

## Domestic and Family Violence Protection Submission



### Terminology List:

**Culturally Safe:** An approach or practice that acknowledges and respects the cultural identities of individuals and communities, especially Aboriginal and Torres Strait Islander peoples, ensuring that systems do not perpetuate further harm or discrimination.

**Perpetrator:** In this submission, the term perpetrator is used in place of respondent or defendant and refers to the person alleged to have caused harm or committed domestic, family, or sexual violence.

**Trauma-Informed Practice:** An approach that recognises the impact of trauma on individuals and prioritises safety, trustworthiness, choice, collaboration, and empowerment in all responses.

**Victim-Survivor:** In this submission, the term victim-survivor is used in place of complainant to recognise the strength and agency of individuals who have experienced domestic and family violence, while also acknowledging the harm they have endured.

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### **Introduction:**

The *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* ('The Bill') presents a critical opportunity to strengthen Queensland's response to domestic and family violence (DFV). As the National Youth Speak Out ('NYSO'), a youth-led advocacy group within the National Association for Prevention of Child Abuse and Neglect ('NAPCAN'), we remain steadfast in our commitment to ending violence against children and families. We welcome urgent reforms, shaped around the principles of justice, that prioritise victim-survivor safety, accountability, and early intervention. However, in doing so, it is vital that these legislative changes do not inadvertently reinforce systemic harms, especially those disproportionately affecting marginalised communities, including Aboriginal and Torres Strait Islander communities, children and young people, and other underserved groups.

In our submission, we express concern regarding the proposed expansion of Police Protection Directions ('PPDs'), the removal of the requirement for trained officers to take video recorded evidence-in-chief ('VREC') statements, the historical misuse of police powers against marginalised communities, and the lack of safeguards around the use of tracking devices. While these measures may be framed as procedural fairness, NAPCAN believes they risk reinforcing trauma and tarnishing the integrity of evidence-gathering processes. Drawing on our commitment to children's rights and child-safe practices, we believe that reforms must be guided not only by urgency, but by careful consideration of long-term outcomes, ensuring that justice responses are culturally safe, youth-informed, and embedded in prevention as well as protection. We also believe these reforms must ensure that justice responses are not only immediate but also culturally safe, youth-informed, and grounded in long-term prevention as well as protection.

For this reason, our submission draws attention to specific elements of the Bill that require closer examination to prevent potential unintended harm. We focus on:

- 1) The historical misuse of police powers, particularly against marginalised communities
- 2) The expanded use of Police Protection Directions
- 3) Changes to the collection of video evidence
- 4) Tracking devices

### **I. The Historic Misuse of Police Power:**

Police discretion is a necessary component of the criminal justice system ('CJS'), enabling officers to respond with flexibility and context-specific judgment. As *Gelsthorpe & Padfield* (2012) outline, discretion is "mandated flexibility" in decision-making processes that allows officials to exercise compassion and apply the law within the nuanced realities of people's lives (Hawkins, 1992). However, discretion can also be a gateway to bias.

Unregulated discretion can contribute to systemic injustice, especially when it is exercised without clear safeguards. The 2022 *Special Commission of Inquiry into LGBTIQ+ Hate Crimes* highlighted the consequences of unchecked discretion, where police overlooked vital evidence, failing to deliver justice to marginalised victims over decades (Sackar, 2023). The power to issue PPDs, if not properly governed, risks further embedding such systemic failings into responses to DFV.

Aboriginal and Torres Strait Islander communities have long been over-policed and under-protected. Despite high rates of victimisation, particularly among Aboriginal women, these communities often

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experience harsher treatment and reduced credibility in the eyes of police and the courts. Aboriginal women are among the most victimised groups in Australia, yet they are less likely to be believed or sufficiently protected, with the care they require and deserve. Studies have shown that Aboriginal women are 32 times more likely to be hospitalised for DFV-related injuries than non-Indigenous women (AIHW, 2019) and still face criminalisation when reporting violence. Systemic mistrust and institutional racism mean that police responses often prioritise control over protection, with Aboriginal women sometimes misidentified as the primary aggressor when they are in fact victims (Nancarrow, 2019).

