 | 92 | 618 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Use of weapon |  |  |  |  |  |  |  |  |  |  |  |  |
| Weapon used | 319 | 1,108 | 1,562 |  |  |  | 521 | 1,087 | 1,658 | 1,510 | 102 | 1,643 |
| *Firearm* | *6* | *24* | *33* |  |  |  | *0* | *11* | *11* | *13* | *10* | *15* |
| *Knife* | *196* | *777* | *1,063* |  |  |  | *121* | *313* | *456* | *215* | *25* | *243* |
| No weapon used | 3,257 | 23,435 | 28,901 |  |  |  | 1,001 | 4,919 | 6,082 | 2,018 | 332 | 2,430 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| **Total** | **3,572** | **24,543** | **30,467** |  |  |  | **1,520** | **6,005** | **7,740** | **3,525** | **434** | **4,076** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld (a)** | | | **SA** | | | **NT** | | |
|  | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
|  | **SEXUAL ASSAULT** | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 47 | 480 | 599 | 24 | 160 | 211 | 9 | 62 | 74 | 0 | 3 | 3 |
| Females | 241 | 2,197 | 2,606 | 161 | 945 | 1,221 | 49 | 486 | 555 | 74 | 33 | 112 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Age group (years) |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 | 203 | 1,699 | 2,065 | 144 | 762 | 1,018 | 33 | 287 | 333 | 47 | 22 | 71 |
| 20–34 | 52 | 512 | 604 | 29 | 202 | 239 | 14 | 135 | 155 | 25 | 12 | 36 |
| 35–54 | 35 | 383 | 449 | 13 | 120 | 149 | 12 | 111 | 127 | 8 | 4 | 13 |
| 55 years and over | 3 | 81 | 87 | 6 | 24 | 27 | 0 | 11 | 10 | 0 | 0 | 0 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Relationship of offender to victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Intimate Partner | 69 | 615 | 717 | 40 | 239 | 294 | 18 | 243 | 267 | 25 | 18 | 44 |
| *Partner* | *55* | *464* | *541* | *38* | *206* | *257* | *13* | *137* | *159* | *16* | *3* | *21* |
| *Ex-partner* | *15* | *152* | *178* | *4* | *34* | *34* | *3* | *100* | *112* | *15* | *9* | *27* |
| Other family member | 195 | 1,770 | 2,147 | 146 | 870 | 1,142 | 36 | 299 | 347 | 43 | 18 | 64 |
| *Parent* | *60* | *726* | *859* | *41* | *378* | *482* | *18* | *146* | *168* | *11* | *6* | *16* |
| Other non-family member | 24 | 108 | 129 | 0 | 0 | 0 | 0 | 9 | 7 | 4 | 4 | 7 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Location |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 254 | 2,084 | 2,551 | 170 | 994 | 1,299 | 52 | 507 | 581 | 41 | 21 | 69 |
| Community | 8 | 80 | 98 | 6 | 51 | 60 | 0 | 17 | 20 | 8 | 3 | 15 |
| Other | 7 | 40 | 49 | 4 | 45 | 51 | 5 | 21 | 24 | 19 | 6 | 30 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Use of weapon |  |  |  |  |  |  |  |  |  |  |  |  |
| Weapon used | 0 | 6 | 6 | 27 | 102 | 135 | 5 | 19 | 27 | 5 | 0 | 9 |
| *Firearm* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* | *0* |
| *Knife* | *0* | *5* | *5* | *3* | *12* | *16* | *0* | *5* | *5* | *0* | *0* | *3* |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| No weapon used | 291 | 2,667 | 3,197 | 162 | 1,006 | 1,301 | 59 | 525 | 605 | 74 | 34 | 109 |
| **Total** | **291** | **2,677** | **3,201** | **184** | **1,105** | **1,433** | **61** | **547** | **626** | **73** | **37** | **114** |

\* Experimental data refers to data sourced from police crime recording systems and are based on a Family and Domestic Violence flag as recorded by police officers. Development and improvement of the data is ongoing.

Source: Australian Bureau of Statistics, 2016, *Recorded Crime – Victims, Australia, 2015*, Data cube: Table 6, cat. no. 4510.0, Available at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4510.02015?OpenDocument>, accessed 28 June 2018.

## Experimental Data – Victims of Family and Domestic Violence\*

## Sex and age by Indigenous Status by selected offence, selected states and territories, 2016

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld (a)** | | | **SA** | | | **NT** | | |
| Selected characteristics | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
|  | **ASSAULT** | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 621 | 7,452 | 9,487 |  |  |  | 257 | 1,515 | 1,832 | 538 | 137 | 700 |
| Females | 2,067 | 15,001 | 20,098 |  |  |  | 1,211 | 4,568 | 5,944 | 2,957 | 278 | 3,311 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 years | 567 | 3,935 | 5,284 |  |  |  | 244 | 909 | 1,199 | 464 | 56 | 532 |
| 20–34 years | 1,180 | 8,430 | 11,378 |  |  |  | 729 | 2,549 | 3,368 | 1,744 | 166 | 1,957 |
| 35–54 years | 838 | 7,806 | 10,154 |  |  |  | 441 | 2,048 | 2,567 | 1,189 | 151 | 1,371 |
| 55 years and over | 105 | 2,282 | 2,775 |  |  |  | 45 | 557 | 625 | 97 | 36 | 146 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Relationship of offender to victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Intimate Partner | 1,552 | 12,352 | 16,384 |  |  |  | 1,048 | 4,155 | 5,359 | 2,543 | 288 | 2,898 |
| *Partner* | *1,237* | *9,582* | *12,662* |  |  |  | *766* | *2,548* | *3,412* | *2,174* | *194* | *2,416* |
| *Ex-partner* | *321* | *2,772* | *3,728* |  |  |  | *280* | *1,614* | *1,945* | *371* | *91* | *481* |
| Other family member | 1,012 | 7,720 | 10,234 |  |  |  | 404 | 1,834 | 2,309 | 850 | 93 | 967 |
| *Parent* | *226* | *2,584* | *3,281* |  |  |  | *91* | *620* | *744* | *138* | *29* | *174* |
| Other non-family member | 123 | 2,362 | 2,945 |  |  |  | 15 | 63 | 77 | 72 | 35 | 115 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Location |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 2,189 | 19,553 | 25,576 |  |  |  | 1,095 | 5,278 | 6,562 | 1,508 | 251 | 1,810 |
| Community | 365 | 1,873 | 2,642 |  |  |  | 299 | 572 | 903 | 1,497 | 74 | 1,594 |
| Other | 138 | 951 | 1,295 |  |  |  | 69 | 235 | 312 | 492 | 88 | 606 |
| Use of weapon |  |  |  |  |  |  |  |  |  |  |  |  |
| Weapon used | 248 | 895 | 1,324 |  |  |  | 481 | 1,141 | 1,677 | 1,519 | 110 | 1,653 |
| *Firearm* | *7* | *25* | *36* |  |  |  | *0* | *9* | *14* | *0* | *0* | *0* |
| *Knife* | *105* | *514* | *705* |  |  |  | *115* | *309* | *435* | *201* | *24* | *229* |
| No weapon used | 2,441 | 21,571 | 28,287 |  |  |  | 984 | 4,940 | 6,101 | 1,975 | 304 | 2,355 |
| **Total** | **2,689** | **22,468** | **29,613** |  |  |  | **1,464** | **6,081** | **7,779** | **3,497** | **411** | **4,009** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld** | | | **SA** | | | **NT** | | |
| Selected characteristics | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
|  | **SEXUAL ASSAULT** | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 48 | 519 | 621 | 25 | 169 | 204 | 4 | 61 | 70 | 4 | 0 | 11 |
| Females | 183 | 2,210 | 2,675 | 181 | 993 | 1,231 | 51 | 463 | 536 | 62 | 21 | 102 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 years | 149 | 1,838 | 2,168 | 152 | 777 | 986 | 36 | 261 | 315 | 35 | 14 | 66 |
| 20–34 years | 34 | 461 | 569 | 31 | 210 | 246 | 12 | 152 | 167 | 14 | 3 | 21 |
| 35–54 years | 38 | 376 | 482 | 23 | 148 | 176 | 10 | 85 | 101 | 11 | 3 | 18 |
| 55 years and over | 6 | 48 | 69 | 0 | 19 | 18 | 0 | 21 | 21 | 0 | 0 | 0 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Relationship of offender to victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Intimate Partner | 32 | 621 | 736 | 58 | 264 | 337 | 25 | 261 | 292 | 30 | 8 | 44 |
| *Partner* | *31* | *465* | *548* | *61* | *240* | *308* | *15* | *154* | *183* | *27* | *0* | *25* |
| *Ex-partner* | *8* | *153* | *188* | *3* | *26* | *26* | *4* | *106* | *111* | *12* | *11* | *21* |
| Other family member | 174 | 1,828 | 2,213 | 147 | 894 | 1,096 | 33 | 262 | 308 | 33 | 14 | 59 |
| *Parent* | *53* | *812* | *932* | *45* | *329* | *390* | *15* | *118* | *140* | *3* | *0* | *5* |
| Other non-family member | 6 | 95 | 118 | 0 | 0 | 0 | 0 | 7 | 4 | 0 | 0 | 3 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Location |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 205 | 2,297 | 2,805 | 190 | 1,048 | 1,294 | 46 | 496 | 576 | 43 | 13 | 67 |
| Community | 4 | 73 | 100 | 16 | 42 | 52 | 3 | 15 | 18 | 14 | 3 | 19 |
| Other | 4 | 44 | 57 | 3 | 46 | 53 | 3 | 11 | 14 | 17 | 6 | 24 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Use of weapon |  |  |  |  |  |  |  |  |  |  |  |  |
| Weapon used | 3 | 8 | 12 | 21 | 110 | 125 | 7 | 23 | 33 | 3 | 0 | 10 |
| *Firearm* | *0* | *0* | *0* | *0* | *3* | *3* | *0* | *3* | *3* | *0* | *0* | *0* |
| *Knife* | *3* | *8* | *12* | *3* | *10* | *8* | *0* | *3* | *3* | *0* | *0* | *0* |
|  | 222 | 2719 | 3277 | 185 | 1048 | 1304 | 45 | 501 | 572 | 61 | 25 | 98 |
| No weapon used |  |  |  |  |  |  |  |  |  |  |  |  |
| **Total** | **225** | **2,726** | **3,292** | **211** | **1,155** | **1,432** | **55** | **525** | **603** | **68** | **21** | **106** |

(a) Where an incident involving Assault is reported to police, it is not taken on face value and recorded on the Queensland Police Records and Information Management Exchange (QPRIME). Where a domestic violence incident occurs which involves an alleged Assault and the victim does not consent to proceeding with an assault charge, the assault matter is not recorded on QPRIME. In other jurisdictions, the incident would be included in the police recorded crime data even if the victim does not want to proceed with the assault investigation. As a result of the comparability issues arising from this difference in the interpretation and implementation of the NCRS a decision has been made not to make available Assault data for Queensland.

\* Experimental data refers to data sourced from police crime recording systems and are based on a Family and Domestic Violence flag as recorded by police officers. Development and improvement of the data is ongoing.

Source: Australian Bureau of Statistics, 2017, *Recorded Crime – Victims, Australia, 2016*, Data cube: Table 28, cat. no. 4510.0, Available at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4510.02016?OpenDocument>, accessed 28 June 2018.

## Victims of Family and Domestic Violence-Related Offences

## Selected characteristics by Indigenous Status, selected states and territories, 2017

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld** | | | **SA** | | | **NT** | | |
| Selected characteristics | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
|  | **ASSAULT** | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 666 | 7,237 | 9,510 |  |  |  | 229 | 1,420 | 1,717 | 683 | 131 | 848 |
| Females | 2,068 | 13,883 | 19,265 |  |  |  | 1,159 | 4,066 | 5,407 | 3,265 | 265 | 3,614 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 years | 587 | 3,503 | 4,967 |  |  |  | 203 | 845 | 1,101 | 562 | 44 | 625 |
| 20–34 years | 1,223 | 7,894 | 10,936 |  |  |  | 658 | 2,117 | 2,867 | 1,953 | 157 | 2,164 |
| 35–54 years | 803 | 7,397 | 9,939 |  |  |  | 468 | 1,983 | 2,527 | 1,293 | 160 | 1,492 |
| 55 years and over | 127 | 2,324 | 2,929 |  |  |  | 48 | 506 | 575 | 145 | 38 | 180 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Relationship of offender to victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Intimate Partner | 1,452 | 11,389 | 15,537 |  |  |  | 981 | 3,726 | 4,853 | 2,823 | 272 | 3,182 |
| *Partner* | *1,157* | *8,894* | *12,131* |  |  |  | *700* | *2,370* | *3,155* | *2,389* | *184* | *2,618* |
| *Ex-partner* | *298* | *2,493* | *3,408* |  |  |  | *283* | *1,360* | *1,699* | *430* | *91* | *563* |
| Other family member | 1,100 | 7,292 | 10,046 |  |  |  | 395 | 1,694 | 2,182 | 1,034 | 74 | 1,136 |
| *Parent* | *215* | *2,406* | *3,140* |  |  |  | *90* | *630* | *759* | *161* | *24* | *193* |
| Other non-family member | 181 | 2,424 | 3,160 |  |  |  | 10 | 49 | 61 | 66 | 35 | 109 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Location |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 2,198 | 18,316 | 24,751 |  |  |  | 1,061 | 4,779 | 6,046 | 1,629 | 233 | 1,912 |
| Community | 414 | 1,798 | 2,644 |  |  |  | 279 | 510 | 817 | 1,671 | 67 | 1,780 |
| Other | 119 | 978 | 1,338 |  |  |  | 52 | 195 | 255 | 648 | 88 | 766 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Use of weapon |  |  |  |  |  |  |  |  |  |  |  |  |
| Weapon used | 237 | 828 | 1,236 |  |  |  | 472 | 1,032 | 1,550 | 1,689 | 105 | 1,839 |
| *Firearm* | *0* | *19* | *25* |  |  |  | *0* | *9* | *9* | *3* | *0* | *3* |
| *Knife* | *119* | *469* | *685* |  |  |  | *118* | *284* | *413* | *195* | *29* | *223* |
| No weapon used | 2,505 | 20,308 | 27,561 |  |  |  | 919 | 4,457 | 5,569 | 2,256 | 288 | 2,626 |
| **Total** | **2,740** | **21,131** | **28,796** |  |  |  | **1,393** | **5,483** | **7,124** | **3,949** | **394** | **4,466** |

