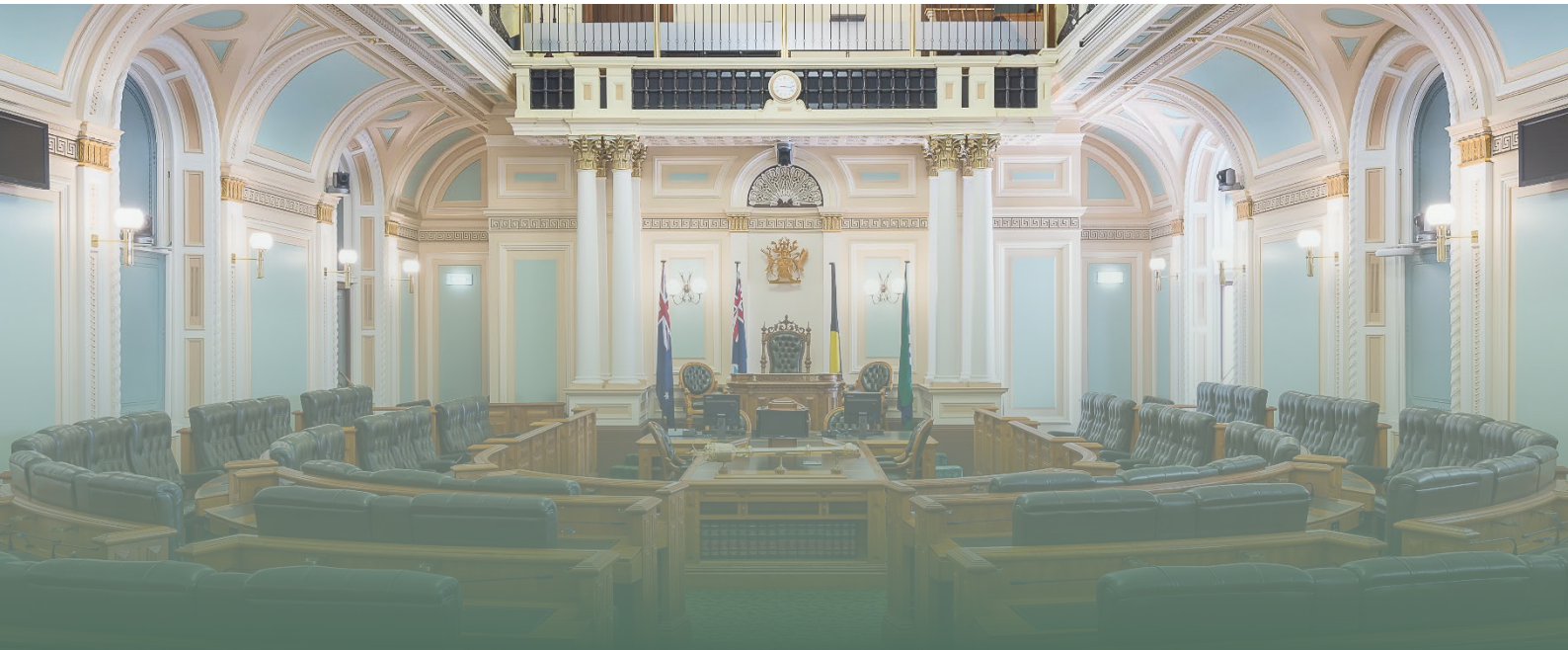
QUEENSLAND PARLIAMENT
COMMITTEES

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Education, Arts and Communities Committee



Report No. 5

58th Parliament, June 2025

Education, Arts and Communities Committee

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Acknowledgements

The committee acknowledges the assistance provided by the Department of Families, Seniors, Disability Services and Child Safety; the Department of Justice; and the Queensland Police Service. The committee is very grateful for the service entities in Hobart, Tasmania, who shared their time, knowledge and experience with the committee. The committee is thankful for the contributions of legal and community services around Queensland to the committee's inquiry, noting their valuable work in the Queensland community for the better protection of vulnerable Queenslanders.

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Chair's Foreword

This report presents a summary of the Education, Arts and Communities Committee's examination of the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025.

Queenslanders universally offer their support for victim survivors and want their government to take action to address the scourge of domestic and family violence in our communities. The evidence driving the need for further action is not disputed. Nor does the work of our dedicated Queensland Police Service go unnoticed. The complexity of domestic and family violence means that there is not a universal solution or 'silver bullet' that will solve the problem in its entirety. This report recommends that the Queensland Parliament pass the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 as it proposes more protection to victim survivors and their families, reduces the risk of exposing victims to further trauma, and enhances the capacity of our police to meet the needs of our community.

On behalf of the committee, I thank those individuals and organisations who made written submissions on the Bill. I also thank our Parliamentary Service staff and staff from the Department of Families, Seniors, Disability Services and Child Safety, the Queensland Police Service and the Department of Justice for their assistance.

I commend this report to the House.

Nigel Hutton MP

Chair

Executive Summary

On 30 April 2025, the Hon Amanda Camm MP, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence introduced the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 into the Queensland Parliament. The Bill was referred to the Education, Arts and Communities Committee for detailed consideration.

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, provide victim survivors with immediate protections against respondents, and 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.

Key objectives of the Bill are to:

- establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to DFV and empower police officers to administratively issue immediate long-term protection directions without filing an application for a proceeding before a court
- support an electronic monitoring 2-year pilot program for high-risk DFV perpetrators, with devices to operate 24/7 and alerts to be monitored and responded to. Safety devices will also be available to aggrieved persons and named persons
- simplify, streamline and expand the VREC framework to all Magistrates Courts in Queensland to support victim survivors of DFV when giving evidence
- strengthen the maintenance of the Approved Provider List, used by courts when making an intervention order that requires a respondent to attend an approved intervention program or counselling facilitated by an approved provider.

The committee received considered, and at times passionate, evidence from stakeholders providing a mixed range of views to the reforms in the Bill. The committee held public hearings in Mackay, Cairns and Brisbane, and undertook a study tour to learn of similar DFV response frameworks established in Tasmania.

The committee made 7 recommendations, found at page vi of this report.

Recommendations

1. Overview of the Bill

The Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (Bill) was introduced by the Honourable Amanda Camm, Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence, and referred to the Education, Arts and Communities Committee (the committee) by the Legislative Assembly on 30 April 2025.

1.1. Aims of the Bill

The Bill proposes to amend the *Domestic and Family Violence Protection Act 2012* (DFVP Act) and other legislation. The stated objectives of the Bill are to:

- establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to domestic and family violence (DFV) and reduce the operational impacts of the current DFV legislative framework
- support a Global Positioning System electronic monitoring pilot for high-risk DFV perpetrators consistent with the Government's election commitment
- simplify, streamline and expand the video recorded evidence-in-chief (VREC) framework statewide to support victim-survivors of DFV
- clarify that a VREC statement can be considered in civil proceedings under the DFVP Act
- make other technical amendments to the DFVP Act to strengthen the maintenance of the Approved Provider List (APL).[1]

During the explanatory speech, Minister Camm said of the Bill:

> This legislation will ensure real consequences for actions. The police protection direction, PPDs, orders will put on-the-spot constraints on domestic violence offenders and give immediate protection to victims. GPS monitoring devices will also be issued to high-risk perpetrators, protecting their victims by monitoring offenders 24/7. Expanding the video recorded evidence-in-chief trial statewide will support victim-survivors and mitigate the risk of re-traumatisation. VREC will facilitate evidence-in-chief by way of video recorded statement.[2]

1.2. Background

The Department of Families, Seniors, Disability Services and Child Safety (the department/DFSDSCS) advised that the occurrence of DFV has increased by 218 per cent in the last decade. The 2023-24 financial year saw the QPS receive 113,924 DFV-related calls for service that police officers needed to investigate.[3]

1 Explanatory notes, p 1.
2 Queensland Parliament, Record of Proceedings, 30 April 2025, p 1,013.
3 DFSDSCS, correspondence, attachment, 14 May 2025, p 1.

The department wrote that the Bill would amend the DFVP Act 'to improve productivity for operational police officers when responding to DFV', as well as delivering on DFV related election commitments.[4]

QPS's Deputy Commissioner, Cameron Harsley APM, confirmed that 'the QPS is under significant strain'. He said that police officers across Queensland respond to DFV related situations every 3 minutes. Currently, the Deputy Commissioner advised, an equivalent capacity of 2,481 full-time officers is dedicated to addressing DFV. According to QPS's predicted modelling, by 2032, based on current trends, 5,747 full-time officers will be required to maintain the current standard of service delivery. This would be an increase of 3,266.[5]

> *On average, each DV incident involving the issue of a police protection notice is taking frontline officers anywhere between four and six hours to complete. So much time being spent on DV jobs means calls for assistance back up at the end of each shift and there can be as many as 200 unresourced jobs in the queue in a busy police district. More than half of those unattended calls are likely to relate to domestic and family violence.*
>
> ***Shane Prior, General President, Queensland Police Union of Employees***
> *Public hearing, Brisbane, 9 June 2025, p 24.*

1.3. Consultation

The explanatory notes include details of the department's consultation processes.

Regarding PPDs, the department advised that consultation occurred at a stakeholder forum on 4 April 2025. More than 65 DFV sector representatives were in attendance.

The proposed introduction of PPDs and amendments related to video-recorded evidence-in-chief (VREC) were informed by the QPS, and with consideration of the Queensland Police Union's document *Make DFV a crime: 'QPU blueprint for action'*. Legal and DFV stakeholders were also consulted on the draft amendments to the VREC framework.[6]

1.4. Inquiry process

The committee considered 75 submissions (see Appendix A for a list of submitters).

The committee conducted a public briefing with representatives from DFSDSSC, the QPS, and the Department of Justice (DOJ). The committee held 3 public hearings: in Mackay, Cairns, and Brisbane.

In Mackay, the committee conducted 2 site visits. It attended:

- the Mackay Whitsunday District Queensland Police Service

4 DFSDSCS, correspondence, attachment, 14 May 2025, p 1.
5 Public briefing transcript, Brisbane, 21 May 2025, p 3.
6 Explanatory notes, p 21; Queensland Police Union, *Make DFV a crime: 'QPU Blueprint for Action'*, 28 March 2025, qpu.asn.au/uploads/QPU%20BlueprintForActionDFVFinal.pdf.

- Mackay Women's Centre.

In Tasmania, the committee visited and met with key personnel at:

- Department of Premier and Cabinet, Safe Families Coordination Unit (SFCU)
- Department of Justice, Community Corrections, Monitoring and Compliance Unit
- ARCH Support Centre, Hobart (multi-agency support service for those affected by sexual harm)
- Women's Legal Service Tasmania
- Department of Education, Children and Young People, The Nest Child and Family Learning Centre.

1.5. Legislative compliance

The committee's deliberations included assessing whether the Bill complies with the requirements for legislation as contained in the *Parliament of Queensland Act 2001*, the *Legislative Standards Act 1992* (the LSA),[7] and the *Human Rights Act 2019* (the HRA).[8]

1.6. Legislative Standards Act 1992

Assessment of the Bill's compliance with the LSA identified issues listed below which are analysed in Section 2 of this Report:

- whether the Bill has sufficient regard to rights and liberties of individuals; specifically, that legislation:
    - is consistent with principles of natural justice
    - should only allow the delegation of legislative power in appropriate cases.

The committee was satisfied that the explanatory notes tabled with the Bill meet the requirements set out in Part 4 of the LSA and include a sufficient level of background information and commentary to facilitate understanding of the Bill's aims and origins.

1.7. Human Rights Act 2019

Assessment of the Bill's compatibility with the HRA identified issues with the following, which are analysed further in Section 2:

- the right to freedom of movement
- freedom of expression
- the right to freedom of assembly and association
- the right to privacy and reputation
- the right to property
- cultural rights

[7] *Legislative Standards Act 1992* (LSA).
[8] *Human Rights Act 2019* (HRA).

- the right to liberty

A statement of compatibility was tabled with the introduction of the Bill as required by section 38 of the HRA. The statement contained a sufficient level of information to facilitate understanding of the Bill in relation to its compatibility with human rights.

1.8. Should the Bill be passed?

The committee is required to determine whether or not to recommend that the Bill be passed.

Recommendation 1

The committee recommends that the Bill be passed.

2. Examination of the Bill

This section discusses key themes that were raised during the committee's examination of the Bill.