### **Discretionary Decision-Making**

Discretionary decision-making by police can lead to inconsistent application of PPDs. This often occurs when police are influenced by stereotypes about 'risk' or 'criminality.' This means that while some individuals may receive protection, others, especially those from marginalised communities, may be unfairly discriminated against. These disparities are not hypothetical, but rather, they reflect long-standing patterns of systemic bias, and can be reinforced by the lack of cultural competency, and an overreliance on profiling that conflates certain identities with criminality. Addressing this requires more than acknowledgement, but policy reform that actively works to reduce harm to Aboriginal and Torres Strait Islander peoples and upholds their fundamental rights to safety and justice.

## **II. Police Protection Directions**

The Bill currently grants significant new powers to police officers to issue PPD orders that can impose restrictions on individuals without judicial oversight. While intended to provide immediate protection to victim-survivors, this power bypasses courts and increases reliance on subjective police judgment, which can now be done in the absence of DFV training. This poses a significant risk to marginalised communities. This power must not come without accountability. Research shows that police are responsible for over 55% of wrongful conviction cases, with Indigenous Australians making up 14% of those cases despite being only 3.8% of the population (Dioso-Villa, 2015). These miscarriages of justice often begin with discretionary police action, wrongful charges, poor evidence collection, or misidentification, that will disproportionately affect Aboriginal people.

### **Police Power and VREC Statements**

As a national youth group that is committed to advancing justice and safety for all young people, we are deeply concerned that aspects of the Bill may undermine its stated goal of improving access to justice for victim-survivors. Allowing untrained police officers to take VREC statements risks re-traumatising victim-survivors and may in turn lead to weakening the quality of evidence presented. Similarly, the absence of a requirement for DFV training for officers issuing PPDs overlooks the complexities of DFV and the need for trauma-informed interventions, should a police officer need to intervene. The Bill's failure to prioritise specialised training reflects a concerning lack of recognition for the lived experiences of victim-survivors who have consistently called for informed, sensitive, and culturally safe support.

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### The Importance of DFV Training

Many victim-survivors experience coercive control, emotional manipulation, financial abuse, and isolation, which may not leave visible marks but can cause deep, lasting harm. These patterns are not always obvious and require a nuanced understanding of DFV. Without proper training, police officers may struggle to recognise these signs, increasing the risk of misidentifying the person using violence, overlooking key risk factors, or responding in ways that unintentionally cause further harm. This can result in PPDs being issued incorrectly, either against the wrong person or not at all. These errors undermine the intent of protective measures and can re-traumatise those who are already in vulnerable situations.

When police officers lack the necessary training to understand the complexities of DFV, the consequences impact the victim-survivor the most. A limited understanding of DFV may result in missed warning signs, misinterpretation of risk, or failure to act when protection is urgently needed. This not only compromises immediate safety but also sends a message that the system is not equipped to respond to their experiences. For many victim-survivors, this can deepen existing fear, distrust, and continue the cycle of re-traumatisation. It becomes not just a missed opportunity for protection, but a moment that reinforces the belief that seeking help will result in being ignored, disbelieved, or even punished. We know this is especially a barrier for culturally and linguistically diverse, and First Nations communities, who may have pre-existing distrust with the police and justice systems (1800RESPECT, 2025). Over time, these failures can contribute to underreporting, distrust with legal processes, ultimately leading to the erosion of trust in the justice system as a whole.

#### **DFV Training: Quality NOT Quantity**

As the NYSO, we believe that it is not a simple matter of increasing the volume of training for police officers responding to DFV, but rather transforming the quality and nature of that training. Current training models, often limited to online awareness-raising tools, are insufficient for preparing officers to engage meaningfully and safely with victim-survivors. DFV training must move beyond basic content to include scenario-based, trauma-informed approaches that build practical interviewing and intervention skills, and support officers to respond with care and accuracy in complex, high-risk situations.