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | | **Qld** | | | **SA** | | | **NT** | | |
| Selected characteristics | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** | **Aboriginal & Torres Strait Islander** | **Non-Indigenous** | **Persons** |
|  | **SEXUAL ASSAULT** | | | | | | | | | | | |
| Sex |  |  |  |  |  |  |  |  |  |  |  |  |
| Males | 73 | 439 | 574 | 24 | 167 | 205 | 0 | 67 | 71 | 7 | 0 | 5 |
| Females | 254 | 2,221 | 2,844 | 175 | 1,132 | 1,337 | 37 | 502 | 577 | 80 | 38 | 123 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |  |  |  |  |  |  |
| 0–19 years | 240 | 1,674 | 2,103 | 141 | 870 | 1,048 | 27 | 298 | 349 | 50 | 24 | 78 |
| 20–34 years | 43 | 501 | 665 | 30 | 279 | 307 | 8 | 147 | 157 | 23 | 5 | 33 |
| 35–54 years | 31 | 414 | 535 | 21 | 132 | 158 | 4 | 98 | 108 | 8 | 6 | 19 |
| 55 years and over | 9 | 75 | 116 | 0 | 23 | 31 | 0 | 15 | 18 | 0 | 0 | 0 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Relationship of offender to victim |  |  |  |  |  |  |  |  |  |  |  |  |
| Intimate Partner | 48 | 701 | 863 | 50 | 286 | 340 | 14 | 270 | 305 | 30 | 14 | 53 |
| *Partner* | *40* | *527* | *640* | *42* | *246* | *296* | *13* | *167* | *191* | *26* | *4* | *30* |
| *Ex-partner* | *9* | *174* | *227* | *4* | *39* | *45* | *3* | *107* | *113* | *6* | *9* | *20* |
| Other family member | 253 | 1,676 | 2,191 | 144 | 1,014 | 1,199 | 22 | 293 | 334 | 55 | 19 | 75 |
| *Parent* | *79* | *719* | *923* | *46* | *416* | *479* | *15* | *136* | *153* | *6* | *3* | *13* |
| Other non-family member | 9 | 110 | 138 | 0 | 0 | 0 | 0 | 3 | 5 | 0 | 4 | 3 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Location |  |  |  |  |  |  |  |  |  |  |  |  |
| Residential | 285 | 2,282 | 2,957 | 174 | 1,193 | 1,403 | 32 | 524 | 585 | 48 | 29 | 76 |
| Community | 14 | 94 | 126 | 15 | 44 | 56 | 3 | 33 | 37 | 17 | 4 | 20 |
| Other | 5 | 57 | 72 | 3 | 49 | 55 | 3 | 12 | 18 | 15 | 8 | 28 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| Use of weapon |  |  |  |  |  |  |  |  |  |  |  |  |
| Weapon used | 0 | 10 | 13 | 22 | 104 | 133 | 3 | 24 | 37 | 3 | 0 | 4 |
| *Firearm* | *0* | *0* | *0* | *0* | *3* | *0* | *0* | *0* | *0* | *0* | *0* | *0* |
| *Knife* | *0* | *3* | *7* | *0* | *10* | *10* | *0* | *8* | *8* | *0* | *0* | *0* |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| No weapon used | 323 | 2,663 | 3,407 | 175 | 1,191 | 1,410 | 32 | 546 | 609 | 78 | 42 | 132 |
| **Total** | **324** | **2,672** | **3,424** | **198** | **1,298** | **1,541** | **36** | **568** | **643** | **86** | **42** | **135** |

Source: Australian Bureau of Statistics, 2018, *Recorded Crime – Victims, Australia, 2017*, Data cube: Table 28, cat. no. 4510.0, Available at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4510.02017?OpenDocument>, accessed 28 June 2018.

## Experimental data – family and domestic violence defendants finalised\*

## Summary characteristics by Indigenous status and court level, selected states and territories, 2015–16 to 2016–17

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | **Qld (a)** | | **NT** | |
| Indigenous status and summary characteristics | **2015–16** | **2016–17** | **2015–16** | **2016–17** | **2015–16** | **2016–17** |
|  | **HIGHER COURTS** | | | | | |
| Aboriginal and Torres Strait Islander |  |  |  |  |  |  |
| Sex |  |  |  |  |  |  |
| Males | 64 | 64 |  | 177 | 98 | 102 |
| Females | 9 | 9 |  | 36 | 13 | 17 |
|  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |
| 10–19 years | 0 | 5 |  | 11 | 6 | 6 |
| 20–24 years | 10 | 16 |  | 41 | 20 | 23 |
| 25–29 years | 18 | 9 |  | 47 | 26 | 17 |
| 30–34 years | 16 | 14 |  | 32 | 19 | 24 |
| 35–39 years | 4 | 9 |  | 21 | 17 | 20 |
| 40–44 years | 6 | 10 |  | 34 | 10 | 10 |
| 45–49 years | 6 | 3 |  | 16 | 5 | 9 |
| 50–54 years | 4 | 6 |  | 3 | 4 | 8 |
| 55 years and over | 7 | 0 |  | 8 | 4 | 0 |
| Mean (years) | 35.0 | 32.8 |  | 32.7 | 32.2 | 33.0 |
| Median (years) | 32.0 | 31.0 |  | 30.0 | 30.0 | 32.0 |
|  |  |  |  |  |  |  |
| Principal family and domestic violence offence |  |  |  |  |  |  |
| 01 Homicide and related offences | 3 | 3 |  | 3 | 5 | 6 |
| 02 Acts intended to cause injury | 40 | 40 |  | 137 | 76 | 83 |
| 021 Assault | 33 | 36 |  | 134 | 76 | 83 |
| 03 Sexual assault and related offences | 19 | 26 |  | 50 | 17 | 20 |
| 05 Abduction, harassment and other offences against the person | 0 | 0 |  | 4 | 0 | 0 |
| 121 Property damage | 4 | 0 |  | 0 | 5 | 0 |
| 1531 Breach of violence orders | 6 | 3 |  | 17 | 0 | 0 |
|  |  |  |  |  |  |  |
| Method of finalisation |  |  |  |  |  |  |
| Adjudicated outcomes | 63 | 58 |  | 179 | 109 | 116 |
| Acquitted | 7 | 9 |  | 17 | 3 | 3 |
| Proven guilty | 56 | 49 |  | 162 | 106 | 113 |
| Transfer to other court levels | 0 | 3 |  | 0 | 0 | 0 |
| Withdrawn by prosecution | 6 | 7 |  | 31 |  | 3 |
|  |  |  |  |  |  |  |
| Duration from initiation to finalisation |  |  |  |  |  |  |
| Mean (weeks) | 39.6 | 47.5 |  | 34.4 | 15.2 | 22.7 |
| Median (weeks) | 35.1 | 45.3 |  | 29.4 | 10.7 | 15.3 |
| **Total finalised** | **73** | **73** |  | **213** | **111** | **119** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| Non-Indigenous |  |  |  |  |  |  |
| Sex |  |  |  |  |  |  |
| Males | 273 | 320 |  | 481 | 17 | 17 |
| Females | 15 | 24 |  | 39 | 0 | 3 |
|  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |
| 10–19 years | 9 | 5 |  | 23 | 0 | 0 |
| 20–24 years | 35 | 40 |  | 61 | 3 | 0 |
| 25–29 years | 35 | 47 |  | 81 | 5 | 0 |
| 30–34 years | 49 | 57 |  | 59 | 4 | 4 |
| 35–39 years | 45 | 54 |  | 69 |  | 0 |
| 40–44 years | 33 | 52 |  | 81 |  | 3 |
| 45–49 years | 27 | 35 |  | 61 | 0 | 6 |
| 50–54 years | 29 | 18 |  | 41 | 0 | 0 |
| 55 years and over | 26 | 36 |  | 44 | 0 | 4 |
| Mean (years) | 37.8 | 38.2 |  | 37.5 | 34.5 | 42.2 |
| Median (years) | 36.0 | 37.0 |  | 37.0 | 30.0 | 44.0 |
|  |  |  |  |  |  |  |
| Principal family and domestic violence offence |  |  |  |  |  |  |
| 01 Homicide and related offences | 7 | 6 |  | 13 | 0 | 0 |
| 02 Acts intended to cause injury | 124 | 156 |  | 231 | 5 | 8 |
| 021 Assault | 99 | 125 |  | 195 | 5 | 8 |
| 03 Sexual assault and related offences | 109 | 142 |  | 205 | 10 | 4 |
| 05 Abduction, harassment and other offences against the person | 12 | 7 |  | 21 | 0 | 0 |
| 121 Property damage | 14 | 8 |  |  |  | 3 |
| 1531 Breach of violence orders | 22 | 25 |  | 35 | 0 | 0 |
|  |  |  |  |  |  |  |
| Method of finalisation |  |  |  |  |  |  |
| Adjudicated outcomes | 222 | 271 |  | 417 | 15 | 19 |
| Acquitted | 41 | 50 |  | 48 | 3 | 0 |
| Proven guilty | 181 | 221 |  | 369 | 12 | 18 |
| Transfer to other court levels | 3 | 0 |  | 0 | 0 | 0 |
| Withdrawn by prosecution | 29 | 27 |  | 102 | 4 | 0 |
|  |  |  |  |  |  |  |
| Duration from initiation to finalisation |  |  |  |  |  |  |
| Mean (weeks) | 52.4 | 54.5 |  | 41.4 | 32.2 | 29.7 |
| Median (weeks) | 44.2 | 46.0 |  | 37.2 | 27.1 | 22.9 |
| **Total finalised** | **288** | **344** |  | **520** | **19** | **20** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | **Qld (a)** | | **NT** | |
| Indigenous status and summary characteristics | **2015–16** | **2016–17** | **2015–16** | **2016–17** | **2015–16** | **2016–17** |
|  | **MAGISTRATES' COURTS** | | | | | |
| Aboriginal or Torres Strait Islander |  |  |  |  |  |  |
| Sex |  |  |  |  |  |  |
| Males | 3,624 | 3,701 |  | 3,165 | 2,472 | 2,351 |
| Females | 798 | 941 |  | 764 | 449 | 496 |
|  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |
| 10–19 years | 299 | 299 |  | 245 | 114 | 87 |
| 20–24 years | 960 | 936 |  | 792 | 423 | 424 |
| 25–29 years | 835 | 872 |  | 808 | 608 | 571 |
| 30–34 years | 688 | 776 |  | 698 | 573 | 534 |
| 35–39 years | 569 | 583 |  | 523 | 448 | 462 |
| 40–44 years | 477 | 503 |  | 410 | 351 | 315 |
| 45–49 years | 338 | 367 |  | 251 | 242 | 249 |
| 50–54 years | 151 | 193 |  | 123 | 107 | 119 |
| 55 years and over | 105 | 113 |  | 79 | 55 | 86 |
| Mean (years) | 32.1 | 32.5 |  | 31.9 | 33.4 | 34.0 |
| Median (years) | 30.0 | 31.0 |  | 30.0 | 32.0 | 33.0 |
|  |  |  |  |  |  |  |
| Principal family and domestic violence offence |  |  |  |  |  |  |
| 01 Homicide and related offences | 0 | 3 |  | 3 | 5 |  |
| 02 Acts intended to cause injury | 3,183 | 3,330 |  | 794 | 1,845 | 1,738 |
| 021 Assault | 2,518 | 2,580 |  | 792 | 1,844 | 1,738 |
| 03 Sexual assault and related offences | 45 | 31 |  | 11 | 20 |  |
| 049 Other dangerous or negligent acts endangering persons | 0 |  |  | 18 | 32 | 34 |
| 05 Abduction, harassment and other offences against the person | 6 |  |  | 13 | 25 | 31 |
| 121 Property damage | 356 | 398 |  | 301 | 103 | 71 |
| 1531 Breach of violence orders | 831 | 868 |  | 2,789 | 891 | 949 |
|  |  |  |  |  |  |  |
| Method of finalisation |  |  |  |  |  |  |
| Adjudicated outcomes | 3,682 | 3,845 |  | 3,474 | 2,540 | 2,452 |
| Acquitted | 350 | 329 |  | 36 | 108 | 92 |
| Proven guilty | 3,332 | 3,516 |  | 3,438 | 2,432 | 2,360 |
| Transfer to other court levels | 78 | 81 |  | 140 | 91 | 77 |
| Withdrawn by prosecution | 658 | 707 |  | 312 | 290 | 316 |
|  |  |  |  |  |  |  |
| Duration from initiation to finalisation |  |  |  |  |  |  |
| Mean (weeks) | 15.4 | 17.2 |  | 14.1 | 16.2 | 17.0 |
| Median (weeks) | 11.4 | 12.8 |  | 8.4 | 8.6 | 9.1 |
| **Total finalised** | **4,422** | **4,642** |  | **3,929** | **2,921** | **2,847** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| Non-Indigenous |  |  |  |  |  |  |
| Sex |  |  |  |  |  |  |
| Males | 14,961 | 15,375 |  | 7,964 | 253 | 269 |
| Females | 2,755 | 3,086 |  | 1,395 | 46 | 34 |
|  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |
| 10–19 years | 685 | 653 |  | 386 | 8 | 9 |
| 20–24 years | 2,448 | 2,529 |  | 1,332 | 28 | 32 |
| 25–29 years | 2,689 | 2,849 |  | 1,546 | 58 | 58 |
| 30–34 years | 2,892 | 2,967 |  | 1,656 | 60 | 54 |
| 35–39 years | 2,806 | 2,788 |  | 1,594 | 33 | 52 |
| 40–44 years | 2,476 | 2,570 |  | 1,276 | 42 | 43 |
| 45–49 years | 1,709 | 1,880 |  | 786 | 40 | 28 |
| 50–54 years | 989 | 1,067 |  | 446 | 11 | 15 |
| 55 years and over | 1,020 | 1,155 |  | 337 | 19 | 12 |
| Mean (years) | 35.7 | 36.0 |  | 34.6 | 36.1 | 35.4 |
| Median (years) | 35.0 | 35.0 |  | 34.0 | 34.0 | 34.0 |
|  |  |  |  |  |  |  |
| Principal family and domestic violence offence |  |  |  |  |  |  |
| 01 Homicide and related offences | 13 | 10 |  | 8 | 3 |  |
| 02 Acts intended to cause injury | 13,067 | 13,420 |  | 1,311 | 163 | 165 |
| 021 Assault | 10,414 | 10,694 |  | 1,268 | 161 | 162 |
| 03 Sexual assault and related offences | 251 | 271 |  | 20 | 5 | 6 |
| 049 Other dangerous or negligent acts endangering persons | 3 |  |  | 21 | 0 | 0 |
| 05 Abduction, harassment and other offences against the person | 22 |  |  | 30 | 6 | 6 |
| 121 Property damage | 1,391 | 1,534 |  | 609 | 24 | 24 |
| 1531 Breach of violence orders | 2,969 | 3,207 |  | 7,360 | 96 | 100 |
|  |  |  |  |  |  |  |
| Method of finalisation |  |  |  |  |  |  |
| Adjudicated outcomes | 14,885 | 15,584 |  | 8,245 | 231 | 245 |
| Acquitted | 1,761 | 1,791 |  | 89 | 16 | 22 |
| Proven guilty | 13,124 | 13,793 |  | 8,156 | 215 | 223 |
| Transfer to other court levels | 369 | 355 |  | 270 | 9 | 15 |
| Withdrawn by prosecution | 2,439 | 2,490 |  | 830 | 59 | 43 |
|  |  |  |  |  |  |  |
| Duration from initiation to finalisation |  |  |  |  |  |  |
| Mean (weeks) | 13.2 | 14.3 |  | 15.0 | 22.2 | 19.6 |
| Median (weeks) | 9.9 | 10.9 |  | 8.6 | 14.6 | 15.3 |
| **Total finalised** | **17,716** | **18,461** |  | **9,359** | **299** | **303** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **NSW** | | **Qld (a)** | | **NT** | |
| Indigenous status and summary characteristics | **2015–16** | **2016–17** | **2015–16** | **2016–17** | **2015–16** | **2016–17** |
|  | **CHILDREN'S COURTS** | | | | | |
| Aboriginal or Torres Strait Islander |  |  |  |  |  |  |
| Sex |  |  |  |  |  |  |
| Males | 331 | 323 |  | 34 | 71 | 63 |
| Females | 115 | 133 |  | 5 | 17 | 12 |
|  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |
| 10–12 years | 17 | 10 |  | 0 | 3 | 0 |
| 13 years | 25 | 37 |  | 0 | 0 | 0 |
| 14 years | 60 | 69 |  | 0 |  | 3 |
| 15 years | 84 | 73 |  | 3 | 12 | 3 |
| 16 years | 84 | 104 |  | 22 | 15 | 13 |
| 17 years | 131 | 110 |  | 9 | 27 | 27 |
| 18 years | 39 | 44 |  | 0 | 18 | 22 |
| 19 years | 0 | 6 |  | 0 | 6 | 4 |
| 20 years and over | 3 | 3 |  | 0 | 5 | 3 |
| Mean (years) | 15.7 | 15.7 |  | 15.9 | 16.9 | 17.6 |
| Median (years) | 16.0 | 16.0 |  | 16.0 | 17.0 | 17.0 |
|  |  |  |  |  |  |  |
| Principal family and domestic violence offence |  |  |  |  |  |  |
| 02 Acts intended to cause injury | 334 | 336 |  | 6 | 65 | 57 |
| 021 Assault | 249 | 261 |  | 6 | 65 | 57 |
| 03 Sexual assault and related offences | 14 | 19 |  | 0 | 4 | 4 |
| 121 Property damage | 62 | 60 |  | 4 | 9 | 9 |
| 1531 Breach of violence orders | 36 | 39 |  | 24 | 7 | 3 |
|  |  |  |  |  |  |  |
| Method of finalisation |  |  |  |  |  |  |
| Adjudicated outcomes | 390 | 390 |  | 36 | 67 | 62 |
| Acquitted | 56 | 59 |  | 0 | 0 | 6 |
| Proven guilty | 334 | 331 |  | 36 | 67 | 56 |
| Transfer to other court levels | 4 | 9 |  | 0 | 3 | 0 |
| Withdrawn by prosecution | 52 | 56 |  | 3 | 18 | 12 |
|  |  |  |  |  |  |  |
| Duration from initiation to finalisation |  |  |  |  |  |  |
| Mean (weeks) | 14.1 | 18.1 |  | 10.2 | 27.3 | 28.9 |
| Median (weeks) | 10.1 | 11.9 |  | 6.0 | 17.1 | 19.7 |
| **Total finalised** | **446** | **456** |  | **39** | **88** | **75** |