2.1. Police Protection Directions

2.1.1. Background

The Bill proposes a framework for the issuing of police protection directions (PPDs), with a view to create an additional tool for the protection of victims, while also improving efficiencies for police responding to DFV and a reduction in the operational impact of the current legislative framework.[9] A key feature of the PPD framework is 'the provision of immediate, ongoing protection for a victim-survivor upon it being issued. It informs the perpetrator of the consequences associated with breaching the protective conditions of the PPD'.[10]

Where the current framework requires police to spend time preparing, filing, and serving supporting material, as well as appearing in court, the new framework would remove the necessity for operational police officers to complete these tasks. Instead, it would empower them to issue immediate longer-term protection directions without filing an application for a proceeding before a court.[11] Under existing laws a police protection notice (PPN) is only in force until a Magistrate can hear an application for a domestic violence order (the domestic violence order itself can last for up to five years), whereas the PPD will last for a period of 12 months and will not go before a Magistrate unless it is challenged.[12]

The issuance of a PPD would negate the need to go to court in the immediate term (as required with a PPN) and would thereby aim to reduce victim-survivors' exposure to the court system, which can often be traumatising, and reduce the risk of a person in need of protection being left without legal protection whilst an application for an order is processed.[13] The Bill also aims to increase police efficiency in this respect by reducing administrative burden and '…ensuring frontline police responding to domestic and family violence have the tools they need to respond effectively to protect vulnerable people'.[14]

Under the Bill, a PPD may contain provisions like those of a PPN or domestic violence order (DVO) including 'standard, no-contact, ouster, return and cool-down conditions, noting ouster and no-contact conditions will be subject to approval by a senior sergeant and [the] other conditions will be subject to approval by a sergeant'.[15] Standard conditions

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9 Explanatory notes, p 1.
10 Deputy Commissioner Cameron Harsley APM, Queensland Police Service, public briefing transcript, Brisbane, 21 May 2025, p 4.
11 Explanatory notes, p 2.
12 Explanatory notes, p 2.
13 Queensland Police Service, public briefing transcript, Brisbane, 21 May 2025, p 6.
14 Queensland Parliament, Record of Proceedings, 30 April 2025, p 1014.
15 Explanatory notes, p 4; DFSDSCS, correspondence, attachment, 14 May 2025, p 5; An 'ouster' order or condition, as defined at section 63 of the *Domestic and Family Violence Protection Act 2012*, is a prohibition from all or any of the following: remaining at the premises, entering or attempting to enter the premises, or approaching within a stated distance of the premises.

are usually that the respondent must be of good behaviour; must not commit domestic violence; and must not organise, encourage, ask, tell, force or engage another person to commit domestic violence.[16] Implementation is intended to occur by 1 January 2026 after officer training is provided.[17]

2.1.2. Considerations to be given to issue a police protection direction

If passed, the Bill would provide that a police officer may issue a PPD if they reasonably believe the respondent has committed domestic violence, the PPD is necessary or desirable to protect the aggrieved, and it would not be more appropriate for the action taken to include an application for a protection order.[18]

In making the decision to issue a PPD, the officer must also consider:

- the principles for administrating the DVFP Act (that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, is paramount)
- the criminal and domestic violence history of both parties
- any views or wishes expressed by the aggrieved
- whether the respondent may cause serious harm to the aggrieved or a named person if the respondent commits further domestic violence
- whether additional powers of a court in making a protection order may be necessary or desirable (such as imposing a monitoring device condition)
- whether either party has a conviction for a domestic violence offence
- whether the respondent is not present at the same location as the police officer.[19]

Officers who issue PPDs must obtain approval from a supervising officer who must be 'authorised to approve PPDs, not have been involved in investigating the DFV which led to the PPD and be of a certain rank depending on the PPD's conditions'.[20]

2.1.3. Stakeholder submissions and department advice

The committee acknowledges that concerns have been raised about the adequacy of training and oversight mechanisms to support this expanded police authority.[21] The committee considered whether an increased use of PPDs could be problematic and determined there would be a need to ensure police officers are appropriately trained to recognise the circumstances where a PPD should be issued, and that police officers are encouraged to still explore the options that currently exist such as PPNs or DVOs.

Submitters highlighted the need for ongoing reform elsewhere in the justice system (such as lengthy processing and wait times for Court matters) and argued that longer domestic violence orders (such as PPDs) is 'not an excuse or a solution'[22] in order to achieve

16 DFSDSCS, correspondence, attachment, 14 May 2025, p 5.
17 Explanatory notes, p 17.
18 Explanatory notes, p 4.
19 Explanatory notes, pp 5 & 7.
20 DFSDSCS, correspondence, attachment, 14 May 2025, p 5; Explanatory notes, p 5.
21 Submission 5, p 4; Submission 15, p 2.
22 Submission 7, p 2.

efficiency.[23] The North Queensland Women's Legal Service submitted that while they understood the need to find ways to improve productivity, this should not be at the expense of the safety and wellbeing of women and children. The organisation said it believed the proposed framework has the potential to increase demand on QPS resources, converse to the Bill's objectives.[24] Sisters Inside Inc held similar concerns and submitted the current workloads of police are a direct result of systemic issues in society such as poverty, housing insecurity, and the criminalisation of victim-survivors. Sisters Inside Inc expressed concern that granting greater powers to police will encourage reactive responses and does not effect the greater community-wide change that is necessary to address systemic, entrenched issues.[25]

On current police workloads, Shane Prior, General President, Queensland Police Union of Employees, expressed support for the Bill, 'because the future of policing in this state is at a tipping point, driven in large part by the fatigue of responding to the escalating scourge of domestic and family violence.'[26] Shane Prior further stated that the Bill 'contains sensible safeguards for the issue of PPDs that prioritise the safety of victim-survivors and mitigate risks associated with misidentifying the person in most need of protection'.[27]

In response to submitters' general comments about the need for reform and greater efficiencies, the department stated:

> The PPD framework aims to improve the response to domestic and family violence by frontline police officers through reducing the operational impacts of the current legislative framework. It is intended that by improving the effectiveness of frontline police responses, more focus can be placed on victim-survivors.[28]

To submitters' concerns in relation to a perceived lack of resources to train specialist DFV services and provide appropriate education campaigns, the department stated:

> In partnership with relevant agencies, DFSDSCS will develop educational materials to support community and the DFV and legal sectors understanding the reforms in the Bill. The QPS will lead policing implementation activities for PPDs and VREC due to the significant operational impact these amendments will have for frontline police.[29]

23 Submission 1, p 3.
24 Submission 57, p 3.
25 Submission 52, p 1.
26 Public hearing transcript, Brisbane, 9 June 2025, p 23.
27 Public hearing transcript, Brisbane, 9 June 2025, p 24.
28 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 8.
29 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 4.

Recommendation 2

The committee recommends the Department of Families, Seniors, Disability Services and Child Safety work closely with the Queensland Police Service to develop guidelines to assist police officers in administering police protection directions with respect to the considerations police will have to consider under new section 100B(2).

2.1.4. Exclusions to issuing a police protection direction

The Bill provides for several exclusions to an officer issuing a PPD, including when:

- the respondent or aggrieved is a child
- the respondent or aggrieved is a police officer
- the offence is so serious that the respondent should be taken into custody
- a DVO or recognised interstate order is in force (regardless of who is the named respondent or aggrieved on that Order)
- a PPD has previously been issued
- the respondent has been convicted of a domestic violence offence within the previous two years
- the respondent has used, or threatened to use, an offensive weapon or instrument to commit the offence
- an application for a protection order (including via a PPN) against the respondent has been made but not finally dealt with
- a child is a named person on a PPD and conditions other than those that are standard are needed to provide protection.[30]

These exclusions aim to ensure police matters are not handled internally, that serious matters and repeat offenders do not fail to go before a court, and that the significance of past domestic violence offending is given adequate recognition.[31]

In respect of the specific restriction on issuing a PPD where a child is involved, the explanatory notes set out that this has been done in acknowledgement of the complex relationship between family law, child protection and DFV proceedings and where there is potential for an inconsistency between the PPD and other arrangements or orders made under the *Family Law Act 1975* (Cth) or the *Child Protection Act 1999*.[32] To mitigate the risk of a PPD being made that will create such an inconsistency, prior to issuing a PPD, police officers will be required to ask the respondent and aggrieved whether there are any orders or agreements in force, or current proceedings.[33]

The proposed duration for PPDs (12 months) contrasts with the typically longer periods of protection offered by court-issued domestic violence orders (maximum of 5 years).[34] The

30 Explanatory notes, pp 5 & 6; see also Bill, cl 19, new ss100C and 100D.
31 Record of Proceedings, Brisbane, 30 April 2025, p 1014.
32 Explanatory notes, p 7.
33 Explanatory notes, p 7.
34 DFVP Act, s 97.

committee acknowledges the objective of the safeguards is to give adequate recognition to the most serious of offences, such as where there is a lethality factor (where the offence or threat of offending has the potential to cause a loss of life).

Additionally, if passed, the Bill would provide that the Police Commissioner keep a register of PPDs, including those that have been revoked.[35] The information contained in the register would include identifying particulars for the respondent, aggrieved and named persons, the date of issue and expiry of the PPD, if the PPD ceased to have effect, amendments to the PPD to correct errors, and any applications and outcomes for police or court review of the PPD.[36]

2.1.5. Stakeholder submissions and department advice

Some submitters expressed concern regarding the fact that the proposed framework does not allow for children to be named as the aggrieved, nor does it allow for a child to be a named person on a PPD with other non-standard conditions (see cl 19, proposed s 100H). The Queensland Family and Child Commission (QFCC) submitted that this may unintentionally cause further harm to children and the proposed framework presented challenges in how PPDs were applied and enforced.[37]

PeakCare expressed support for allowing children to be listed as named persons but noted the limitations of that section not allowing children to be named when non-standard conditions are required.[38]

The Archdiocese of Brisbane and Centacare submitted that the provisions of the Bill relevant to the keeping of a register be expanded to require that a record be kept for each PPD that includes what exclusionary criteria were present or considered at the time the PPD was made.[39] They further submitted that the register should be built into QPS data systems so that it is readily available to officers at the time a PPD is being considered. The Archdiocese of Brisbane and Centacare and Beck O'Connor, the Victims' Commissioner, suggested that the information contained on the register be published at regular intervals, albeit deidentified.[40] In their submission, the Victims' Commissioner went on to suggest the reports could form part of the statutory review discussed at section 2.1.10 of this report.[41]

Legal Aid Queensland (LAQ) suggested that new section 100C(1)(c) be amended so as to clarify that the current or previous domestic violence order does not necessarily have to have been between the same respondent and aggrieved and that it could be between the respondent and a separate aggrieved party.[42]

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35 Explanatory notes, p 11.
36 DFSDSCS, correspondence, attachment, 14 May 2025, p 7.
37 Submission 11, p 4.
38 Submission 13, p 4.
39 Submission 32, p 15.
40 Submission 32, pp 15–16; Submission 65, p 7.
41 Submission 65, p 16.
42 Submission 53, p 6.

The department advised that exclusions in the PPD framework ensure that 'persons who have previously been named as a respondent on a PPD or [who have] recent histories of committing DFV, are not issued with a PPD and instead proceed through the court'.[43]

To concerns over how police will ascertain whether any exclusions exist, the department advised:

> Some exclusions will be determined by a police officer asking the parties, such as whether there are any current family law or child protection proceedings (section 100D). Other information may be held by the QPS and will be gathered and provided to the officer through the police communication system or through QPRIME or QLiTE devices.[44]

2.1.6. Risk of misidentification and impact on vulnerable groups

The Bill includes safeguards to ensure PPDs are used appropriately such as internal police review mechanisms, requirements for documentation and justification, and potential for judicial oversight if the direction is challenged.

The Bill proposes various safeguards against misidentification so that officers will be prevented from issuing a PPD if they are unable to locate the respondent or properly identify the person most in need of protection (such as those situations where there are indications that both persons in the relationship are in need of protection).[45] This aims to act as a safeguard against misidentification of the primary aggressor and mitigate the risk of a person in need of protection being left without protection, which may place them at a greater risk of harm.[46]

The Bill also proposes that PPDs be issued by police officers with the approval of a senior officer.[47] The committee considered this an appropriate safeguard against PPDs with the most serious conditions (such as an ouster order or no contact condition) being issued by police officers with sufficient experience or expertise.

2.1.7. Stakeholder submissions and department advice

The majority of submitters expressed concern around the risk of misidentification of the person most in need of protection;[48] however, no data could be provided to demonstrate the risk. The anecdotal concern reported in submissions was the potential for victims, particularly women and First Nations individuals, to be misidentified as perpetrators.[49]

The North Queensland Women's Legal Service reiterated that many of their clients are from non-English speaking backgrounds and that, in their experience, interpreters are not sought by police upon attending an incident.[50]

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43 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 23.
44 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 48
45 Bill, cl 19, new s100C(1)(i).
46 Explanatory notes, p 6.
47 Bill, cl 19, new s100K.
48 Submissions 2, 4, 5, 6, 7, 11-19.21, 23, 24, 30, 31, 33–6,38,40–43, 45, 46, 48–53, 56, 57, 59, 62–65, 68–70, 72–75.
49 Submission 11, p 4; Submission 14, p 4, Submission 52.
50 Submission 7, p 5; see also submissions 14, 16, 57, 74.

Some submitters supported the current proposed framework in the context of giving police the ability to provide immediate protection and mitigate the risk of processing delays for police which may put women and children at further risk.[51] Other submitters argued that the Bill would not ensure the safety of women and children in particular because the risk of misidentification was not sufficiently mitigated and that police efficiency would not actually be improved.[52]

Several submitters were concerned at the potential for bias to affect the officers' decision making and noted that when police attend domestic violence incidents, victims will often present in an emotionally heightened state and this makes it difficult to determine the primary aggressor.[53] The North Queensland Women's Legal Service believed that in lowering the standard of proof for issuing a PPD to 'reasonably believes', there is an increased risk of subjective and unconscious bias to affect a police officer's decision-making process in making determinations about untested allegations:

> Any conclusions drawn by the attending officer are potentially tainted by personal beliefs such as how a (perfect) victim should behave, whether a victim should/should not have contact with a perpetrator ('why doesn't she just leave him…'), and who presents as a victim and as a perpetrator in the immediate incident (who is calm/hysterical/non-cooperative/'lippy').
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> An officer may not understand, and may be persuaded by, image management techniques used by some perpetrators and it is for all these reasons we believe there is an increased risk of misidentification of victim/perpetrators.[54]

During the public hearing in Mackay witnesses spoke to how such misidentification has previously occurred. Jules Thompson from Broken Ballerina Inc. noted that perpetrators of domestic violence 'fool everyone'. She told the committee that she had experienced domestic violence, and the perpetrator would remain calm and collected, while she was in a heightened state all the time. She said, 'I spoke too fast. I might have behaved erratically'.[55] Marabisda Inc., an organisation that supports First Nations families also attested to this phenomenon. Lee George, Coordinator of Marabisda Inc.'s Domestic and Family Violence Support Services said many women who use their service tell them that 'When police arrive they are always in a heightened state because they have just been beaten or flogged, and the man is always in control of himself. The police actually do not see what has happened'.[56] Sharon Parker of Whitsunday Counselling and Support Inc. told the committee about the physiological responses that can occur following a traumatic event. She said a victim-survivor 'is in fight or flight response. They will be hypervigilant. They will have a lack of emotional regulation. They may go from crying to being angry to

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51 Submission 2, p 1; Submission 12, p 3; Submission 15, p 2, Submission 19, p 7.

52 Submission 4, p 1; Submission 7, p 5; Submission 16, p 1; Whitsunday Counselling and Support Inc, public hearing transcript, Mackay, 23 May 2025, p 9.

53 Submission 7, p 5; Submission 16, p 1; Submission 18, p 3; Whitsunday Counselling and Support Inc, public hearing transcript, Mackay, 23 May 2025, p 9.

