

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

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**Submission: Queensland Government's proposed  
amendments to the Domestic and Family Violence Protection  
legislation**

Queensland Aboriginal and Torres Strait Islander  
Child Protection Peak Limited

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## Introduction

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak (QATSICPP) is the Peak Body for youth justice and child protection in Queensland. Along with our 38 member organisations and numerous partners, QATSICPP are committed to creating safer communities by fostering strengthened partnerships with government, service providers, and community organisations.

Over its 16 years of operation, QATSICPP has worked alongside Aboriginal and Torres Strait Islander leaders and the Queensland Government to foster partnerships and approaches aimed at creating communities and services that meet the needs of Aboriginal and Torres Strait Islander children and families. QATSICPP's core goal is to empower families and communities to care for their children in a way that is rooted in culture, ensuring Aboriginal and Torres Strait Islander children achieve positive outcomes that equip them for success in life. With a proven track record of productive collaboration with government, QATSICPP has consistently developed and implemented community-led solutions to address the complex challenges faced by Aboriginal and Torres Strait Islanders communities in raising strong, resilient children within their families and communities.

QATSICPP welcomes the opportunity to provide input on the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* ('The Bill'). As outlined in the explanatory notes, the Queensland Police Service is under increasing strain due to growing demand across all crime types, with DFV presenting as a particularly complex and escalating challenge. In response to this issue, the Bill introduces legislative changes aimed at streamlining police procedures, strengthening victim protection, and advancing key government commitments in the DFV space.

## Background

Domestic and family violence remains a deeply entrenched issue with far reaching and long-lasting impacts felt across Queensland communities. Alarmingly, Aboriginal and Torres Strait Islander women are disproportionately affected by DFV, experiencing significantly higher rates of violence and harm than non-Indigenous women. The *Our Watch* report highlights that Aboriginal and Torres Strait Islander women are 35 times more likely to be hospitalised and five times more likely to die as a result of DFV.<sup>1</sup> These confronting statistics cannot be viewed in isolation but rather must be understood within the broader context of colonisation, intergenerational trauma, and systemic disadvantage that continue to shape the lived experiences of First Nations peoples. Further to this, there is a pervasive misconception that DFV in Aboriginal and Torres Strait Islander communities occurs in a vacuum. In reality, it is the historical and ongoing injustices; including the forced removal of children, the disempowerment of Elders, the disruption of kinship and cultural systems, entrenched poverty, and limited access to essential services that have all contributed to the persistence of DFV. This is further compounded by a deep-seated mistrust of institutions such as police and child protection services, based on historical and ongoing experiences of systemic racism and cultural insensitivity.<sup>2</sup> It is these intersecting and systemic factors that continue to drive the prevalence of DFV in Aboriginal and Torres Strait Islander communities, further highlighting the critical need for culturally safe, trauma informed, and community led responses that prioritise healing, empowerment, and self-determination.<sup>3</sup>

In this context, the Bill proposes to introduce several key reforms aimed at enhancing protection and improving system responses. These include the implementation of Police Protection Directions (PPDs) which give police the power to issue 12 month protection orders without court involvement to reduce delays and ease administrative burdens. Additionally, the Bill also mentions additional oversight of intervention programs to be strengthened through enhancements to the Approved Provider List (APL), ensuring a more consistent and accountable service delivery. Collectively, these reforms are branded to reflect the Queensland Government's broader commitment to a more responsive, and survivor-centred approach to addressing DFV. However, there are concerns that

these amendments do not take into consideration the cultural nuances that continue to see the misidentification of victims and the forced removal of Aboriginal and Torres Strait Islander children<sup>4</sup>.

## Recommendations

QATSICPP, alongside other peak bodies and organisations, remains deeply committed to promoting the wellbeing and development of all children, particularly Aboriginal and Torres Strait Islander children and their families, so they can grow up safe, strong, and connected to their culture and communities. **As such, QATSICPP opposes the amendments to the Domestic and Family Violence Act that focus on the implementation of PDD's** and proposes the following recommendations that will ensure the safety and further promote the collective wellbeing of all Aboriginal and Torres Strait Islander surviving victims and their families.

