

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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Queensland Independent
Disability Advocacy Network

QIDAN Submission to the Domestic and Family Violence Protection and other Legislation Amendment Bill 2025

May 2025

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About QIDAN

The Queensland Independent Disability Advocacy Network (QIDAN) is a group of organisations that provide individual advocacy services to Queenslanders with disability. These organisations are funded under the Queensland Disability Advocacy Program (QDAP). The member organisations include Aged and Disability Advocacy; AMPARO Advocacy Inc; Capricorn Citizen Advocacy; Mackay Advocacy Inc; People with Disability Australia; Queensland Advocacy for Inclusion (QAI); Rights in Action; Speaking Up For You; TASC; and Yarn2Action run by Aged and Disability Advocacy.

QIDAN members meet regularly to discuss the pressing issues that are impacting people with disability in our communities, and domestic and family violence has consistently been raised across the state. The following submission is informed by our extensive experience working with Queenslanders with disability who have experienced domestic and family violence, and our knowledge of the challenging systems, discrimination and access issues, and increased rates of violence that these people can face.

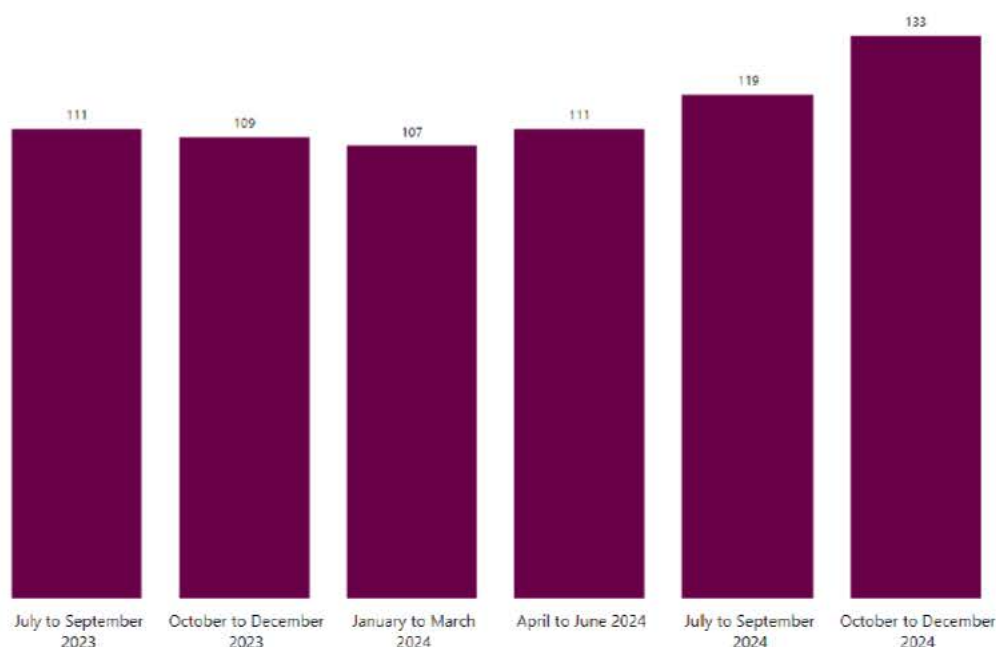
Introduction

QIDAN welcomes the Queensland Government's commitment to domestic and family violence (DFV) reform, and the endeavour to find innovative new ways to keep women, children and our communities safer. People with disability, in particular women with psychosocial disability, intellectual disability and cognitive disability, experience DFV at a disproportionately higher rate compared to those who do not have disability¹. This higher risk of DFV is influenced by many factors, not least prejudice and negative stereotyping, the normalisation of disability discrimination, and the lack of accessible and inclusive disability related systems and services.

¹ Australian Institute of Health and Welfare (AIHW). (2025). *Family, domestic and sexual violence: people with disability*. Retrieved from: <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/people-with-disability>

In QIDAN's experience, DFV is becoming more and more prevalent in our work, and our data from July 2023 to December 2024 demonstrates a consistent rise in the number of people accessing advocacy who report or describe experiencing DFV.