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  |  |  |  |  |  |  |
| Non-Indigenous |  |  |  |  |  |  |
| Sex |  |  |  |  |  |  |
| Males | 608 | 659 |  | 23 | 5 | 5 |
| Females | 237 | 255 |  | 11 | 0 | 0 |
|  |  |  |  |  |  |  |
| Age |  |  |  |  |  |  |
| 10–12 years | 13 | 14 |  | 0 |  |  |
| 13 years | 52 | 49 |  | 0 |  |  |
| 14 years | 94 | 109 |  | 3 |  |  |
| 15 years | 185 | 185 |  | 0 |  |  |
| 16 years | 190 | 205 |  | 17 |  |  |
| 17 years | 215 | 250 |  | 9 |  |  |
| 18 years | 82 | 92 |  | 3 |  |  |
| 19 years | 9 | 5 |  | 0 |  |  |
| 20 years and over | 0 | 3 |  | 0 |  |  |
| Mean (years) | 15.8 | 15.8 |  | 16.2 |  |  |
| Median (years) | 16.0 | 16.0 |  | 16.0 |  |  |
|  |  |  |  |  |  |  |
| Principal family and domestic violence offence |  |  |  |  |  |  |
| 02 Acts intended to cause injury | 630 | 685 |  | 7 |  |  |
| 021 Assault | 478 | 514 |  | 7 |  |  |
| 03 Sexual assault and related offences | 34 | 41 |  | 3 |  |  |
| 121 Property damage | 90 | 104 |  | 0 |  |  |
| 1531 Breach of violence orders | 90 | 84 |  | 22 |  |  |
|  |  |  |  |  |  |  |
| Method of finalisation |  |  |  |  |  |  |
| Adjudicated outcomes | 750 | 807 |  | 30 | 4 | 3 |
| Acquitted | 96 | 142 |  | 0 |  |  |
| Proven guilty | 654 | 665 |  | 28 |  |  |
| Transfer to other court levels | 0 | 13 |  | 0 |  |  |
| Withdrawn by prosecution | 91 | 94 |  | 0 |  |  |
|  |  |  |  |  |  |  |
| Duration from initiation to finalisation |  |  |  |  |  |  |
| Mean (weeks) | 13.0 | 14.8 |  | 15.0 | 19.6 | 21.2 |
| Median (weeks) | 8.7 | 10.4 |  | 10.6 | 19.6 | 15.7 |
| **Total finalised** | **845** | **914** |  | **34** | **5** | **5** |

(a) Queensland Criminal Courts family and domestic violence offences are prosecuted under section 47(9) of the *Justices Act 1886* for charges lodged in the Magistrates’ Courts, and through reference to section 564(3A) of the *Criminal Code Act 1899* for indictments lodged in the Supreme and Districts Courts (this includes Children’s Courts). This legislation was enacted on 1 December 2015. References to these legislation can be added by police in charging, or added or amended by the criminal courts during court proceedings.

\* Experimental data refers to data sourced from police crime recording systems and are based on a Family and Domestic Violence flag as recorded by police officers. Development and improvement of the data is ongoing.

Source: Australian Bureau of Statistics, 2018, *Criminal Courts, Australia, 2016–2017*, Data cube: Table 8, cat. no. 4513.0, Available at <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DetailsPage/4513.02016-17?OpenDocument>, accessed 28 June 2018.