- **The development of a co-responder model:** The co-responder model for DFV, which involves police working alongside specialist DFV practitioners such as social workers, health professionals, or community advocates which offers a more holistic and person centred approach to DFV intervention. This model enables both immediate safety responses and longer-term support for surviving victims by drawing on the unique strengths of both policing and social services. One of the key benefits of the co-responder model is the improved safety and support it provides for victims. DFV practitioners bring specialist expertise in trauma informed care and risk assessment, allowing for more nuanced and appropriate responses at the point of crisis. This ensures that victims receive not only protection but also timely referrals, safety planning, and emotional support. Having a non-police support person present also makes it easier for survivors in particularly those with complex trauma or distrust of law enforcement the space to disclose violence and seek help.
- **Amending 12 month time period for the PPD:** While the PDD provides immediate protection for surviving victims through enforceable police instructions over a 12 month period, concerns remain regarding the potential for misidentification of the predominant aggressor and the longevity of the PDD if police misidentify. If police incorrectly identify the person using violence, the consequences can be deeply damaging and impact the entire family. Research highlights this issue further through a 2014 study by Women's Legal Service in NSW found that two-thirds of women identified as predominant aggressors were, in fact, surviving victims. Similarly, a 2018 study by Women's Legal Service in Victoria reported that one in ten victim-survivors had been misidentified. Misidentification can lead to serious consequences, including criminal charges, financial hardship, child removal, reputational damage, job loss, systems abuse, and re-traumatisation through the family violence response system. Given these risks, careful consideration should be given to the duration and application of the PDD, alongside appropriate safeguards and review mechanisms.<sup>5</sup>
- **Training and or DFV specific qualifications mandated by the senior authorising and reviewing officers:** It is imperative that police officers receive specialised training in DFV to ensure an informed response to these complex and high risk situations. DFV frequently encompasses more than physical violence, including coercive control, emotional and psychological abuse, and financial manipulation which are all deemed forms of harm that require a cultured understanding to identify and address appropriately. Without targeted training, there is a heightened risk of misidentifying surviving victims as perpetrators, particularly in instances where self-protective behaviour may be misinterpreted. Evidence indicates that such misidentification disproportionately impacts women and can result in severe consequences. DFV specific training provides officers with the skills to undertake comprehensive risk assessments, apply relevant legal and social frameworks, and respond in a trauma-informed and culturally safe manner. It also equips them to engage appropriately with diverse communities, including Aboriginal and Torres Strait Islander



peoples, LGBTIQ+ individuals, and people with disabilities. Ultimately, this training is critical to enhancing victim safety, ensuring equitable justice outcomes, and preventing further harm through empathetic, consistent, and culturally competent policing.

- **Mandatory Safe and Together training for all new police recruits with a cultural lens:** It is essential that all new police recruits receive specialised Aboriginal and Torres Strait Islander specific DFV training; in particular those who will be enforcing powers under PPD and PPN's. This training should align with evidence based models such as David Mandel's Safe & Together approach, which is widely recognised for its effectiveness in responding to DFV. Given the complexity and high risk nature of DFV, officers must develop a comprehensive understanding of DFV in Aboriginal and Torres Strait Islander communities that extends beyond just physical violence or arguments.<sup>6</sup>
- **Ensuring police are referring First Nation families to Family Wellbeing and community support programs:** QPS collaborates with a network of over 500 service providers across the state to connect at risk and vulnerable community members with appropriate support services. This initiative, known as the Police Referrals program which aims to assist individuals in areas such as domestic and family violence, youth support, mental health, homelessness, and legal assistance. Each year, the program facilitates over 60,000 referrals, ensuring that individuals receive timely and appropriate support. During the DFV specific members yarn in May 2025, it was noted by workers that many First Nation DFV specific community programs receive their referrals through magistrates courts when DFV matters are being mentioned. There is a genuine concern that with the introduction of PDD's police will miss this critical step and Aboriginal and Torres Strait Islander families will be left with no support once a PDD has commenced. By ensuring police complete referrals to the community- controlled sector families and surviving victims can be provided the space to heal while also ensuring perpetrators address the concerning behaviour.
- **Increase of investment footprint for DFV services:** QCOSS and QATSI CPP are calling for sustained investment in frontline services, early intervention, and behaviour-change programs, alongside continued implementation of the Women's Safety and Justice Taskforce reforms. The sector is also urging stronger engagement with the Queensland Government to ensure any reform measures effectively uphold the rights and safety of victim-survivors.