54 Submission 7, p 5.

55 Jules Thompson, Director, Broken Ballerina Inc., public hearing transcript, Mackay, 23 May 2025, p 11.

56 Lee George, Coordinator, Domestic and Family Violence Support Services, Marabisda Inc., public hearing transcript, Mackay, 23 May 2025, p 15.

being withdrawn. This is a physiological response that is occurring for them'. Sharon Parker noted that police officers are not experts in trauma and it is difficult for them to identify a trauma response:

> When police rock up to a DV situation, quite often the victim-survivor is actually emotionally labile—they will go up and down. They may not have a great memory of what has occurred. They may be patchy. They are in flight or fight response; this is a trauma response. When police rock up and they have the person using violence who is cool, calm and collected—sometimes the person using violence may be an aggressor—and you have a victim-survivor who is all over the place, who is teary, who cannot recall things, misidentification will occur.[57]

The Queensland Mental Health Commission (QHMC) referred to research conducted in New South Wales that highlighted that where women were listed as respondents in an apprehended domestic violence order, they were more often than not actually the primary victim of abuse in the relationship.[58] They and other submitters argued that a lack of specialised DFV training often results in police arresting female victims who had been misidentified as the primary perpetrator and highlighted the need for a specialised, trauma-informed approach to be taken by the QPS when responding to DFV and recommended amendment to the Bill to require a trauma-informed approach be taken in decision making.[59]

The department acknowledged the consequences of misidentification as severe. The department noted submitters' concerns around misidentification, and advised that the Bill includes safeguards to reduce the risk, including, for example, a police officer will not be able to issue a PPD if they cannot identify the person most in need of protection (PMINOP).[60]

Additional safeguards include (consistent with PPNs), a cross-PPD will not be permitted. This means that a police officer cannot issue more than one PPD applying to the same parties (i.e. one each). The PPD framework requires a police officer, before issuing a PPD, to make a reasonable attempt to locate and talk to the respondent if the respondent is not present at the same location as the police officer, as well as consider the views and wishes of the aggrieved. The Bill also clarifies that section 22A of the DFVP Act, which provides guidance for determining who is the PMINOP in a relevant relationship, applies for police.[61]

The Queensland Police Service advised:

> Identifying the PMINOP is a priority to optimise safety for victim-survivors, prevent perpetrators from using the system to further control and traumatise

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57 Sharon Parker, Manager, Counselling Services, Whitsunday Counselling and Support Inc, public hearing transcript, Mackay, 23 May 2025, p 15.
58 Submission 5, p 3.
59 Submission 5, p 4; Submission 11, p 4; Submission 15, p 2, Submission 19, p 6.
60 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 16.
61 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 19.

> their victims, and to facilitate an appropriate referral pathway to support services.
>
> The QPS provides mandatory training programs to its staff aimed at enhancing understanding and recognition of DFV to equip officers in the prevention, response, investigation and disruption of DFV. The training program includes both online and face-to-face courses, which cover:
>
> - legislative frameworks
> - holistic investigative procedures
> - risk assessments
> - image management and perpetrator tactics
> - 'ideal' victim typology and impact on policing
> - identification of the PMINOP, including in the face of dual allegations of violence
> - victim-centric and trauma informed policing responses; and
> - the impact of culture on policing responses.
>
> The QPS has also developed a bespoke dashboard to assist in the review of gendered police-initiated and private applications where a male is identified as an aggrieved and a female is identified as a respondent. This process includes Domestic and Family Violence Specialist officers reviewing these cases to ensure that police actions accurately determine the PMINOP and enables prompt correction where necessary response.[62]

The Queensland Police Union of Employees submitted:

> According to data released by the Queensland Government in 2023-24 Queensland Police issued 23,364 Police Protection Notices (PPNs) of which 97% were upheld in court. There may be various reasons the courts did not support the remaining 3% (n=700) of PPNs, among which misidentification of may account for a small number.[63]

In response to submitters' concerns with regard to the impact of the PPD framework on First Nations peoples and minority groups, the department acknowledged that 'PPDs may have a greater impact on Aboriginal and Torres Strait Islander people, who are disproportionately represented in the criminal justice system and are at increased risk of misidentification as the PMINOP.'[64] The department further advised:

> Section 22A of the DFVP Act provides existing guidance and consideration for determining who is the PMINOP in a relevant relationship. This includes consideration of whether the persons have characteristics that may make them particularly vulnerable to domestic violence. The DFVP Act provides examples as people who are women, children, Aboriginal and Torres Strait Islander peoples, people from a culturally or linguistically diverse background, people with a disability, or LGBTQIA+ people.[65]

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62 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, pp 20–21.
63 Submission 65, p 5.
64 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 26.
65 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, pp 27–28.

2.1.8. Pathways for review of a police protection direction

The proposed framework for PPDs is supported by two police review mechanisms and an independent court review process.[66] Regardless of any review, a PPD will remain in effect, even if the matter is adjourned, unless another type or order is made (such as a long-term protection order).[67] Notably, the department advised that QPS will implement a review process whereby if a female is identified, there is a gender centred review.[68] Other avenues for review require either a police officer or the named parties to challenge the order via the police administrative review process or the court review process.

The first opportunity for review takes place via an internal police-initiated process. This requires the QPS to review the PPD if an officer becomes aware of or reasonably believes there are circumstances that were or may not have been known or considered by the issuing officer, and if the officer reasonably believes those circumstances may have affected the decision to issue the PPD or the conditions imposed. This review may be undertaken by an officer who is a rank higher than the officer who supervised the initial issue of the direction and who has been authorised by the Police Commissioner to conduct reviews of PPDs.[69]

The reviewing officer must not have been involved in investigating the domestic violence that led to the PPD being issued. Following the review, which may involve asking the parties (including named persons) for information, the reviewing officer may confirm or revoke the PPD. This can occur with or without another action, such as issuing a new PPD with the same or different parties and the same or different conditions, or pursuing those avenues already available to the parties (including, but not limited to, making an application for a protection order for the parties or issuing a PPN).[70]

In the event the PPD is revoked, the direction is taken never to have been issued and will not form part of the respondent's domestic violence history.[71] This may be an appropriate safeguard for instances where a PPD has been erroneously applied, thereby mitigating the risk of any ongoing adverse effect by having it appear on someone's history. The reviewing officer is to be assisted by the Domestic Family Violence and Vulnerable Persons Command (DFV&VPC), which will ensure that policies, procedures, and practices are uniformly applied across the state to maintain consistency in the conduct and outcomes of police review.[72] This is a further positive safeguard against a potentially erroneous decision being made by an inexperienced officer and properly engages subject matter experts such as the DFV&VPC in the process.

The second opportunity for review involves a respondent, aggrieved, or their authorised person or a named person making an application to the Police Commissioner or their

66 Explanatory notes, p 4.
67 Explanatory notes, p 4.
68 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 32.
69 Explanatory notes, p 8.
70 Explanatory notes, p 9.
71 Explanatory notes, p 9.
72 Explanatory notes, p 9.

delegate for a review of the direction within 28 days of the date it takes effect.[73] The Police Commissioner or their delegate can then take the same actions in the terms as outlined above of confirming or revoking the PPD.[74]

The third opportunity for review is via a court review process whereby the respondent, aggrieved, an authorised person for the aggrieved, or a person acting under another Act for the aggrieved may apply to the Magistrates Court.[75] Applicants are not prevented from pursuing this avenue of review even if they have already applied for a police review and even if that process is yet to be finalised.[76] The filing of an application for review with the court will, however, be taken to be an application for a DVO with the original issuing officer listed as the applicant.[77] Upon hearing the request for review under new section 100Z, the Magistrate will be required to consider whether an order is necessary or desirable at the time of review (not at the time the PPD was originally issued) and so the application for a court review is not of the original decision, rather, whether a long-term DVO should flow from the PPD.[78]

2.1.9. Stakeholder submissions and department advice

Some submitters were concerned at the potential for victim-survivors and their children to lose the opportunity for referrals to support services at Court, and for the potential reduction in referrals to behaviour change programs for the person using violence that would commonly occur when the matter proceeds through Court.[79]

The Family Responsibilities Commission (FRC), which currently receives referrals from the Courts in the form of advice notices where protection orders are made in FRC communities, expressed concern that the use of PPDs (in favour of a matter going to court) could reduce the number of those advice notices being made and thereby limit the opportunity for early intervention in a culturally safe environment.[80]

The FRC submitted that the proposed reforms would affect its ability to fulfil its role and sought further amendment to the *Family Responsibilities Commission Act 2008* so that the FRC continues to receive notification of all PPDs issued against persons within the Commission's jurisdiction.[81] According to the FRC submission, a 'protection order' in the FRC Act refers to, and has the same meaning as, section 37 of the *Domestic and Family Violence Protection Act 2012*.[82]

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73 Explanatory notes, pp 8–9.
74 Bill, cl 19 (DFVP Act, new s100Y).
75 Explanatory notes, p 7; Bill, cl 19 (DFVP Act, new s100Z).
76 Explanatory notes, p 10.
77 Explanatory notes, p 10.
78 Explanatory notes, p 10.
79 Submission 4, 5, 6, 14, 16, 17, 18, 48.
80 Submission 54, p 2.
81 Submission 54.
82 Submission 54.

To concerns over the removal of court oversight, the department advised that there are safeguards in the Bill to ensure court consideration of matters where it would be more appropriate for a PPN to be made:

- where there are current proceedings for a domestic violence offence against a respondent, a police officer will not be able to issue a PPD
- a PPD can be issued only once between the same two people so that if domestic violence is continuing in a relationship, the matter is considered by a court.[83]

In response to the Queensland Council of Civil Liberties' (QCCL) comments on the potential impacts of the proposed introduction of PPDs on Legal Aid or community legal services, the department stated that, 'Any impacts on community legal services associated with the introduction of PPDs will be monitored'.[84] Similarly, the department noted the introduction of PPDs will have impacts on courts, stating that the government 'will monitor these impacts, including any changes to demand. Any cost impacts will be dealt with as part of normal budget processes'.[85]

Recommendation 3

The committee recommends that the Minister considers further amendment to the *Domestic and Family Violence Protection Act 2012* or to the *Family Responsibilities Act 2009* to expand the definition of a 'protection order' to include the police protection directions proposed by the Bill.

2.1.10. Statutory review

The Bill contains a requirement for the Minister to review the operation of PPDs as soon as practicable after the day that is 2 years after commencement.[86] That review must include review of whether PPDs have been effective in improving the safety and wellbeing of people who fear or experience domestic violence, and whether the issuing of PPDs has had any impact on courts and improved the efficiency of the exercise of police powers under the DFV Act.[87]

2.1.11. Stakeholder submissions and department advice

Submitters suggested the Government progress work to develop a mechanism for understanding misidentification of the person most in need of protection and utilise data held by domestic and family violence service providers to inform the statutory review.[88]

The Victims' Commissioner specifically suggested that the scope of the review be expanded to assess:

83 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 13.
84 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 38.
85 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, p 39.
86 Bill, cl 38.
87 Bill, cl 38.
88 Submission 15, p 3. Submission 65, pp 5, 21 and 27.

> implementation fidelity… the comparative timeliness and effectiveness of protection pathways (PPDs versus court-based), victim-survivor satisfaction and service uptake, outcomes of internal and court-based reviews, misidentification rates by region and demographic, [and] referrals made to DFV services following PPD issuance…[89]

To the Bill's requirement of a statutory review, the department advised:

> The Bill also requires a statutory review of PPD to be conducted two years after commencement. The intent of the review is to consider any impacts on victim-survivor safety, monitor and report on effectiveness and efficiencies, and consider impacts on court proceedings, including any increase in contravention offences and court reviews. The review may also consider the effectiveness of the provisions and whether there are opportunities for streamlining.[90]

Committee comment

The committee acknowledges that the statutory review provisions of the Bill are drafted in a way so as to afford a degree of latitude in approach when the review takes place.

2.1.12. Cross-jurisdictional analysis - PPD frameworks

A similar framework to that of the PPD's proposed in the Bill are Police Family Violence Orders (PFVOs) that were introduced in Tasmania in 2004 via the *Family Violence Act 2004* (Tas) (FV Act (Tas)). Tasmanian officers are able to issue PFVO's with similar conditions to those proposed for PPD's, including no contact conditions, ouster conditions, and a duration of up to 12 months.[91]

Similar to the feedback of Queensland stakeholders, however, the Tasmanian public has criticised the Tasmanian model regarding the potential for misidentification in situations where an aggrieved has displayed aggression in self-defence, or has been perceived by the issuing officer as being 'hysterical', which has unfortunately led to a PFVP being falsely issued against them.[92] The Queensland Bill includes protections not found in the Tasmanian framework to mitigate risks by implementing additional protections such as the prohibition against an officer issuing a PPD if they are unable to properly identify the person most in need of protection.[93]

Limited academic research has been conducted into the issue of misidentification aside from a 2015 study conducted by the Tasmanian Sentencing Advisory Council. That 2015 study reviewed the rate at which PFVOs were issued in comparison to FVOs and identified that PFVOs were being issued at an increasing rate.[94] The study stipulated that this could

89 Submission 65, p 25.
90 DFSDSCS, correspondence, attachment, 5 June 2025, attachment, pp 9–10.
91 Explanatory notes, p 21.
92 Explanatory notes, p 21.
93 Explanatory notes, p 15.
94 Sentencing Advisory Council (Tas), *Sentencing of Adult Family Violence Offenders: Final Report No 5* (Department of Justice (Tas), October 2015), p 9.

be a result of a growing proportion of cases being sufficiently serious to warrant the issuing of an order at the time of attendance by police.[95]

When PFVOs have been challenged in Tasmania, successful applications to revoke the PFVOs were more often than not made by female respondents. PFVOs were also generally more often than not overturned as opposed to FVOs, which may support observations of police error, although it should be equally considered that this increase is to be expected given the number of PFVOs had also increased.[96]

Committee comment

The committee acknowledges the concerns of submitters regarding the potential for misidentification of the person most in need of protection. The committee also notes the safeguards within the Bill such as situations where there are indications that both persons may be in need of protection or both parties cannot be physically located. The committee is satisfied that the safeguards within the Bill are sufficient.

Recommendation 4

The committee encourages the Department of Families, Seniors, Disability Services and Child Safety to consider, as part of the statutory review proposed in the Bill, whether the proposed safeguards against misidentification have been effective.

2.1.13. Fundamental legislative principle – delegation of administrative power

Given that the Bill proposes that the decision to impose a direction on a respondent is to be made administratively rather than judicially (as is the case for a protection order), it is proper that the person making the decision is appropriate, and that there are clear criteria for making the decision and suitable review options.

