

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Submission No:	70
Submitted by:	Queensland Indigenous Family Violence Legal Service
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	



QIFVLS

Queensland Indigenous Family Violence Legal Service

2 June 2025

Committee Secretary
Education, Arts and Communities Committee
Parliament House
George Street
BRISBANE QLD 4000
By Email: eacc@parliament.qld.gov.au

QIFVLS Submission – *Domestic and Family Violence and Other Legislation Amendment Bill 2025*

Dear Committee Secretary,

The Queensland Indigenous Family Violence Legal Service (QIFVLS) welcomes the opportunity to provide a submission in relation to the *Domestic and Family Violence and Other Legislation Amendment Bill 2025* (the Bill).

Our submission is from the standpoint of being an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) and Family Violence Prevention Legal Service provider (FVPLS), dedicated to ensuring that families and households are safe. In that regard, as a proud member of the national Coalition of Peak Aboriginal and Torres Strait Islander peak organisations (Coalition of Peaks) and the Queensland Aboriginal and Torres Strait Islander Coalition of community-controlled organisations (QATSIC), we are dedicated to achieving the priority reforms and socio-economic targets outlined in the [National Agreement on Closing The Gap](#) (the National Agreement), particularly Target 13 (ensuring families and households are safe and that domestic and family violence against Aboriginal and Torres Strait Islander women and children is reduced by at least 50% by 2031 as we progress towards 0) among the other inter-related targets.

Summary of submission

After considering the Bill, we wish the Committee to consider the following:

- While supporting processes to lessen the trauma experienced by our clients, we have concerns around a process for issuing Police Protection Directions (PPDs) without the involvement of a court via an application for a protection order. This relates to our concerns around the misidentification of our clients as well as the level of training provided to Queensland Police Service (QPS) police officers regarding cultural capability and providing a trauma-informed model of care.
- As a widely dispersed state where geography presents a barrier, PPDs may potentially place an unfair burden on misidentified victim-survivors to obtain legal advice and review the issuing of the PPD.
- We are not opposed to an electronic monitoring pilot, however we would like to see the result of a review of the pilot. We would like to see the rollout of the electronic monitoring pilot including close coordination with Aboriginal and Torres Strait Islander stakeholders in the DFV sector.
- We broadly support the legislative provisions for obtaining video recorded evidence-in-chief (VREC) statements in domestic violence-related criminal proceedings as they are a valuable tool in lessening the trauma and disadvantage experienced by victim-

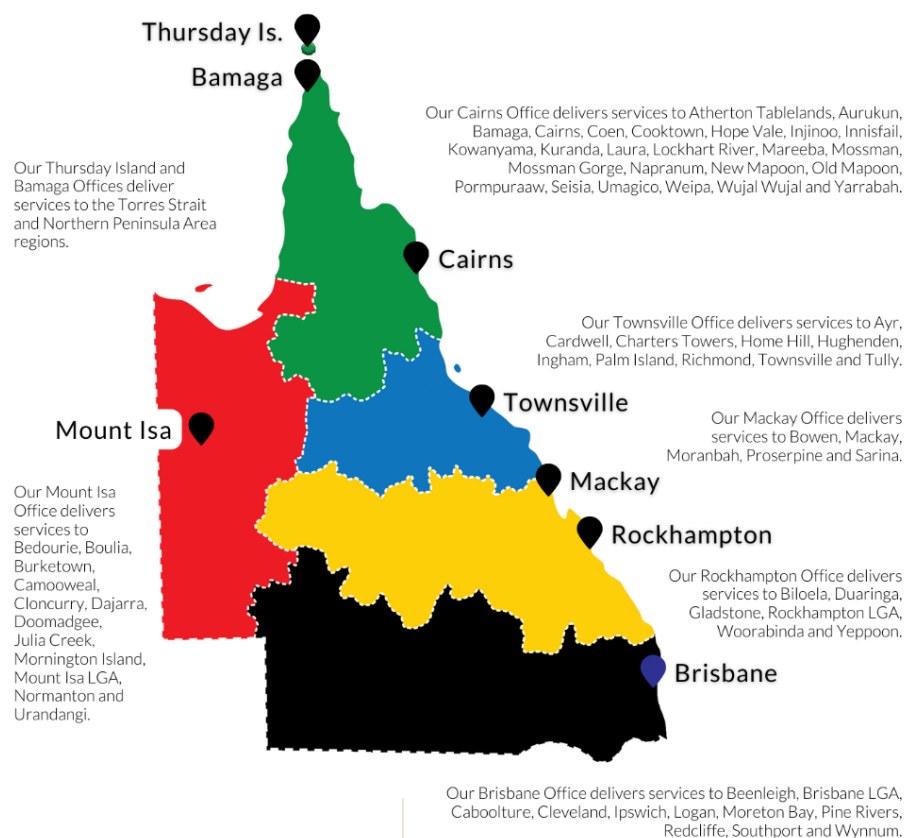


survivors during the court process.¹ It is important from our standpoint however that police officers are adequately trained to take VREC statements in a culturally safe, trauma-informed manner. In that regard, we are concerned about removing the requirement for a trained police officer to take the VREC.