Outcome ● Service



(Timeline of the number of advocacy clients who identified experiencing domestic and family violence between July 2023 and December 2024)

While there is a clear link between disability and the increased risk of being a victim-survivor of DFV, there is also a link between disability and accusations of engaging in domestic family violence behaviour. In QIDAN's experience, disability-related behaviour can sometimes be mistakenly misidentified as DFV. Furthermore, many people with disability who engage in DFV related behaviour are also victim-survivors of DFV themselves.

The following response to the Domestic and Family Violence Protection and Other Legislation Amendment Bill (the **Bill**) is informed by QIDAN's experience working with

both people with disability who are victim-survivors of DFV and those who have been accused of engaging in DFV behaviour. We acknowledge that DFV related legislation is incredibly challenging to balance, and we admire the Queensland Government for taking the first steps toward meaningful DFV reform. However, while individual and community safety should be a priority, reform must also be informed by an inclusive human-rights framework and should not be in detriment of the rights of people with disability. We hope that our insights can provide new considerations on how we can work toward a safer Queensland for all.

Recommendations

1. Police officers should maintain their current power to issue 24-48 hours police protection directions. However, they should not be empowered to issue long-term police protection directions. The increased police protection framework will increase the risk of misidentification of the primary aggressor, disproportionately impact people found to be unfit for trial and unsound of mind and ultimately will not keep victim-survivors with disability safer.
2. In the case that the increased police protection direction framework is introduced, additional reasonable steps should be taken by police when a person with disability is involved. These steps should be similar to the provisions in sections 422 and 433 of the *Police Powers and Responsibilities Act 2000*. Furthermore, we recommend that recommendation 8.20 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability should be implemented before the framework is introduced.
3. All police staff should receive regular mandatory disability awareness training, and training on inclusive and trauma-informed practice.
4. Alternatives to the 24/7 monitoring pilot should be further considered before the pilot is approved to reduce the limitations to accused persons' human rights.

5. 24/7 monitoring conditions must not be issued to persons who do not have the capacity to understand what the conditions are and what is required of them.
6. Safety-devices with monitoring capabilities must only be provided to a person with their informed consent, and the police and the courts should be responsible for ensuring that a person with impaired capacity and decision-making has access to independent supported-decision making.
7. Police officers must be obliged to take every appropriate measure to obtain informed consent prior to recording victim-survivor statements to be used in either Magistrates Courts or in civil proceedings. Responsibilities should include ensuring that victim-survivors have access to supported-decision making, licenced interpreting services, and/or cultural brokers wherever necessary.
8. Police officers should retain a level of flexibility with the timeframe to record victim-survivor statements, and in circumstances where a person with disability requires more time to record their statement, it should be granted.
9. The Approved Provider List should be expanded to include programs and services that are appropriate for people with disability, in particular cognitive disability, psychosocial disability, and limited capacity.
10. State and National domestic and family violence plans, policies and legislation must address the disproportionately high rates of domestic and family violence experienced by people with disability and should ensure that domestic and family violence frameworks are inclusive and accessible.
11. Definitions of domestic and family violence, including legal definitions, should be inclusive of the experience of people with disability and should be expanded to include violence perpetrated by support workers and carers, per recommendation 8.24 of the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability.

Police protection directions

DFV related court proceedings can be incredibly challenging and triggering for victim-survivors of DFV. The difficulties of court and judicial processes are often exacerbated for people with disability, particularly when those processes are not accessible or inclusive. Though QIDAN supports measures to improve police efficiencies and to reduce the stress and traumatisation/re-traumatisation that court proceedings can cause for victim-survivors of DFV, we do not endorse these changes made by the Bill for several reasons.

Increased risk of misidentification

Authorising police officers with the power to issue police protection directions (**PPDs**) at their own discretion will increase the risk of misidentification. This occurs when a victim-survivor of DFV is misidentified and accused of being the aggressor. There are several reasons why this can occur, such as responding police officers misinterpreting self-defence actions of a victim-survivor as violent or abusive behaviour.