| **Jurisdiction** | **Mechanisms to improve services for victims of domestic and other gender-based violence** |
| --- | --- |
| Australian Capital Territory (ACT) | The Australian Government family violence funding for ACT community legal centres has been allocated to the Women’s Legal Centre and Canberra Community Law to allow them to continue to provide crucial services to women and children experiencing or at risk of domestic and family violence. The funding for Canberra Community Law and the Women’s Legal Centre is recurrent funding to support their Aboriginal and Torres Strait Islander programs.  The Women with Disabilities Accessing Crisis Services Scheme provides immediate support to women with disability to escape domestic violence and/or sexual assault.  Translating and Interpreting Services (TIS) are funded to improve translating and interpreting services for people accessing the ACT Law Courts and Tribunal and specialist ACT family and domestic violence services, including community legal centres, due to domestic and family violence.  Specialist Homelessness Services  In 2017–18, the ACT Government is providing funding of more than $4.6 million to eight Specialist Homelessness Services to provide accommodation and support to women (with or without children), inclusive of women affected by domestic and family violence. Two of these services are exclusively funded to provide an immediate safety response to women and children affected by family and domestic violence.  Specialist Homelessness Services are skilled in providing crisis accommodation support, transitional housing, and follow-up services for women under a personalised case management approach to identify their short and long term goals and connect them to other services in the community.  All services provide culturally sensitive service delivery and are accessed by significant portions of women from marginalised groups, such as migrant and refugee women, Aboriginal and Torres Strait Islander women and women with disabilities. Services use professional interpreters and translators through TIS and connect clients to legal, medical, immigration and other professional services as needed.  Access to the Specialist Homelessness Services is through OneLink, a centralised access point for a range of universal and targeted services including housing and homelessness, tenancy support, disability and family, child and youth support.  Safer Families Reforms  In 2016, the ACT Government announced a landmark reform of the family violence service system, with $21.42 million allocated to the Safer Families package over four years. In recognition that family safety is everybody’s business, the Safer Families package is being partly funded through a $30 household levy — the first of its kind in Australia. The Safer Families package is an ACT whole-of-government coordinated response that includes the establishment of the new position of Coordinator General for Family Safety and a dedicated Safer Families Team; a Family Safety Hub that centralises integrated case management and coordinated services for victims; and increased investment in staffing, training and support across frontline and specialist services to improve responses to victims and perpetrators of violence across the ACT. |
| New South Wales (NSW) | The NSW Domestic and Family Violence Blueprint for Reform 2016–2021 is working to create safer lives for women, men and children. It sets out the direction for the entire domestic and family violence service system to prevent violence, intervene early in vulnerable communities, support victims, hold perpetrators accountable, deliver quality services and improve the system.  In its first year, the NSW Domestic and Family Violence Blueprint for Reform 2016–2021 introduced a number of initiatives including:   * committing $4.8 million for seven projects through the first round of the NSW Domestic and Family Violence Innovation Fund * trialling three initiatives to reduce Apprehended Domestic Violence Order breaches * developing and launching the NSW Domestic and Family Violence Prevention and Early Intervention Strategy 2017–2021 * expanding Safer Pathway to 21 new sites and assisting more than 33,000 women * extending Safer Pathway to support male victims with more than 13,400 referrals made in 2016/2017, and * increasing capacity of the Women’s Domestic Violence Court Advocacy Service to support victims through the criminal justice system with more than 43,000 women supported in 2016–2017. |
| Northern Territory | The Safety is Everyone’s Right Strategy established SupportLink in the Northern Territory, which is a centralised referral management system designed to identify victims and intervene early. The system recognises that some people may need to be referred to appropriate specialised services. Accordingly, the service is intended to respond rapidly to referrals and follow up with clients who could not be contacted by specialist services. The Strategy also established a sexual assault specialist service; and critical intervention outreach services providing support services to women including victim advocacy, counselling and supported pathways to other services including housing, health and legal services. In the majority of referrals, there was a mandatory domestic violence report done by either the Northern Territory Police or a referring organisation.  The *Final Performance Report: The Northern Territory Domestic and Family Violence Reduction Strategy 2014–2017 — Safety is Everyone’s Right* was provided to the Australian Government in 2017. The stated aims of the Strategy were to:   * increase the safety of victims and their children * reduce rates of intergenerational trauma caused by exposure to domestic and family violence * increase accountability of perpetrators, and * establish integrated service delivery systems that are sustainable and adaptable.   To achieve these aims, the Strategy identified nine key strategic components and five action areas that formed the basis for operational activities over the four years.  In late 2017 the Northern Territory’s Domestic Family and Sexual Violence Reduction Strategy 2018–2028 — Safe, Respected and Free from Violence was launched. The Framework retains several key elements of the previous domestic and family violence reduction strategy. This strategy aims to ensure that all efforts to prevent and respond to violence are based on the evidence of what works. Success and performance measures will be used routinely to evaluate the outcomes for program participants and service users. Programs and services are to be responsive to emerging evidence, changing needs and improving practice. |
| Queensland | The Queensland Government announced funding for seven new women’s shelters, the first new funded shelters in Queensland in 20 years. Three of these new shelters are in rural and remote areas.  Whole-of-Government measures  The Queensland Government’s Domestic and Family Violence Prevention Strategy 2016–2026 (the Strategy) and the Violence Against Women Prevention Plan 2016–2022 (VAWPP) both contain initiatives to address the barriers that may prevent women from reporting acts of violence.  The Strategy provides for legislative and justice system reforms to strengthen protections for victims of domestic and family violence, hold perpetrators accountable, and support broader reform of the service system.  One of the three outcome areas in the VAWPP is Justice. It aims to provide an effective justice response to violence against women that requires the justice system to have the capacity to address the different forms of violence against women in a way that is supportive and sensitive to women’s needs. The intention is that reporting rates will increase by improving women’s confidence in their complaints being taken seriously, that women will feel safe and supported through the process, and that perpetrators will be held to account.  Evaluation of Whole-of-Government strategies and plans  There is a formal evaluation framework for the Queensland Government’s Domestic and Family Violence Prevention Strategy 2016–2026. The evaluation framework encompasses reviews of actions plans, flagship evaluation of key reform initiatives, annual statistical report cards and a capacity building component designed to encourage and support evaluation initiatives implemented in the strategy.  Progress on the VAWPP actions is reported biannually. The effectiveness of the VAWPP is assessed using Safety Report Cards developed under the Queensland Women’s Strategy, and the existing high-level performance measures agreed to under the National Plan.  The Queensland Government is continuing to build a strong and lasting evidence base to improve outcomes for women through:   * its commitment to the National Plan * funding the Australia’s National Research Organisation for Women’s Safety to conduct research relating to experience and impacts of violence against women, gendered inequality, and primary prevention, service and systems responses to women, children and perpetrators, and * its support and membership of Our Watch.   This evidence base is key to improving policy and practice in Queensland and our progress in changing the culture, behaviours and attitudes that lead to violence against women and children.  Coroners Court of Queensland  The Domestic and Family Violence Death Review and Advisory Board (established under the *Coroners Act 2003*) is responsible for the systemic review of domestic and family violence deaths in Queensland. The establishment of the board was a key recommendation from the Special Taskforce on Domestic and Family Violence Final Report, *Not Now, Not Ever: Ending domestic and family violence in Queensland*. The functions of the board are to:   * analyse data and apply research to identify patterns, trends and risk factors relating to domestic and family violence deaths in Queensland * conduct research to prevent these types of deaths * write reports to identify key lessons and elements of good practice in preventing domestic and family violence deaths in Queensland, and * make recommendations to the Minister about improving legislation, policies, practices, services, training, resources and communication to prevent or reduce the likelihood of domestic and family violence deaths in Queensland.   Since 2014, coronial inquests have investigated several domestic and family violence homicides. A total of 10 recommendations were made by the presiding coroners. In addition, the Domestic and Family Violence Death Review and Advisory Board, in their 2016–17 annual report, made 21 recommendations.  Southport specialist domestic and family violence court  The Not Now, Not Ever report recommended the establishment of a specialist domestic violence court with the jurisdiction to deal with all related domestic and family violence and criminal/breach matters. The specialist domestic violence court trial was initially established at the Southport Magistrates Court for the period 1 September 2015 to 29 February 2016, with one dedicated magistrate. The trial was extended until 30 June 2017 due to the substantial increase in the number of domestic violence applications since the trial began. A second specialist magistrate and extra support staff have been allocated to the trial to meet the significant increase in demand for services. The interim evaluation released in May 2016 found that the project is tracking well, and there are indications that the trial is improving timeliness in obtaining temporary and final orders. |
| Tasmania | Safe Homes, Safe Families: Tasmania’s Family Violence Action Plan 2015–2020 (Safe Homes, Safe Families) allocates $26 million over four years to new and direct actions under three priority areas: changing attitudes and behaviours that lead to family violence; supporting families affected by violence; and strengthening our legal responses. Key activities to support women and children affected by family violence have included establishment of the Safe Families Coordination Unit ($5.8 million), establishment of the new Safe Choices service ($2 million), and a new crisis accommodation facility in the south ($2 million).  The Safe Families Coordination Unit is a police led, co-located, collaborative, multi-agency unit that undertakes cumulative assessments of risk and harm and develops recommended actions for Tasmania Police, government agencies and service providers to ensure an informed response to support victims, including children and perpetrators. The Unit builds on and complements the operational services already being delivered through Safe at Home: Tasmania’s integrated criminal justice response to family violence, established in 2004. Following a successful trial phase from April to June 2016, the unit began full operations on 27 June 2016.  Safe Choices is a new state-wide family violence service that provides non-crisis support, including practical information, advice and referral, to people experiencing family violence, and to those who want to leave violent relationships. Following a trial in the South in 2016, Safe Choices face-to-face services have been rolled out in the North West and North West, and are complemented by support to clients through the Safe Choices phoneline, email and website.  The new Hobart Women’s Shelter, which opened in March 2018, provides a purpose-built, crisis accommodation facility for women and their children affected by family violence. This consolidated crisis facility is staffed 24/7, close to a range of essential services, increases capacity by over 30 per cent, and includes two accessible units. |
| Victoria | The Victorian Government has identified family violence as the number one law and order issue facing the community. The Government established a Royal Commission into Family Violence which released its report to the Victorian Government on 29 March 2016, making 227 recommendations to prevent and respond to family violence. The Government has since invested $2.6 billion on measures to deliver reforms that will keep women and children safe.  Victoria is redeveloping 19 existing family violence refuges thereby providing greater privacy, independence, and inclusivity for residents with a range of cultural, disability and other support needs. Two of the new facilities will be dedicated to Aboriginal women. Funding has been allocated to improve service provision for victims with no income due to their temporary migration status.  The 2016–17 State Budget provided $153.2 million to improve specialist family violence services. The 2017–18 State Budget provided a further $397.4 million over four years to continue to address additional demand pressures and service gaps related to specialist family violence services.  Specialist family violence police resources are a priority, including the recruitment of 415 specialist family violence officers. The new Victoria Police strategy to combat family violence, sexual offences and child abuse, *Policing Harm, Upholding the Right*, has also been released.  Support and Safety Hubs are being established to support women, children and young people experiencing family violence. Also referred to as The Orange Door, these hubs will help connect people directly with support services, as well as act as a visible contact point so victims know where they can go for assistance and support. The establishment of Support and Safety Hubs was a key recommendation from the Royal Commission into Family Violence.  Currently the Family Violence Intervention Order (FVIO) application process involves visiting the court to complete a long and detailed form. To provide more accessible and convenient options, the Magistrates’ Court of Victoria is in the process of rolling out a state-wide online FVIO form. The new form uses plain and accessible language and will help to ensure that the online form improves and simplifies access for court users.  The online application form has been rolled out to six Magistrates’ Court locations across Victoria, five of which are rural locations.  Following the release of the Royal Commission into Family Violence’s report, the position of Family Violence Reform Implementation Monitor was established. The position is an independent officer of the Victorian Parliament and is required to independently monitor and report on the progress against the government’s family violence Implementation Plan (referred to by the Royal Commission as the Statewide Family Violence Action Plan) and the recommendations outlined in the Royal Commission’s report. The Monitor is required to report the findings of monitoring activities to Parliament as at 1 November each year.  At 1 November 2017, of the 227 recommendations, the Government had implemented 63 of them, with the remainder underway. It is expected that by the end of 2018, around 70 per cent of the recommendations would have been implemented. Key initiatives include:   * The Rapid Housing Assistance Fund which has resulted in 185 new social housing properties purchased for women and children and an additional 124 homes secured through head-leases. * Providing flexible support packages to help women and children find safety. * Establishing a dedicated family violence agency to lead transformational information-sharing legislative reforms, workforce development and the roll-out of integrated responses to women and children. * The release of long term strategies to both prevent family violence and undertake a comprehensive industry plan to help recruit the workforce we need to keep women safe. * Establishing five specialist family violence courts and a range of other court based reforms to ensure family violence victims are dealt with more sensitively by the system and not further traumatised. * A boost in police resources including the recruitment of 415 new family violence police. * The creation of the new prevention agency Respect Victoria.   The Government recognises there is more work to do and has committed to a ten-year reform vision to end violence against women and children in Victoria. Implementing the 227 recommendations constitutes the start of this journey. |
| Western Australia | The Western Australian Family and Domestic Violence Common Risk Assessment and Risk Management Framework is supporting Western Australian government and non-government service providers to better identify and respond to victims of family and domestic violence, regardless of what area of the service sector they come into contact with. It was developed to ensure service responses are client and safety focused; to support inter-agency collaboration so responses are timely, streamlined and coordinated; and to hold perpetrators accountable. The updated edition includes new resources and presents minimum standards for screening, risk assessment, risk management, information and referral. |

