

## Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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QUEENSLAND PARLIAMENT EDUCATION, ARTS AND COMMUNITIES COMMITTEE  
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# Submission

**Domestic and Family Violence Protection and Other  
Legislation Amendment Bill 2025**



## Acknowledgement of Country

Anglicare Southern Queensland acknowledges Aboriginal and Torres Strait Islander peoples as the first Australians and recognises their culture, history, diversity, and deep connection to the land. We acknowledge the Traditional Owners and Custodians of the land on which our service was founded and on which our sites are operating today.

We pay our respects to Aboriginal and Torres Strait Islander Elders both past and present, who have influenced and supported Anglicare Southern Queensland on its journey thus far. We also extend that respect to our Aboriginal and Torres Strait Islander staff, clients and partners (past, present and future) and we hope we can work together to build a service that values and respects our First Nations people.

We acknowledge the past and present injustices that First Nations people have endured and seek to understand and reconcile these histories as foundational to moving forward together in unity.

Anglicare is committed to being more culturally responsive and inclusive of Aboriginal and Torres Strait Islander people and we are committed to embedding cultural capabilities across all facets of the organisation.

## About Anglicare Southern Queensland

Anglicare Southern Queensland (Anglicare) has responded to the needs of our community through more than 150 years of delivering innovative, quality care services.

More than 3,000 Anglicare staff and volunteers operate across southern Queensland and in Townsville. Our comprehensive, integrated range of community services includes community aged care; residential aged care; and community support programs, including youth justice, child safety, disability support, counselling and education, mental health, homelessness, and chronic conditions. Our services are designed to 'wrap around' clients in a comprehensive way, recognising their health needs but also addressing the social needs which contribute to wellness.

This submission may be quoted in public documents.

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## Introduction

Anglicare Southern Queensland (Anglicare) welcomes the opportunity to make a submission to the Queensland Government Education, Arts and Communities Committee Inquiry into the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025.

Anglicare's specialised counselling programs work with people who have experienced violence, as well as men who have used violence against their partner or family. We aim to provide safety, insight and healing through specialised counselling and legal support.

Our programs include:

- Our Specialised Family Violence Service (Brisbane), which is delivered in individual and group settings to assist children and their families, and to support their recovery from domestic and family violence. Counsellors provide:
  - Children's, family and individual counselling
  - Support for families affected by family violence
  - Support for children who experience or have witnessed family violence
  - Education for individuals who use, or have used, violence, and abuse against their family or partner.
- Living Without Violence (Brisbane) is an 18-week family violence prevention program for men who have used violence and abuse against their partner, children or other family members. The program is designed to give men the insight and tools to provide safety, respect, and partnership in their relationships.

Drawing on this depth of experience, we address in this brief submission one aspect of the proposed Bill which is of particular concern to Anglicare staff. This is the Bill's proposal to:

establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to DFV and reduce the operational impacts of the current domestic and family violence (DFV) legislative framework. The Bill proposes to empower police officers to administratively issue immediate long-term protection directions without filing an application for a proceeding before a court.

Anglicare DFV experts have deep concerns that the proposal for police to be able to issue an on-the-spot 12-month protection order will not, in many cases, provide additional protections for victim-survivors.

## Police Protection Directions

In the highly charged environment faced by police officers in a DFV situation, Anglicare counsellors note the significant risk that police may not correctly identify the person most in need of protection when issuing orders. The seriousness of this issue is addressed in the Bill's own Explanatory Notes as follows:

A police officer will also be prevented from issuing a PPD if there are indications that both persons in the relationship are in need of protection, and the person who is most in need of protection cannot be identified. This is a safeguard against misidentification of the primary aggressor. The consequences of misidentification can be severe and potentially fatal. A wrongly issued PPD may leave a person without protection, subject to criminalisation and systems abuse from the perpetrator, restrict freedom of movement or association, damage reputation and create long-lasting stigma which may persist even after the PPD ends.<sup>1</sup>

While a safeguard preventing the issue of a PPD where “the person who is most in need of protection *cannot* be identified” [our italics] is noted above, this does not preclude complex situations where police officers may — either in good faith, or acting based on bias or lack of knowledge — incorrectly identify the primary aggressor. As one very experienced Anglicare counsellor notes:

A large proportion of the female DFV respondents we come into contact with have used resistive violence ... Sometimes the person using violence has scratch marks and injuries related to a victim–survivor fighting for her life, such as during a strangulation event. Police walk into this incident and see the perpetrator with injuries, and no apparent injuries to the victim–survivor, and can assume the wrong person is the one most in need of protection.<sup>2</sup>

To compound this complexity, chronic fear often leads female victim–survivors to side with the perpetrator against the police. The consequences for a woman of reaching out to police within earshot of the person using violence are potentially so severe that it is life-preserving to turn on police in his defence. As Nancarrow et al. note in their research for Australia’s National Research Organisation for Women’s Safety (ANROWS):