The explanatory notes acknowledge that 'there may be a perception that a police officer is more prone to bias in decision making than a judicial officer'.[97] This is offset by the requirement that an officer proposing to issue a PPD must seek approval by an independent senior officer,[98] and the Bill provides avenues for police and court review.[99]

95 Sentencing Advisory Council (Tas), *Sentencing of Adult Family Violence Offenders*, 2015, p 10.
96 Hayley Gleeson, 'Tasmania Police are still mistaking family violence victims for abusers. For too many women, correcting the record is impossible', *ABC News*, 19 November 2023.
97 Explanatory notes, p 17.
98 Bill, cl 19 (DFVP Act, new s100K).
99 Explanatory notes, p 17.

2.1.14. Human rights – right to employment and right to review

Up to 28 days may elapse between the time an application[100] is made and when a decision on an administrative review is provided,[101] so even if the reviewing officer decides to revoke the PPD, the respondent may have been subject to the PPD for nearly a month by that time. During that time, the respondent may, for example, have had to stay with friends or relatives or in a hotel and may have been subject to other restrictions, such as having their weapons licence revoked and having to surrender their weapons.[102] If the respondent needs weapons for their work (e.g. as a feral pest controller), this would impact on their ability to earn an income.

If the PPD is not revoked, the respondent[103] may subsequently[104] seek a review of the PPD in the Magistrates Court, which would amount to a further extension to the period of operation of the PPD, even if the PPD is ultimately set aside. The respondent would likely incur costs, such as engaging a lawyer and taking time off work with potentially life changing impacts were they to lose their blue card or weapons licence.[105] Magistrates will be empowered to set aside a PPD as if it had never existed.[106]

While the Bill provides that a police officer must make a reasonable attempt to locate and talk to the respondent before issuing a PPD so as 'to afford the respondent natural justice',[107] a respondent may not be given an opportunity to be heard prior to a police officer making a PPD.

The committee considers a balance needs to be struck between police efficiency and procedural fairness for respondents and that whilst the PPDs aim to streamline protection, they create tension between the two.

As set out above, an application for review by the court is taken to be an application for a DVO. Per s 97 of the DFVP Act, the maximum time limit for a DVO is 5 years. Submitters were concerned that it is therefore possible that in seeking to challenge the validity of a 12-month PPD, someone is risking being left with a 5-year DVO.[108]

The purpose of the Bill's PPD framework is to improve police responses to domestic and family violence, including by improving police efficiency. The provisions empower police to issue directions and thereby seek to provide a process that, although co-existent with existing processes requiring court involvement, provides for a faster option for those

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100 By the respondent or aggrieved or an authorised person for the aggrieved or a named person. Bill, cl 19 (DFVP Act, new s100U(1)).

101 Bill, cl 19 (DFVP Act, new s100Y). An application for court review of a PPD must be listed for hearing at the earliest opportunity and not later than 14 business days after the day the documents are filed. Bill, cl 19 (DFVP Act, new s100ZA).

102 See Bill, cls 65 (*Police Powers and Responsibilities Act 2000*, amended s 610), 74 (*Weapons Act 1990*, amended s 10B), 77 (*Weapons Act 1990*, amended s 28A).

103 Or the aggrieved or an authorised person for the aggrieved or a person acting under another Act for the aggrieved. Bill, cl 19 (DFVP Act, s 100Z(1)).

104 Or alternatively, Bill, cl 19.

105 Submission 7, p 2.

106 Bill, cl 19, (DFVP Act, new s100ZD).

107 Bill, cl 19, (DFVP Act, new s100B(3)).

108 Submission 18, p 4.

circumstances contemplated by the PPN framework. The purpose of revoking a respondent's licence or clearance for weapons or explosives is to ensure the safety of people who are at risk of domestic and family violence from a respondent.[109]

The committee also considered that the proposed amendments potentially limit rights protected under the HRA including freedom of movement,[110] freedom of expression,[111] freedom of association,[112] and cultural rights.[113] The committee considered that the purpose of these limitations on human rights appears to be consistent with a free and democratic society based on human dignity, equality and freedom.[114]

Committee comment

The committee considers that an appropriate balance has been struck between the need to protect the aggrieved and the potential effect on the respondent with regard to impacts on fundamental legislative principles in accordance with the *Legislative Standards Act 1992, or* any abrogation of the *Human Rights Act 2019*.

2.2. Electronic monitoring pilot

The Bill proposes to establish a framework to allow courts to impose a monitoring device condition on a respondent in certain circumstances when making a DVO. The Bill also includes regulation making powers to enable certain matters to be prescribed by regulation, including further suitability criteria and information sharing frameworks.[115]

The department advised that the stated purpose of establishing the electronic monitoring pilot program (pilot program) is to 'deter respondents from breaching DVO conditions related to the respondent's proximity to the aggrieved, named persons or particular locations'. It is not intended to keep victim-survivors safe on their own but complement existing integrated safety planning.[116]

Clause 15 of the Bill proposes to insert a new part 3, division 5, subdivision 3 to the *Domestic and Family Violence Protection Act 2012*. Conditions for the imposition of electronic monitoring of high-risk DFV offenders (the respondent) would include:

- the respondent is an adult
- the court is satisfied that the condition is necessary or desirable to protect the aggrieved from domestic violence, or a named person from associated domestic violence, or a named person who is a child from being exposed to domestic violence

109 Statement of compatibility, p 28.
110 HRA, s 19.
111 Every person has the right to hold an opinion without interference, HRA, s 21(2).
112 HRA, s 22(2).
113 HRA, s 28(2)(c).
114 HRA, s 13(2)(b).
115 Bill, cls 13–15; explanatory notes, p 2.
116 DFSDSCS, correspondence, attachment, 14 May 2025, pp–89.

- the respondent is convicted of, or is charged with, a domestic violence offence or an indictable offence involving violence against another person; or there is a history of charges for domestic violence offences made against the respondent
- the respondent is not already subject to a monitoring device condition for another purpose, such as for bail or parole
- consideration of the personal circumstances of the respondent, including their geographical location and living arrangements, as well as their ability to charge and maintain the monitoring device.[117]

2.2.1. Proposed features of the pilot program

The explanatory notes state that the pilot program would be limited to select courts, which will be prescribed by regulation. Court locations will be determined ahead of the relevant part of this Bill commencing.[118] The department will lead the pilot program. The pilot is intended to operate 24/7 and alerts will be monitored and responded to.

The department advised at the public briefing:

> The systems, processes and policies required to support monitoring of up to 150 individuals will be in place by the end of 2025. The bill allows for further details of the pilot, such as suitability criteria, court locations and information-sharing frameworks, to be included in regulation.[119]

Safety devices would be offered to aggrieved persons and named persons. The explanatory notes state that if the aggrieved person chooses to use a safety device, they would be linked to the respondent's monitoring device insofar as the movements of the respondent would trigger an alert or notification on the safety device when the respondent enters a particular zone or into certain proximity of the aggrieved.[120]

The Bill proposes new provisions to establish a 2-year pilot program of electronic monitoring devices for high-risk DFV offenders and would provide power for a number of matters to be prescribed in regulation.

The explanatory notes state that the pilot program would be subject to a sunset review and would expire two years after commencement to 'allow for review and evaluation prior to consideration of expanding the pilot or making the program permanent'.[121]

Regarding the estimated cost of the pilot program, the explanatory notes state that funding has been allocated; however, as entities may be prescribed by regulation, future funding may be required, and would be sought through normal budget processes.[122]

117 Bill, cl 13; explanatory notes, p 12.
118 Explanatory notes, p 12.
119 Public briefing transcript, 21 May 2025, p 2.
120 Explanatory notes, pp 2–3.
121 Bill, cl 15 (New section 66H); explanatory notes, p 11, 13.
122 Explanatory notes, p 16.

Clause 15 also includes an offence for using information relating to a monitoring device or safety device for unauthorised purposes, with a maximum penalty of 100 penalty units ($16,130) or 2 years imprisonment.[123]

2.2.2. Previous consideration of electronic monitoring of DFV offenders in Queensland

In 2018 the Department of Justice commissioned Australia's National Research Organisation for Women's Safety (ANROWS) to deliver an evidence base for the development of electronic monitoring programs in the context of domestic and family violence.[124] The ANROWS review found key benefits to electronic monitoring, including enhanced community safety, reduction in recidivism and reduced reincarceration rates and an increased sense of safety for the aggrieved person. The review also noted limitations to electronic monitoring including privacy impacts, potential commercial interests, stigmatisation, the need for perpetrators to maintain the device, and resources to support intensive monitoring.[125]

Also in 2018, the Queensland Police Service tested the reliability and accuracy of GPS-enabled electronic monitoring technology through a controlled trial in the context of DFV scenarios.[126] The report of the trial, published in 2019, found moderate levels of accuracy and further identified the need for specialist training to accurately interpret the data.[127]

2.2.3. Electronic monitoring in other jurisdictions

Tasmania operates a model of electronic monitoring of DFV perpetrators similar to the proposed electronic monitoring pilot in the Bill. In Tasmania, courts can impose an electronic monitoring condition as part of a Family Violence Order (FVO). The *Family Violence Act 2004* (Tas) provides that the court may only include an electronic monitoring condition on an FVO on the application of a police officer or the Police Commissioner, and only if the person has been found guilty of a family violence offence previously, is currently charged with a family violence offence, or has a history of committing family violence.

New South Wales has an electronic monitoring response to high risk DFV offenders under the supervision of the state's Community Corrections.[128] The NSW model incorporates electronic monitoring as a back-end custodial sanction for offenders with a history of FV released into home detention following imprisonment.[129]

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123 Bill, cl 15 (new section 66F(2)).

124 Heather Nancarrow and Tanya Modini, *Electronic Monitoring in the context of Domestic and Family Violence*, ANROWS, 2018, p 1; https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/10/17114052/anrows-electronic-monitoring.ANROWS.pdf

125 Heather Nancarrow and Tanya Modini, Electronic Monitoring in the context of Domestic and Family Violence, ANROWS, 2018, pp 1–2.

126 Queensland Police Service, Domestic and Family Violence GPS-Enabled Electronic Monitoring Technology Evaluation Report, 2019, p 1.

127 Queensland Police Service, Domestic and Family Violence GPS-Enabled Electronic Monitoring Technology Evaluation Report, pp 2–3.

128 Explanatory notes p 22.

129 Romy Winter et al, *Evaluation of Project Vigilance: Electronic Monitoring of Family Violence Offenders Final Report*, Tasmanian Institute of Law Enforcement Studies, University of Tasmania, 2021 (Evaluation Report), p 1.

In Western Australia, new laws effective from December 2024 provide for courts and the Prisoners Review Board to impose electronic monitoring on repeat and high-risk family violence perpetrators who are on bail or under supervision orders in the community.[130]

Tasmania

The electronic monitoring trial commenced in Tasmania in 2019. The *Family Violence Act 2004* (Tas) was amended to add electronic monitoring to existing police powers. From commencement, the trial of electronic monitoring aimed to create a safety net for victims and allow police to work proactively in cases with a high risk of re-offending.

The trial consisted of establishing a new Monitoring and Compliance Unit (MCU) within the Department of Justice, Community Corrections. The trial, and in turn the program, requires the MCU to operate a 24/7 monitoring service of the perpetrators' movements and alerts police when a person breaches their exclusion conditions. The monitoring device connects to a number of geo-locators and does not solely rely on mobile coverage. The fitting and later removal of the device must be undertaken by the MCU. The aggrieved party has the option to carry a small personal alert device, that may be clipped to clothing or a bag, which will sound an alarm if the perpetrator is in proximity. The aggrieved party's device also features a duress alert.

An evaluation of the trial, published in 2021, noted that from the start Tasmania Police were quick to communicate that the introduction of electronic monitoring would not prevent family violence.[131]

However, the evaluation found that as at May 2020, there had been an overall reduction in violent incidents, particularly high-risk incidents (an 82% reduction), suggesting increased safety for women and children.[132] As at January 2021 there was, among perpetrators who had previously been recorded as offending prior to wearing a device, a reduction in the total number of family violence incidents during the monitoring period compared to the 12 months prior (20% reduction).[133] The limited data from the evaluation suggested that there was significant post-trial offending after the wearer's monitoring device had been removed.

The committee visited the MCU in Hobart in May 2025. The committee observed:

- samples of the monitoring device and the personal safety device
- the work of the MCU including professionally trained staff providing surveillance and monitoring as a 24/7 service
- the capability of surveillance technology to live stream, alert and capture evidence of a perpetrator's breaches of their monitoring conditions.

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130 Department of Justice (WA), 'New electronic monitoring laws for FDV offenders in effect', *Media release*, 23 December 2024, https://www.wa.gov.au/government/announcements/new-electronic-monitoring-laws-fdv-offenders-effect

131 Evaluation Report, p 3.

132 Evaluation Report, p 13.

133 Evaluation Report, p 15.

The committee also learned of the benefits of the phased implementation aspect of the pilot program in Tasmania, which allowed for the MCU to establish its operations, while gradually building resources, knowledge and skills within the unit as the program expanded.

Committee comment

The committee is grateful for the learning opportunity provided by the Monitoring and Compliance Unit through the Tasmanian Department of Justice, Community Corrections.

2.2.4. Stakeholder submissions and department advice

Submissions to the Bill expressed mixed support for the provisions relating to the pilot program. Stakeholders saw the proposed measures as one part of a holistic response to address DFV and improve a victim's safety.[134] For example, Islamic Women's Association of Australia Ltd submitted that electronic monitoring and victim-centred safety measures represent a culturally responsive and less intrusive alternative to more disruptive interventions, such as relocation, and was a 'promising innovation', especially for diverse communities.[135]

Stakeholders that did not support, or provided conditional support to the proposed trial, expressed concern in relation to the following key themes:

- the design of the pilot, and questions around the parameters of the pilot program[136]
- the effectiveness of monitoring devices as a deterrent, and whether their use will give victim-survivors and the community a false sense of security[137]
- regional coverage of devices, especially in areas where connectivity is low or unreliable[138]
- the reliability of monitoring devices and safety devices[139]
- the threshold for 'high-risk' eligible respondents[140]
- how information from electronic monitoring will be stored, used and shared.[141]

Most submitters considered the pilot program in the context of a wider response to DFV, requiring holistic measures beyond just the electronic monitoring program.[142] For example, the Cairns Regional Domestic Violence Service said:

134 Submissions 2,15,19,28,33,42,44,47,68,70.
135 Submission 42, p 14.
136 Submissions 44, 53.
137 Submissions 52, 65.
138 Submission 17.
139 Submissions 12,15, 17, 18, 28, 57.
140 Submissions 15, 18.
141 Submissions 17, 18, 38, 52, 53, 57, 60, 62.
142 Submissions 15, 33, 44, 51, 71.

