

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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6 June 2025

Education, Arts and Communities Committee
Parliament House
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BRISBANE QLD 4000

By email to: EACC@parliament.qld.gov.au

To the Education, Arts and Communities Committee

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

The Royal Australian and New Zealand College of Psychiatrists (RANZCP) Queensland Branch would like to thank you for the opportunity to provide feedback to the draft *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025*

We note the Bill proposes amendments to the *Domestic and Family Violence Protection Act 2012* (DFVP Act) to improve productivity for operational police officers when responding to DFV and to provide victim survivors with immediate protections against respondents, as well as make other technical amendments to DFV legislation. The Bill also proposes to amend the *Evidence Act 1977* to expand the video-recorded evidence-in-chief (VREC) framework.

Recommendations

The RANZCP Queensland Branch supports prioritising the needs of victim-survivors and empowering victim-survivors with choice, autonomy and dignity to provide court statements in the environment that they choose.

The RANZCP Queensland Branch recommends the following in relation to Police Protection Directions (PPD):

- The proposed police protection direction in the *Bill* would remove the court process for the review of the circumstances of the initial police protection direction. This proposal would facilitate the removal of a critical safeguard for victim-survivors.
- As an unintended consequence of this proposal, perpetrators of DFV may be incentivised to engage in systems abuse. This proposal carries serious risks where the victim-survivor is misidentified as the respondent, as it may provide the perpetrators of DFV a tool (through the order) to control the victim-survivor and deny them safety and protection through a further police protection direction.
- The RANZCP Queensland Branch supports the views of The Queensland Mental Health Commission articulated in its submission to this consultation. Specifically, we support that trauma-informed approaches for responding to systems abuse must prioritise safety, trustworthiness, empowerment, and collaboration while also taking into account cultural, historical and a gender-safe lens.

The RANZCP Queensland Branch recommends the following in relation to expansion of the video-recorded Evidence-in-Chief (VREC) framework:

- **The RANZCP Queensland Branch supports the proposed expansion of the VREC framework as videorecorded evidence will minimise the number of times a victim-survivor of DFV has to provide evidence, reducing the likelihood of re-traumatisation.**

Background

The causes of family and domestic violence are complex, interlinked and deeply entrenched in social structures. Research shows that family and domestic violence predominately plays out as gender-based violence, with women disproportionately impacted.

DFV amongst people from culturally and linguistically diverse backgrounds is multifactorial. In addition, migration-related factors play a role in enhancing vulnerability to DFV. The problem remains poorly understood due to lack of evidence and underreporting, however, it is clear that there is a need for more culturally responsive services.

First Nations people are more likely to experience DFV than non-Indigenous Australians. It is more than only an issue of coercive control commonly associated with DFV affecting the majority of Australia's First Nations population. Family violence is entangled in a history of colonisation, socioeconomic deprivation, and trauma that persists into contemporary times. It extends beyond intimate partners and children to include wider community members (such as siblings, grandparents, aunties, uncles, and cousins).

There is a strong and complex association between family violence and mental health, recognising that people living with and leaving family violence circumstances need psychological as well as physical safety. The RANZCP Queensland Branch advocates that care for people who are exposed to family violence must be evidence-based, culturally competent and safe, and appropriately targeted to those who are experiencing, or perpetrating family violence.

Mental health workforce shortages, especially in rural and remote areas of Queensland, represent a significant barrier to identifying family violence, responding to those who disclose abuse and to those who abuse, assessing needs and risks, providing support and interventions, as well as referring to specialist agencies.

Police Protection Directions (PPD) and restriction on cross-directions

The Bill proposes to improve productivity for operational police officers when responding to DFV, to reduce inefficiencies, increase safety and improve police processes. While the RANZCP Queensland Branch acknowledges the intention of the Bill is to balance police and court resourcing with the need to protect victim-survivors, the Branch cautions that the Bill may expose victim-survivors to increased risks of systems abuse.

There is significant evidence, both nationally and internationally, to demonstrate that the unintended consequences of legal processes and systems inadvertently create new opportunities for the perpetuation of systems abuse.[1]

In the context of the Bill, the RANZCP Queensland Branch seeks to highlight the risk that systems abuse may increase as an unintended consequence of *Division 1A (Power to issue police protection direction)* as police protection directions will only last 12 months.

Section 100R of the *Bill* empowers police officers to issue a 12-month police protection direction, when responding to DFV that does not require further court consideration. The RANZCP Queensland Branch cautions of possible unintended consequence of this proposal. Specifically, the initial police protection direction could arise from misidentification (e.g. the victim-survivor was incorrectly identified as the respondent), and/or where systems abuse is occurring (e.g. the perpetrator reports the victim-survivor as the respondent). In such a circumstance, the *Bill* does not embed judicial or legal avenues to review the terms of the police protection direction.

Under the current legislative approach, the courts are able to review the terms of the police protection direction, which allows a victim-survivor to produce other relevant evidence, to access DFV resources and legal representation.

Furthermore, *section 100L* of the *Bill* provides that a cross-direction is not permitted. What this means practically is that a victim-survivor of DFV may be misidentified as the perpetrator of DFV and be listed as the respondent on a police protection direction. The victim-survivor is then barred from applying for a police protection notice, until 12 months has lapsed from the date of the direction made under *section 100R* of the *Bill*).

Expansion of the Video-Recorded Evidence-in-Chief (VREC) framework

The Bill has numerous points of connection to strategic priorities under the Queensland Mental Health Commission's *Queensland Trauma Strategy 2024-2029 (Trauma Strategy)*.^[3] In developing the whole of government Trauma Strategy, extensive research was conducted by the Commission to ensure the strategy was grounded in contemporary evidence and current best practice.

We note the proposed amendments to the VREC framework aim to reduce trauma and re-traumatisation for victims by minimising the need to repeat their stories multiple times in court.

The RANZCP Queensland Branch welcomes the expansion of the VREC framework to all Magistrates Courts throughout the state and supports the use of VRECs in a way that maintains safeguards, including informed consent.

Research has shown that video-recorded interviews used as evidence-in-chief in some jurisdictions, have had a significant impact on DFV policing practice.^[2] Video-recorded evidence is simple to use and saves time, compared with traditional statement-taking processes. Its portability means that victim-survivors of DFV do not have to travel to police stations to provide their evidence. It also means that victim-survivors of DFV, an especially vulnerable demographic, do not need to be present at court for the recorded statement to be tendered. Evidence can also be videorecorded and stored for use in subsequent trials, such as retrials or appeals. To ensure the security and privacy of court recordings, it is important to implement robust storage practices like secure storage facilities, access controls and data handling protocols that adhere to legal and privacy regulations, to protect sensitive information from unauthorised access and misuse.

To discuss the contents of this letter please contact me via Ms Nada Martinovic, Policy and Advocacy Advisor (RANZCP Queensland Branch), at [REDACTED] or on (07) [REDACTED]

Yours sincerely

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Professor Brett Emmerson AM
Chair, RANZCP Queensland Branch Committee

References

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- [2] Simpson, H. (2024) 'The devil is in the detail: an evaluation of domestic violence evidence-in-chief in policing practice', *Current Issues in Criminal Justice* 1(17). Available here: <https://www.tandfonline.com/doi/full/10.1080/10345329.2024.2369470>
- [3] The Queensland Mental Health Commission. (2024) *Queensland Trauma Strategy 2024-2029*. Available here: https://6232990.fs1.hubspotusercontent-na1.net/hubfs/6232990/QMHC_Qld_Trauma%20Strategy_Report_Accessible.pdf