

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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SUBMISSION TO DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2025

Introduction

Settlement Services International (SSI) welcomes the opportunity to contribute feedback on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025. SSI is well placed to comment on this proposed legislation as a trusted service provider and advocacy body for people from culturally and linguistically diverse (CALD) backgrounds, with a significant focus on the needs of women and girls as evidenced by our [Gender Equity Strategy](#).

This submission has been informed by SSI staff who have combined decades of experience in the gender-based violence sector. However, we note that our gender-based team does not include legal expertise. Our response has also been shaped by multiple consultations with external stakeholders from government departments, NGOs, clinical practice and lived experience.

SSI is a national non-government, community organisation that supports newcomers and other vulnerable communities in Australia. We draw on our expertise and experience working with a range of people seeking support, including newcomers, refugees, people seeking asylum, CALD communities, and people with disability. In Queensland, SSI delivers a range of place-based initiatives to newly arrived people from migrant and refugee background living in Southeast Queensland.

SSI has a proven track record and specialist practice expertise in support of people at-risk and victim-survivors of domestic and family violence (DFV), including coercive control and other forms of violence that impact people from CALD backgrounds. This work is progressed through a dedicated Domestic, Family and Sexual Violence (DHSV) Unit. SSI's significant specialist practice experience offers unique and nuanced insights into the diversity of individual experiences of various forms of violence, and particularly those that disproportionately affect people from migrant and refugee backgrounds.

Our specialist domestic and family violence prevention and response programs are co-designed with community including our recently established in-language and in-culture perpetrator intervention program focused on Dari-speaking Afghan men. In Queensland, SSI commenced delivering specialised domestic and family violence response through our 99 Steps program in 2017 in response to recommendations from the *Not Now, Not Ever* report supporting the need for more culturally response DFV services in Queensland. SSI also provides specialist casework services for migrant and refugee women and children impacted by HSV in NSW through the NSW Multicultural Centre for Women's and Family Safety (the Adira Centre), along with community education, and sector capacity building. We also deliver a national early intervention program focused on building capacity of faith and community leaders to identify and effectively respond to HSV.

Legislative Response

- **establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to DFV and reduce the operational impacts of the current 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.**

SSI commends the commitment of the Queensland government to improving DFV response processes to reduce risk and acknowledges that there are significant demands on police that mean exploring alternative solutions is much needed. However, we see opportunities to enhance the proposed legislation.

Due to the high nuance in DFV cases, there are instances in which applying PPDs would be appropriate and beneficial for victim survivors, and instances in which it could create more risk. There would need to be a long implementation phase to train police and educate the diverse communities of the changes. Key considerations include the following:

- Full comprehension of orders

In view of our focus on working with people from CALD backgrounds, we are concerned that provisions granting police new powers may not be well understood within communities that do not have high English proficiency or are new arrivals and do not understand the Australian context. We would encourage a community education process following the amendment to legislation, and allowing considerable time before it comes into force, to ensure community understanding. This should include education around the conditions of a PPD, the 28 day cooling off period, the process for challenging a PPD and the difference in processes between a police review or court review of a PPD.

The discretion of police to issue a PPD because they believe “that it is appropriate for a matter not to proceed to court...” allows police a significant level of power. It does not provide the respondent with a level of justice being applied that they are normally entitled to. It is also unclear within the legislation and attached explanatory notes exactly what are considered instances where PPDs are appropriate and when there is a need to escalate to the existing police protection notice (PPN) framework and therefore engagement with the court system. There is also a concern that court orders to attend programs will be reduced, yet all perpetrators would benefit from referrals to support services and attending men’s behaviour change programs, which they may not attend unless mandated to do so.

- Police not equipped yet to respond effectively

We know that responding to DFV incidences are a large proportion of police force work but believe the level of DFV response training received may not always be enough to appropriately consider the risks of an immediately enforceable protection order. Our casework identified the need for Queensland police to upskill all frontline officers in culturally responsive practice within

the context of responding to incidents of DFV. Through our casework we have seen multiple examples of misidentification of perpetrators due to the nature of how women from CALD backgrounds can present in times of distress, or because they are victims of coercive control

that have reached a level of distress where they appear to be the aggressor. An immediately long-term protection order taken out against a wrongly identified offender could have significant ramifications. Though, we are pleased that Queensland Police will have a gender review process when a woman (or those who identify as women) are identified as the perpetrator.

- Complexities of the family's situation

We have often seen that protection orders are breached willingly by both parties because there are logistical requirements in relationships that need to be considered before enforcing legislative protective orders. For example, many of our female clients face transport access issues as they are prevented from learning to drive and struggle to navigate school drop-offs, GP appointments, and care responsibilities without the support of the person using violence. For clients with children, this means that they continue to have contact with the perpetrator even when an order is in place to ensure that their children can get to and from school.

