2 October 2026

QIDAN
Queensland Independent Disability Advocacy Network

Education, Arts and Communities Committee
Parliament House
George Street
Brisbane QLD 4001

Dear Education, Arts and Communities Committee,

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2026

The Queensland Independent Disability Advocacy Network (QIDAN) is a group of organisations funded under the Queensland Disability Advocacy Program to provide individual advocacy assistance to Queenslanders living with disability. QIDAN members offer various independent disability advocacy services across Queensland, including support with navigating domestic and family violence (DFV) situations.

QIDAN thanks the Committee for the opportunity to respond to the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2026 (the Bill) as recently introduced by the Hon Ann Leahy MP. We recognise that this is the first time in recent years that your committee has considered the operation of civil protection orders.

Informed by our extensive experience as disability advocates, we draw your attention to the lack of appropriately adapted civil processes where a person with impaired decision-making capacity has been involved in DFV either as the person using violence or as the victim survivor. Moreover, QIDAN is concerned that the proposed provisions relating to the repeated contraventions of Domestic Violence Orders (DVO) and Police Protection Directions (PPD) are contrary to the Bill's intentions of improving the accessibility and safety of court processes and creating a safer community.

This submission and the following recommendations are to be considered alongside QIDAN's submission to the Domestic and Family Violence Protection and Other Legislation

Amendment Bill 2025 which outlines our key concerns in relation to police protection directions and electronic monitoring[1], as well as our Accessible Courts and Tribunals submission which provides practical recommendations to improve accessibility, communication, advocacy support, and accountability within courts and tribunals, helping ensure people with disability can fully participate in legal processes.[2]

QIDAN Recommendations

1. Amend the legislation to recognise when a person with disability, who is named on a DVO or PPD, does not have the capacity to understand and comply with the orders, including for the new offences related to repeat contraventions. This must include:
    - Introducing a provision similar to section 172 of the *Mental Health Act 2016 (Qld)* (*MHA*) which gives magistrates the awareness of and power to dismiss a complaint based on a person with disability's perceived unfitness for trial.
    - Amending the element of awareness for the new offences related to repeat contraventions to align with section 84 of the *Domestic and Family Violence Protection Act 2012* (*DVPA*). That is, a person will be aware if they understand the nature, purpose and legal implications of the DVO or PPD.
2. Improve training on disability awareness and access to disability information for Queensland law enforcement officials. In line with recommendation 8.20 of the Disability Royal Commission Final Report, police services should collaborate with people with disability in the co-design, implementation and evaluation of strategies to improve police responses to people with disability.[3]
3. Fund a pilot Justice Support DFV program to provide disability advocacy to people in the criminal justice system.

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[1] Queensland Independent Disability Advocacy Network, 'QIDAN response to the DFVP and other legislation amendment bill 2025', May 2025, https://qidan.org.au/wp-content/uploads/2025/09/QIDAN-response-to-the-DFVP-and-other-legislation-amendment-bill-2025.pdf.

[2] Queensland Independent Disability Advocacy Network, ' QIDAN response to the Accessible Queensland Courts and Tribunals Consultation', 22 May 2026, https://qidan.org.au/wp-content/uploads/2026/05/QIDAN-response-to-Accessible-Courts-and-Tribunals-consult.pdf.

[3] Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disabilty, 'Final Report', Vol 8, p 276, https://disability.royalcommission.gov.au/system/files/2023-09/Final%20Report%20-%20Volume%208%2C%20Criminal%20justice%20and%20people%20with%20disability.pdf.

Justice responses to DFV cannot be strengthened if they are inaccessible and over criminalising people with disability

Over time, QIDAN has observed an increase in the number of people with disability being named as respondents to civil DVOs despite not understanding the order or its conditions. In Queensland, criminal law allows for a finding of unsound mind or unfitness for trial with alternative processes, however, there are no equivalent provisions at civil law for DFV legislation. In our experience, this means that people with no capacity to understand DVOs, or more recently PPDs, are nevertheless named as respondents to an order and, consequently, unable to effectively engage with court processes and incur subsequent criminal convictions when the orders are inevitably breached. For victim survivors this means that they are afforded inadequate and false protection.