These training should also prioritise cultural competency, equipping officers to recognise and respond to the diverse ways violence manifests across communities, especially amongst Aboriginal and Torres Strait Islander peoples and other marginalised groups. Whilst the Bill does mention that police officers receive some training on Aboriginal and Torres Strait Islander cultural sensitivity, this acknowledgement alone is not enough. The persistent over-policing, misidentification, and lack of culturally safe responses to Aboriginal and Torres Strait Islander victim-survivors highlight ongoing systemic gaps in how this training is delivered and applied in practice. Cultural awareness cannot be treated as a checkbox, but rather, it must be embedded into ongoing, in-depth training that is led by Aboriginal and Torres Strait Islander experts, grounded in lived experience, and centred on truth-telling and accountability.

Importantly, training should be interactive rather than typical online passive modules, offering space for officers to reflect on their own assumptions and develop the confidence to act with integrity and respect. DFV training should not be treated as a compliance process as we believe it is a global issue that demands a professional, informed, and compassionate response.

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Ultimately, we know that the exposure of DFV can mean police officers are exposed to vicarious trauma (Maple, 2024). DFV training also supports police officers, helping them manage vicarious trauma and respond more safely and effectively. Without it, officers may struggle to process their experiences, but many have shown a willingness to build skills in this area through meaningful, trauma-informed training (Douglas, 2019).

### III. Changes to the Collection of VREC

NAPCAN recognises the expansion of the VREC framework as a positive and necessary step toward a more compassionate and responsive justice system. The ability for victim-survivors to provide evidence closer to the time of the offence, in a setting that minimises re-traumatisation, reflects a growing awareness of the importance of survivor agency and wellbeing.

We welcome reforms that allow for VREC statements to be made at a time and place appropriate to the victim-survivor, clarify the admissibility of such evidence in related proceedings, and remove procedural barriers that can delay or complicate the justice process. These changes are a reflection of ongoing efforts to reduce systemic trauma and improve access to justice, especially for those who have traditionally faced barriers to engaging with police and legal systems.

While there is more work to be done to ensure implementation is consistent, culturally safe, and survivor-centred, especially for children, young people, and those from intersectional backgrounds, this is an important step forward. NAPCAN remains committed to supporting reforms that uphold the rights and dignity of all victim-survivors, and to working alongside government, legal services, and community organisations to ensure that justice is not only done, but felt.

#### ***Domestic and Family Violence Training for Police Officers***

NAPCAN recognises the intention behind removing the legislative requirement for VREC statements to be taken only by police officers who have completed a specific DFV training course. We understand this change aims to improve workforce flexibility and access to justice by reducing delays in the statement-taking process, especially in regional and resource-constrained contexts.

However, we are concerned that the absence of a minimum legislated training requirement risks inconsistencies in practice and may compromise the safety and wellbeing of victim-survivors, especially those who are children, young people, First Nations peoples, people from culturally and linguistically diverse backgrounds, LGBTIQ+ communities, people with disability, and others disproportionately impacted by violence and systemic barriers to justice. At NAPCAN, we believe this entirely risks inconsistent trauma-informed practice. Embedding training in legislation, even at a minimum threshold, reinforces accountability and public confidence, particularly for vulnerable individuals.

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### ***Interpreters:***

NAPCAN welcomes the Bill's inclusion of provisions to allow for written or oral translation when any part of a VREC statement is in a language other than English. However, CALD and First Nations victim-survivors often face language and cultural barriers that can create further trauma and affect the evidentiary value of their statements. The quality and form of translation are crucial for procedural fairness and admissibility.

NAPCAN believes in the establishment of minimum standards for interpreters involved in VREC statements, including a requirement that interpreters be trained in both DFV contexts and trauma-informed practice. In addition, interpreters should ideally be independent and not drawn from the victim-survivors local community, to avoid risks of coercion, stigma, or privacy breaches. Police officers taking VREC statements should also be trained to assess when an interpreter is needed and how to work effectively with them to ensure the victim-survivor's statement is accurately and respectfully recorded.