About QIFVLS

The Queensland Indigenous Family Violence Legal Services Aboriginal Corporation (QIFVLS) is a Family Violence Prevention Legal Service (FVPLS) and an Aboriginal and Torres Strait Islander Community Controlled Organisation (ACCO) that fills a recognised gap in access to culturally appropriate legal and wraparound support services for Aboriginal and Torres Strait Islander victim-survivors of family and domestic violence and sexual assault.

QIFVLS is primarily an outreach service. As can be seen from the map below, we operate out of eight offices across Queensland, delivering services to over 90 communities, from the urban south-eastern corner of the state, out west to communities surrounding Mount Isa, reaching the Northern Territory border, and north to the outer islands of the Torres Strait, neighbouring Papua New Guinea. Our services extend from domestic and family violence to family law; child protection; sexual assault and Victims Assist Queensland (VAQ) applications.



¹ Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, (2022), Final Report, 'A Call for Change',

<https://www.qpsdfvinquiry.qld.gov.au/about/assets/commission-of-inquiry-dpsdfv-report.pdf>, page 15



Family violence as a cornerstone

It may be startling for some to learn that 3 in 5 First Nations women have experienced physical or sexual violence². This speaks to the crisis we witness as a family violence prevention legal service daily across our offices in Queensland.

It should be noted that family violence was identified by the Australian Institute of Health and Welfare (AIHW) as the primary driver of children being placed into the child protection system with 88% of First Nations children in care having experienced family violence³. The AIHW also found that First Nations women are 34 times more likely to be hospitalised due to family violence than non-Indigenous women and 11 times more likely to die due to assault⁴.

The scale of this problem, however, is far greater because it is known that First Nations women are less likely than other women to report family violence or seek support because of a range of factors including judgment, discrimination, shame or fear.

Furthermore, current Queensland Government data has revealed that at least 53% of children in youth detention have experienced or been impacted by domestic and family violence⁵.

This speaks to the crisis we witness as a family violence prevention legal service daily across our offices in Queensland and sadly informs QIFVLS' experience that family violence is the cornerstone or intersection, that links an Aboriginal and Torres Strait Islander person's connection to the child protection system, the youth justice system, adult criminal justice system, housing and/or homelessness, health, and the family law system.

In the course of advocating for policy and legislative reform, we also hold to the belief that there is no magic legislative pill to overcome family violence and the intersecting factors faced by Aboriginal and Torres Strait Islander peoples. Our consistent position is that uniform, holistic, and consistent strategies that will improve responses in the family violence, policing and criminal justice, child protection system, housing and corrective services are a more effective pathway in contrast to siloed government responses.

² Australian Human Rights Commission (2020), *Wiyi Yani U Thangani Report*, https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf, page 44

³ Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>

⁴ Australian Institute of Health and Welfare (2019), *Family, domestic and sexual violence in Australia: continuing the national story*, <https://www.aihw.gov.au/getmedia/b0037b2d-a651-4abf-9f7b-00a85e3de528/aihw-fdv3-FDSV-in-Australia-2019.pdf.aspx?inline=true>, page 113

⁵ <https://www.publications.qld.gov.au/dataset/daad5756-ebb4-4d50-a796-814817e397d3/resource/18621352-f516-455f-b60b-3ece74738eac/download/youth-justice-pocket-stats-september-2024.pdf>



Our response to the Bill

Power to issue police protection directions (PPDs)

While fully supporting processes that lessen the trauma experienced by our clients when they attend court, we reiterate our concerns around a process for issuing police protection directions (PPDs) without immediate judicial oversight.

We acknowledge that there are safeguards that have been built into the Bill under clause 19 (proposed section 100C and 100E). In particular, we welcome provisions that seek to prevent misidentification of a greater victim of DFV. Nevertheless, we have obvious concerns around the level and amount of training provided to police officers (particularly front-line first responders) in utilising a trauma-informed and culturally safe response that would enable them to identify the greater victim in relationships characterized by family violence.