> What we know from the evidence is that electronic monitoring on its own without case management is not as effective. The monitoring plus the case management of perhaps services like ours or other people who are providing supports will actually make that much more effective.[143]

QFCC, The Queensland Council of Social Service (QCOSS), DVConnect, and Soroptimist International Brisbane Inc called for electronic monitoring to be implemented with a supportive framework built around the program.[144] Soroptimist International Brisbane Inc raised that surveillance must not replace holistic, long-term safety planning.[145] DVConnect was supportive in its submission, provided electronic monitoring occurs with independent and comprehensive case management for the respondent and the aggrieved.[146]

Submitters noted the importance of courts ensuring victim-survivors are provided with an opportunity to express how a monitoring condition might affect their safety and wellbeing.[147] The use of safety devices and the monitoring device conditions should also be clearly communicated to the aggrieved.[148] The Victims' Commissioner called for courts to provide appropriate and accessible resources to help them understand the limitations of the monitoring device before making the order.[149]

The Victims' Commissioner also recommended that cl 145, new s 66B, be amended to require a court considering imposing a monitoring device condition must be satisfied that the aggrieved has access to appropriate resources and professional safety planning to help them understand the limitations of the monitoring device before making the order.[150]

QCOSS submitted that it is 'crucial' that the Queensland Government work with the DFV sector and victim-survivors in the design and delivery of this pilot. This includes completing a risk assessment of the trial, the design of regulation, the policies and processes, and individual case management for victim-survivors and offenders.[151] The Salvation Army Australia and Settlement Services International (SSI) called for clarity explaining the conditions of the device, especially for clients from multicultural communities.[152]

Some submitters provided suggestions about the monitoring and evaluation of the pilot program. According to QCOSS, a legislated review should be included in the Bill, rather than a sunset clause for the trial.[153] The Queensland Indigenous Family Violence Legal Service (QIFVLS) requested that the results of a review into the pilot be made public so as to gauge its effectiveness.[154] Soroptimist International Brisbane Inc called for clarity

143 Cairns Regional Domestic Violence Service, public hearing transcript, Cairns, 3 June 2025, p 5.
144 Submissions 11, 15, 33, 57.
145 Submissions 15, p 2.
146 Submission 33, p 5.
147 Submissions 17, 38.
148 Submissions 38, 44, 52, 65.
149 Submission 65, p 8.
150 Submission 65, p 8.
151 Submission 57, p 7.
152 Submissions 15,19.
153 Submission 57.
154 Submission 70.

around 'how closely the electronic monitoring devices will be monitored by police force, and an evaluation of their efficacy in reducing recidivism in future.'[155] QIFVLS said,

> We are not opposed to an electronic monitoring pilot; however, we would like to see the results of a review of the pilot. We would like to see the rollout of the electronic monitoring pilot, especially in rural and remote Queensland, and seek close coordination from the QPS with Aboriginal and Torres Strait Islander stakeholders in the DFV sector.[156]

The department's written response to published submissions noted all submissions that spoke to the provisions in the Bill relating to the pilot program.

In respect to the design of the pilot program, the department advised, 'Careful consideration is being given to these roles, including addressing resourcing needs and consulting with stakeholders'.[157] In terms of review and evaluation at the end of the 2-year period, the department stated: 'The effectiveness of devices will be considered during a review of the pilot, which will be required if the pilot is to be extended past 2 years.'[158]

The department advised that paired safety devices will be available for consenting victim-survivors, 'allowing for bilateral monitoring and providing an additional measure to help victim-survivors feel safe'. The safety device will be linked to the monitoring devices worn by the respondent. It is intended that the movements of the respondent will trigger an alert or notification on the safety device used by the aggrieved or named person.[159]

To the concerns raised that electronic monitoring could foster a false sense of security and safety among the aggrieved and that greater support was needed for victims, the department advised:

> Monitoring device conditions are intended to complement existing integrated safety planning. The pilot will ensure that there is clear communication with victim-survivors about how the monitoring devices work, and any limitations. It is expected the pilot will connect victim-survivors with the appropriate supports.[160]

Recommendation 5

The committee supports a considered implementation of the electronic monitoring pilot program in Queensland, as proposed by the Bill, so that a fulsome and meaningful evaluation of the trial may be conducted at the end of the 2-year pilot period.

155 Submission 28.
156 Queensland Indigenous Family Violence Legal Service (QIFVLS), public hearing transcript, Cairns, 3 June 2025, p 11.
157 DFSDSCS, correspondence dated 5 June 2025, attachment, p 67.
158 DFSDSCS, correspondence dated 5 June 2025, attachment, p 72.
159 DFSDSCS, correspondence dated 5 June 2025, attachment, p 72.
160 DFSDSCS, correspondence dated 5 June 2025, attachment, p 69.

2.2.5. Human rights – right to freedom of movement, privacy and liberty

The Statement of Compatibility to the Bill acknowledges that the electronic monitoring pilot engages and may limit a number of human rights, including freedom of movement (s 19 of the HRA), right to privacy (s 25), and right to liberty (s 29).

Significantly, the power to impose such a condition infringes personal privacy and freedom of movement by providing for the possibility of a respondent issued with a DVO being subject to a monitoring device condition requiring the respondent to wear a monitoring device, which is intended to operate 24/7. This limits the respondent's personal privacy because a monitoring device is worn on the person, and because such a device can be used for surveillance purposes to track a person's location and movements.[161]

A respondent may be contacted in relation to certain alerts or notifications from a monitoring device, and related information (potentially personal in nature) may be given to the chief executive and certain other entities.[162] The ability to share the private information increases the interference with privacy.[163]

The wearing of the device may also lead to attacks on the respondent's reputation by others who see or are made aware of the presence of the monitoring device, who may approach the respondent or the respondent's family, friends, or community members or disseminate information about the respondent, limiting the respondent's right to privacy and reputation.[164]

QCCL and Sisters Inside Inc submitted that monitoring devices infringe upon a number of fundamental human rights of the respondent, noting that the pilot program would not just alert authorities to a breach of their conditions but would also constantly inform authorities of the wearer's movements.[165] Additionally, QCCL submitted that by imposing the device for *charges* as well as *convictions*, in accordance with proposed new s 66B(1)(a)(ii), the Bill is violating the presumption of innocence.[166]

According to the Statement of Compatibility, the purpose of the amendments is to:

> … protect the safety of aggrieved persons and to prevent further violence or harm from occurring by deterring a respondent from coming into contact with the aggrieved and by encouraging the respondent to comply with the conditions of a DVO … [and to] enable police to respond if a respondent contravenes the conditions of a DVO.[167]

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161 In accordance with a regulation prescribed under the DFVP Act, proposed s 66F (Bill, cl 15).
162 The Director-General of the Department of Families, Seniors, Disability Services and Child Safety (chief executive) may, for example, ask a prescribed entity (such as, the Commissioner of Queensland Corrective Services) to contact the respondent in relation to the alerts and notifications. Bill, cl 15 (inserts DFVP Act, ss 66A and 66E(2)).
163 In accordance with a regulation prescribed under DFVP Act, proposed s 66F (Bill, cl 15).
164 See HRA, s 25.
165 Submissions 18, 52.
166 Submission 18.
167 Statement of compatibility, p 6.

The purpose of the limitations is a significant one, seeking to prevent future domestic violence by monitoring a respondent's compliance with the conditions of a DVO, and by seeking to collect sufficient evidence to determine the effectiveness of the provisions.

Committee comment

On balance, the committee is satisfied the Bill achieves a 'fair balance' between the purpose of the limitations in the proposed pilot program and human rights, such that the Bill is compatible with human rights.

2.2.6. Fundamental legislative principle – delegation of legislation

The Bill's proposed pilot of electronic monitoring devices would provide power for a number of matters to be prescribed in regulation, rather than including them in the Bill. However, the LSA prescribes that a Bill should only allow the delegation of legislative power in appropriate cases.[168]

Proposed new section 66F of the DFVP Act would provide that a regulation may prescribe various matters regarding information relating to a monitoring device condition, including the purpose for which the information may be shared. Acknowledging the rationale for this delegation to subordinate legislation, the explanatory notes state that it 'is to allow flexibility in information sharing and storage for the purpose of the pilot as it commences'.[169]

The department further stated at the public briefing that details of the courts' role in issuing monitoring devices during the pilot program will be set out in regulation:

> The pilot will be limited to select locations, and only courts prescribed by regulation will be able to make the monitoring device conditions. Courts making a monitoring device condition will also be required to consider other factors. This includes the personal circumstances of the respondent and their ability to charge the device. Courts will also consider the views and wishes of the aggrieved or a named person and any other matters prescribed by the regulation.[170]

Hub Community Legal submitted they could not support amendments in contravention of the *Legislative Standards Act 1992,* contesting that certainty, consistency, and predictability are needed over flexibility.[171]

168 LSA, s 4(4)(a).
169 Bill, cl 15 (new section 66C(1)(d)).
170 Public briefing transcript, Brisbane, 21 May 2025, p 12.
171 Submission 62, p 10.

Committee comment

The committee is satisfied that it is appropriate for greater latitude than usual to be provided for prescribing matters in regulation. Nevertheless, the committee is of the view that if the pilot is extended, the Minister should consider the benefit of adding the details relating to the electronic monitoring program into primary legislation.

Recommendation 6

The committee recommends that, at the end of the electronic monitoring pilot period and the expiry of the 2-year trial, the Minister consider setting out the details of any extending or permanent scheme in the primary legislation.

2.3. Video-recorded evidence-in-chief

The Bill proposes to expand the video-recorded evidence-in-chief framework throughout Queensland.

The current video-recorded evidence-in-chief (VREC) framework provides that a complainant's evidence-in-chief can be obtained closer to the occurrence of an alleged offence. A police officer can take a video recorded statement to be used for court proceedings. The explanatory notes state that the process may:

- assist complainants to recall greater detail about an offence
- capture the complainant's demeanour
- reduce the need for victim-survivors to give evidence in court.

Use of the VREC framework is currently limited to summary criminal proceedings and committal proceedings at Magistrates Courts in Ipswich, Southport, and Coolangatta.[172]

The videorecorded evidence-in-chief framework allows victims to provide both their written statements to police and their evidence-in-chief by way of a recorded statement once, and that statement can be used both as a written statement and as evidence-in-chief. There is the option to give the statement outside of a stressful courtroom environment and even outside of a police station as well, and that might produce better quality evidence from the victim-survivor.

Myrella-Jane Byron, Acting Director, Department of Justice
Public hearing, 21 May 2025, p 10.

[172] Explanatory notes, p 3.

Outside these three courts, the usual process following an alleged DFV occurrence operates as follows:

- a police officer obtains a sworn written statement from the complainant
- this information is disclosed to the defence as part of the brief of evidence
- if proceeding to court, the complainant gives evidence by way of oral testimony
- 'evidence-in-chief' is the information obtained when the prosecution first questions the complainant about the alleged offending
- cross-examination sees the defence question the complainant
- re-examination is where the prosecution can ask further questions of the complainant, following cross-examination.[173]

Complainants in domestic violence criminal proceedings are considered 'special witnesses' under section 21A of the *Evidence Act 1977*. This means a court may make orders about how the complainant's evidence is given. For example, it might be decided the court be closed to the public, that the defendant be obscured from a complainant's view, or that evidence be given via audio-visual link from another room.[174]

The proposed amendments are intended to minimise the stress and trauma experienced by victim-survivors when repeatedly speaking about their experience. The department advised the VREC framework may also lead to better quality evidence because of this reduced stress, and the evidence obtained might also provide for a fresher and more detailed account.[175]

The Bill proposes to amend part 6A of the *Evidence Act 1977* to expand the VREC framework for use statewide in civil and domestic violence proceedings (cls 42, 48, 49). While expanding the framework, the Bill also makes changes to it. If passed, the Bill would:

1. (Clause 45) remove the requirement that a VREC statement be taken as soon as practicable. This is to recognise that complainants may need time to provide a statement.
2. (Clause 44) provide that complainants can make multiple VREC statements to police. This is to recognise that complainants may need to provide multiple statements over time.
3. (Clause 45) insert the requirement that if any part of a recorded statement is in a language other than English the recorded statement must contain an oral translation of the part in English, or a separate written English translation of the part must accompany the statement.

173 DFSDSCS, correspondence, attachment, 14 May 2025, p 12.
174 DFSDSCS, correspondence, attachment, 14 May 2025, p 12.
175 DFSDSCS, correspondence, attachment, 14 May 2025, p 12.

4. (Clause 46) require that consent is only required to be obtained once: either prior to, or at the time of, starting the recorded statement. Clause 46 also includes a list of matters a police officer must explain to a complainant before or at the time the recorded statement is started.
5. (Clause 45) remove the statutory requirement that only police officers who have successfully completed a DFV training course may take a VREC statement.[176]

Regarding the final point, the QPS told the committee 'The removal of this statutory power will allow the Queensland Police Service to be flexible in expanding workforce capabilities while still meeting the needs of victim-survivors'.[177]

2.3.1. Stakeholder submissions and department advice

Stakeholders were broadly supportive of a VREC framework and its potential to reduce stress and trauma for complainants. For example, NAPCAN wrote that it recognised:

> … 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.[178]

Similarly, the QHMC 'supports the focus on prioritising the needs of victim-survivors and empowering victim-survivors with choice, autonomy and dignity to provide statements in the environment that they choose'.[179]

Although broadly supportive of the expansion of VREC, some submissions raised concerns about the details of the proposed framework. The removal of the requirement that only a trained police officer who has completed DFV training may conduct a VREC was criticised.[180]

The Archdiocese of Brisbane and Centacare noted the intent behind removing this mandate is to promote operational flexibility. They concluded, however, that 'the appropriate solution is not to abandon training, but to ensure that all frontline officers receive the required training'. The submission recommended the Queensland Government publish a best practice protocol for VREC in collaboration with the DFV sector and cultural advisors.[181]

The Archdiocese of Brisbane and Centacare also stated care needs to be taken when dealing with people from CALD backgrounds, those with limited literacy, and those with a disability that impacts cognition or communication.[182]

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176 Bill, cls 44–46; explanatory notes, pp 45–6; QPS, Public briefing transcript, Brisbane, 21 May 2025, p 4.
177 QPS, Public briefing transcript, Brisbane, 21 May 2025, p 4.
178 Submission 17, np.
179 Submission 5, p 5.
180 Submissions 7, 11, 16, 17, 30, 36, 40, 41, 44, 53, 57 65, 70, 71.
181 Submission 44, p 19.
182 Submission 44, p 17.