It is well established that people with disability have a far higher risk of being misidentified as the aggressor in DFV situations. The Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the **DRC**) detailed in Volume 8 the prevalence of police officers misidentifying women with disability who were victim-survivors of DFV as the aggressor, noting a trend of police taking out Domestic Violence Orders (or **DVOs**) on women with disability². This can occur due to police bias and lack of disability-awareness, police making assumptions about disability-related attributes like communication differences or dysregulation, or the aggressor in the situation discrediting the victim-survivor and manipulating the police. It is also important to note that these

² Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Criminal justice and people with disability*. Pg. 264. Retrieved from: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf](https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf)

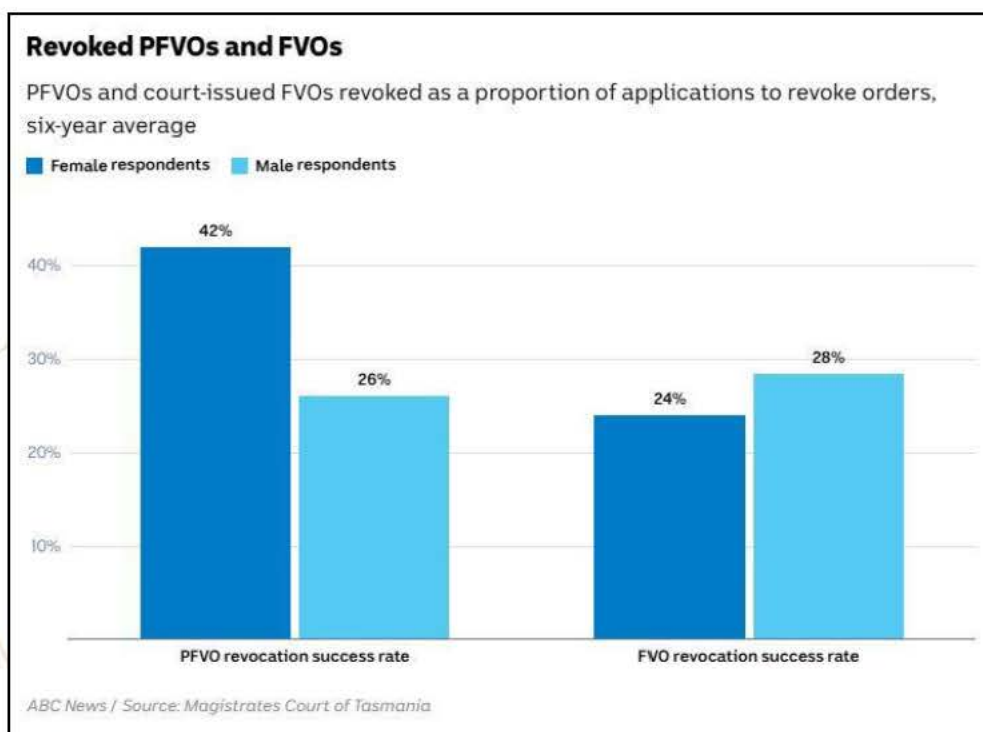
issues are exacerbated greatly for First Nations women with disability and culturally and linguistically diverse women with disability, especially those who require interpreting services. Empowering police with the authority to issue PPDs without going through traditional court processes do not protect people with disability – it puts them at greater risk.

QIDAN note that our concern about misidentification is not just a theory; it is the reality in Tasmania. Since 2004, Tasmania has had very similar legislation in place that empowers police officers to issue DFV protection orders (**POs**) of up to twelve months. Engender Equality, a Tasmanian DFV service and advocacy organisation, prepared a research paper in 2022 describing the rise of misidentification of primary aggressor in relation to police power to issue PPDs and POs. The paper clearly demonstrates that misidentification occurs more frequently because of this type of legislation, citing contributing factors like DFV aggressors engaging in systems abuse and manipulating systems against the victim-survivor; incident-based approaches where responding police officers make judgements of isolated or one-off incidents rather than the broader context of the situation; and gender-based assumptions³.

Tasmanian Police Family Violence Orders (**PFVO**) data shows that in 2023, there was a 102% increase in applications to revoke PFVO, and the number of successfully revoked orders growing. This suggests that the courts have agreed through the review process that more and more people issued with PFVO were inaccurately misidentified as the aggressor⁴.