# Appendix III - Issue 14

| **Jurisdiction** | **Non-coercive investigatory and restraint techniques, as well as the principle of the use of force as a last resort** |
| --- | --- |
| Australian Government | During the initial employment training phase sworn AFP recruits and appointees receive mandatory training on restraint, reasonable use of force and de-escalation techniques. AFP Operational Safety Policy states that the principles of negotiation and conflict de-escalation are always emphasised as being primary considerations prior to using physical force.  Throughout the duration of employment all appointees must annually re‑qualify by completing an online training course and attending re‑certification training which covers use of force techniques including restraint and de-escalation. |
| Australian Capital Territory  (ACT) | In the ACT, correctional officers and police officers receive annual training on the use of force and restraint techniques.  ACT Policing recruits are taught restraint techniques as part of their initial training. Police officers re-qualify on an annual basis with a face to face course that covers off on use of force techniques, including restraint and de-escalation. This is supplemented with online training which covers the operational safety policy. The policy address what reasonable use of force means, negotiation as a means of de-escalation, tailoring communications strategies to accommodate cultural diversity and mental capacity, and that negotiation and de-escalation techniques are the primary consideration prior to using any force. |
| New South Wales (NSW) | The NSW Police Force training on use of force commences at the NSW Police Force Academy and is continued annually via mandatory training. The training includes guidance on the reasonable use of force.  Corrective Services NSW’s Custodial Primary Training Course (CPTC) includes training in defensive tactics, use of force, and use of restraints, tactical communication and negotiation. CPTC includes Trauma Informed Practice which is specifically designed for people who work directly with those who have experienced or are highly likely to have experienced trauma.  In addition, the custodial primary training includes training in managing ‘Domestic Violence Offenders’ This is a two day introductory course providing useful insights into domestic violence. Upon completion, participants will be able to work within a domestic violence framework, promote confidence with clients affected by domestic violence, identify and respond to client needs and model high standards of performance.  The CPTC also provides ‘Managing Inmates with Mental Health Issues’ training as a workshop, which aims to provide officers with the capacity to prevent an inmate’s mental health problem developing into a more serious state.  All of the above mentioned training is compulsory for all new recruits and is available for existing Corrective Services NSW (CSNSW) correctional officers. The Target Group for 2017–2018 will include approximately 800 trainee correctional officers.  Clause 131 of the Crimes (Administration of Sentences) Regulation 2014 provides that in dealing with an inmate, a correctional officer may use no more force than is reasonably necessary in the circumstances, and the infliction of injury on the inmate is to be avoided if at all possible. The nature and extent of the force that may be used in relation to an inmate are to be dictated by circumstances, but must not exceed the force that is necessary for control and protection, having due regard to the personal safety of correctional officers and others. |
| Northern Territory | The *Youth Justice Legislation Amendment Act 2018* was introduced into the Northern Territory Legislative Assembly on 10 May 2018. It contains provisions in relation to the use of force, restraints, strip searching and other prohibited actions. The Act was developed to implement international human rights standards, including recommendations from the 2015 Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment. The Act includes a requirement that any person authorised to use force under the *Youth Justice Act* (NT) must hold a current qualification in physical intervention techniques on youths. The Act also implements the principles of the use of force and restraints as a last resort after ‘all other practicable measures to resolve the situation have been attempted and those measures have failed to resolve the situation’. Territory Families is planning a number of workshops in Don Dale and Alice Springs youth detention centres to inform staff and young people in detention of the new provisions. Territory Families is currently reviewing training requirements of youth justice officers to ensure compliance with the Act. |
| Queensland | Police officers and watchhouse officers may use open-hand tactics when control of a policing situation cannot be achieved otherwise. Open hand tactics equip officers with a range of operational skills and tactics which assist officers in performing their functions safely, lawfully and effectively. Application of these tactics may allow officers to achieve and maintain control of a subject or policing situation.  Open hand tactics may include but are not limited to ‘come along’ and escort holds; wrist and arm locks; arm restraint holds and upper body holds; neck restraint holds; pressure point control tactics; transition techniques; or ground restraint.  Police officers and watchhouse officers must only use the minimum amount of force necessary to safely resolve an incident. It is lawful to use such force as is reasonably necessary to overcome any force used in resisting the execution of any lawful process or arrest. However, it is unlawful to use more force than is justified by law to affect a lawful purpose.  In Queensland, the Police Service has adopted a ‘Situational Use of Force Model’ as a guide to assist police officers and watchhouse officers when dealing with incidents requiring the use of force. This model visibly represents the use of force options available to officers, with communication central to all available options.  Officers must complete specific training each year. This includes training on non-coercive investigatory and restraint techniques. If an officer fails to demonstrate the required standard of competence during training, the officer is immediately deemed not competent and cannot perform operational duties until deemed competent.  In Correctional Centres, all Custodial Correctional Officers (CCO) undertake control and restraint training on an annual basis. This training, along with the supporting training manual, states that CCOs must utilise all methods of tactical communication and situational response and consider the most appropriate option for a safe and effective outcome. This ensures only a reasonable amount of force justified by law is used to affect a lawful purpose.  The Facility Security Custodial Operational Practice Directive provides that CCOs must be trained and competent, and maintain accreditation in:   * situational response to force, including: * legislative considerations for use of force * situational response to force model, and * situational response to force scenarios. * control and restraint, including: * control and restraint theory * positional asphyxia and excited delirium, and * control and restraint practical assessments. |
| South Australia  (SA) | Training is provided to SA Youth Justice staff working directly with young people in detention includes familiarisation with all Adelaide Youth Training Centre (AYTC) Orders (procedures). The AYTC Orders articulate the requirements of the *Youth Justice Administration Act 2016* (SA) which reflects youth justice relevant UN Conventions including the CAT. Mandatory training includes the MayboTM package (conflict care – de-escalation, conflict resolution and physical techniques – use of force and restraint). More broadly, procedures and training reflect trauma‑informed practice principles and youth-specific mental health first aid training is currently being rolled out. |
| Tasmania | In Tasmania, police officers receive training on the use of force on an annual basis. Use of force and mechanical restraints are legislated through the [*Corrections Act 1997* (Tas)](https://www.legislation.tas.gov.au/view/html/inforce/current/act-1997-051) which provides strict controls and a range of protections for prisoners and detainees. The Corrections Act requires that the Director of Prisons must ensure, as far as reasonably practicable, that the use of force in relation to the management of prisoners and detainees is always as a last resort. |
| Victoria | Correctional Officer trainees are provided with the Use of Force philosophy, the preferred outcome being the use of force is a last resort, and their powers under the *Corrections Act 1986* (Vic) on when and how much force can be used to manage volatile situations. Restraint techniques, as well as mechanical restraints such as handcuffs, leg restraints and body belts, are all part of this module. This session runs for one full day of theory and two full days of practical.  Police, Protective Service Officers (PSOs) and Police Custody Officers (PCOs) are taught the relevant legislative requirements in relation to the use of force in accordance with section 462A *Crimes Act 1958* (Vic).  Victoria Police has policy specific to the use of force captured under the Victoria Police Manual Operational Safety and the Use of Force.  Any use of force, including the use of Operational Safety Equipment (OSE), must be used in accordance with relevant legislation, including section 462A but also section 322K of the *Crimes Act* *1958*, regarding self-defence of any person.  Arrest and restraint techniques also form part of foundation (academy) training and police members are trained in the use of OSE which includes handcuffs, extendable baton, pepper spray, semi-automatic pistol and Conducted Energy Devices (CED) commonly referred to as Tasers. CEDs are limited to specialist areas including Special Operations Group and Critical Incident Response Teams as well as rural areas.  Police members are not only trained in the use of these items of equipment but also regarding the escalation and de-escalation of this equipment.  Victoria Police have three Operational Response Principles being:   * SERVICE (our duty) * SAFETY (our responsibility) * HARM MINIMISATION (our goal)   From 1 January 2018, all police responses to any critical incident aligned with these principles.  Police, PSOs and PCOs are also required to qualify at bi-annual Operational Safety and Tactics Training to consolidate their skills and show proficiency in relation to the use of OSE as well as verbal communication and unarmed impact. |

# Appendix IV - Issue 16

| **Jurisdiction** | **Non-custodial measures** |
| --- | --- |
| Australian Capital Territory (ACT) | The ACT Government Justice Reform Strategy created a new community‑based alternative sentencing option (intensive correction order) and significantly expanded the ACT’s restorative justice scheme. The ACT Government is also planning to create a new Drug and Alcohol Court, aimed at diverting offenders at risk of imprisonment into community-based treatment options. |
| New South Wales | The *Crimes (Sentencing Procedure) Amendment (Sentencing Options) Act 2017* (NSW) received assent on 24 October 2017. It is due to commence by early October 2018. The Act replaces the previous suite of community‑based sentences with a range of new and flexible community‑based sentences as alternatives to the imposition of a sentence of imprisonment. |
| Northern Territory | In the youth justice context, the Northern Territory Government has proposed a number of law reform initiatives to divert more young people from the youth justice system. This includes arrest as a last resort and expanding the eligibility of young people for being diverted, raising the age of criminal responsibility to 12, raising the age of admission to detention to 14 as well as decriminalising breach of bail as an offence.  In 2017–18, the Northern Territory Government provided funding to Youth Justice programs operated by non-government organisations. These include 11 pre-court youth diversion services in 60 distinct locations throughout the Northern Territory, including the provision of a ‘court-referred’ youth conferencing service; Youth Wilderness Camp Programs and Bail Support programs in Darwin and Alice Springs. |
| Queensland | Queensland operates a number of specialist courts and bail-based referral program that enable offenders to be diverted from prison by providing them with opportunities to address their offending behaviour through case management, supervision and referral to support agencies.  As a result of the 2015–16 Queensland Government’s State Budget, the Murri Court and the Queensland Integrated Courts Referral (QICR) program were funded, giving effect to the Queensland Government’s commitment to reinstate specialist courts and the Special Circumstances Court Diversion Program.  The Supreme Court Bail Program assists remanded females to apply for bail. The program is available at both Brisbane Women’s and Townsville Women’s Correctional Centres.  Prisoners’ Legal Service Inc is currently providing an on-site bail advice service to offenders on remand at the Arthur Gorrie Correctional Centre, paid for by the company contracted to manage the Correctional Centre.  Further opportunities to divert offenders away from the prison include the Drug and Alcohol Court in Brisbane on 29 January 2018 and the bail‑based referral program Court Link on 27 November 2017. |
| Tasmania | Legislation provides judicial officers with non-custodial options when sentencing.  The *Sentencing Act 1997* (Tas) provides for suspended or partly suspended sentences. Drug treatment orders (DTOs) provide a therapeutic pathway for offenders who would otherwise receive a custodial sentence, with the possibility of imprisonment being available for non-compliance with the terms of the DTO. Deferred sentencing is also available, which gives the offender time to demonstrate a change of lifestyle or behaviour that may persuade a judicial officer that a custodial sentence is not appropriate in the circumstances. Fines, probation orders, and community service orders are also options for sentencing that are available to the Court. Magistrates are guided in sentencing by established legal principles that balance a number of factors when assessing whether a custodial sentence should be imposed. The legislative framework provides specific options to promote those sentencing principles. |
| Victoria | On 20 March 2017, the *Sentencing (Community Correction Order) and Other Acts Amendment Act 2016* (Vic) commenced.  The Act has restricted the availability of Community Correction Orders (CCO) and other non-custodial orders for particular serious offences, to ensure that sentencing is more consistent with community expectations. For a ‘category one offence’, such as murder, rape and the most serious child sexual offences, the courts will be required to impose a custodial sentence and a CCO is not available. For a ‘category two offence’, such as manslaughter, the courts will be required to impose a custodial sentence unless they are satisfied that there is a ‘special reason’ that justifies departing from this requirement, such as impaired mental functioning or psychosocial immaturity in a young offender, which allows a CCO to be imposed for these special cases.  The Act also reduces the maximum term of imprisonment that may be combined with a CCO from two years to one year, and limits the maximum length of a CCO that may be imposed by the higher courts to five years. |
| Western Australia | The Western Australian Government has a number of initiatives to decrease custodial sentences for offenders with mental health issues and those who have committed drug-related offences.  START court is a mental health diversion and support program offering a solution-focused response specialises in dealing with individuals who are experiencing mental health issues, rather than a punitive response. START Court offers a program that combines access to mental health supports and services (including alcohol and other drug support if necessary), with supervision and regular appearances before the START Court Magistrate.  Western Australia also operates the Perth Drug Court and the Drug Diversion Program, which provides a series of court-based diversion programs and initiatives to divert offenders from the prison system.  Programs available within the Perth Drug Court include:   * Supervised Treatment Intervention Regime – a pre-sentence program for offenders facing sentencing for relatively less serious offences for which they would be unlikely to be imprisoned * Drug Court Regime – a pre-sentence program for participants with significant histories of offending criminal records and drug related problems, who are facing current serious charges * Pre-Sentence Order – a pre-sentence program for participants who otherwise would be facing an immediate and substantial prison sentence, and * Conditional Suspended Imprisonment Order – a post-sentence program for offenders who committed the referral offences while on parole or a suspended sentence of imprisonment. |