### ***Support During and After VREC Process***

While the expansion of the VREC framework has the potential to reduce trauma for victim-survivors by enabling them to record their evidence in a more flexible, victim-centred way, many individuals may still face significant trauma in navigating the VREC legal process. The Bill must ensure that victim-survivors be offered access to legal, psychosocial, and cultural support before, during, and after the recording of a VREC. This is to ensure legal advice and emotional support can prevent misunderstandings, reduce re-traumatisation, and increase the quality and reliability of statements. Victim-survivors should have the option to be accompanied by a trusted support person or advocate during the recording of their statement to help them feel safe and empowered.

### ***Evaluation of the VREC to Improve Future Legislation***

Independent oversight ensures transparency, builds trust with communities, and allows for timely reforms if unintended harms emerge. Independent oversight is essential to ensure transparency and accountability, fostering greater trust between the justice system and victim-survivor communities. It also provides a critical avenue for identifying and addressing any unintended negative impacts or systemic issues as they arise, enabling timely and evidence-based reforms. By implementing an independent body, including representatives from victim-survivor advocacy groups, cultural communities, and legal experts, this oversight can ensure that the VREC process remains victim-centred, equitable, and responsive to diverse needs.

## **IV. Tracking Devices**

NAPCAN acknowledges that tracking devices are increasingly being used as a tool to enhance the safety of victim-survivors in DFV cases. While their potential to provide real-time monitoring and protection is valuable, it is crucial that the use of such technology is carefully regulated to safeguard privacy, ensure data security, and prevent misuse. This section addresses key

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concerns around the management, retention, and oversight of tracking device data, emphasising the need for clear guidelines to protect the rights and safety of those affected.

### **Data Collection:**

NAPCAN is concerned about the lack of clarity regarding data governance in the use of tracking devices proposed under the Bill. Section 66(F)(1) stipulates how the data can be shared, who it can be shared with, why the data can be shared, who is responsible for recording and storing the data, how the data will be recorded and stored. All these decisions are left to be decided by regulation. We recommend setting clearer rules where the Queensland Government must take full responsibility for the secure handling, storage, and deletion of that data. Tracking device providers should not have open or ongoing access to collected data beyond what is strictly necessary for supply, maintenance, or technical support. Allowing entities with commercial interests to access sensitive information exposes victim-survivors and others to risks such as misuse for business analytics, sale to third-party advertisers, and data breaches due to weak oversight.

One aspect of data security that is not addressed in Section 66(F)(1) is how long the data can be stored. The Bill should clearly define a maximum retention period for collected data, mandating that location information be deleted within a specified timeframe once the individual is compliant. Location data must also be protected from being used in unrelated legal matters. In cases where tracking is voluntary, individuals must have the right to request permanent deletion of their data at any time. Importantly, clear responsibilities for data security should be established before the trial of tracking devices begins to ensure accountability in the event of a data breach.

### **Duration of Tracking Devices:**

NAPCAN acknowledges that the current Bill leaves the duration of tracking device use to the court's discretion on a case-by-case basis. While flexibility can be important, this uncertainty raises serious concerns that alleged perpetrators may use tracking devices to create a misleading appearance of compliance, while continuing to pose a risk to victim-survivors, for example, through forms of abuse that do not require physical proximity such as online harassment or financial abuse. This situation risks diminishing vigilance by authorities and undermining safety measures. To ensure the protection of victim-survivors, NAPCAN strongly recommends that tracking remain in place for as long as necessary to guarantee ongoing safety, particularly in cases where the victim-survivor has not relocated or where other protective measures, such as intervention orders, have not been implemented.

### **Charging and maintenance accessibility:**

Under Section 66(C)(1), the Bill outlines important accessibility considerations including, geographical location, living arrangements, and a person's ability to charge or maintain a tracking device, when determining whether to issue a device. While these considerations aim to ensure fairness and practicality, they also risk creating serious gaps in protection. The Bill has set out that those experiencing homelessness may be exempt from wearing a device, however, NAPCAN believes this exemption may unintentionally prioritise logistical challenges over the safety of victim-survivors. The legislation must ensure that victim-survivors are not left vulnerable due to the system's inability to adapt safety measures to complex living conditions.

