Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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Submitted by:	Sisters Inside Inc
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Sisters Inside Inc.
ABN 94 859 410 728

P.O. Box 3407
South Brisbane Qld 4101

Ph: (07) 3844 5066
Fax: (07) 3844 2788

Email: admin@sistersinside.com.au
Web: www.sistersinside.com.au

Sisters Inside Inc. is an independent community organisation which exists to advocate for the human rights of women in the criminal justice system

30 May 2025

Education, Arts and Communities Committee
By Email: eacc@parliament.qld.gov.au

Re: Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

We welcome the opportunity to provide a submission to the Education, Arts and Communities Committee on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025.

Sisters Inside is a proudly abolitionist, grassroots organisation led by criminalised and formerly incarcerated women and girls. For more than three decades, we have stood alongside our communities—especially Aboriginal women and girls and Torres Strait Islander women and girls —against the harms inflicted by the carceral system. Criminalised women are overwhelmingly represented in the statistics as victim-survivors of domestic and family violence (DFV). These women are often caught at the intersection of violence, poverty, homelessness, and criminalisation, and their experiences are routinely overlooked in policy responses. Our concern lies not only with their safety but with the safety and wellbeing of the broader community. Any legislative reform must centre the lived realities of those most impacted by violence and ensure that measures intended to increase protection do not result in further criminalisation, surveillance, or harm.

Summary of our concerns

Shifting the Focus to Police Efficiency Undermines Survivor Safety

The stated aim of this legislation—to "improve productivity for operational police officers"—reveals a troubling prioritisation of institutional convenience over the lived safety and complex realities of marginalised women. One of the key premises underpinning these legislative changes is the claim that police workloads are high, and that reform is needed to alleviate this pressure. Yet these workloads are a direct result of systemic issues the state itself creates and maintains—such as poverty, housing insecurity, and the criminalisation of victim-survivors. Reforms to domestic and family violence (DFV) legislation must be driven by the lived expertise and safety needs of those most impacted by violence, not by the desire to streamline institutional processes for policing bodies. Granting greater power to police to respond to domestic violence with the view of improving efficiency encourages reactive responses. The risk of police responding with bias, targeting marginalised people, or wilfully ignoring or misinterpreting domestically violent interactions and relationships in an effort to be more efficient and productive will only further criminalise victim survivors and marginalised people.

The practice of racial gendered violence by police targets Aboriginal and Torres Strait Islander women specifically. Criminalised women, especially Aboriginal women and Torres Strait Islander women are routinely marked as perpetrators of DFV and subjected to state violence by police, courts, and prisons. Giving police even broader powers to issue long-term protection directions without judicial oversight raises a real risk of further criminalising victim-survivors, particularly those who are poor, racialised, disabled, or otherwise marginalised.

Police Protection Directions (PPDs) Are a Dangerous Expansion of Police Powers

The proposed PPDs would allow police officers to issue protection directions lasting up to 12 months without any court involvement. This dramatically increases police powers with no requirement for judicial scrutiny or oversight. While presented as a tool for "efficiency," in practice this undermines critical legal protections for both aggrieved persons and respondents.

This shift is especially dangerous given the well-documented failures of police to respond appropriately to DFV. In some cases, police responses themselves are experienced as forms of violence, particularly by Aboriginal women, racialised women and women with prior criminalisation. Trans women, Sistergirls, Brotherboys, and LGBTQIA+ community members' experiences of DFV are also largely misunderstood or dismissed, and police responses are often, dismissive, violent and criminalising.

We ask:

- What safeguards exist to prevent police from targeting marginalised persons, often the victims, as the primary aggressor, particularly when trauma, language barriers or fear of police may inhibit a woman's ability to advocate for herself in a police interaction?
- What mechanisms are in place to challenge or appeal a PPD, especially for women who may be criminalised or incarcerated as a result of such a direction?
- How will the state monitor racial and gendered disparities in the issuance of PPDs?

Transformative Solutions Exist

There is no evidence that increasing police powers leads to greater safety for women. In fact, criminalised women consistently tell us that police interventions have exacerbated harm, often leading to prison, child removal, or forced homelessness. This Bill reflects an ongoing reliance on carceral tools—police, surveillance, and courts—in response to social and structural issues such as poverty, colonisation, racism, and gendered violence.

We call for an end to the constant expansion of police powers and instead urge the government to:

- Redirect funding from policing toward community-led DFV services—especially those led by Aboriginal and Torres Strait Islander women and formerly criminalised women;
- Invest in housing, health care, and peer support, which are proven to reduce DFV risk and improve outcomes for victim-survivors;
- Prioritise non-carceral, healing justice pathways that uphold the autonomy and dignity of women who are criminalised or at risk of criminalisation.