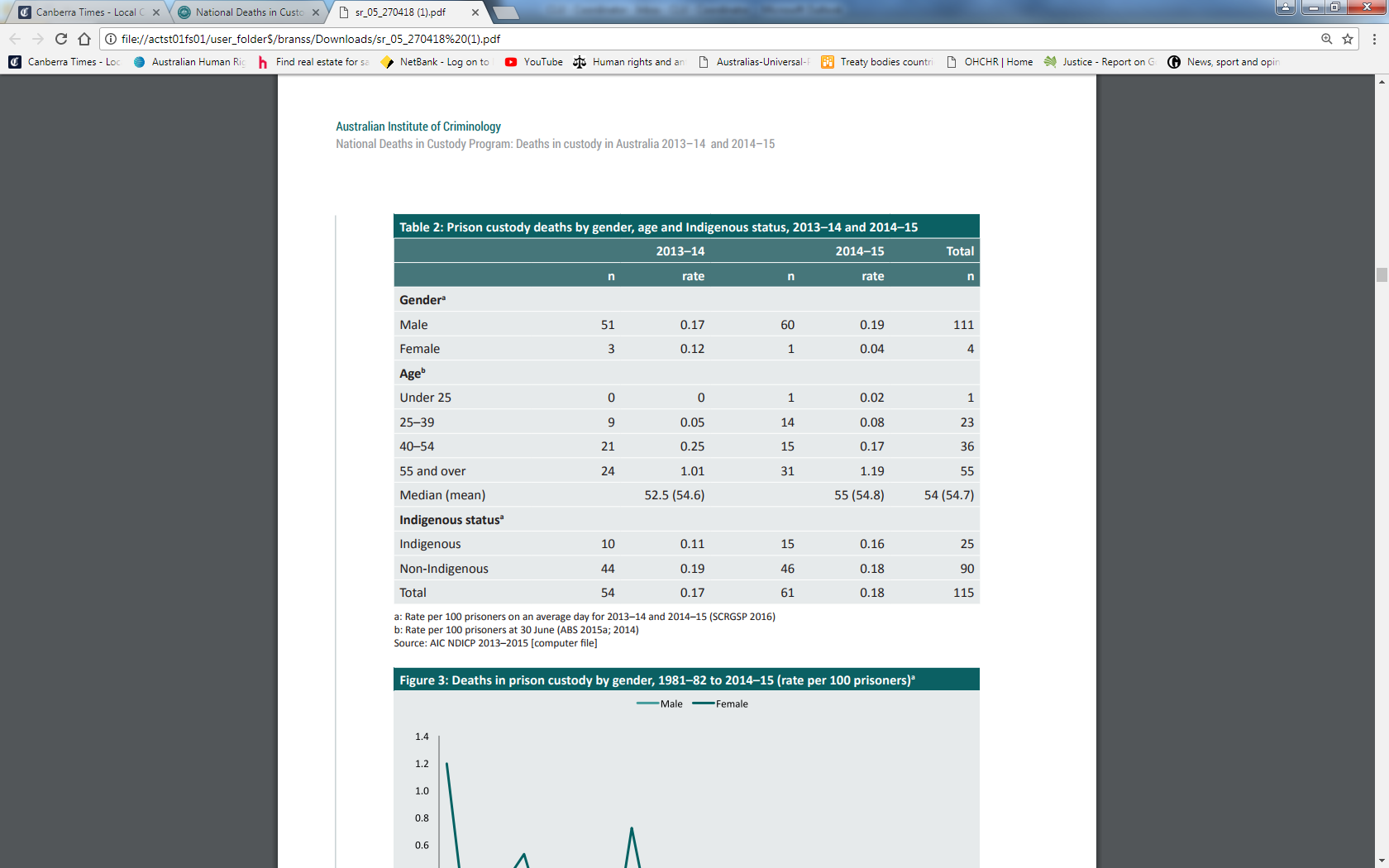
| **Jurisdiction** | **Monitoring, oversight or inspection mechanisms** |
| --- | --- |
| Commonwealth | Following Australia’s ratification of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in December 2017, on 1 July 2018, the Office of the Commonwealth Ombudsman commenced as the Commonwealth National Preventive Mechanism (NPM) body responsible for monitoring, oversight and inspection of Commonwealth places of detention. The Office of the Commonwealth Ombudsman was already responsible for inspecting immigration facilities. As the Commonwealth NPM body, the Office of the Commonwealth Ombudsman is also responsible for monitoring, oversight and inspection of Australian Federal Police cells and defence force facilities. |
| Australian Capital Territory (ACT) | On 15 February 2018, the ACT Legislative Assembly passed the Monitoring of Places of Detention (Optional Protocol to the Convention Against Torture) Bill 2017 (ACT). The purpose of the Bill is to establish legislative arrangements for SPT visits to places of detention in the ACT. The Australian Government’s position has been that it would not legislate for SPT visits to Commonwealth places of detention, and would manage visits on a consent basis, similar to visits by UN Special Rapporteurs. Each state and territory would decide their own approach.  The *Inspector of Correctional Services Act 2017* (ACT) commenced on 8 December 2017 and provides for the independent inspection of adult prisons, juvenile detention, and police and court cells. On 14 March 2018, Mr Neil McAllister was appointed as the ACT’s first Inspector of Correctional Services.  The inspector will work with, but be distinct from, existing oversight mechanisms undertaken by the ACT Human Rights Commission, ACT Ombudsman, Public Advocate and the Official Visitors program. The position will have the power to conduct unannounced visits to correctional centres and court cells, and will also undertake comprehensive and systemic inspections of corrections system every two years, review critical incidents, and particular issues referred by the responsible Minister or Director-General. The reports would then be sent to the Legislative Assembly. |
| New South Wales (NSW) | The Inspector of Custodial Services inspects every adult prison once every five years and juvenile detention facilities once every three years. NSW also has an Official Visitors scheme which undertakes regular visits of involuntary closed psychiatric institutions.  Under the *Mental Health Act 2007* (NSW), Official Visitors operate as independent visitors to sites where patients receive mental health treatment. The Official Visitors Program’s role includes: patient advocacy; inspection of premises, certain records and registers; and escalation of any matters that raise significant issues about care and treatment.  NSW Health is currently consulting with the Principal Official Visitor to examine the feasibility and cost associated with the NSW Official Visitors Program implementing this function for patients detained in mental health facilities. |
| Northern Territory | Part 2.3 of the *Correctional Services Act* (NT) contains detailed provisions regarding Official Visitors to the four custodial correctional facilities in the Northern Territory. The Minister must appoint a least three official visitors for each facility. Each facility must be visited by the Official Visitor eat least one time per month and the Official Visitor must furnish a report, directly to the Minister, outlining the treatment, behaviour and treatment of prisoners at the facility. The Official Visitors are able to speak to prisoners without staff present and the prisoners are made aware of the Official Visitor’s visit in advance to enable them to speak.  The Northern Territory Ombudsman is an independent statutory officer and investigates complaints against government entities, including Correctional Services. The Ombudsman can also initiate investigations without complaints and makes findings and recommendations. All prisoners are able to contact the Ombudsman by telephone without charge and the calls are not recorded or monitored. Furthermore, all prisoners can write to the Ombudsman and that mail is classified as ‘protected mail’ and cannot be opened or viewed by any Correctional Services staff member. The Ombudsman has the ability to make recommendations regarding matters that his office investigates. The Reports are usually tabled in Parliament and Northern Territory Correctional Services often discusses recommendation implementation measures with the Ombudsman (including providing regular updates to the Minister and Ombudsman on the implementation).  All prisoners have the ability to write to protected correspondents. Protected correspondents include an Official Visitor, a judge, a member of the Northern Territory Parliament, the Ombudsman, the Northern Territory Children’s Commissioner, the Northern Territory Commissioner for Health and Community Services Complaints, the Northern Territory Anti-Discrimination Commissioner, the Northern Territory Information Commissioner, the Northern Territory Commissioner for Public Interest Disclosure, the Northern Territory Commissioner of Police, the Northern Territory Director of Public Prosecutions, the Australian Human Rights Commission, the Australian Crime Commission, a health practitioner and legal items.  All correspondence to and from these correspondents is protected and cannot be opened by Correctional Services staff.  All prisoners also have access to the Prisoner Telephone System (PTS). The number of people they are allowed to contact is limited by their security rating, however there is no limitation of calls to legal numbers (lawyers, Ombudsman, Children’s Commissioner, Health Complaints Commissioner etc) and legal calls are not recorded.  Prisoners also have the ability to have visits from Official Visitors, legal entities, lawyers, family etc.  The Northern Territory Police, Fire and Emergency Services implemented a compliance framework for the independent monitoring and oversight of places of detention (police watch houses, police cells and court cells (when overseen by police)) in 2013. Each police watch house undergoes biannual audits, conducted by the Northern Territory Police, Fire and Emergency Services independent internal auditors. The outcomes of these audits are presented to the Northern Territory Police, Fire and Emergency Services Custody Steering Committee who have oversight of all Northern Territory Police, Fire and Emergency Services custodial matters.  The Northern Territory Police, Fire and Emergency Services is currently developing a rotational police cells audit plan which will see all police cells undergo independent review under a rotational risk based schedule.  The Northern Territory Police, Fire and Emergency Services Custody Steering Committee has commissioned the review and amendment of the current internal audit plan and scope to ensure it is in alignment with the requirements of OPCAT as ratified by the Australian Government in 2017. |
| Queensland | In line with Recommendations 88, 89 and 90 of the Queensland Parole System Review, Queensland Corrective Services (QCS) has commenced work to establish an independent Inspectorate in Queensland. The ratification of OPCAT and the establishment of National Preventive Mechanisms, will be considered in the context of the Independent Inspectorate.  There are currently multiple layers of accountability and investigation that concern QCS’ operations, including the QCS Chief Inspector, the Official Visitors scheme, the Queensland Ombudsman, the Anti-Discrimination Commission Queensland and the Queensland Audit Office.  Under the *Forensic Disability Act 2011* (Qld), the Director of Forensic Disability (DFD) is appointed as an independent statutory position and is responsible for ensuring the protection of the rights of forensic disability clients; ensuring the involuntary detention, assessment, care and support and protection of forensic disability clients comply with the Act; monitoring and auditing compliance with the Act; promoting community awareness and understanding of the administration of the Act; and advising and reporting to the responsible Minister at the DFD’s own initiative or at the request of the Minister. The DFD must also provide a report on the benefit of care and support provided by the Forensic Disability Service after a forensic disability client has been detained for five years.  In practice, the DFD also attends client case conferences; reviews and provides feedback on client Mental Health Court reports; identifies the treatment needs of clients and organises funding once an order is made; and determines priority clients for the Forensic Disability Service. |
| South Australia | The *Youth Justice Administration Act 2016* (SA) establishes the role of the Training Centre Visitor (TCV), whose functions include monitoring, oversight and inspection of the Adelaide Youth Training Centre. The TCV is required to report to Parliament annually. |
| Tasmania | In 2016, Tasmania established the office of the Custodial Inspector which is attached to the Tasmanian Office of the Ombudsman. The office of the Custodial Inspector provides independent oversight and inspection of Tasmania Prison Service facilities and the Ashley Youth Detention Centre. The primary focus of the Custodial Inspector is to identify and analyse performance issues and standards in custodial facilities and to provide recommendations which are aimed at improving outcomes in custodial centres.  In relation to closed mental health facilities, the Chief Civil Psychiatrist and Chief Forensic Psychiatrist are independent statutory officers, appointed by the Governor under the [*Mental Health Act 2013* (Tas) (Mental Health Act).](http://www7.austlii.edu.au/cgi-bin/viewdb/au/legis/tas/num_act/mha20132o2013174/) The Chief Civil Psychiatrist has responsibility for ensuring that the objects of the Mental Health Act are met in respect of involuntary patients, and for the running of approved hospitals and approved assessment centres. The Chief Forensic Psychiatrist has responsibility for ensuring that the objects of the Mental Health Act are met in respect of forensic patients and involuntary patients admitted to a secure mental health unit, people who are subject to supervision orders and for the running of secure mental health units.  The Mental Health Act provides for a Principal Official Visitor and Official Visitors. The Principal Official Visitor is an independent statutory officer, while Official Visitors are appointed by the Principal Official Visitor. The Principal Official Visitor’s functions include arranging for approved facilities and premises to be visited (in the case of approved facilities it is a requirement that the visits be monthly) and to report on the extent to which the objects of the Mental Health Act and the mental health service delivery principles are being met. This includes a requirement for any person exercising responsibilities under the Mental Health Act to have regard to the requirement to respect, observe and promote the inherent rights, liberty, dignity, autonomy and self-respect of people with mental illness.  The Tasmanian Office of the Ombudsman and the Tasmanian Health Complaints Commissioner also have an oversight role and undertake regular visits to both custodial and mental health facilities. |
| Victoria | The Victorian Government is in discussions with the Australian Government and states and territories in order to agree a National Preventive Mechanism implementation model to meet obligations under OPCAT.  There are a number of existing schemes and oversight agencies in relation to corrective and youth justice services in Victoria. Complaints or reports about the conditions of prisons or treatment of prisoners can be made to the prison location in question first and subsequently escalated to Corrections Victoria. Independent to Corrections Victoria, but still within the Department of Justice and Regulation, is the Justice Assurance and Review Office (JARO) which exists to assist the Department’s Secretary to fulfil their obligations under the Corrections Act. JARO provides the Secretary with current, objective information on areas of risk, the adequacy of existing controls and opportunities for improvement across the youth justice and corrections systems through activities including:  proactive reviews and analysis into areas of risk in youth justice and correctional operations and services  reviews into serious incidents and allegations within youth justice and corrections systems, and  monitoring the performance of the systems including youth justice precincts, youth justice community services, prisons, Community Correctional Services and prisoner transport.  JARO also operates an independent prison visitor scheme on behalf of the Minister for Corrections to provide them with independent objective advice on the operation of prisons.  Outside of the Department of Justice, complaints about prisons may be escalated to an array of oversight agencies, such as the Victorian Equal Opportunity and Human Rights Commission, the Victorian Ombudsman, the Independent Broad-based Anti-Corruption Commission (for police facilities) and the Victorian Health Complaints Commissioner.  Prisoners have free of charge telephone lines to the various oversight agencies, all of which are exempt from being listened to or recorded by prison authorities. Most correspondence to and from such agencies is also exempt from being opened by the prison, except in very limited circumstances. Some of the oversight agencies may also inspect prisons from time to time or on the basis of a particular complaint. |
| Western Australia | In Western Australia, the Office of the Inspector of Custodial Services (OICS) provides accountability to correctional facilities through regular visitation, inspection and review of custodial services. OICS operates under the governing legislation, the *Inspector of Custodial Services Act 2003* (WA), and provides their findings to Parliament. In Western Australia, the Western Australian Ombudsman is also able to receive complaints from inmates. |

