

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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Committee Secretary
Education, Arts and Communities Committee
Parliament House
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Submitted electronically

Dear Committee

Re: Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 ('the Bill')

We welcome the opportunity to provide a submission to the Inquiry into the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* ('the Inquiry').

About LGBTI Legal Service

The LGBTI Legal Service is a statewide specialist community legal service established by and for LGBTIQ+ communities in Queensland. We provide information, referrals, advice and representation across a wide range of legal problems, particularly discrimination, employment, family law and domestic violence-related matters, and criminal law.

Our service regularly assists both applicants and respondents in matters relating to family and domestic violence ('DFV'), which gives us insight into the practical applications and shortcomings of current DFV responses. Our practice experience has allowed us to develop specialist understanding DFV in the context of same-sex relationships, and/or where one or more partners identifies as transgender, intersex, nonbinary or gender-diverse.

We support the Inquiry's goal of examining proposed amendments to the *Domestic and Family Violence Prevention Act 2012 (Qld)* ('DFVP Act') and the *Evidence Act 1977 (Qld)* ('Evidence Act').

Changes to Domestic and Family Violence (DFV) legislation should reflect recommendations made by the Women's Safety and Justice Taskforce. Any change must have the safety and wellbeing of victim-survivors as the priority policy objective.

While we support some amendments in the Bill, such as the further use of video-recorded evidence-in-chief in the correct context, we do not support reforms that will potentially endanger victim-survivors, such as the implementation of police protection directions (PPDs) made without judicial oversight.

Domestic and Family Violence in Queensland

Violence against women in Australia has been declared a national crisis by the Federal Government.¹ In Queensland, DFV services are experiencing unprecedented demand for help from victim-survivors. In 2024, Queensland recorded its highest number of offences relating to breach of a domestic violence protection order in at least 20 years, with a total of 69,528 offences recorded.² The number of calls to the Queensland Police Service (QPS) asking for help with DFV incidents has more than tripled between 2012-2024, from about 60,000 incidents per year to over 192,000.³ This is especially concerning given an estimated 80 per cent of survivors do not report domestic violence inflicted by a current partner.⁴

Domestic and family violence disproportionately impacts marginalised communities, and experiences of violence are more likely as multiple marginalised identities intersect and

¹ Ministers for the Department of Social Services. Working to end violence against women with rapid review into prevention approaches. 28 May 2024. Accessed 22 May 2025. <https://ministers.dss.gov.au/media-releases/14901>

² Queensland Police Service. Queensland Crime Statistics Advance Search based on 'Breach of Domestic Violence Protection Order' as of 16 January 2025. Accessed 16 January 2025: [Queensland Crime Statistics - Queensland Police News](#).

³ Minister for Police and Emergency Services Dan Purdie and the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence Amanda Camm. Major reform for domestic and family violence puts victims ahead of perpetrators. 4 April 2025. Accessed 19 May 2025. [MEDIA STATEMENT: Major reform for domestic and family violence puts victims ahead of perpetrators - Ministerial Media Statements](#).

⁴ Australian Institute of Health and Welfare. How do people respond to FDSV? 15 February 2024. 27 November 2024. Accessed December 2024. <https://www.aihw.gov.au/family-domestic-and-sexual-violence/responses-and-outcomes/how-do-people-respond-to-fdsv>.

compound. First Nations women in particular suffer disproportionate rates of violence,⁵ with Aboriginal and Torres Strait Islander women are 11 times more likely to be killed by family violence,⁶ and 32 times more likely to be hospitalised, as a result of violence.⁷

In Queensland, members of LGBTIQ+ communities are as likely to experience Domestic and family Violence as any other person,⁸ however historic policy, justice and practice-based responses to DFV have overwhelmingly assumed a heterosexual framework, in which women feature as victims and men as perpetrators.⁹ This framework has frequently led to policing responses to DFV which are inappropriate, ineffective and harmful in the context of LGBTIQ+ relationships and communities; particularly due to police reliance on heterosexist assumptions which frequently result in misidentification of the perpetrator of violence.