³ Engender Equality. (2022). *Misidentification of the predominant aggressor in Tasmania: practitioner perspectives from Engender Equality*. Pg. 6. Retrieved from: <chrome-extension://efaidnbmnnnibpcajpcgiclfndmkaj/https://engenderequality.org.au/wp-content/uploads/2023/07/Engender-Equality-Misidentification-of-the-Predominant-Aggression-Research-Discussion-Paper-2023.pdf>

⁴ ABC News. (2023). *Tasmania Police are still mistaking family violence victims for abusers. For too many women, correcting the record is impossible*. Retrieved from: <https://www.abc.net.au/news/2023-11-19/tasmania-police-misidentifying-family-violence-victims-abusers/103102134>



(Graph depicting the revocation rate of PFVOs and court-issued FVOs in Tasmania)⁵

It is important to note the harm to victim-survivors is not just caused by the trauma of being inaccurately misidentified as the aggressor, but also by the process of reviewing inappropriately issued DVOs through the courts. The Statement of Compatibility with Human Rights document accompanying the Bill states that a respondent will have the right to seek review of the PPD by the Police Commissioner and the Magistrates Court⁶. QIDAN highlight that the experience of being falsely accused to be an aggressor of DFV is greatly traumatic, and that trauma would inevitably be magnified through the review

⁵ ABC News. (2023). *Tasmania Police are still mistaking family violence victims for abusers. For too many women, correcting the record is impossible*. Retrieved from: <https://www.abc.net.au/news/2023-11-19/tasmania-police-misidentifying-family-violence-victims-abusers/103102134>

⁶ Amanda Camm MP, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence. (2025). *Statement of Compatibility: Domestic and Family Violence Protection and other Legislation Amendment Bill 2025*. Pg. 19. Retrieved from: <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0400/5825t400.pdf>

process in the court system. In other words, this purpose of empowering police to issue PPDs as to avoid victim-survivors from having to engage in the court system is entirely negated for people who are inaccurately misidentified as aggressors – a cohort that will likely have a high disability representation.

Case study

Shelley* is a First Nations woman who has an acquired brain injury and auditory processing disorder. Shelley lives with her partner who is physically violent and emotional abusive towards her. After overhearing several hours of an escalated argument coming from Shelley's house, Shelley's neighbours called the police. The responding police officers entered Shelley's home and observed her pushing her partner away from her.

The responding police officers questioned Shelley and her partner separately at the property, and Shelley appeared very frightened and dysregulated. Shelley explained that her auditory processing disorder can make it difficult for her to understand words that are spoken too quickly, and she can find it challenging to follow instructions and directions. The responding police officers admitted they had no understanding of how acquired brain injuries and auditory processing disorders can present. After interviewing Shelley, the police described her as being "evasive", stating that she did was answering questions or giving clear answers.

After speaking with Shelley's partner, who denied ever assaulting or abusing Shelley, the responding police officers accused Shelley of assaulting her partner and being the primary aggressor.

**Name has been changed for confidentiality purposes*

Impact on those found unsound of mind and unfit for trial

In addition to people with disability falsely misidentified as the primary aggressor in DFV, the cohort of people found unsound of mind and unfit for trial will also be disproportionately and unfairly impacted by this change in legislation. QIDAN has great concerns for people in this cohort, both victim-survivors and those accused of being aggressors.

Disability advocates have observed people with disability being issued DVOs even though they do not understand what the order means and what is required of them. This can also occur with victim-survivors of DFV. QIDAN believes that enabling police officers to issue PPDs at their own discretion increases the risk of orders being issued to people who do not understand what this means for them. If a person named in a PPD does not understand the orders and the involved requirements, they may incur subsequent criminal convictions unknowingly when orders are inevitably breached. Furthermore, victim-survivors are ultimately afforded false protection.

QIDAN refers to Section 84 of the *Domestic and Family Violence Protection Act 2012* (the **Act**) on how courts must ensure that respondents and the aggrieved must understand the domestic violence order⁷. We note that though the Bill mentions on one occasion that police officer needs to take “reasonable steps” to ensure a person understands the nature of the directions⁸, there is not a similar section with the same level of detail in the Bill that describes how police officers are required to ensure that respondents and aggrieved must understand PPDs. We stress that if police officers are given the power to issue PPDs, they

⁷ Queensland Government. (2012). *Domestic and Family Violence Protection Act 2012*. Retrieved from: <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2012-005#sec.84>

⁸ Amanda Camm MP, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence. (2025). *Statement of Compatibility: Domestic and Family Violence Protection and other Legislation Amendment Bill 2025*. Pg. 38. Retrieved from: <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0400/5825t400.pdf>

must be obliged to ensure that all parties are aware of what is required of them, and there also must be a greater level of accountability and safeguarding. If police officer suspect that the accused or the aggrieved do not have capacity, then no PPD should be issued, and appropriate alternative steps should be made.