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However, Section 66(E)(1), which states that the court may impose conditions to facilitate the wearing of the device and that the chief executive must ensure compliance, raises an opportunity to address these concerns. Authorities should explore a range of device options from multiple production companies to ensure the availability of appropriate technology for different circumstances. This may include battery-operated devices that may be more suitable than rechargeable ones for individuals with limited or no access to consistent charging infrastructure. This flexibility would allow for more inclusive implementation and minimise exemptions that could leave victim-survivors unprotected.

### **Regional accessibility:**

Our second concern around unequal access to tracking devices is about regional communities. Modern electronic monitoring devices generally determine the wearer's location using GPS. In regional and remote communities the GPS coverage can be insufficient to guarantee constant monitoring. This issue has become apparent in Western Australia's recent rollout of tracking devices, with the government finding that electronic monitoring is not feasible in some regional areas (Williams & Daly, 2025; Bourke, 2025). Given that this bill is only establishing a 2-year trial of electronic monitoring in some courts, we highly recommend choosing multiple courts that are in different regional communities of varying sizes with known connectivity issues for this trial. Additionally the findings of this trial should particularly emphasise regional communities and to what extent the connectivity issues impact the success of the monitoring. It should also outline if any possible solutions emerge from the findings.

### **Recommendations**

NAPCAN proposes the following recommendations:

#### **Police Protection Directions:**

1. Require that two police officers (including at least one of a higher rank or specialised in DFV) co-author and sign off on any PPD. This introduces a check on individual discretion and encourages collaborative decision-making.
2. Before issuing a PPD to someone from a marginalised community (particularly Aboriginal and Torres Strait Islander people), police should be required to consult a designated Cultural Liaison Officer to review the appropriateness and potential impacts of the direction.
3. Establish a regular, independent audit of PPD use, with data disaggregated by race, gender, location and outcomes, this should include community-controlled oversight.
4. All officers involved in issuing or enforcing PPDs must complete comprehensive training in family violence dynamics, trauma-informed practice and anti-racist policing, with Aboriginal-led content and delivery.

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### Video Recorded Evidence in Chief Recommendations:

1. All police officers tasked with taking VREC statements must complete comprehensive domestic and family violence training to ensure a consistent trauma-informed approach is applied for all victim-survivors.
  - 1.1 This training should extend beyond a single two-hour session, incorporating ongoing, interactive, and meaningful learning experiences.
2. Amend the Bill to require that when a VREC is taken in a language other than English:
  - 2.1 Interpreters are accredited, and
  - 2.2 Both oral and written translations be made available where practicable.
3. Introduce a statutory requirement for the Queensland Government to evaluate:
  - 3.1 The impact of the VREC rollout;
  - 3.2 Police's actions taken during VREC; and
  - 3.3 The reduction in victim-survivor re-traumatisation, with findings made publicly available in a report.
4. Appropriate support services must be made available to victim-survivors before, during, and after the VREC statement process to ensure their safety, well-being, and empowerment throughout their engagement with the justice system.

### Tracking Devices:

1. Implement stricter data privacy and security measures as outlined above, including the addition of a provision for retention limits and data deletion.
2. We recommend clarifying that the right to request a safety device extends to all victim-survivors, including children, with the consent of a non-offending parent or carer if practical.
3. The Government must procure a range of tracking devices, including battery-operated models, to ensure accessibility for individuals with limited or no access to consistent charging infrastructure.
4. Prioritise courts in regional communities for participation in the 2-year trial, and report on connectivity issues in the trial findings.

### Conclusion

NAPCAN acknowledges that in our societal pursuit to protect all victim-survivors, urgent reforms must be shaped around the principles of justice, that prioritise victim-survivor safety, accountability, and early intervention. We acknowledge that the Bill has proposed measures aiming to improve safety and accountability, however, there must be a priority to uphold the dignity, rights, and lived experiences of victim-survivors. Our proposed amendments prioritise reforms that are more trauma-informed, culturally responsive, and victim-survivor centred. The system itself must be held to a standard of care, justice, and accountability, ensuring it does not further produce trauma and harms that it is tasked with preventing.

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