## Key Issues

### Police Protection Directions

PPDs will be available statewide from 1 January 2026, expanding the suite of police powers already in place, such as Police Protection Notices (PPNs) and release conditions. The ability to issue a PPD depends on the severity of the conditions imposed, with higher-level police authorisation required for more restrictive measures. All PPDs must be approved by a supervising officer and are subject to internal police review and independent court oversight to promote accountability. Given the lack of court oversight for the PDD process both QCOSS and QATSI CPP have acknowledged the urgent need for reform, noting that DFV has reached crisis levels in Queensland. While both organisations support the government's commitment to centring surviving victims and increasing perpetrator accountability, it continues to oppose the introduction of PPDs. Further to this, QCOSS CEO Amy McVeigh cautioned that the new power risks prioritising police efficiency over the safety and wellbeing of those affected by violence. She raised serious concerns about the potential for police misidentification of perpetrators as widely documented issue in recent inquiries that could lead to women and children being left without protection.<sup>7</sup>



For Aboriginal and Torres Strait Islander communities the introduction of PPDs raises additional, significant concerns. The QATSI CCP DFV Community of Practice in 2024 highlighted the complex and layered drivers of violence against Aboriginal and Torres Strait Islander women and children, including intergenerational trauma from a failure to address childhood exposure to violence. These structural issues are compounded by a justice system that often misidentifies Aboriginal and Torres Strait Islander women as perpetrators, particularly in incidents involving lateral violence or non-physical altercations. The risk of misidentification is likely to increase with PPDs as police are empowered to issue directions without immediate court oversight, potentially resulting in protection orders against the wrong person. Furthermore, PPDs risk reinforcing a "one-size-fits-all" approach that fails to account for the unique social, familial, and cultural contexts of Aboriginal and Torres Strait Islander communities. In regional and remote areas, where access to services is already limited, the consequences can be even more severe with many smaller communities having the same law enforcement officers carrying out the PPD's who may carry biases towards particular Aboriginal and Torres Strait Islander family group.

### Cultural Issues within QPS

While the QPS plays a critical role in enforcing Protection from DFV and safeguarding vulnerable individuals, this submission draws attention to systemic issues of racism and sexism within the organisation that significantly undermine these responsibilities, particularly in relation to Aboriginal and Torres Strait Islander peoples and officers. The Commission of Inquiry report presents compelling evidence of entrenched racist attitudes and behaviours among QPS personnel, ranging from explicit racial slurs to pervasive casual racism, much of which is reported by Aboriginal and Torres Strait Islander communities and remains inadequately addressed by QPS. This toxic environment extends to recruit training at the QPS Academy, where instances of racial discrimination have been tolerated, perpetuating a culture that normalises this type of conduct. Aboriginal and Torres Strait Islander officers frequently report experiences of bullying and discrimination with minimal recourse or support from senior leadership, further strengthening community beliefs and lack of trust of police.<sup>8</sup>

These systemic failings have profound implications for the enforcement of PDDs. Racist conduct; including derogatory language, stereotyping, and inappropriate humour is often resolved through QPS internal processes rather than formal disciplinary action, which diminishes accountability and fails to deter this entrenched issue. Consequently, such behaviour perpetuates systemic racism within the QPS, adversely affecting the cultural safety and wellbeing of Aboriginal and Torres Strait Islander peoples and undermining the trust necessary for effective police engagement in domestic and family violence matters. The Commission identified a direct correlation between racist attitudes within the QPS and inadequate policing responses to First Nations communities. Reports include officers using highly offensive racial descriptions toward Aboriginal individuals and exhibiting prejudicial behaviour that compromises professional standards. These attitudes significantly affect the treatment of Aboriginal and Torres Strait Islander surviving victims, who often feel dismissed, blamed, or re-traumatised by police interactions.<sup>9</sup> To uphold the integrity of PDD enforcement and safeguard the rights and safety of surviving victims, QPS must prioritise creating a respectful, culturally competent service that genuinely supports Aboriginal and Torres Strait Islander officers and communities alike.<sup>10</sup>