Opposition to Electronic Monitoring Pilot – E-Carceration Is Not Safety

Sisters Inside unequivocally opposes the introduction of electronic monitoring for so-called "high-risk DFV" aggressors as proposed in this Bill. We reject the framing of electronic surveillance as a form of safety and protection and identify it instead as a clear example of e-carceration: the extension of carceral control into people's homes, communities, and everyday lives under the guise of public safety.

This pilot is a continuation of carceral creep—the steady expansion of punitive systems into areas of life that require healing, housing, support, and care. While the Bill claims to "focus on victim protection," it does so by doubling down on the very institutions that have failed to keep criminalised women safe: the courts, the police, and the surveillance state.

<u>E-Carceration Expands the Reach of the Carceral State</u>

Surveillance Is Not Safety

Electronic monitoring does not make women safe. It simply shifts the site of punishment from a cell to a bracelet, while continuing to subject criminalised people to punitive control, stigma, and isolation. For many criminalised women—particularly Aboriginal women and Torres Strait Islander women—this kind of control is not a pathway to safety, but an extension of state violence.

Rather than investing in proven pathways to safety—such as secure housing, healing justice health care, income support programs—this pilot diverts public resources into technologies of punishment that do not prevent violence or address its root causes.

Furthermore, the proposed linking of monitoring devices with so-called "safety devices" given to aggrieved persons raises significant concerns. Women who are victim-survivors of both domestic violence and criminalisation—many of whom have been wrongfully labelled as perpetrators—may be coerced into further surveillance through such mechanisms, deepening their entanglement with the carceral state.

Harm Does Not Heal Harm

Sisters Inside rejects the logic that meeting harm with harm creates safety. Electronic monitoring—like prisons, police, and forced control—does not address the reasons violence occurs in the first place. It does not offer accountability, healing, or transformation. Instead, it reinforces a punitive framework that leaves many women trapped in cycles of violence, poverty, and criminalisation.

Women in our community know that you cannot punish someone into becoming accountable. Safety cannot be built through fear and surveillance—it is built through relationship, support, and self-determination. Electronic Monitoring is fundamentally incompatible with a liberatory vision of safety that centres victim-survivors, particularly those who are most marginalised.

E-Carceration Expands the Reach of the Carceral State

The proposed Electronic Monitoring framework mirrors and complements electronic monitoring in the bail and parole systems. This signals a dangerous move toward normalising 24/7 surveillance as a standard response to social harm. Once introduced, such programs tend to expand far beyond their

original scope—increasing in duration, application, and intensity—while absorbing resources that could otherwise be used to support women to live free from violence.

This technology does not reduce incarceration—it relocates it. It rebrands incarceration as "protection," while denying the basic rights and freedoms of people subjected to these controls.

We call on the Queensland Government to withdraw the proposal to pilot electronic monitoring as part of this Bill. Instead, we urge investment in:

- Community-led responses to violence, particularly those led by Aboriginal women and Torres Strait Islander women;
- Culturally safe and peer-led supports for people using violence to take accountability outside the criminal legal system;
- Non-coercive supports for women to live free from violence—including safe housing, income support, and wraparound care.

Safety is not surveillance. Care is not control. Real safety comes from justice, not punishment.

<u>VREC Framework – Surveillance Is Not Healing Justice Care</u>

Sisters Inside approaches the proposed expansion of the Video Recorded Evidence-in-Chief (VREC) framework with deep concern. While we recognise the trauma that many victim-survivors face in giving evidence in court, we reject the notion that expanding police-led video surveillance is a liberation focussed or healing-centred response.

We question a framework that positions state surveillance—via video statements taken by police officers—as a tool of safety and wellbeing, particularly for criminalised women. Many women in our community have been wrongfully labelled as perpetrators of violence, or had their own victimisation ignored or disbelieved by police. A VREC recorded at a moment of distress can become a permanent record, shaped by the lens of police authority rather than care, that can mislabel victims as perpetrators and lead to criminalisation.

We are particularly concerned that the expansion of the VREC framework:

- Entrenches police as first responders and narrators of trauma.
- Assumes informed consent at moments when victim-survivors are vulnerable and disoriented.
- Risks compounding harm through use of VRECs in civil proceedings, where lower standards of proof can have high-stakes consequences for criminalised women.
- Prioritises system efficiency over victim-survivor agency.

This framework does not challenge the core issues faced by victim-survivors in the legal system—it simply shifts the site of testimony from a courtroom to a police recording. Real healing centred care means giving women choice, control, and time—not expanding coercive police powers under the guise of support.

We urge the Queensland Government to reject the expansion of VRECs and instead invest in:

- Independent, community-based supports for women navigating the legal system.
- Legal advocacy by and for criminalised women.
- Structural reform that ensures safety without surveillance.

Safety cannot be engineered through the criminal legal system. It must be built in community, through justice, care, and respect for women's autonomy.