Perpetrator identification in marginalised communities

Misidentification of DFV perpetrators by police is a persistent and ongoing justice concern, particularly when dealing with marginalised communities. A review of 600 DFV matters by Women's Legal Service Victoria found that the perpetrator was misidentified by police in 10% of cases;¹⁰ while a 2017 Queensland report found that, in just under half of all reviewed deaths of Indigenous women due to DFV, that "the woman had been identified as a respondent to a protection order on at least one occasion".¹¹

The risk of potentially misidentifying the perpetrator of violence is significantly heightened in LGBTIQ+ relationships.¹² Research shows that police frequently employ gendered stereotyping or assumptions based on physicality and gender expression when

⁵ Department of Social Services, Australian Government. 28 November 2024. Accessed December 2024. National Plan to End Gender Based Violence | Department of Social Services. <https://www.dss.gov.au/national-plan-end-gender-based-violence>.

⁶ Ibid 76.

⁷ Our Watch. Opinion: The long tail of colonization. 25 January 2024. Accessed May 2025. [Our Watch | Opinion: The long tail of colonisation](#).

⁸ Campo M and Trayton S (2020) *Intimate partner violence in lesbian, gay, bisexual, trans, intersex and queer communities*

⁹ Ball, M., & Hayes S. (2009). Same-sex intimate partner violence: Exploring the parameters. In B. Scherer (Ed.) *Queering Paradigms* (pp. 161–177).

¹⁰ Women's Legal Service Victoria and Monash University, Policy Paper 1: "Officer She's Psychotic and I Need Protection": Police Misidentification of the 'Primary Aggressor' in Family Violence Incidents in Victoria, (Melbourne: Women's Legal Service Victoria, 2018)

¹¹ Australia's National Research Organisation for Women's Safety ('ANROWS') (2020) *Accurately identifying the "person most in need of protection" in domestic and family violence law: Key findings and future directions* (Research to policy and practice, 23/2020))

¹²No to Violence (2019) *Predominant aggressor identification and victim misidentification*: discussion paper

determining the perpetrator of violence (for example, where both parties are men, police might make gendered assumptions based on the size or the gender presentation of parties and assume that the more 'masculine' party must be the perpetrator).¹³

Violence and coercive control in LGBTIQ+ relationships often takes specific forms and uses unique tactics which police struggle to effectively identify, such as exploiting a victim-survivor's fear of exposure ("outing"), or their experience of discrimination and internalised homophobia or transphobia.¹⁴ Many LGBTIQ+ survivors of domestic violence report difficulty receiving appropriate assistance from police, with one research report noting that in 27% of cases police refused to assist with a legitimate enquiry, requiring those LGBTIQ+ victim-survivors to seek a private application for protection orders.¹⁵

A current QPS LGBTI Liaison Officer noted in submissions to the 2021 *Inquiry into Queensland Police Service responses to domestic and family violence* that:

"Currently, QPS officers do not receive adequate training in relation to DFV in LGBTQ+ relationships, which results in inadequate responses to these incidents. An example of an inadequate response that can result is where police officers assume in relation to DFV in an LGBTQ+ relationship that the bigger or masculine partner must be the perpetrator, and the smaller or more feminine partner must be the victim"

In order to promote fairness and appropriate justice outcomes for all defendants impacted by domestic and family violence, it is imperative that both QPS and the judiciary are able to accurately identify the perpetrator of that violence in all instances. This is particularly important when one or both parties identify as LGBTIQ+, or the violence and control specifically exploits vulnerabilities relating to gender identity or expression, intersex status and sexuality.

¹³ Reeves, Ellen; Scott, Ben (2022). 'Can't you girls work this out?': LGBTQ+ victim-survivors' experiences of Victoria's family violence intervention order system. Monash University. Report. <https://doi.org/10.26180/21530898.v1>

¹⁴ Gray, R., Walker, T., Hamer, J., Broady, T., Kean, J., & Ling, J. Bear, B. (2020). Developing LGBTQ programs for perpetrators and victims/survivors of domestic and family violence (Research report, 10/2020). Sydney, NSW: ANROWS.

¹⁵ Reeves, E., & Scott, B. (2022). 'Can't you girls work this out?': LGBTQ+ victim-survivors' experiences of Victoria's family violence intervention order system. Monash Gender and Family Violence Prevention Centre, Monash University.