### Impacts of PDD on children and families

The introduction of PDD's in Queensland marks a significant shift in how DFV is addressed, granting police the authority to issue protection orders for up to 12 months without court oversight. While intended to improve victim safety and streamline intervention, the use of PPDs raises significant concerns; particularly in relation to parenting arrangements under the *Family Law Act 1975*, child





safety implications, and systemic impacts on Aboriginal and Torres Strait Islander families. One of the most critical issues is the potential for conflict between PPDs and existing Family Court orders. A PPD that restricts a parent's contact with their child can directly contradict Queensland Family Court arrangements, placing families in a difficult position when attempting to navigate inconsistent legal obligations. The absence of immediate judicial oversight removes the opportunity for careful legal discussion essential in family law matters, specifically where the child's best interests must be assessed through comprehensive evidence, legal advocacy, and informed magistrate discretion.<sup>11</sup>

For Aboriginal and Torres Strait Islander families, these risks are magnified. The issuing of a PPD can inadvertently trigger child protection interventions due to mandatory reporting obligations by an Government entity; especially if the order is based on misidentification. This scenario reinforces cycles of over surveillance of Aboriginal and Torres Strait Islander women, further eroding trust in the police and legal systems.<sup>12</sup>

### **The Overcriminalisation of First Nation Women**

A significant concern raised by QATSICPP members during the DFV Yarn on the introduction of PDD's, is the over criminalisation of Aboriginal and Torres Strait Islander women who are already significantly overrepresented in Australia's criminal justice system. Members noted Aboriginal and Torres Strait Islander women's over criminalisation in communities is a situation driven by a complex interplay of historical, social, and systemic leavers. Although First Nation women represent a small proportion of the overall population. Aboriginal and Torres Strait Islander women made up 34% of all women in prison in 2016 and were found to be 21.2 times more likely to be incarcerated than non-Indigenous women; a rate even higher than that of non-Indigenous men<sup>13</sup>. This overrepresentation is largely tied to a cycle of disadvantage, including higher rates of poverty, unemployment, and limited access to education and healthcare contributes to DFV in Aboriginal and Torres Strait Islander communities and individuals increased contact with the justice system. Additionally, many Aboriginal and Torres Strait Islander women in prison have experienced and grown up with DFV and are often criminalised when acting in self-defence or breaching protection orders to maintain their own safety and that of the children.<sup>14</sup>

### **Misidentification**

Family violence is widely recognised as a gendered issue, with research consistently showing that women are most often the victims and men the predominant perpetrators. However, in Aboriginal and Torres Strait Islander communities, emerging evidence highlights a concerning trend that relates to the increasing numbers of women, in particular Aboriginal and Torres Strait Islander women that are being misidentified as the primary aggressors in family violence cases. According to the report completed by Engender Equality; Misidentification occurs when a surviving victim is wrongly labelled as the primary perpetrator during investigations, often resulting in criminal charges and exacerbating the trauma they have already endured. Although both surviving victims and aggressors may use violence, their motivations differ from surviving victims as they often act in self-defence, resistance, or retaliation, while predominant aggressors typically use violence, manipulation, gas lighting, coercive control to assert control. These distinctions are frequently overlooked by police and professionals who may misinterpret the context or unconsciously align with the perpetrator's narrative due to bias or insufficient training/ understanding of the motives or behaviours of perpetrators of DFV.<sup>15</sup>

Misidentification is not limited to only the justice system; it can also occur in healthcare, child protection and other human service related fields, further reflecting a broader systemic issue. The issues of identification of women in DFV spaces also unreasonably affects vulnerable and marginalised groups, including women with disabilities especially those with physical, psychosocial,



or cognitive impairments and women with autism, who may struggle to navigate police intense and often dismissive style of questioning. Culturally and linguistically diverse (CALD) are also at heightened risk of misidentification because of cultural and language barriers many of their DFV experiences are underreported due to service access barriers often relating to visas. For this reason, the impacts of misidentification are severe and wide ranging, including child removal, professional and reputational harm, mental health deterioration, and increased exposure to further abuse. Most significantly, many surviving victims lose faith in the very systems designed to protect them, leading to reluctance to seek help continuing to reinforce cycles of violence, control, and systemic barriers<sup>16</sup>.