A common example that we see of this in our role as disability advocates is when a person with a cognitive or intellectual disability has a DVO in place and they are named as the respondent for using violence against a previous partner. There was one instance where an advocate was informed that when police attended a call, they recorded the alleged perpetrator as "not having a disability" despite being a NDIS participant because of his intellectual disability. In cases like these, due to the severity of their cognitive or intellectual impairment, they do not have the capacity to understand that there is DVO in place or its conditions. This means that repeated breaches of the DVO occur and the person constantly ends up in custody, yet there is never any consideration or assessment of capacity that occurs.

These examples highlight the ineffectiveness of existing DVOs, and similarly PPDs, in the absence of safeguarding mechanisms for people with impaired decision-making capacity that are involved in DFV. It exemplifies the further criminalisation of people with disability that is likely to result under the newly proposed offences for repeated contraventions of DVOs and PPDs.[4] That is, a maximum penalty of up to 5 years imprisonment for contravention of a DVO or PPD on 3 or more occasions with a 28-day period.

[4] *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2026* (Qld), cls 46-48.

QIDAN understands that the new offences for repeated contraventions come with three new elements, including the requirement that the person must be aware of the existence of the DVO or PPD and any conditions allegedly contravened. The explanatory note to the Bill sets out that merely informing a respondent of the order is insufficient and the prosecution bears the onus of proving this element beyond reasonable doubt.[5] In our opinion, we believe that these intended safeguards are insufficient and further protections must be implemented for these new offences. More specifically, it needs to be made explicitly clear within the legislation what constitutes a person being made aware of the DVO or PPD and its conditions, and there must be protections for people with disability with impaired decision-making capacity. In many cases, a person might need communications support or an interpreter to ensure they understand the DVO or PPD.

Section 84 of the *DVPA* currently provides that a DVO can only proceed if the aggrieved and respondent understand the nature, purpose and legal implications of the proceeding and of any order or ruling made by the court. It also sets out that the court may use various services or seek appropriate help at its discretion to ensure understanding on part of the aggrieved and respondent.[6] However, there are no consequences for failing to comply with this section. QIDAN strongly recommends amending the awareness element for repeated contravention offences so that it aligns with section 84 of the *DVPA*. That is, a person will be aware if they understand the nature, purpose and legal implications of the DVO or PPD, rather than simply being given a copy of the DVO or PPD or being "told" (as in s 177(1)(c) and (5)). For consistency, compliance with section 84 of the *DVPA* must also be made mandatory.

As an additional safeguard, QIDAN also recommends that a provision similar to section 172 of the *MHA* is inserted into the legislation. This gives magistrates in Mental Health complaint proceedings the power to dismiss a complaint based on a person with

[5] Explanatory Notes, *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2026* (Qld), 7, 57, https://documents.parliament.qld.gov.au/bills/2026/5309/Domestic-and-Family-Violence-Protection-and-Other-Legislation-Amendment-Bill-2026---Explanatory-Notes-d176.pdf.
[6] Domestic and Family Violence Protection Act 2012 (Qld), s 84(4).

disability's perceived unfitness for trial.[7] In the context of DVOs, a similar power would enforce a consideration of capacity and enable a DVO or PPD to be dismissed if a person with disability had perceived impaired capacity.

We thank you for providing the opportunity to provide our feedback on the Bill and we are happy to provide further information or clarification of any of the matters raised in this letter upon request.

Yours sincerely,



Caitlin De Cocq Van Delwijnen
Director, Queensland Independent Disability Advocacy Network (QIDAN)

[7] Mental Health Act 2016 (Qld), s 172(2).