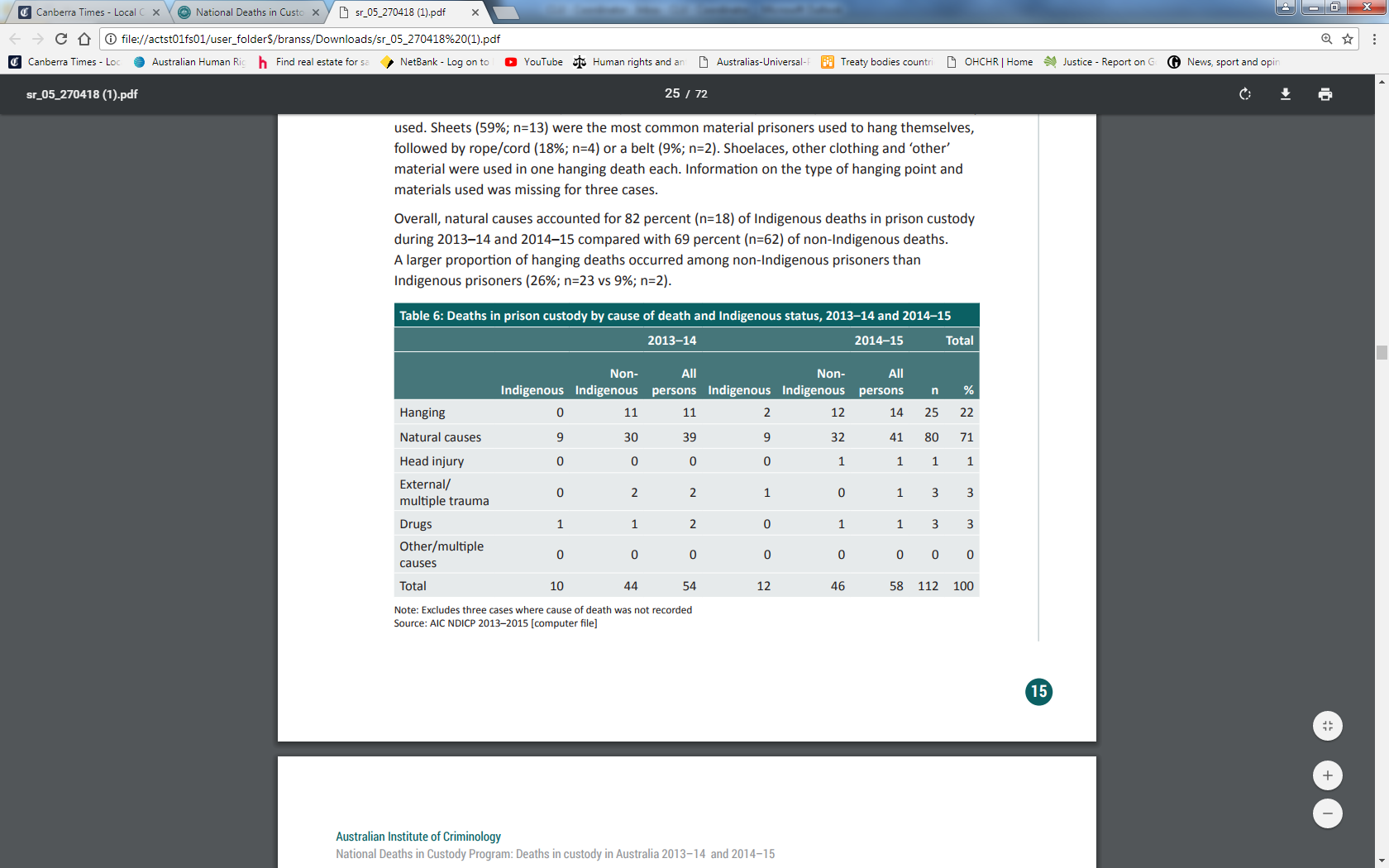
# Appendix V - Issue 17

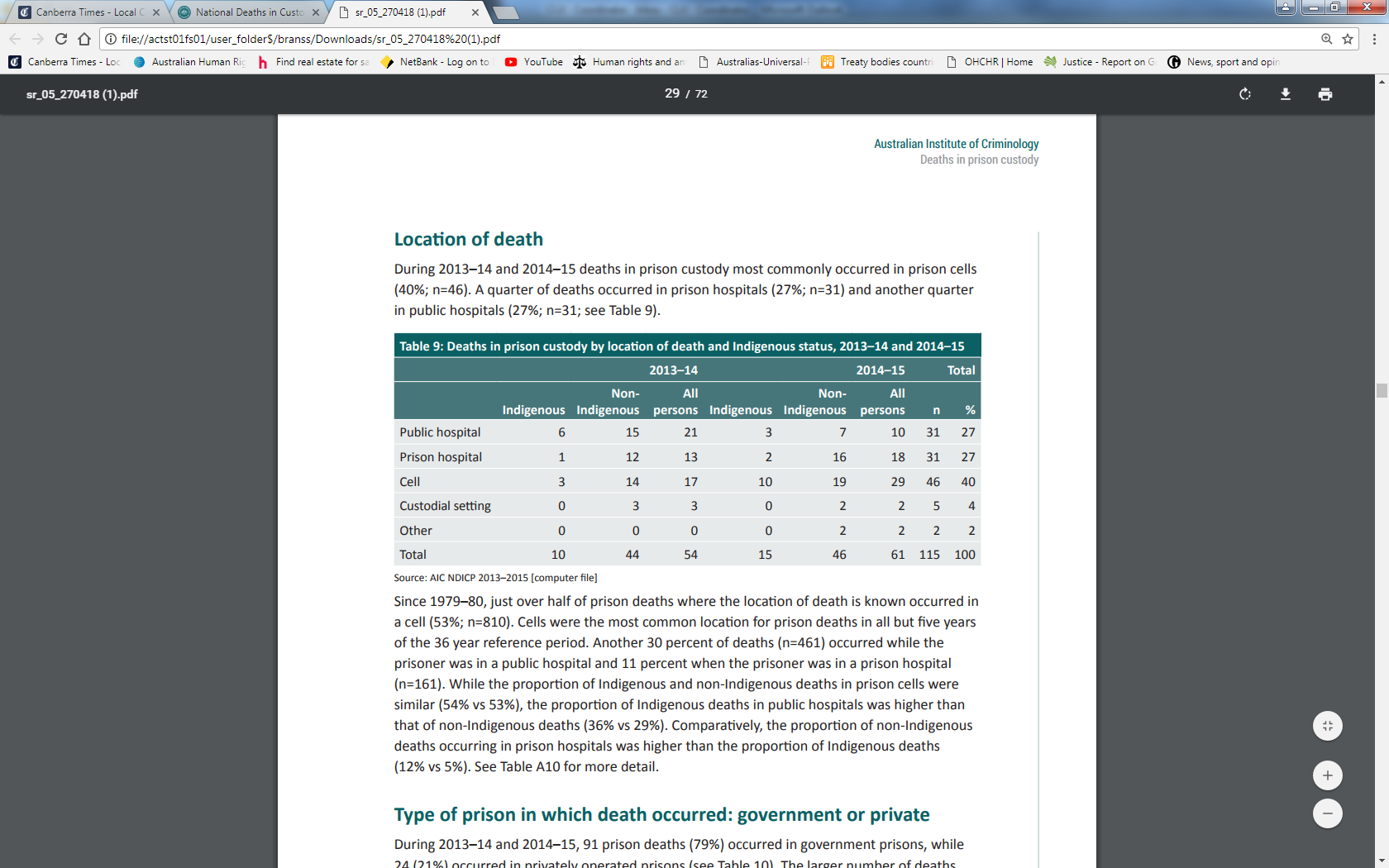
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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 8A.14 | | | **Deaths from apparent unnatural causes, all prisoners, number and rate per 100 prisoners (a), (b)** | | | | | | | | | | | | | | | | | | |
|  |  |  | |  | *NSW* | | *Vic* | | *Qld* | | *WA* | | *SA* | | *Tas* | | *ACT* | | *NT* | | *Aust* | |
| **Number** |  |  | |  |  | |  | |  | |  | |  | |  | |  | |  | |  | |
| 2016-17 |  |  | 12 | | | 3 | | 1 | | 2 | | – | | – | | 1 | | 1 | | 20 | |
| 2015-16 |  |  | 6 | | | 2 | | 3 | | 6 | | 2 | | – | | 1 | | 1 | | 21 | |
| 2014-15 |  |  | 2 | | | 3 | | 3 | | 3 | | 4 | | 2 | | – | | – | | 17 | |
|  |  |  | |  |  | |  | |  | |  | |  | |  | |  | |  | |  | |
| **Rate** | |  | |  |  | |  | |  | |  | |  | |  | |  | |  | |  | |
| 2016-17 |  |  | 0.09 | | | 0.04 | | 0.01 | | 0.03 | | – | | – | | 0.22 | | 0.06 | | 0.05 | |
| 2015-16 |  |  | 0.05 | | | 0.03 | | 0.04 | | 0.10 | | 0.07 | | – | | 0.25 | | 0.06 | | 0.06 | |
| 2014-15 |  |  | 0.02 | | | 0.05 | | 0.04 | | 0.06 | | 0.15 | | 0.43 | | – | | – | | 0.05 | |
|  |  |  | |  |  | |  | |  | |  | |  | |  | |  | |  | |  | |
| (a) | Data for previous years may vary from rates given in previous Reports. Deaths reported as 'unknown cause', where there is insufficient evidence to assess, subject to a Coroner's finding, whether the cause of death was natural or unnatural are not included in the calculation of rates. Deaths occurring in past years where cause of death was recorded as unknown at the time of the Report but were subsequently determined to have been from either natural or unnatural causes are updated in the relevant year's figures and rates when known. | | | | | | | | | | | | | | | | | | | | |
| (b) | Excludes periodic detainees. | | | | | | | | | | | | | | | | | | | | |
|  | – Nil/rounded to zero. | | | | |  | |  | |  | |  | |  | |  | |  | |  | |

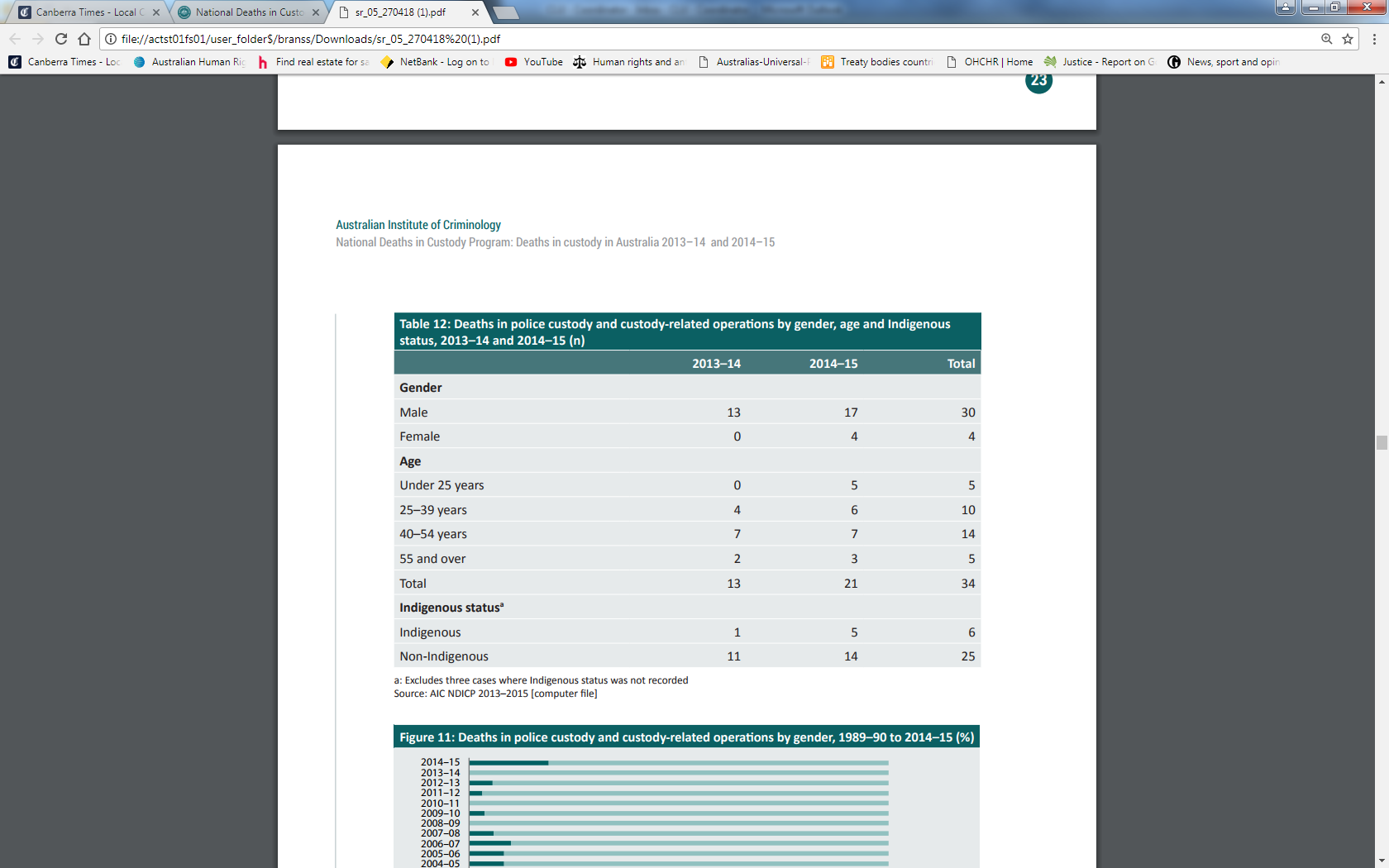
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| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 8A.15 | | | | **Deaths from apparent unnatural causes by Indigenous status, number and rate per 100 Aboriginal and Torres Strait Islander/non-Indigenous prisoners (a)** | | | | | | | | |
|  |  |  |  | *NSW* | *Vic* | *Qld* | *WA* | *SA* | *Tas* | *ACT* | *NT* | *Aust* |
| **Number** | | |  |  |  |  |  |  |  |  |  |  |
|  | Aboriginal and Torres Strait Islander | | |  |  |  |  |  |  |  |  |  |
|  |  | 2016-17 | | 1 | – | 1 | 2 | – | – | – | 1 | 5 |
|  |  | 2015-16 | | 1 | – | 1 | 3 | – | – | 1 | – | 6 |
|  |  | 2014-15 | | – | – | 2 | 1 | 1 | – | – | – | 4 |
|  | Non-Indigenous | | |  |  |  |  |  |  |  |  |  |
|  |  | 2016-17 | | 11 | 3 | – | – | – | – | 1 | – | 15 |
|  |  | 2015-16 | | 5 | 2 | 2 | 3 | 2 | – | – | 1 | 15 |
|  |  | 2014-15 | | 2 | 3 | 1 | 2 | 3 | 2 | – | – | 13 |
| **Rate** | |  |  |  |  |  |  |  |  |  |  |  |
|  | Aboriginal and Torres Strait Islander | | |  |  |  |  |  |  |  |  |  |
|  |  | 2016-17 | | 0.03 | – | 0.04 | 0.08 | – | – | – | 0.07 | 0.05 |
|  |  | 2015-16 | | 0.03 | – | 0.04 | 0.14 | – | – | 1.09 | – | 0.06 |
|  |  | 2014-15 | | – | – | 0.09 | 0.05 | 0.17 | – | – | – | 0.04 |
|  | Non-Indigenous | | |  |  |  |  |  |  |  |  |  |
|  |  | 2016-17 | | 0.11 | 0.05 | – | – | – | – | 0.29 | – | 0.05 |
|  |  | 2015-16 | | 0.05 | 0.04 | 0.04 | 0.08 | 0.09 | – | – | 0.37 | 0.06 |
|  |  | 2014-15 | | 0.02 | 0.05 | 0.02 | 0.06 | 0.15 | 0.51 | – | – | 0.05 |
|  |  |  |  |  |  |  |  |  |  |  |  |  |
| (a) | Excludes deaths reported as 'unknown cause', where there is insufficient evidence to assess, subject to a Coroner's finding, whether the cause of death was natural or unnatural. Deaths occurring in past years where cause of death was recorded as unknown at the time of the Report but were subsequently determined to have been from either natural or unnatural causes are updated in the relevant year's figures and rates when known. | | | | | | | | | | | |
|  | – Nil/rounded to zero. | | |  |  |  |  |  |  |  |  |  |