LAQ expressed the view that a comprehensive review of the VREC pilot be undertaken prior to the pilot being extended, stating there is not currently any data to demonstrate the pilot has been successful. LAQ acknowledged benefits to the VREC process but also identified 'disadvantages'. LAQ raised concern that the criminal lawyers practicing in the VREC pilot regions found it more difficult to give advice to defendants. LAQ found that resourcing required by duty lawyers and advice clinics 'is significantly higher in matters involving a VREC statement'.[183]

SSI strongly endorsed proposed changes that would require a recorded statement in a language other than English to be accompanied by either a recorded oral translation or a written English translation. SSI proposed an amendment so translations would need to be provided by a NAATI-certified translator. SSI also advocated for translators being brought in, where possible, from other jurisdictions, 'to reduce the potential of collusion within communities'.[184] Centacare FNQ noted the need for additional resourcing to support translation needs, including 'Greater availability of interpreters, translated resources, and bicultural workers'.[185] Several submitters wrote that it is essential there be access to adequate translation services.[186]

Several submitters raised concern about the proposed change that would see a complainant make a generic declaration rather than an acknowledgement or declaration under the *Oaths Act 1867.*[187]

Several submissions commented on the Bill's proposed amendments related to consent only being required to be obtained once.[188]

SSI, QIDAN, the Archdiocese of Brisbane and Centacare, QCOSS, the Office of the Information Commissioner (OIC), the Victims' Commissioner and QHMC all highlighted the need for informed consent to be obtained, and several recommended the Queensland Government ensure QPS staff are sufficiently trained to obtain it.[189]

HUB Community Legal supported the VREC amendments in general but raised concern that the VREC framework may reduce the defence's ability to cross-examine an aggrieved.[190]

Responding to concerns about a lack of consultation, DFSDSCS noted that the DOJ consulted with stakeholders from the legal sector and the DFV sector.[191] The DOJ clarified that in its efforts to 'streamline and expand the VREC framework' and clarify the use of

183 Submission 53, np.
184 Submission 28, np.
185 Submission 32, np.
186 See submissions 15, 17, 28, 33, 38, 42, 44, 53, 57.
187 See submissions 65, 71.
188 Submissions 38, 44, 52, 57, 65, 71.
189 Submissions 5, 18, 28, 38, 44, 60, 65.
190 Submission 62, p 9.
191 DFSDSCS, correspondence, attachment, 5 June 2025, p 4.

VREC statements in civil proceedings, it consulted with stakeholders from the legal and DFV sector, as well as Heads of Jurisdiction.[192]

DFSDSCS acknowledged calls for effective education materials to support the rollout of VREC, and noted QPS will lead 'implementation activities' for VREC.[193] DOJ acknowledged implementation activities will need to occur, including updates to 'training, policies and IT systems for police officers and court registries'.[194]

DOJ noted the feedback that was generally supportive of the VREC framework.[195]

DOJ noted that it is currently a requirement that a trained police officer who has undergone DFV training obtain a VREC statement. The DOJ acknowledged that many submissions opposed the Bill's proposed removal of this requirement. The DOJ wrote that this statutory requirement was removed 'as it is not required to facilitate training and the quality of VREC statements, similar to the taking of recorded statement of children under section 93A of the Evidence Act'. Further, the DOJ noted that QPS has advised that suitable training can be effected 'through internal policy and guiding principles', and that it has been proposed that all police officers, including those up to the rank of Chief Superintendent, will be required to undertake a two-day mandatory course.[196]

Recommendation 7

The committee recommends:

- that any training materials that relate to DFV and are developed by the Queensland Police Service, including VREC training and the proposed two-day mandatory course, be co-designed in tandem with domestic and family violence specialist providers.
- that these materials be regularly reviewed to ensure contemporary evidence-based and trauma informed training.
- that police officers are required to undertake regular refresher training.

In response to submitters that recommended accessible interpreting services, including those that advocated for independent accredited interpreters, the DOJ noted that QPS has developed a policy to guide police officers about when to use interpreters. The DOJ referred to section 6.37 of the QPS Operational Procedures Manual, which provides that

> … where practical, officers should provide professional, accessible and equitable services in response to the communication requirements of people

192 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 89.
193 DFSDSCS, correspondence, attachment, 5 June 2025, p 4.
194 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 89.
195 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 83.
196 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, pp 84–5.

> from non-English speaking backgrounds, First Nations and Torres Strait Islander peoples, the deaf and hearing/speech impaired persons.[197]

The DOJ acknowledged submissions that stated it is essential that victim-survivors provide informed consent and have a full understanding of the implications of making a VREC statement. The DOJ advised the Bill aims to ensure the framework is accessible while ensuring informed consent and other safeguards are retained. The DOJ advised 'A VREC statement cannot be taken in the first instance without obtaining a complainant's informed consent'.[198]

The DOJ noted the Australian College of Nurse Practitioners (ACNP)'s concerns that amendments to s 103F of the *Evidence Act 1977* would provide that VREC recordings might be made available to the accused. The ACNP considered this to be completely inappropriate and inconsistent with other jurisdictions. The DOJ clarified that s 103F outlines information a police officer is required to explain to a complainant to obtain their informed consent to record a VREC statement, but it does not make changes to disclosure requirements. The DOJ advised that s 590AOB of the *Criminal Code Act 1899* governs the disclosure of a VREC statement. If a defendant has a legal representative, the VREC statement is disclosed to the defendant's legal representatives. The representatives also receive a notice prohibiting a copy being provided to the defendant. If there is no legal representative, the defendant is advised they will not be provided a copy, but on request an appropriate person, as defined in the Act, will be allowed to view the statement and provide a transcript for the defendant.[199] The DOJ wrote that 'these strict disclosure requirements broadly align with the position in other jurisdictions'.[200]

The DOJ further stated that the use of VREC in civil proceedings 'can assist in reducing a victim-survivor's trauma from engaging in giving evidence in further court proceedings'. Further, it noted that s 145 of the DFVP Act provides that in proceedings under the Act, a court may inform itself how it deems it appropriate: 'a court is not bound by the rules of evidence, or any practices or procedures applying to courts of record'. The DOJ stated that the Bill clarifies this position.[201]

The DOJ responded to LAQ's concerns about an expanded VREC system creating a greater workload for its lawyers. The DOJ wrote that impacts related to the expanded VREC framework will be monitored.[202]

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197 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 86; the Operation Procedures Manual can be found at www.police.qld.gov.au/sites/default/files/2025-04/Operational-Procedures-Manual_0.pdf.

198 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 87.

199 'Appropriate person' is defined as either 'the accused person', 'a lawyer mentioned in the *Evidence Act 1977,* section 21O(4) or another lawyer who is providing legal advice or assistance to the accused person', or 'another person engaged by the accused person if the prosecution or court considers it is appropriate for the other person to view the recorded statement'. This section provides that, in some circumstances, an accused person may view the recording but cannot be given a copy.

200 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, pp 87–88.

201 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, pp 87–88.

202 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 89.

In response to HUB Community Legal's concerns that the VREC framework may reduce the defence's ability to cross-examine an aggrieved, the DOJ noted that the *Evidence Act 1977* 'includes a prohibition on a self-represented defendant cross-examining a complainant of a domestic violence offence'. If a defendant is self-represented, the court is required to arrange free legal assistance for the defendant by Legal Aid. The DOJ advised that 'This framework enables a defendant to test the prosecution's evidence without a defendant personally cross-examining a complainant'.[203]

The DOJ noted feedback from NAPCAN and LAQ advocating for the right of victim-survivors to have a support person present during the making of their VREC statement. The DOJ said the VREC framework does not prevent a support person being present.[204]

The DOJ addressed calls from the QFCC for reforms that ensure developmentally appropriate and trauma-informed communication with children and vulnerable witnesses. It responded that the VREC framework only applies to adult complainants, and the Bill does not contain amendments related to a child witness.[205]

In response to Sisters Inside Inc's concerns about the expansion of VREC use in civil proceedings, the DOJ responded that the use of VREC statements in civil proceedings for domestic violence orders 'can assist in reducing a victim-survivor's trauma from engaging in and giving evidence in further court proceedings'.[206]

2.3.2. Fundamental legislative principles

The committee is of the view that the Bill's amendments relating to the VREC framework are consistent with the fundamental legislative principles in the LSA.

2.3.3. Human rights

The department acknowledged the Bill will limit the following rights under the HRA:

- the right to freedom of expression (section 21)
- the right to privacy and reputation (section 25)
- the right to a fair hearing (section 31)
- rights in criminal proceedings (section 32).

Committee comment

On balance, the committee is of the view that the amendments relating to the VREC framework are compatible with human rights under the HRA, and that any limits on human rights are reasonable and demonstrably justifiable.

203 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, pp 88–90.
204 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 90.
205 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 90.
206 DOJ in DFSDSCS, correspondence, attachment, 5 June 2025, p 88.

2.4. Approved provider list

The Bill proposes to change criteria that determine eligibility for the Approved Provider List (APL)—the list used by courts when mandating a respondent attend an approved intervention program, or counselling from an approved provider. Under current legislation the APL has no application or monitoring processes, nor are there criteria for providers delivering counselling services. According to the explanatory notes, 'The absence of effective assessment and oversight of approved providers has resulted in inconsistency and a lack of accountability for the service system and quality assurance of service delivery'.[207]

The proposed amendments would provide the Chief Executive the ability to consider matters that are prescribed in regulation when considering approving a provider for an approved program or counselling.

2.4.1. Stakeholder submissions and department advice

Stakeholders that addressed the amendments relating to the APL were largely supportive of the Bill.[208] Some submissions did raise concerns or offered recommendations to strengthen the proposed changes.

Submitters suggested it is important for adequate co-design to occur, ensuring voices of First Nations peoples, children, CALD communities, people living with disability, and regional providers should be considered.

The Queensland Aboriginal and Torres Strait Islander Child Protection Peak's members, during a DFV Yarn held in May 2025, raised concerns 'regarding the scope, transparency, and cultural relevance of the current APL process' and expressed concern about 'the cultural appropriateness of mandated interventions and whether they truly meet the needs of Aboriginal and Torres Strait Islander families'[209].

The Soroptimist International Brisbane Inc wrote that APL providers should 'Involve DFV sector specialists, including Aboriginal Community Controlled Organisations and CALD services, in setting and reviewing APL criteria'. The submission recommended that providers must 'adhere to minimum standards for gender-responsive and culturally safe practices, ensuring that privacy and confidentiality requirements are upheld'.[210]

The QFCC emphasised it is important that the approved programs and services are able to meaningfully address the needs of children. The QFCC recommended 'Programs focused on "fathering" and behaviour change, particularly those that are culturally safe and evidence-based'.[211]

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207 Explanatory notes, pp 3–4.
208 See submissions 2, 11, 15, 24, 28, 33, 37, 38, 44, 47, 51, 57.
209 Submission 24, p 8.
210 Submission 15, p 2.
211 Submission 11, pp 6–7.

QCOSS recommended the DFV sector be involved in co-design. The submission stated services should be consulted to collaborate on the design of the APL regulation and its delivery.[212]

Services and Practitioners for the Elimination of Abuse Queensland (SPEAQ) also noted the importance of co-design. Its submission said 'Standards, oversight, and inclusion criteria should be co-designed with those working directly with men who use violence. This ensures the system maintains its integrity, centres safety, and builds public trust in responses to DFV'.[213]

QIDAN said the APL should include programs and services appropriate for people with disability, particularly cognitive and psychosocial disabilities, as well as those who have limited capacity.[214] QDN said programs 'must be inclusive of diverse communication, cognitive, sensory and physical needs'.[215] Sisters Inside Inc opposed the proposed amendments to the APL.[216]

The department noted the support for the proposed amendments to the APL.

In response to recommendations that the regulation should be informed by significant consultation, the department confirmed that 'Matters for inclusion in the regulation will be developed in consultation with the domestic and family violence sector'.[217]

In response to recommendations from QIDAN and QDN that the APL should be expanded to include people with disability and to provide for accessibility standards, the department responded that 'The scope of the Approved Provider List amendments is a policy matter for Government'.[218]

2.4.2. Fundamental legislative principles

The committee is of the view that the Bill's technical amendments to the DFVP Act to strengthen the maintenance of the APL are consistent with the fundamental legislative principles in the LSA.

2.4.3. Human rights

The committee is of the view that the Bill's technical amendments to the DFVP Act to strengthen the maintenance of the APL are compatible with human rights under the HRA, and that these amendments do not limit any human rights.

212 Submission 57, p 9.
213 Submission 20, np.
214 Submission 38, p 6.
215 Submission 57, p 11
216 Submission 52, np.
217 DFSDSCS, correspondence, attachment, 5 June 2025, p 76.
218 DFSDSCS, correspondence, attachment, 5 June 2025, p 77.