Cultural and linguistic diversity and intersecting marginalisation

Police misidentification of perpetrators becomes increasingly common and more significant as forms of marginalisation compound and intersect.¹⁶ For example, in culturally- and linguistically-diverse communities, if the perpetrator has better English and speaks to police, or the victim's account of events is not facilitated by an interpreter, then the victim may be misidentified as the perpetrator. Police routinely do not provide interpreters, and multicultural communities report difficulties engaging with police around these issues.¹⁷

Throughout 2024 and early 2025, the LGBTI Legal service conducted regular consultations with LGBTIQ+ community members from migrant, refugee and asylum-seeking backgrounds (the Queer Migrant Project, or 'QMP'). A recurring theme of these consultations was that police, social services, and other DFV responses frequently failed to appropriately meet the needs of culturally - and linguistically-diverse LGBTIQ+ communities, and that police responses were more often than not harmful and re-traumatising. Participants in the QMP noted that [when police and other services respond to DFV]:

*"They need to be trained and supported in reflecting on the colonial, historical, and ongoing systemic forms of violence against queer and migrant communities."*¹⁸

When police respond to a DFV callout, and one or more of the involved parties either does not speak English, or prefers to speak in a language other than English, this means it is impossible for police to accurately identify perpetrators or to have a full and nuanced account of the situation. Cultural pressures and concerns around 'respectability politics' often mean that DFV survivors are expected to 'put on a face' as strong and resilient, or to be model representatives of their communities, and as such may be reluctant to engage with police or provide accurate accounts under questioning of the violence they have experienced.

Any framework which increases police powers with regard to DFV responses must also commensurately provide improved training to help correctly identify perpetrators,

¹⁶ Parry, M. M., & O'Neal, E. N. (2015). Help-seeking behaviour among same-sex intimate partner violence victims: An intersectional argument. *Criminology, Criminal Justice and the Law*, 16(1), 51-67.

¹⁷ Muslim Women Australia. (2021). *Submission to the NSW Joint Select Committee on Coercive Control*. <https://mwa.org.au/submissions-and-reports/submission-to-the-joint-select-committee-on-coercive-control/>.

¹⁸ LGBTI Legal Service (2025) *Manual For Liberatory Conscious Practice for Queer Migrants Within the Context of Domestic and Family Violence in Queensland*

particularly with regard to culturally- and linguistically-diverse communities, and where families have multiple intersecting, marginalised identities.

Our Recommendations:

1) Regarding the proposed framework for police protection directions (PPDs)

The LGBTI Legal Service strongly opposes the introduction of PPDs. Our concerns with PPDs include:

- PPDs are designed to save police time and expedite police procedures, rather than prioritising the safety and wellbeing of victim-survivors;
- continued misidentification of perpetrators is an ongoing justice concern, particularly when dealing with LGBTIQA+, First Nations, or culturally- and linguistically-diverse communities;
- appealing PPDs will be difficult and burdensome, and require significant expenditure of resources from the legal assistance sector to provide appropriate support and representation for those impacted;
- relying solely on police discretion and judgment removes critical judicial oversight; and
- PPDs will lead to reduced opportunity for referrals to support services and behavior change programs, which can occur in court and can be ordered by Magistrates.

We instead recommend that the Queensland Government should:

- continue to implement the recommendations from the Women's Safety and Justice Taskforce;
- invest comprehensively in support services, including community legal centres and other legal assistance services, early intervention and prevention programs, crisis services, shelters and behaviour change programs; and
- support the continued improvement of policing of domestic and family violence, including additional training and support when responding to members of LGBTIQA+ communities.

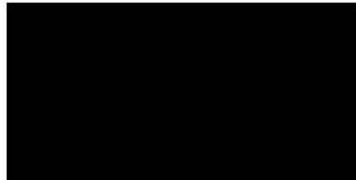
2) Regarding the Video Recorded Evidence-in-Chief (VREC) framework

The LGBTI Legal Service supports the extension of VREC in Magistrates Courts across the state, alongside victim-centred training for police. This reform supports victim-survivors from being re-traumatised by having to retell their evidence to courts.

We do not support the removal of the requirement for police to be trained to take VREC.

Thank you again for the opportunity to participate in this consultation. If you would like further information or clarification, or to further engage with our service as part of this Inquiry, please don't hesitate to contact our [REDACTED] at [REDACTED]

Kind regards,



LGBTI Legal Service Inc.