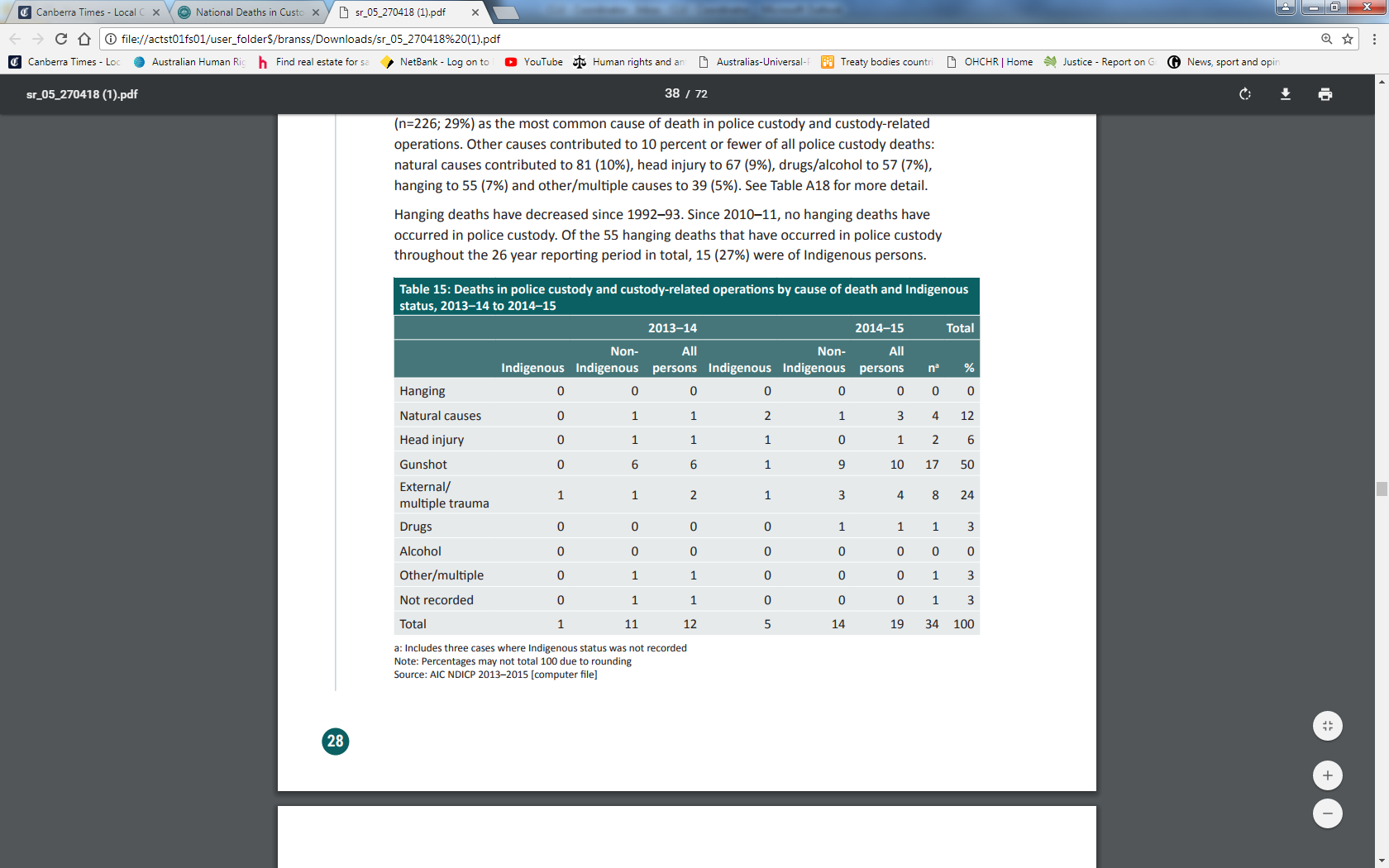
Source: Productivity Commission. (2017). *Report on Government Services 2018: Part C, Chapter 8, Corrective Services.*  Commonwealth of Australia, Canberra.

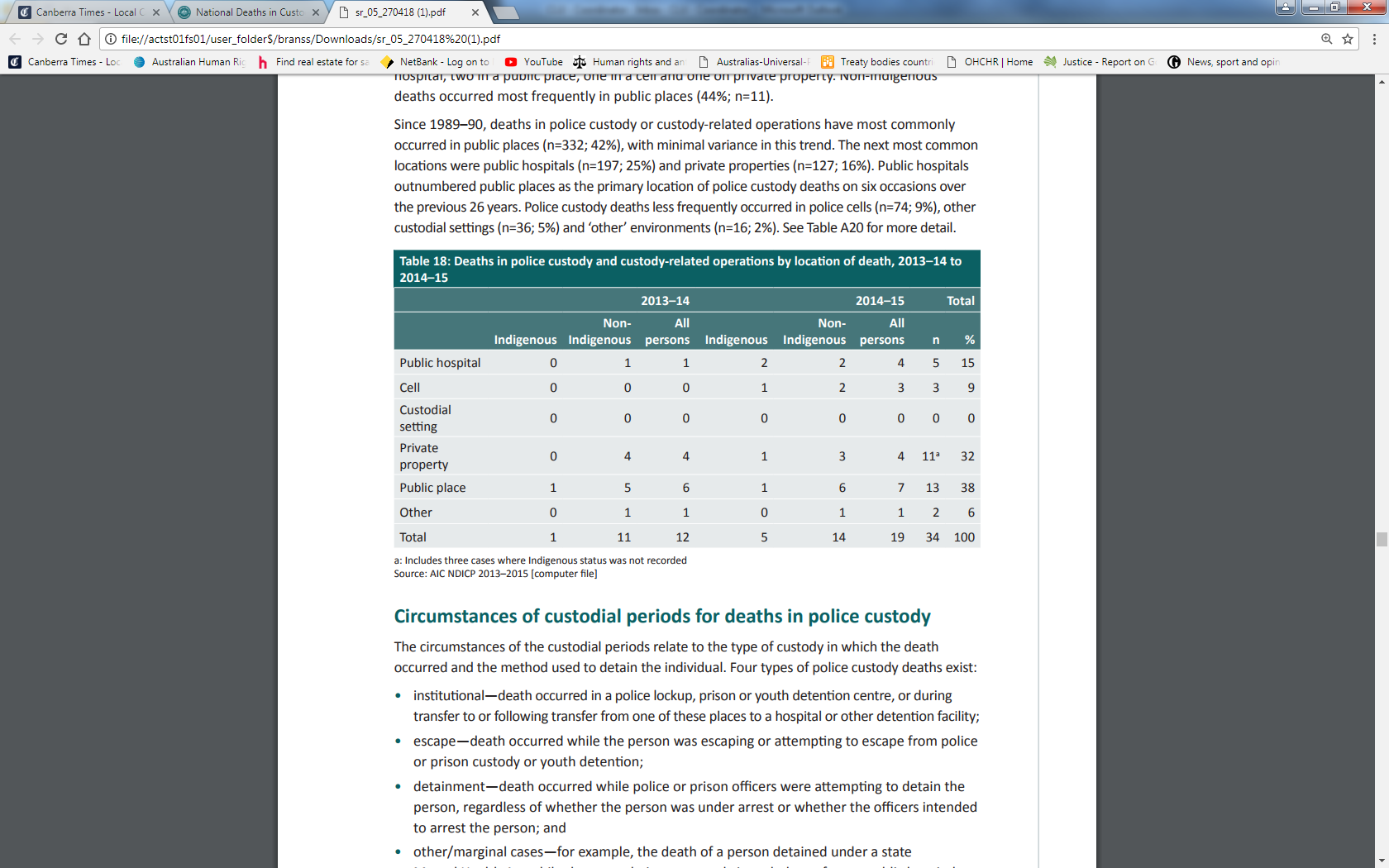












Source: Australian Institute of Criminology, 2018, *National Deaths in Custody Program: Deaths in custody in Australia 2013-14 and 2014-15*, pp. 8, 15, 19, 24, 28, 33. Available at: <https://aic.gov.au/publications/special/special5>, accessed 28 June 2018.

# Appendix VI - Issue 18

|  |  |  |  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| Table 6A.21 | | | | **Juvenile diversions as a proportion of offenders (per cent) (a)** | | | | | | | | |
|  |  |  |  |  | *NSW* (b) | *Vic* (b) | *Qld* | *WA* (b) | *SA* | *Tas* (b) | *ACT* (b) | *NT* (b) |
| 2016-17 | | |  |  | na | 20 | 33 | 46 | 59 | 50 | 37 | 40 |
| 2015-16 | | |  |  | na | 20 | 36 | 49 | 52 | 63 | 53 | 35 |
| 2014-15 | | |  |  | na | 22 | 37 | 48 | 46 | 61 | 39 | 33 |

(a) Juvenile diversion is defined as the number of juveniles who would otherwise be proceeded against (that is, taken to court) but who are diverted by police as a proportion of all juvenile offenders formally dealt with by police. The term diverted includes diversions of offenders away from the courts by way of: community conference, diversionary conference, formal cautioning by police, family conferences and other diversionary programs (for example, to drug assessment/treatment). Offenders who would not normally be sent to court for the offence detected and are treated by police in a less formal manner (for example, issued warnings or infringement notices) are excluded.

(b) Jurisdiction notes:

|  |  |  |
| --- | --- | --- |
| NSW: | Juvenile diversion data under the Young Offenders Act are unable to be provided. | |
| Vic: | 2015-16 data have been revised. | |
|  | Historical data (pre-2015-16) differ from previous Reports as data are now compiled by the Crime Statistics Agency Victoria. | |
| WA: | Juvenile diversions include formal cautions, Drug Diversion/ Cannabis Intervention Requirement and referrals to Juvenile Justice Teams. | |
| Tas: | The collation method for juvenile diversions was automated in 2016-17, resulting in a reduction in the proportions recorded. | |
| ACT: | The proportion of juvenile diversions has been calculated on total recorded police contacts with juveniles comprising juvenile cautions, referrals to diversionary conferencing, juveniles taken into protective custody and charges pertaining to juveniles. | |
| NT: | Data for 2014-15 and 2015-16 have been revised from previous Reports due to updates to recorded information. | |
| **na** Not available. | |  |

Source: Productivity Commission. (2017). *Report on Government Services 2018: Part C, Chapter 6, Police Services.*  Commonwealth of Australia, Canberra

# Appendix VII - Issue 21

**Finding of complaints submitted between 1 January 2014 and 17 April 2018**

|  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- |
|  | **Discretion not to proceed** | **Withdrawn** | **Not Established** | **Established** | **Not Assigned**  **(3 ongoing investigations and 1 new referral)** | **Total** |
| **Excess use of force involving injury** | 10 | 1 | 17 | 1 | 4 | **33** |

## Northern Territory

From 1 July 2014 to 1 April 2018, the Northern Territory Police Standards Command received 546 complaints against police for excessive use of force. There have been no allegations of torture or killings by members of the Northern Territory Police Force.

Of the 546 complaints against police for excessive force, 541 were found not to be substantiated and five were found to have some substance resulting in internal disciplinary measures.

There is one recorded complaint that led to charges being laid for the offence of aggravated assault within the reporting period.

## Queensland

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
|  | **Unique Victim Count** | | | | | | | |
|  | **2014** | | **2015** | | **2016** | | **2017** | |
| **Charge / Age Group** | **F** | **M** | **F** | **M** | **F** | **M** | **F** | **M** |
| **Torture** |  |  |  |  |  |  |  |  |
| 0 to 4 | 2 | 5 | 3 | 3 | 2 | 5 | 3 | 2 |
| 5 to 9 | 3 | - | 1 | 1 | - | 5 | 3 | - |
| 10 to 14 | 1 | 3 | 2 | 3 | 8 | 6 | 3 | 3 |
| 15 to 19 | 9 | 2 | 6 | 1 | 7 | 3 | 5 | 2 |
| 20 to 24 | 10 | - | 9 | 3 | 5 | - | 10 | 4 |
| 25 to 29 | 6 | 2 | 3 | 2 | 1 | 2 | 7 | 5 |
| 30 to 34 | 2 | 2 | 3 | 2 | 5 | 3 | 7 | 1 |
| 35 to 39 | 3 | 1 | 3 | 1 | 3 | 4 | 5 | - |
| 40 to 44 | 2 | 2 | 4 | 1 | 2 | 2 | 2 | 3 |
| 45 to 49 | - | 1 | 2 | 1 | 1 | - | 2 | 2 |
| 50 to 54 | - | 1 | 2 | - | - | 1 | 1 | - |
| 55 to 59 | - | - | 2 | - | 2 | 1 | - | - |
| 60 and over | - | - | - | 1 | 1 | - | - | 2 |

## Victoria

While not exhaustive, a review of the Prisoner Complaints Register (prisoner/visitor correspondence managed by Corrections Victoria Head Office) revealed the following numbers of complaints relating to alleged incidents of maltreatment per year:

| **Year** | **Number** |
| --- | --- |
| 2014 | 8 |
| 2015 | 10 |
| 2016 | 3 |
| 2017 | 3 |
| 2018 | 2 |

All above complaints were appropriately referred to independent bodies including the JARO, Victoria Police or the Victorian Ombudsman. No complaints appear to have resulted in criminal prosecutions against staff.

## Western Australia

Number of complaints relating to alleged incidents of maltreatment in Western Australia 2014-2018

Number of complaints relating to alleged incidents of maltreatment in Western Australia 2014-2018