Appendix A – Submitters

Sub No.	*Name / Organisation*
1	Lauren Taylor
2	City Women Toowoomba
3	Brett Pashen
4	Gold Coast Centre against sexual violence inc.
5	Queensland Mental Health Commission
6	Name Withheld
7	North Queensland Women's Legal Service
8	Edith Anne Millen
9	4 Voices Global Limited
10	Queensland Network of Alcohol and Other Drug Agencies
11	Queensland Family and Child Commission
12	Australian College of Nurse Practitioners
13	PeakCare
14	Anglicare Southern Queensland
15	Soroptimist International Brisbane Inc
16	Respect Inc
17	NAPCAN
18	Queensland Council for Civil Liberties
19	The Salvation Army Australia
20	Services and Practitioners for the Elimination of Abuse Queensland (SPEAQ)
21	Queensland Sexual Assault Network (QSAN)
22	Tracey Smith
23	Name Withheld
24	Queensland Aboriginal and Torres Strait Islander Child Protection Peak Limited
25	Colby Smith

Sub No.	Name / Organisation
26	Mayor Tom Tate, City of Gold Coast
27	Name Withheld
28	Settlement Services International (SSI)
29	Frank Drew
30	The Red Rose Foundation
31	Name Withheld
32	Centacare FNQ
33	DVConnect
34	Immigrant Women's Support Service
35	Name Withheld
36	The Centre for Women & Co.
37	Women's Legal Service Queensland
38	Queensland Independent Disability Advocacy Network
39	Ellie Bedells
40	Combined Women's Refuge Group Southeast Queensland
41	Queer and Trans Workers Against Violence
42	Islamic Women's Association of Australia Ltd (IWAA)
43	LGBTI Legal Service Inc
44	Archdiocese of Brisbane and Centacare
45	Australian Christian Lobby
46	Refugee and Immigration Legal Service (RAILS)
47	Local Government Association of Queensland
48	Shooters Union Queensland Pty Ltd
49	Louise Smith
50	Miracle Mums Movement Inc
51	Queenslanders with Disability Network (QDN)
52	Sisters Inside Inc

Sub No.	Name / Organisation
53	Legal Aid Queensland
54	Family Responsibilities Commission
55	Nicole Grings Schmidt
56	Aboriginal and Torres Strait Islander Legal Service (Qld) Ltd
57	Queensland Council of Social Service (QCOSS)
58	Confidential
59	Lamberr Wungarch Justice Group
60	Office of the Information Commissioner
61	Confidential
62	Hub Community Legal
63	Caxton Legal Centre and HopgoodGanim Lawyers
64	Queensland Police Union of Employees
65	Beck O'Connor, Victims' Commissioner
66	Mark Marson
67	Cairns Community Legal Centre
68	The DFV Community Advocacy Group
69	Full Stop Australia
70	Queensland Indigenous Family Violence Legal Service
71	Queensland Law Society
72	Rights in Action (Jerry John, Principal Advocate)
73	Institute for Collaborative Race Research
74	The Royal Australian and New Zealand College of Psychiatrists
75	Queensland Human Rights Commission

Appendix B – Witnesses at Public Briefing

Brisbane, Wednesday 21 May 2025

Department of Families, Seniors, Disability Services and Child Safety

Belinda Drew	Director-General
Helen Missen	Senior Executive Director, Strategic Policy and Legislation
Peta Harrington	Acting Director, Strategic Policy and Legislation

Department of Justice

Kate Connors	Deputy Director-General, Justice Policy and Reform
Leanne Robertson	Assistant Director-General, Strategic Policy and Legislation, Justice Policy and Reform
Myrella-Jane Byron	Acting Director, Strategic Policy and Legislation, Justice Policy and Reform

Queensland Police Service

Cameron Harsley APM	Deputy Commissioner
Katherine Innes APM	Assistant Commissioner
Mark Lyell	Acting Inspector

Appendix C – Witnesses at Public Hearings

Mackay, Friday 23 May 2025

Mackay City Council
Greg Williamson, Mayor

Mackay Women's Services
Belinda Berg, Chief Executive Officer
Stacy Irwin, Practice Manager
Melanie Gray, High Risk Team Coordinator

Whitsunday Counselling and Support Inc.
Sharon Parker, Manager, Counselling Services

Broken Ballerina Inc.
Jules Thompson, Director
Peter Thompson, Secretary

Marabisda Inc.
Lee George, Coordinator, Domestic and Family Violence Support Services

Vicki Blackburn

Cairns, Tuesday 3 June 2025

Cairns Regional Domestic Violence Service
Sandra Keogh, Chief Executive Officer

Centacare
Anita Veivers, Executive Director, Centacare Far North Queensland and Catholic Early Learning and Care
Andrea Obeyesekere, Senior Manager

Queensland Indigenous Family Violence Legal Service
Kulumba Kiyingi, Senior Policy Officer

Ruth's Women's Shelter
Emalee Anstey, Manager

Warringu Aboriginal and Torres Strait Islander Corporation
Karen Dini Paul, Chief Executive Officer

Family Responsibilities Commission
Rod Curtin, Deputy Commissioner
Camille Banks, Manager, Compliance and Legal Policy

Brisbane, Monday 9 June 2025

Office of the Victims' Commissioner
Beck O'Connor, Victims' Commissioner
Sarah Kay, Executive Director
Dimity Thoms, Director, Policy and Systemic Review

Office of the Information Commissioner
Joanne Kummrow, Information Commissioner
Susan Shanley, Acting Privacy Commissioner
Sarah Owens, Acting Manager, Policy

Queensland Family and Child Commission
Luke Twyford, Principal Commissioner

Queensland Law Society
Genevieve Dee, President
Kristy Bell, Chair, Domestic and Family Violence Law Committee
Katherine Manby, Member, Domestic and Family Violence Law Committee
Hayley Stubbings, Special Counsel, Legal Policy

Queensland Police Union of Employees
Shane Prior, General President
Anthony Brown, Director – Policy & Legislation
Troy Schmidt, Barrister-at-Law

The Salvation Army of Australia
Hannah Stephen, State Manager, Family & Domestic Violence QLD/NT
Liz Carney, Regional Manager for QLD, Family Violence Programs QLD
Rendle Williams, Government Relations Manager, QLD

Women's Legal Service Queensland
Nadia Bromley, Chief Executive Officer
Meaghan Bradshaw, Legal Practice Director

Settlement Services International
Dr Astrid Perry OAM, Head of Women, Equity and DFV
Gulnara Abbasova, Head of DFSV Prevention and Response
Emily Ellis, Program Manager 99 Steps

Queensland Council of Social Service
Aimee McVeigh, Chief Executive Officer
Bronwen Kippen, Acting Executive Director, Research and Policy
Tanya Chilcott, Senior Policy Officer, Domestic and Family Violence

Statements of Reservation

STATEMENT OF RESERVATION
DOMESTIC AND FAMILY VIOLENCE PREVENTION
AND OTHER LEGISLATION AMENDMENT BILL 2025

Domestic and family violence is a scourge on society.

The prevalence, severity and impacts of domestic and family violence is of significant concern. The Queensland Labor Opposition acknowledges that working to end violence is incredibly complex and fundamentally requires broad socio-cultural change and achievement of gender equality.

Significant reform has occurred in recent years in close consultation with the domestic and family violence sector, victim-survivors, Queensland Police Service and the courts. This includes the commencement of coercive control legislation which was introduced by the former Labor Government and implementation of the recommendations of the *Women's Safety and Justice Taskforce Hear Her Voice Report 1 (2021), Hear Her Voice - Women and Girls' Experiences across the Criminal Justice System Report 2 (2022)* and the *Call for Change - Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence (2022)*.

The Queensland Labor Opposition supports expert and evidence based reform that progresses ending domestic and family violence in Queensland. Any reform commenced must prioritise the safety and wellbeing of victim survivors first and foremost. Laws should always be drafted to ensure that community safety is at the fore and that enacted legislation does not have unintended consequences on other parts of the community safety and justice system.

We acknowledge the workforce challenges domestic and family violence presents the Queensland Police Service and we are supportive of measures that empower hardworking frontline police. The Queensland Labor Opposition would like to thank each and every Queensland Police Service officer and employee for their dedication and their hardwork in keeping our community safe.

POLICE PROTECTION DIRECTIONS

The *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* establishes a framework for Police Protection Directions (PPDs). PPDs are on the spot, police issued protection orders that are similar to a Domestic Violence Order (DVO) and will be in place for 12 months. Unlike a DVO, issuing a PPD will not require court oversight, placing Queensland Police Service Officers responding to domestic and family violence callouts in the position of judge and jury.

The Queensland Police Union have called for the introduction of PPDs to address workforce impacts of responding to increasing numbers of domestic and family violence incidents, to better manage Police workload and to increase police efficiency.

The Queensland Labor Opposition acknowledges the hard work of frontline police officers and welcomes measures that support Queensland Police Service officers to effectively respond to domestic and family violence call outs. However, reform must not be at the expense of community safety and the safety and wellbeing of victims and victim-survivors of domestic and family violence.

The majority of stakeholders oppose PPDs, which prioritise police efficiency, over victim survivor safety and have the potential to result in unintended consequences. The removal of judicial oversight of police decision making was raised as a significant risk, particularly regarding misidentification and the severity of associated consequences.

The *Call for Change: Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence (2022)* (the Commission of Inquiry) identified misidentification of the person most in need of protection as a key concern. While recommendations from the Commission of Inquiry, such as improved training for the Queensland Police Service are consistently being implemented to address misidentification, the sector continues to raise misidentification as a key concern.

The Queensland Police Union's Blueprint notes that at the time of the release of the Commission of Inquiry,*"…the number of female respondents in DFV matters recorded by QPS was around 22-23% of all matters"* and citing the Queensland Police Union's analysis *"the accepted level according to researchers, academics and experts in the DFV sector is 7-8%."*

Further, the Bill fails to address misidentification nor articulate a gender centred oversight process.

In their submission to the Committee, DVConnect raised, with respect to data collected from DVConnect Mensline on the number of male aggrieved vs respondents of domestic and family violence, "…*we have not seen significant shifts in the number of aggrieved versus respondent referrals to the Mensline service. This suggests that current training that is in place, may not be gaining the outcomes that was hoped."*

In addition to the data, there is significant concerns shared by stakeholders that misidentification of the person most in need of protection remains an alarming issue and that the removal of judicial oversight will result in more severe consequences for victims.

Victims Commissioner, Ms Beck O'Connor in her submission, stated *"It is well established that police misidentify victim-survivors as perpetrators at an unacceptable level in Queensland."*

Further the Queensland Law Society suggested:

> *"…police investigating alleged DFV are confronted with difficult circumstances, where a variety of factors may interfere with their ability to properly consider the full context and correctly identify the person most in need of protection. Police are required to make 'kerbside' judgments where the primary aggressor may seem calm while the person most in need of protection may present as heightened and erratic. The consequences of police judgments being incorrect will be more severe when the result is a 12-month PPD rather than a police protection notice (PPN)…"*

The explanatory notes of the bill explicitly explain the consequences of misidentification, *"The consequences of misidentification can be severe and potentially fatal. A wrongly issued PPD may leave a person without protection, subject to criminalisation and systems abuse from the perpetrator, restrict freedom of movement or association, damage reputation and create long-lasting stigma which may persist even after the PPD ends."*

QCOSS further expressed the severe ramifications of misidentification,

> *"PPDs are likely to significantly increase the risk of misidentification occurring, placing some victim-survivors at greater risk and without protection."*
>
> *"Police misidentification at DFV incidents is an ongoing and significant concern. The Queensland Domestic and Family Violence Death Review and Advisory Board found almost half (44.4%) of women murdered in domestic violence-related incidents they had reviewed were identified by police as a respondent, instead of the person most needing protection, at least once in their lifetime."*
>
> *"We hold significant concerns in relation to misidentification and we have outlined that in our submission … the consequences of misidentification can be severe and potentially fatal. Where a person is misidentified, that means they will be left without protection at that incident. They can then become criminalised. They can have their reputation ruined. We know that the consequences for their safety and wellbeing can be severe."*

Throughout the committee process stakeholders also widely acknowledged that misidentification disproportionately impacts Aboriginal and Torres Strait Islander victim-survivors, culturally and linguistically diverse victim-survivors, those with a disability and victim-survivors in LGBTQIA+ relationships.

In their submission to the committee the Centre for Women and Co stated:

> *"Our service has supported numerous victim-survivors who were incorrectly identified as respondents… this issue is particularly prevalent for women experiencing compounding forms of disadvantage including First Nations women and women from migrant or refugee backgrounds…"*

QCOSS stated:

> *"Aboriginal and Torres Strait Islander and women from CALD backgrounds, along with people with disability and people from the LGBTQIA+ community, are more likely to be misidentified by police as the primary aggressor at a DFV incident. People with mental health issues or issues with drug and alcohol use also face a higher risk of misidentification."*
>
> *"QCOSS strongly opposes the introduction of PPDs due to concerns that they will result in over criminalisation and unintended, unjust consequences for Aboriginal and Torres Strait Islander Peoples and other discrete groups who are more likely to be misidentified."*

Further concerns voiced by stakeholders include risk and missed opportunities that result from the removal of judicial oversight.

These include reduced opportunities for victim-survivors to access support, including legal advice, an interpreter, have their views considered in the making of a protection order, in addition to holding perpetrators to account and referrals to behaviour change programs.

Women's Legal Service QLD stated in their submission to the committee:

> *"…we also know that attending court is a way that many victim survivors get support. Many victim-survivors are connected with support services at court that they may not otherwise contact and receive free legal advice to help them better understand their rights and options."*

Domestic and family violence matters progressing to court not only provides support to victim-survivors but is also important to hold perpetrators to account and provide court-ordered behaviour change programs. Queensland Law society stated:

> *"…the fact respondents will not come before the court presents additional problems, including the loss of opportunity for the court to link parties with other services, including behaviour change programs. Significantly, removing the matter from the purview of the court also suggests some DFV is less serious and allows the perpetrator to avoid experiencing the court's disapproval of their conduct, which can be an important part of holding perpetrators to account."*

QCOSS explained:

> *"Men are more likely to attend court-ordered behaviour-change programs than a program referred by police. PPDs will therefore see fewer people who use violence address their behaviour, leading to them being more dangerous for the community."*

It was raised there are gaps in the legislation, particularly with regards to the Family Responsibilities Commission not having to be notified of a PPD as PPDs are not court ordered. This information should be shared with bodies such as the Family Responsibility Commission to ensure behavioural change programs and culturally appropriate interventions can continue to be offered (although this may require an amendment to the FRC Act).

Stakeholders held reservations about the removal of victim-survivor agency, given there are no consent provisions in issuing a PPD.

Queensland Law Society supported this, stating:

> *"QLS also considers the PPD framework has the potential to undermine the main objects and principles of the DFVP Act (ss 3 and 4, particularly s 4(2)(b) regarding the views and wishes of victims being sought before a decision affecting them is made). While the views or wishes expressed by the aggrieved about whether an application for a protection order should be made are a matter a police officer may consider under proposed s 1008 (2)(d), there is no requirement to consider the aggrieved person's views or wishes about whether a PPD is made, and with what conditions."*

While the bill states police responding to an incident must consider the views of the aggrieved there is no consent requirement. With the removal of judicial oversight, this ignores the voice of and undermines victim-survivors.

