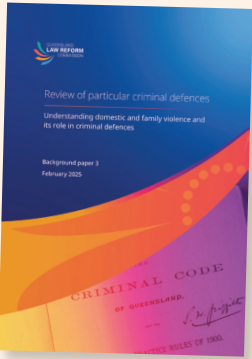


Background paper 3: Understanding DFV and its role in criminal defences

Our terms of reference require us to consider how the defences we are reviewing are operating in the context of domestic and family violence (DFV). [Background paper 3](#) supports our [consultation paper](#) and provides an overview of how a history of DFV may be relevant to assessing the availability of particular criminal defences.



Our preliminary views

The complete defence of self-defence does not work effectively for victim-survivors of DFV who use force, including lethal force, against their abuser.

The partial defence of killing for preservation in an abusive domestic relationship has not been widely used since its introduction in 2010. The partial defence may undermine an acquittal in cases where self-defence should be available.

The partial defence of killing on provocation continues to be raised as a defence by DFV perpetrators who have acted out of jealousy or anger. This is not consistent with community attitudes. Legislative amendments to limit the availability of the defence have not worked as intended.

The complete defence of provocation to assault is available to primary perpetrators of DFV and may excuse violent offending in cases involving DFV. This is not consistent with community attitudes.

The defence of domestic discipline is being used to excuse the unreasonable use of force against children in a manner that is not consistent with community attitudes and contemporary knowledge of DFV.

We want to hear from you

Your submission is important and will help us develop our recommendations.

We invite you to share your views on the [consultation proposals and questions](#) and any other issues you believe are important for our review.

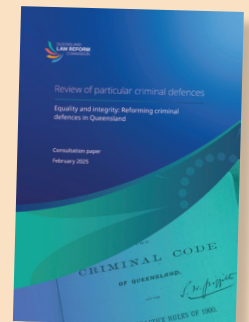
You can share your views with us in any way. You can send them to us by [email](#) or mail or upload them to our [website](#).

Submissions close on 20 April 2025.

Meetings and forums

There will also be opportunities to attend meetings and forums to share your views in March and April 2025.

Details about these meetings will be shared on our [website](#) and through our [newsletters](#) and [LinkedIn](#).



What is DFV?

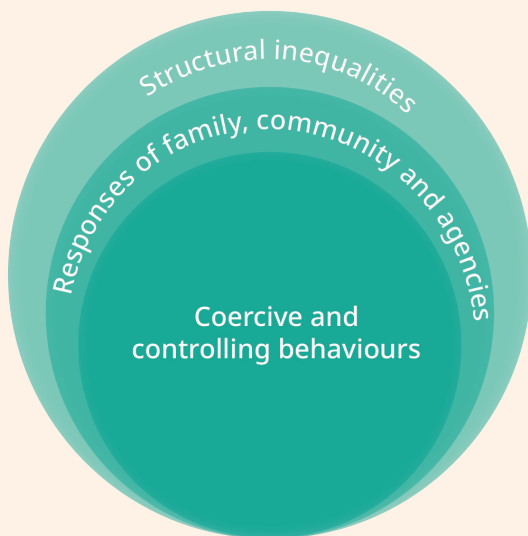
DFV includes behaviour that is physically, sexually, emotionally, psychologically, economically, spiritually or culturally abusive, threatening, coercive or aimed at controlling or dominating another person through fear.

Understanding DFV

- **It is gendered** – women are more likely to experience serious injury or death.
- **It is hidden** – DFV often happens behind closed doors. It is underreported to police and other service providers.
- **It is a pattern of behaviour** – DFV is rarely an isolated incident. Offending often forms part of the pattern to establish power and control.
- **It doesn't require physical violence** – there does not have to have been a history of physical violence for a victim-survivor to be seriously impacted by DFV or to be at risk of being killed.
- **It entraps victims** – DFV can make it difficult to leave. System responses and relationship inequality can compound entrapment. Separation often increases the lethality risk.
- **Victims manage their risk** – victim-survivors use multiple strategies to minimise danger.
- **Intersectionality** – some people and groups are more vulnerable to victimisation. This includes women, children, people with a disability, and those living in rural and remote communities. Aboriginal and Torres Strait Islander women are the most at risk.

Understanding DFV will help ensure that criminal law, including defences, properly take into account the experience of victim-survivors.

What is coercive control?



Coercive control is a pattern of controlling and abusive behaviour designed to exercise domination and control over the victim-survivor. It can include an extensive range of abusive behaviours that, over time, isolate the victim-survivor from their friends and family and erodes their autonomy.

Conceptualising DFV as coercive control promotes consideration of the pattern of behaviour within the context of the relationship as a whole and its impact on the victim-survivor over time. It also provides a proper framework to understand 'violent resistance'— where an individual uses violence in response to their partner's coercive control — which is essential when considering defences that may be available to victim-survivors who are charged with criminal offences.

More information

For more information about the review of particular criminal defences and to access the [consultation paper](#) and [submissions form](#), please visit the [QLRC website](#) or scan the QR code.

[www.qlrc.qld.gov.au](http://www qlrc.qld.gov.au)