QIDAN reiterate that we are supportive of changes to the court and judicial processes that would improve the experiences of victim-survivors. However, we believe that providing police officers with the power to issue PPD will not protect victim-survivors and will have several different unintended impacts on people with disability. We acknowledge that the intent of this recommendation in the Bill was to improve police efficiencies and reduce the stress and trauma of victim-survivors, but we stress that this change would not improve the greater safety of the community.

Although QIDAN does not support authorising police officers with the power to issue long-term PPDs, in the case that the increased PPD framework is introduced we recommend reasonable steps are taken before an order is issued when a person with disability is involved, and additional protections must be provided. We recommend that the PPD framework should incorporate similar provisions to sections 422 and 433 of the *Police Powers and Responsibilities Act 2000*, including the right to speak to, or have, a support person present if requested, as well as the right to an interpreter⁹. We note that section 422(b) requires a police officer to “reasonably suspect” the person has an impaired capacity¹⁰. However, in our experience police officers lack understanding and awareness of disability needs, which limits the police’s ability to suspect capacity. With this in mind, we refer to recommendation 8.20 of the DRC which states the need to improve police responses to people with disability by co-designing, implementing and evaluating the

⁹ Queensland Government. *Police Powers and Responsibilities Act 2000*. Retrieved from <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2000-005>

¹⁰ Ibid

strategies used, in collaboration with people with disability¹¹. This includes introducing adequate numbers of dedicated disability liaison officers and an alternative reporting pathway to people with disability. We note the Queensland Government response to the DRC stated that a broader capacity uplift within the police workforce will be undertaken. We recommend this response and recommendation 8.20 of the DRC are implemented, so people with disability receive adequate supports and responses when involved in DFV situations that require police interactions.

We recommend that to achieve the objectives of this section of the Bill, police officers should receive ongoing training in disability awareness, trauma-informed practice, and inclusion and accessibility, and the court system should be enabled to process protection order matters at an appropriate pace.

Electronic monitoring pilot for high-risk DFV perpetrators

QIDAN acknowledges that the introduction of 24/7 monitoring conditions may bring a sense of relief and improved safety to victim-survivors of DFV, and we note that DFV reform success should not be measured by lowering rates of recidivism, but rather it should be based on the improved feelings of safety of victim-survivors. With that said, QIDAN has concerns about the unintended negative impact that the 24/7 monitoring pilot and the use of safety devices will have on Queenslanders with disability, and we implore further consideration is made before this pilot is introduced.

¹¹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. (2023). *Criminal justice and people with disability*. Retrieved from: [chrome-extension://efaidnbmnnnibpcajpcglclefindmkaj/https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf](https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf)

Human rights implications

As described in the Statement of Compatibility that accompanies the Bill, the introduction of the 24/7 monitoring pilot and the safety devices may limit several rights under the *Human Rights Act 2019* (the **Human Rights Act**). This includes impacting the rights to freedom of movement, the right to privacy and reputation, cultural rights, and the right to liberty of both those accused of DFV and victim-survivors who are aggrieved. QIDAN believe that these rights will be disproportionately limited for people with disability, particularly people who benefit from, or require, supported decision-making, and those who do not have capacity to understand these types of conditions. Section 13 of the *Human Rights Act* provides that a human right may subject to reasonable limits that can be demonstrably justified in a free and democratic society based on human dignity, equality and freedom¹². It is our view that the factors listed on section 13(2) are not present to justify the decision to limit human rights of people with disability as the Bill proposes.

The Statement of Compatibility mentions that there were several considerations of alternative ways to achieve the purpose of the 24/7 monitoring pilot that would reduce the limitation of the aforementioned human rights. We feel that the following two suggestions could be quite meaningful alternatives:

- Specifying the type of device that may be used as a monitoring device or a safety device, for example, to stipulate the size of a monitoring device to allow people to wear it under clothes, or to stipulate the functionality of a safety device so that it cannot be used by an aggrieved person to track the movements of a respondents; and

¹² Queensland Government. *Human Rights Act 2019*. Retrieved from <https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005>

- Setting out the requirements for sharing, recording and storing information in the legislation rather than a regulation.