Settlement Services Australia expands on this, especially regarding vulnerable and diverse communities: *"On the option of not having informed consent, there is a huge risk… SSI would definitely support the idea of having a consent process embedded into this."*

Stakeholders have shared they believe PPDs are regressive and a step backwards in Queensland's journey to ending domestic and family violence. DV Connect outlined this with regards to the shortening of order length:

> *"Shortening of the order length. Not Now Not Ever saw domestic violence orders extend from a standard of two years to five years for clear and intentional reasons. PPDs actively reduce this time frame to one year."*

Many stakeholders, including QCOSS further explained that PPDs see a return to incident-based reporting or 'kerbside' judgments by police. Without the oversight of the courts this is a significant concern, and a regressive step given the commencement of the criminalisation of coercive control. As stated by QCOSS:

> *"Incident-based police responses to DFV, which treat each incident on a one-off basis, have been identified as being inadequate and inconsistent. Queensland has moved away from incident-based policing by introducing coercive control legislation. DFV services are concerned that the PPDs, will see a return by police to incident-based policing, with officers more interested in expediency rather than taking into account the full context of the relationship…"*

The Queensland Law Society further discussed the work of the Women's Safety and Justice Taskforce and that PPDs were at odds with this work, stating:

> *"PPDs simply were not recommended. I think if they were supported by the evidence they probably would have been part of those recommendations … and we would prefer to see those recommendations being implemented."*

Ultimately, stakeholders are concerned that the introduction of PPDs prioritises police efficiency, over victim-survivor safety. In their submission to the committee the Queensland Law Society stated:

> *"The emphasis on police operational efficiencies in this Bill's amendments appear to be inconsistent with the main object of the DFVP Act itself. This risks diminishing the critical focus on the safety, protection and wellbeing of people who fear or experience domestic and family violence, which - as the DFVP Act makes clear - should always be our paramount motivation. The sanctity and protection of human life must never be compromised for efficiency measures."*

Further QCOSS expressed:

> *"In all reform related to domestic and family violence, the safety and wellbeing of victim-survivors must be the No. 1 priority. Our opposition to PPDs relates to the prioritisation of police efficiencies over the safety and wellbeing of victim-survivors."*

The safety of victim-survivors must be the priority of any reforms to the *Domestic and Family Violence Protection Act 2012.* The Queensland Labor Opposition holds significant reservations that this bill has the potential to: increase risks to victim-survivors; fail to afford greater protection; and result in severe consequences to the safety and wellbeing of victim-survivors.

POLICE EFFICIENCY

The objective of the bill is to:

> *"establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to DFV and reduce operational impacts"*
>
> *"The Bill progresses legislative amendments to the Domestic and Family Violence Protection Act 2012 … that will improve productivity for operational police when responding to DFV."*

Therefore, the primary intention of introducing PPDs is to increase police efficiency. It is the first listed objective of the Bill.

However, through the committee process, the committee heard that stakeholders hold reservations about the bill achieving this.

The Women's Legal Service outlined in their submission that due to the exclusions where a PPD cannot be issued, the current PPN process would be utilised. With respect to the bill, Women's Legal Service raised:

> *"… it does not address the inefficiency in the PPN process which will remain for a large volume of matters."*

This was discussed further at public hearings held by the committee, where the Women's Legal Service stated:*"…one of the driving factors was efficiency. I suppose the tragedy that we see in the current drafting of the bill is that it is not well adapted to addressing that aim …"*

The Queensland Law Society stated: "*We query whether, in fact, PPDs will improve efficiencies for police."*

The Victims' Commissioner further explored this at the public hearing, stating:

> *"It remains unclear how this framework would improve police efficiency and, more importantly, how it would protect Queenslanders from harm. These concerns are not theoretical. Tasmania's equivalent of PPDs has been issued at three times the rate of the family violence orders by the courts, along with a doubling of applications to revoke those orders."*

The Queensland Police Union stated,

> *"However, the QPU is concerned the complexity and thresholds for issuing PPDs could undermine the operational policing efficiencies promised to frontline police."*

Feedback from stakeholders refers to the exclusions which limit the circumstances where a PPD can be issued. It is not well established that PPDs will achieve the objective of the bill to increase police efficiency. There are further concerns that PPDs will not increase police efficiency given PPDs cannot be altered, only revoked and re-issued, breaches of PPDs will require a police response and the police review process takes time.

The Queensland Law Society stated:

> *"QLS is concerned one of the unintended consequences of the PPD reforms will be an increase in alleged breaches of PPDs, compared to breaches of DVOs … Breaches may occur because a person using violence who is a respondent to a PPD takes it less seriously than a court order or because respondents misunderstand the nature of the direction."*

The primary objective of introducing a PPD framework in Queensland is to improve police efficiencies. The Queensland Labor Opposition holds reservations regarding the current drafting of the legislation and holds concerns that the legislation may have a negative impact on victims and victim survivors.

Every victim in Queensland counts. As such, it is important that statistics and information are transparent and publicly reported. The implementation of the PPD framework needs to be coupled with a transparency measure to ensure that the number of PPDs issued, the contravention of any PPD and any misidentification issues are captured and reported, similar to breaches of a DVO.

ELECTRONIC MONITORING (GPS) PILOT

It is noted that this part of the legislation relates to a government election commitment. However, reservations are held regarding the effectiveness of electronic monitoring for high-risk perpetrators, and the effectiveness of GPS trackers, particularly in regional, rural and remote Queensland.

From Whitsunday Counselling and Support Inc, *"...when we consider regional areas—and I am sure the pilot will not be in regional areas initially—we need to consider things like GPS coverage. It is useless if the GPS coverage drops out."*

VIDEO RECORDED EVIDENCE IN CHIEF

The Committee heard concerns regarding the simplification and streamlining of the framework for video recorded evidence in chief.

The Bill proposes to remove the requirement for a trained Police Officer to take the statement, the requirement that the evidence needs to be sworn and multiple forms of consent will be removed, consent is only required to be given once, informally and verbally. The removal of the requirements for a trained Police Officer to take the statement has been questioned by stakeholders and remains an issue.

The Committee Report acknowledges the removal of the statutory requirement that only police officers who have successfully completed a DFV training course may take a video recorded evidence in chief statement. The QPU told the Committee, "the removal of this statutory power will allow the QPS to be flexible in expanding workforce capabilities while still meeting the needs of victim-survivors."

However, along with other stakeholders, Queensland Law Society shared reservations on this, *"QLS does not support the legislative amendments that will remove the requirement for a VREC to be made as soon as possible and by a trained police officer, modify the informed consent provisions and replace the complainant's acknowledgement, or declaration under the Oaths Act 1867 with a declaration at the end of a recorded statement. While QLS supports video recorded statements in domestic and family violence proceedings in principle, there are complexities with the proposed amendments that require further consideration."*

CONCLUSION

The Queensland Labor Opposition shares the views of stakeholders that the time allowed for the committee process and the manner in which it was conducted was insufficient.

The Queensland Opposition believes the committee failed to further hear the views of the profession, key frontline stakeholders, who made comprehensive submissions on the bill and who provide a critical perspective as a result of their experience supporting victim-survivors of domestic and family violence. Further to this, the public hearings allocated such limited time to hear from crucial stakeholders, including QCOSS, the interim peak body for domestic and family violence in Queensland.

Limiting the voices of victim-survivors and frontline domestic and family violence stakeholders' engagement in public hearings resulted in the Queensland Opposition believing the committee process lacked balance, fairness, the opportunity to sufficiently scrutinise the bill and understand any unintended consequences.

Nonetheless, feedback considered by the committee exposed significant flaws with the bill of which the Queensland Labor Opposition holds similar concerns.

The Queensland Labor Opposition holds reservations on the introduction of PPDs as currently outlined by the bill. PPDs pose significant risks to victim-survivor's safety due to the potential risk of misidentification and the lack of judicial oversight. The consequences of misidentification can be severe, including leaving victim-survivors without necessary protections, increasing the risk of further violence and fatality.

The Queensland Opposition reserves the right to articulate further views through the second reading debate of the Bill, when the Bill is debated in the Legislative Assembly of the Queensland Parliament.

CORRINE MCMILLAN MP
DEPUTY CHAIRPERSON OF THE COMMITTEE AND MEMBER FOR MANSFIELD
SHADOW MINISTER FOR CHILD SAFETY, COMMUNITIES AND THE PREVENTION OF DOMESTIC AND FAMILY VIOLENCE

WENDY BOURNE MP
MEMBER FOR IPSWICH WEST
SHADOW ASSISTANT MINISTER FOR STATE AND REGIONAL DEVELOPMENT AND JOBS

Nick Dametto
Member For Hinchinbrook

Statement of Reservation

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

19 June 2025

I acknowledge the importance of combatting domestic and family violence (DFV) and the necessity of improving frontline response processes for the Queensland Police Service (QPS). However, I wish to place on the record my reservations regarding several aspects of the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 ("the Bill"), particularly those relating to the introduction and framework of Police Protection Directions ("PPDs").

Police as the Sole Arbiter in DFV Incidents

While the intention of providing immediate protection for victims is commendable, the power proposed under this Bill to enable police officers to issue a 12-month PPD without the need for court oversight raises significant concerns. Under the current system, Police Protection Notices ("PPNs") act as an interim measure and are subject to court scrutiny within a defined timeframe. The proposed shift to allow police to issue year-long PPDs without court involvement blurs the important distinction between investigative and judicial roles.

Police officers, while well-trained in operational and tactical response, are not judicial officers. They should not be placed in the conflicted position of both investigating an incident and unilaterally determining an enforcement outcome that may have long-term legal consequences for those involved. This is particularly problematic given the complex and commonly subtle nature of coercive control, which is now recognised as a DFV offence. It is difficult to expect operational police, in real-time and under pressure, to determine whether behaviour amounts to coercive control, such as emotional abuse or financial control, especially when such behaviours are, by definition, nuanced and difficult to identify.

Impact on blue card and yellow card holders

There is concern that a PPD would form part of a person's domestic violence history and may adversely impact their employability, including their eligibility to hold a blue card or disability worker screening clearance (yellow card). Some submitters raised the risk of negative financial consequences for individuals and families, including potential job loss, inability to pay rent, and reduced capacity to contribute to child support obligations. These concerns were acknowledged during the public hearing held in Brisbane on 21 May (see page 5 of the transcript), the Department of Families, Seniors, Disability Services and Child Safety (DFSDSCS).

Impact on Firearm Licence Holders

A major concern lies in the automatic revocation of firearms licences and the surrender of weapons following the issuance of a PPD. While this mirrors existing arrangements under a Domestic Violence Order ("DVO"), the absence of judicial oversight in the PPD process heightens the risk of erroneous or malicious applications. A person may face the revocation of a firearms licence and the loss of property based solely on a police officer's determination, without the opportunity to first respond or defend themselves in court. There are over 200,000

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firearm licence holders in Queensland and over 1.1 million weapons. It is common for firearms to be possessed for essential occupational reasons, and this presents a very serious issue.

Stakeholder Consultation

It is also of concern that no shooting industry stakeholders were consulted on the potential operational impacts of this Bill when. In particular, there has been no evidence, either in the Explanatory Notes or during the public briefing, that consideration was given to the administrative implications for firearm licensing and storage, or that any consultation was conducted with the Queensland Police Service (QPS) on this issue.

Under the current framework, a person's firearms licence is *suspended* when a PPN is issued and is only *revoked* once a DVO is formally made by a court. Should a DFV complaint not be upheld, the person's licence is reinstated, and their firearms are returned, typically within two weeks due to the statutory timeframes imposed on PPNs. However, the PPD process proposed in the Bill automatically revokes a licence at the time of issue, requiring immediate surrender or transfer of firearms.

This change would likely result in significant logistical and administrative burdens for police stations responsible for receiving and storing surrendered firearms. It also risks exacerbating existing processing delays within the already underperforming Weapons Licensing Group. With no clear framework or additional resourcing proposed to manage these pressures, it is difficult to understand how such a system could be implemented. Proper stakeholder engagement, particularly with QPS, shooters and firearms industry groups, and rural communities, should have occurred prior to finalising these provisions.

Inadequate and Problematic Review Process

The Bill provides a mechanism for review of a PPD through either an internal police review or application to the Magistrates Court. The peer-review model, where a fellow police officer assesses the issuing officer's decision, lacks the impartiality and rigour expected of a fair review process.

However, if a person elects to bypass this police review and instead seek redress through the courts, the process becomes even more concerning. Under the Bill, applying to the court for a review of a PPD results in that application being treated as an application for a DVO. This is a deeply troubling concept whereby an application to review a decision and penalty, has the potential to result in a more serious consequence and penalty. The risk is the imposition of a five-year DVO being made against them. This is inconsistent with the principles of natural justice, particularly the right to a fair and impartial hearing and the ability to appeal or review a decision without fear of harsher punishment. The risk of escalating penalties may deter individuals from pursuing their legal rights, undermining trust in the justice system and the fairness it is meant to uphold.

Additionally, it is unclear whether the potential five-year DVO issued following such a court review would commence from the original date of the PPD or from the date of the court's decision. This lack of clarity creates uncertainty and could result in individuals being subject to combined orders for close to six years.

Nick Dametto
Member For Hinchinbrook

Temporal Inconsistency in Judicial Review

I also wish to highlight the problematic nature of the proposed court review framework. As outlined in the explanatory notes, the Magistrate is required to consider whether a protection order is necessary or desirable "at the time of the review", not at the time the PPD was issued.

This retrospective evaluation can only lead to an inconsistent outcome as the circumstances at the time of the PPD being issued versus at the tie of the review will most likely be very different. A person could have been of concern when police issued the PPD but have since changed their behaviour, meaning the review may result in revocation of the direction. This undercuts the original intention of issuing the PPD and could place people at further risk.

In conclusion, while I support the objectives of enhancing protections for those impacted by DFV, and reducing administrative burdens on police, I cannot support provisions in this Bill that inappropriately confer judicial-like powers on police officers. The risk of unintended and serious consequences for individuals, particularly in cases of false or mistaken complaints, necessitates a more cautious and balanced approach.

I respectfully submit this statement of reservation for the committee's final report.

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Education, Arts and Communities Committee

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