Police and courts can be confused by women who do not fit the stereotypical image of a victim: women who fight back, particularly if they use weapons, and those who are uncooperative with police and other legal actors. Reluctance to cooperate results from prior negative experiences, feelings of intimidation and mistrust of police.<sup>3</sup>

This issue is particularly pertinent to First Nations victim–survivors, as the 2022 report from the Commission of Inquiry into Queensland Police Service (QPS) Responses to Domestic and Family Violence pointed out:

Inherent distrust and fear of police means that First Nations peoples face additional barriers to reporting domestic and family violence to the QPS. ... First Nations victim–survivors may also be more likely to use resistive violence to protect themselves when they do not feel that it is culturally safe to make a report to police ...

Common police practices, attitudes and beliefs particularly disadvantage First Nations women, who may be misidentified as the perpetrator of domestic and family violence and/or may not be identified or properly supported as a victim–survivor of domestic and family violence.<sup>4</sup>

The potential for misidentification is not a new concern. The Commission report above goes on to point out that the Domestic and Family Violence Death Review and Advisory Board has identified instances in at least six Annual Reports where police have misidentified the person most in need of protection and/or did not identify system abuse by the perpetrator and had, in some instances:

placed disproportionate weight on a perpetrator’s version of abuse compared to a victim–survivor’s, despite a lack of corroborating evidence or independent third-party assessments to justify this view.<sup>5</sup>

While many police officers respond positively and appropriately in DFV situations, there is evidence of cultural issues within the QPS, including sexist and misogynistic attitudes, racism and other biases, or lack of knowledge and training, that often impact negatively on QPS responses to domestic and family violence:

It is not only negative attitudes towards women that contribute to poor QPS responses to domestic and family violence. There are often shortfalls in its response to domestic and family violence when one or both of the parties identify as First Nations, LGBTIQ+, have a culturally or linguistically diverse background, are young or elderly, have a cognitive, intellectual, or physical disability, are experiencing mental health issues or have other complex needs.<sup>6</sup>

Such attitudes flow through to exacerbate the possibility of misidentification. The Commission notes, for example, instances where police failed to engage independent interpreters when responding to victim–survivors from non-English speaking backgrounds, and victim–survivors have consequently been misidentified as perpetrators. This is a result, the Commission notes, of police “fail[ing] to recognise parties with vulnerabilities that limit their ability to fully engage in an investigation, and to make reasonable adjustments to support their involvement”.<sup>7</sup>

The consequences of a wrongly issued 12-month order place the victim–survivor and their children, often left with the perpetrator, at significant additional risk. The removal of court processes reduces the opportunity for magistrates to refer victim–survivors to support services; as well as reducing referrals to behavior change programs for the person using violence. Concerningly, it also removes important oversight of police decisions in favour of administrative efficiency.

From the police perspective, it also increases organisational risk, including reduced public trust, when officers, for whatever reason, misidentify a perpetrator.

Nancarrow et al, as above, summarise the risks of misidentification as follows:

Treating victims of violence as perpetrators undermines confidence in the legal system, denies victims/survivors appropriate support, may inadvertently collude with perpetrators in exerting further control over their (ex-)partners through systems abuse and has significant, potentially life-long, harmful impacts.<sup>8</sup>

## Anglicare recommendations

Given the statement above, Anglicare recommends that on-the-spot Police Protection Directions as proposed **not** be introduced.

Should such orders be introduced regardless, we recommend that the term be reduced to one month, to ensure that mistakes about the identity of the primary aggressor can be rectified quickly.

In addition, we recommend that:

- beyond current risk assessment instruments, *specific tools* be developed that support police *to more effectively assess patterns* of coercive control, and help them to detect which party is the perpetrator and which is acting in self-defence or violent resistance<sup>9</sup>
- a spotlight be placed on developing improved policies, guidelines and procedures that *emphasise the importance of identifying the person most in need of legal protection* in the context of a pattern of coercive control<sup>10</sup>
- the above tools and policies be informed by *research that addresses the gap in information about perpetrator characteristics*. Detailed data on those using violence can shed light on how violence is experienced or perpetrated differently across population groups, and can be used to show where perpetrators are likely to be misidentified, and who is in most need of protection.<sup>11</sup>

In short, we need to be cautious that victim–survivors are not further victimised by a system originally intended to protect them from violence.

## References

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- <sup>3</sup> Nancarrow, H., Thomas, K., Ringland, V., and Modini, T. (2020). *Accurately Identifying the "Person Most in Need of Protection" in Domestic and Family Violence Law*. Research Report, 23/2020. Sydney: ANROWS, p. 11. [anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/10/25104930/Nancarrow-PMINOP-RR.3.pdf](https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/10/25104930/Nancarrow-PMINOP-RR.3.pdf)
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