- Migration context

This legislation also does not capture the complexity of the migration context and the impact that visa status and lack of security can have on help-seeking behaviours and trust in institutions like police.

People on temporary visas are susceptible to heightened vulnerabilities in DFSV situations due to visa status facilitated violence. This is evident in our casework across the country. Victim-survivors fear residency and removal repercussions if the perpetrator is the primary holder of a visa and/or sponsor of a partner visa, and this threat is routinely used to stop victim-survivors from reporting abuse in combination with misinformation about visa requirements and exclusion from immigration processes as a form of coercive control. Children add additional complexity as victim-survivors fear they will be separated from their children if they are to leave a partner who sponsored their visa.

SSI acknowledges the recent changes made by the Federal Government to Family Violence Provisions and the expansion of eligibility for some temporary visas providing safeguards to women. Yet, misinformation from perpetrators and deliberate exclusion of their partner from immigration processes means that many victim-survivors are not even aware that they have these provisions as a safety net if they experience DFSV.

Electronic Monitoring Pilot

In general, we support the introduction of an electronic monitoring pilot for DFV perpetrators, but we question how routinely these devices will be monitored. The introduction of the Domestic Violence Electronic Monitoring (DVEM) program in NSW has been proven to result in 'significant reductions in the probability that an offender reoffends and/or is imprisoned within a year of

release' according to evaluation by BOSCAR¹. Based on these outcomes in NSW, we feel that this pilot could be a practical step to reducing rates of recidivism.

The introduction of technology that constantly tracks victim-survivors does provide some ethical concerns. If this pilot follows the NSW DVEM, victim-survivors may have to always carry a tracking device themselves as police may not respond immediately and consistently, which puts the safety onus and responsibility onto the victim instead of systems designed to support them.

Also, devices can be triggering as a constant reminder of danger. Whilst we acknowledge that it could be argued as unfair to track perpetrators who have completed jailtime, and served their time, we believe that the high rate of recidivism poses too great a risk to victim-survivors and justifies monitoring devices.

As an organisation working with multicultural communities, we advocate for clarity around the conditions of this tracking pilot to be clearly explained in-language to clients speaking languages other than English to ensure that there is clarity around the frequency of monitoring of protection orders and how the device works in practice. We acknowledge that the legislative amendments include that a monitoring device will only be used after consideration is given to the respondent's and aggrieved person's personal circumstances. We also advocate for more clarity around how closely the electronic monitoring devices will be monitored by police force, and an evaluation of their efficacy in reducing recidivism in future.

Amendments for video recorded evidence in-chief (VREC) framework

- **clarify that a VREC statement can be considered in civil proceedings under the DFVP Act (Domestic and Family Violence Protection).**
- **make other technical amendments to the DFVP Act to strengthen the maintenance of the Approved Provider List (used by courts when making an intervention order that requires a respondent to attend an approved intervention program or counselling facilitated by an approved provider).**

We strongly support the introduction of the video recorded evidence-in-chief framework (VREC) as an alternative method for evidence provision and as a more trauma-informed practice than having victim-survivors appear in court. As an organisation representing the interests of people from CALD backgrounds, we strongly endorse the amendment that any recorded statement in a language other than English must be accompanied by either a recorded oral translation or a separate written English translation but also advocate that translations must be provided by NAATI-certified translators and, where possible, from another jurisdiction to reduce the potential of collusion within communities. Considering English comprehension and understanding, is also crucial in Amendment of s103F that statements are made with informed consent. It may be impossible for an individual to give informed consent if they have language barriers that inhibit

¹ <https://bocsar.nsw.gov.au/documents/publications/cjb/cjb251-300/cjb255-dvem-plain-language-summary.pdf>

their ability to completely comprehend the terms of recording. We commend the amendments to ensure police language used in VREC statements is simplified.

In general, we support the changes in legislation to strengthen the maintenance of the Approved Provider List, and advocate for inclusions of providers that can provide in-language and culturally relevant counselling for perpetrators to ensure better outcomes for culturally diverse communities. In NSW, and currently commencing in Logan, SSI has delivered in language and in culture men's behaviour change programs for perpetrators and we believe that this is an important approach to create effective change in communities that have different cultural values towards gender equity and the use of violence in intimate partner relationships.

Conclusion

SSI advocates for a holistic approach to DFSV interventions, where technological advancements are complemented by culturally inclusive practices and thorough assessments of individual circumstances. Reviewing police powers and their impact regularly, expanding access to resources such as interpretation services, community-led safety planning, and specialised training for police can contribute to addressing systemic challenges faced by CALD communities, ensuring that legislative changes are both effective and equitable.

We welcome the opportunity to continue working with the Queensland Government to strengthen protections for victims of DFV, including those from CALD backgrounds, to ensure equity of access to safety and outcomes.

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