## The Approved Provider List

Another key aspect of the Bill addressed in this submission is the proposed reform of the management and regulation of the Approved Provider List (APL). In Queensland, the Department of Justice and Attorney-General maintains the APL, which authorises designated providers to deliver DFV intervention programs. These programs are specifically designed for respondents to engage in community-based interventions under the *Domestic and Family Violence Protection Act 2012*, with a focus on challenging and changing the behaviours, belief systems, and values that underpin the use of violence. The Bill proposes to strengthen oversight by granting the Chief Executive the authority to apply additional, regulation-prescribed criteria when approving DFV intervention and counselling providers. This includes a new regulation, giving powers intended to enhance existing approval processes, with an explicit commitment to co-designing these criteria in close consultation with the DFV sector to ensure alignment with best practice and emerging needs.

At the QATSICPP Members DFV Yarn held in May 2025, members expressed significant concerns regarding the scope, transparency, and cultural relevance of the current APL process. Several DFV service providers indicated they had neither seen the APL nor were aware of any Aboriginal Community-Controlled Organisation (ACCO) programs included on the list. This lack of visibility and inclusion raises serious questions about the cultural appropriateness of mandated interventions and whether they truly meet the needs of Aboriginal and Torres Strait Islander families. Participants noted that requiring Aboriginal and Torres Strait Islander men to engage in mainstream, non-Indigenous behaviour change programs that are often perceived as "white-washed" and disconnected from their lived experiences merely sets these individuals up to fail. This disconnect only risks further entrenching the overrepresentation of First Nations peoples within the criminal justice system.

## Conclusion

QATSICPP welcomes reform efforts that aim to address the rising rates of DFV in Queensland, particularly among Aboriginal and Torres Strait Islander communities. However, the proposed amendments to the DFV Act, specifically the implementation of PDD's raise significant concerns including entrenched racism, misidentification of surviving victims and over criminalisation of Aboriginal and Torres Strait Islander peoples, especially women by police. Furthermore, while changes to the Approved Provider List (APL) aim to improve service quality and consistency, they must be underpinned by genuine consultation with Aboriginal and Torres Strait Islander community-controlled organisations to ensure these programs are developed and implemented by Aboriginal and Torres Strait Islander people for Aboriginal and Torres Strait Islander people.

To this end, QATSICPP advocates for a more culturally responsive, trauma informed, and community-led approach to address DFV in communities. This includes the development of a co-responder model, mandatory DFV specific and cultural training for police, increased investment in early intervention and healing based programs such as Family Wellbeing Programs coupled with

meaningful engagement with Aboriginal and Torres Strait Islander organisations in shaping this critical reform. Only through centring culture, community knowledge, and lived experience can Queensland ensure reforms uphold the rights, safety, and dignity of all families impacted by domestic and family violence.

## Contact

For questions about this submission, please contact Ms Helena Wright, DCEO Policy and Strategy on

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1 <https://assets.ourwatch.org.au/assets/Annual-reports/OurWatch-Annual-Report-23-24.pdf>

2 <https://www.qpsdfvinquiry.qld.gov.au/about/assets/commission-of-inquiry-dpsdfv-report.pdf>

3 [https://www.1800respect.org.au/sites/default/files/2020-08/ourwatch\\_reporting\\_on\\_a-ts\\_family\\_violence\\_aa\\_v1.pdf?utm\\_source=chatgpt.com](https://www.1800respect.org.au/sites/default/files/2020-08/ourwatch_reporting_on_a-ts_family_violence_aa_v1.pdf?utm_source=chatgpt.com).

4 Explanatory Notes

5 FINAL Misidentification of the Predominant Aggression Research Discussion Paper.

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8 [commission-of-inquiry-dpsdfv-report-part-4.pdf](#).

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14 [https://www.alrc.gov.au/wpcontent/uploads/2019/08/fr133\\_11\\_aboriginal\\_and\\_torres\\_strait\\_islander\\_women.pdf?utm\\_source=chatgpt.com](https://www.alrc.gov.au/wpcontent/uploads/2019/08/fr133_11_aboriginal_and_torres_strait_islander_women.pdf?utm_source=chatgpt.com).

15 FINAL Misidentification of the Predominant Aggression Research Discussion Paper.

16 FINAL Misidentification of the Predominant Aggression Research Discussion Paper.