This takes greater significance in light of the Queensland Sentencing Advisory Council finding that Aboriginal and Torres Strait Islander women represent the fastest growing prison population in Queensland. In that regard, we want to impress upon the Committee our concerns that there may be unintended consequences whereby victim-survivors of domestic and family violence find themselves imprisoned by the criminal justice system. This was the key basis underlying the Women's Safety and Justice Taskforce's second report, *Hear Her Voice – Report Two: Women and girls in the criminal justice system*.⁶

We believe the ultimate success of the proposed legislation must be allied with the QPS embracing and fully implementing the recommendations of Her Honour Judge Richards in the Independent Commission of Inquiry into QPS responses to incidents of DFV (QPS COI).

Prioritising efficiencies and investing in enhanced DV Co-response models

We also wish to flag that we have concerns regarding the language used in the Explanatory Notes. Reading independently, it provides the impression that the primary purpose of the PPDs is to provide '*efficiencies*' to police officers in managing the volume of DFV related work they are tasked to undertake as opposed to a focus on that of ensuring the safety of victim-survivors and their families.

We understand the pressure placed on frontline police officers in dealing with DFV responses. In that regard, we would seek the support of the QPS to support an enhanced DV Co-response model whereby a police officer is supported by specialist services as part of a holistic wraparound response. This is particularly amplified where either or both parties identify as being Aboriginal and/or Torres Strait Islander peoples, there could be room for a support worker from an Aboriginal and Torres Strait Islander Community-Controlled Organisation to be part of the co-response team.

Training

Through vesting decision-making power in a police officer rather than a judicial officer, we believe that the introduction of PPDs further necessitates increased investment in training for

⁶ Women's Safety and Justice Taskforce (2022), *Hear Her Voice Report Two*, https://www.womenstaskforce.qld.gov.au/data/assets/pdf_file/0008/723842/Hear-her-voice-Report-2-Volume-1.pdf



QPS police officers. Ideally, we would like to see ongoing training provided by a specialist in delivering culturally appropriate and trauma-informed training to all QPS staff. An example is the training provided by Principal Legal Officer, Ms Thelma Schwartz, to the QPS Vulnerable Persons Unit and High-Risk teams delivered to the QPS as part of the 5-day specialist training.

Training in cultural safety would include providing police officers with an educational background in understanding the mistrust and fear that many in Aboriginal and Torres Strait Islander communities have towards the police. This can only serve to improve relationships and more importantly, lay a solid foundation for Aboriginal and Torres Strait Islander victim-survivors having confidence in making reports of family violence to police.

Ensuring protection for a misidentified respondent

We note that Police Family Violence Orders in Tasmania do not require judicial oversight. We are aware of feedback from the Tasmanian DV sector, as also noted in the Explanatory Notes to the Bill, regarding problems with misidentification of victim-survivors as perpetrators. This speaks to problems we observe in that often clients who are represented by QIFVLS do not fit the mold of the '*perfect victim*', in their presentation at a police callout. If a police officer has not been sufficiently trained, they may miss the signs and inadvertently, misidentify the person most in need of protection.

While the aggrieved/the party in whose favour the PPD has been made has a level of protection from the PPD, there is the potential for a misidentified respondent to face a compounding effect of having a PPD in place against them alongside the situation of being the continued recipient of domestic violence, until they can obtain legal advice regarding their options. It may also run parallel to the misidentified aggrieved facing criminal law charges related to the DFV incident, coupled with a child protection intervention seeing the removal of children.

Such a scenario has greater impact in situations of coercive control or where the misidentified respondent is in a rural or remote area. What might appear as a straightforward disagreement may only be the tip of the iceberg. By stating this, we mean that as our clients open up and begin to trust our service, they reveal that the seemingly straightforward disagreement attended to by police is in fact a more serious pattern of behaviour, including coercive control whereby simple arguments can escalate to cases of non-fatal strangulation and sexual violence.

We acknowledge the Bill outlines options to seek to appeal a PPD. Notwithstanding the provisions around seeking a review, we flag the above scenario with the misidentified respondent as another factor highlighting the importance of adequate training alongside the necessity of obtaining legal advice preferably before a PPD is issued.

If the PPD scheme is to proceed in Qld with further safeguards being implemented, we would suggest that once the PPD is issued, both parties to the PPD be informed both verbally and in writing, that they have the right to obtain independent legal advice and the right to seek a review of the PPD. The time frame to exercise the right of review, should also be articulated both verbally and in writing.