Unfortunately, we note that the Statement of Compatibility further states that these alternatives are not “reasonably available” and further advises that these alternatives would undermine the flexibility needed for the pilot¹³. QIDAN suggest that if the pilot does not currently have the capacity to be flexible whilst also operating in a way that reduces the limitations of one’s human rights to the greatest extent possible, then the pilot is not fit for purpose and needs further consideration.

Impact on people who do not have capacity

Queensland disability advocates have observed the impact that DFV orders can have on a people with disability who do not have capacity and who do not understand what their orders require of them. QIDAN is concerned of the implications that the 24/7 monitoring conditions will have on this cohort of people, particularly as the repercussions of not complying with these orders expose the person to a “penalty of up to 3 to 5 years imprisonment”¹⁴. We stress that if this pilot is introduced, there must also be legislative reform to strengthen the responsibility of the courts and the police to ensure that DFV respondents have the capacity to understand their orders. If they do not have capacity, under no circumstances should they be issued with 24/7 monitoring conditions.

¹³ Amanda Camm MP, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence. (2025). *Statement of Compatibility: Domestic and Family Violence Protection and other Legislation Amendment Bill 2025*. Pg. 7. Retrieved from:

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0400/5825t400.pdf>

¹⁴ Amanda Camm MP, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence. (2025). *Statement of Compatibility: Domestic and Family Violence Protection and other Legislation Amendment Bill 2025*. Pg. 5. Retrieved from:

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0400/5825t400.pdf>

Likewise, QIDAN is very concerned about the safety devices and their monitoring function, and their use on victim-survivors with disability. In particular, victim-survivors with disability who do not have capacity to provide informed consent to the use of such safety devices. We stress that the courts and the police must be obliged to take every effort to ensure that all victim-survivors who are recommended safety devices have capacity to understand that they will be monitored and the purpose of it. The courts and the police should also be required to assist victim-survivors in this cohort to access supported-decision making with their support persons or with independent disability advocates.

Case study

Max* is a man with autism spectrum disorder level 3 and an intellectual disability. Max lives with his brother, Justin, who is also his primary carer. At times, Max can become dysregulated and experience intense emotional distress, leading him to exhibit aggressive behaviours. One day, Justin's friend was visiting and witnessed Max experience an episode of emotional distress that led him to become aggressive toward Justin. Justin's friend was frightened and called the police.

Upon entering Max and Justin's home and witnessing Max's behaviour, the responding police officers decided to apply for a Domestic Violence Order against Max on Justin's behalf. Justin strongly opposed the order, explaining that Max's behaviour was not intentional, and the order will force Max out of their home and out of Justin's care. Max could not understand the orders or what was required of him.

**Name has been changed for confidentiality purposes*

Simplify, streamline and expand the VREC framework

QIDAN support both expanding the video recorded evidence-in-chief (VREC) framework to all Magistrates Courts and to clarifying that VREC statements can be considered in civil proceedings under the Act, with additional recommendations.

We recommend that appropriate measures must be taken by the responding police officers to ensure the informed consent is obtained prior to recording the victim-survivors statement, emphasising that obtaining informed consent may involve access to support-decision making, licenced interpreting services, and/or cultural brokers. Regarding supported-decision making, we suggest that the police should assist those who require it to connect with their support person or with their local independent advocacy organisation.

QIDAN also suggest that, though recording video statements as close to the incident as possible may be desirable in most cases, there are some circumstances where this is not appropriate. For instance, when the victim-survivor has disability that may impact their ability to recall information or when the person is dysregulated. Police officers should support victim-survivors with disability to make video statements to be used in the Courts and civil proceedings at a time that is most appropriate to them.

Make other technical amendments

QIDAN endorse the Bill's suggestion to strengthen the maintenance of the Approved Provider List. We emphasise that decreasing the rate of DFV in Queensland requires addressing the root causes of DFV, and counselling and intervention and prevention programs play a key role in this. We recommend that the Approved Provider List is expanded to include programs and services that are appropriate for people with disability, in particular cognitive disability, psychosocial disability, and limited capacity.

Conclusion

QIDAN is thankful for the opportunity to contribute to this consultation. We are happy to provide further information or clarification of any of the matters raised in this submission upon request.