Approved Provider List – Accountability Must Begin with the State

The proposed reforms to the Approved Provider List (APL) for intervention and counselling programs under the DFVP Act highlight a crisis of state-led service delivery that lacks transparency, accountability, and community relevance.

While the Bill seeks to address quality assurance gaps by introducing application and monitoring processes for providers, we reject the underlying assumption that state-sanctioned intervention programs are inherently safe or effective. Many of these programs operate from a punitive model, forcing compliance rather than fostering care, healing, or transformative accountability.

We are concerned that:

- There is no meaningful consultation with criminalised women, especially Aboriginal women and Torres Strait Islander women, about which providers are safe, effective, or healing justice based.
- Court-mandated programs often fail to support the complexity of direct experience, especially for those who are both victim-survivors and criminalised.
- The focus on managing a provider list diverts attention away from investing in community-led, culturally grounded, and non-carceral responses to harm and violence.

State-led programs cannot be the sole or primary response to DFV. To improve safety and healing in our communities, we must centre:

- Peer-led and community-controlled programs that work outside the carceral system.
- Independent oversight not just of providers, but of the broader impacts of court-ordered interventions.
- Ongoing dialogue with those who have been forced through these systems—many of whom tell us that state-run “intervention” has felt more like punishment than support.

Until the government is willing to invest in real transformative solutions to state violence, expanding the APL is merely reinforcing the same violent architecture.

Response to Police Protection Directions Framework

We are deeply concerned about the proposed introduction of Police Protection Directions (PPDs). While we recognise the intention to provide immediate protection for victim-survivors of DFV, the expanded discretionary powers granted to police through PPDs risk entrenching systemic injustices, particularly for Aboriginal women and Torres Strait Islander women and criminalised women who are disproportionately labelled as aggressors.

PPDs will allow police officers to issue binding protective conditions without court oversight. These directions may include ouster and no-contact provisions, significantly disrupting people’s lives without the opportunity for the accused to respond in a judicial setting. Although the Bill includes procedural

safeguards—such as requiring approval from senior officers and excluding PPDs where children are involved—the risk remains high that the new powers will be applied unevenly and punitively, particularly against marginalised communities.

We have long seen the devastating consequences of police bias in DFV contexts, where victim-survivors—especially Aboriginal women—are criminalised after calling police for help. These harms are compounded by the state's persistent negligence in failing to respond to women's needs with safety, dignity, and appropriate support services. Granting further discretion to frontline police officers, who may not be adequately trained to assess complex DFV dynamics including coercive control, will not deliver justice or safety.

Moreover, the introduction of PPDs fails to address the broader systemic issues that drive DFV. It reinforces a carceral approach that centres state control and punishment rather than investing in community-led responses, housing, therapeutic supports, and culturally safe services—solutions that victim-survivors tell us they need.

We are also concerned by the administrative and legal implications of PPDs. The proposed exclusion criteria—while well-intentioned—are complicated and may be inconsistently applied. The requirement for officers to consider a wide range of factors (including criminal histories, existing family law arrangements, and risk indicators) without judicial training could lead to rushed or poor decisions in high-pressure environments. Additionally, the prohibition on cross-directions, while aimed at reducing wrongful labelling of perpetrators and victims, does not address the root causes of why police misidentify primary aggressors in the first place: systemic racism, gender bias, and a failure to understand coercive dynamics.

If the government is serious about keeping women safe—especially those most vulnerable to state violence—it must prioritise resourcing community-based, survivor-led responses, not expanding police powers. True reform means listening to the direct experience of women who have survived both DFV and the harms inflicted by the legal system. It means supporting transformative solutions to police intervention, recognising that for many women, the involvement of police escalates danger rather than alleviating it.

We urge the Queensland Government to withdraw or significantly revise the PPD framework and instead invest in approaches that address the root causes of violence and respect the autonomy, dignity, and safety of all women.

Conclusion

Sisters Inside opposes the proposed Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Bill 2023 on the grounds that it prioritises police powers and institutional efficiency over the safety and self-determination of criminalised and marginalised women. The Bill's introduction of Police Protection Directions (PPDs) risks expanding punitive and discretionary policing practices under the guise of protection, without adequate judicial oversight or safeguards for those most impacted. Rather than addressing the root causes of violence or meeting the needs of victim-survivors, the Bill advances a carceral response that reproduces harm—particularly for Aboriginal women

and Torres Strait Islander women, women living in poverty, and those with histories of criminalisation. We call on the Queensland Government to abandon this legislative approach and invest in community-led, healing justice responses that centre the direct expertise of victim-survivors and promote genuine safety, accountability, and justice.

Sisters Inside would welcome the opportunity to provide evidence to the Committee and can be contacted on the details provided on this submission.

Yours sincerely,

DEBBIE KILROY OAM
MLB., GD.FMenH., GD.LPrac., BSocWk., FANZSOC

Chief Executive Officer
30 May 2025