Geographical barriers

With Queensland being a widely dispersed state, we also wish to highlight that PPDs may unevenly affect people living in outer regional to remote parts of Queensland. The 2021 census highlighted that almost 40% of Queensland's Aboriginal and Torres Strait Islander population lived in outer regional to very remote areas. This is in contrast to 14.5% of non-Indigenous peoples in Queensland who lived in outer regional to very remote areas.⁷ In that regard, it is not unforeseeable that a victim-survivor who has been issued with a PPD may face significant barriers in obtaining the support of legal and DFV support services as they seek assistance.

Electronic monitoring pilot

We have considered the Bill in relation to the electronic monitoring pilot and we are not opposed to an electronic monitoring pilot. However, we would like to see the result of a review into the pilot being made public so as to gauge its effectiveness.

We note that as a signatory to the National Agreement on Closing the Gap, the Queensland Government has an opportunity to achieve significant and positive reforms for First Nations communities by working together in partnership and by empowering communities and Aboriginal and Torres Strait Islander Community Controlled Organisations. In that regard, we would like to be involved in further consultations with the government as the electronic monitoring pilot is rolled out.

The VREC Framework

We have considered the Bill in relation to the VREC framework and we support the rollout of the VREC Framework across Queensland. We believe utilising video recorded evidence-in-chief has the potential to significantly lessen the trauma and disadvantage faced by victim-survivors as they navigate the court process.

Whilst we broadly support this aspect of the Bill, we have concerns around removing the requirement for a trained police officer to take a VREC statement. We believe that removing this requirement is at odds with the experiences of victim-survivors and frontline stakeholders who have called for improved training for police officers responding to incidents of domestic and family violence.

Numerous reports including the Queensland Women's Safety and Justice Taskforce's two *Hear Her Voice Reports* and the QPS Commission of Inquiry final report, *A Call for Change*, have signalled the need for a victim-centric, trauma-informed approach to investigating domestic and family violence matters. This is critical particularly as victim-survivors navigate the complexity of the criminal/ civil justice system.

At a time when we as an organisation are pushing for increased cultural safety training for QPS officers, we believe that removing the requirement for a trained police officer to take a VREC

⁷ Australian Bureau of Statistics 2021, Census of Population and Housing - Counts of Aboriginal and Torres Strait Islander Australians, ABS, viewed 15 February 2024, <<https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/census-population-and-housing-counts-aboriginal-and-torres-strait-islander-australians/latest-release>>



statement exposes the prosecution to potential concerns around evidentiary missteps or slip-ups by untrained or junior police officers.

In her final report to the QPS Commission of Inquiry into QPS responses to incidents of domestic violence, Her Honour Judge Richards observed that:

The previous reviews and reports repeatedly identified a number of issues with QPS responses to domestic and family violence. Those issues include failures by police to act in accordance with legislation and procedures, appropriately assess risk, pursue criminal charges and accurately identify the person most in need of protection. They also identified positive aspects of the QPS response.

Despite repeated findings of similar failures over time, the Commission heard that those failures continue to be experienced by victim-survivors who seek help from police. Not all victim-survivors have a negative experience of police responses to domestic and family violence but, for those that do, the impact can be significant. Negative experiences can leave victim-survivors, and their children unprotected and unlikely to seek police assistance again in the future, and perpetrators emboldened. The difficulty is that many do experience a negative response from police and that, overall, police responses continue to be inconsistent and, at times, inadequate.⁸

We note that section 103E (4) of the *Evidence Act 1977* is clear in stating that a trained police officer means a police officer who has successfully completed a domestic and family violence training course, approved by the police commissioner, for the purpose of taking recorded statements.

Given the findings and recommendations made by Her Honour Judge Richards and the Women's Safety and Justice Taskforce, we are concerned about removing the requirement to have a trained police officer take the VREC statement.

We would call for this proposed amendment to be reviewed and to maintain the current requirement for a trained police officer take this statement.

Conclusion

We take this opportunity to thank the Committee for considering our feedback. We trust that the Committee will appreciate our viewpoint as both an Aboriginal and Torres Strait Islander Community Controlled Organisation and Family Violence Prevention Legal Service.

If you would like to discuss our response further, please don't hesitate to contact me at

[REDACTED].

Yours faithfully

Queensland Indigenous Family Violence Legal Service

Thelma Schwartz

Principal Legal Officer

⁸ Independent Commission of Inquiry into Queensland Police Service responses to domestic and family violence, (2022), Final Report, 'A Call for Change', page 15