EDUCATION, ARTS AND COMMUNITIES COMMITTEE

Members present:
Mr NG Hutton MP—Chair
Ms W Bourne MP
Mr N Dametto MP
Miss AS Doolan MP
Mr JM Krause MP
Ms CP McMillan MP

Staff present:
Ms L Pretty—Committee Secretary
Dr A Lilley—Assistant Committee Secretary

PUBLIC BRIEFING—INQUIRY INTO THE DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2025

TRANSCRIPT OF PROCEEDINGS

Wednesday, 21 May 2025

Brisbane

WEDNESDAY, 21 MAY 2025

The committee met at 9.45 am.

CHAIR: Good morning, ladies and gentlemen. Thank you so much for your attendance here today. I declare open this public briefing for the committee's inquiry into the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025. My name is Nigel Hutton. I am the member for Keppel and chair of the Education, Arts and Communities Committee. I would like to respectfully acknowledge the traditional custodians of the land on which we meet today and pay our respects to elders past, present and emerging. Today with me are the other members of our committee: Corrine McMillan, the member for Mansfield and deputy chair; Wendy Bourne, the member for Ipswich West; Nick Dametto, the member for Hinchinbrook; Ariana Doolan, the member for Pumicestone; and Jon Krause, the member for Scenic Rim.

This briefing is a proceeding of the Queensland parliament and is subject to the parliament's standing rules and orders. Only the committee and invited witnesses may participate in the proceedings. Witnesses are not required to give evidence under oath or affirmation, but I remind witnesses that intentionally misleading the committee is a serious offence. I remind committee members that departmental officers are here today to provide factual or technical information. Any questions seeking an opinion about policy should be directed to the minister or left to debate on the floor of the House. I also remind members of the public that they may be excluded from the briefing at the discretion of the committee. These proceedings are recorded and broadcast live on the parliament's website. Media may be present and are subject to the committee's media rules and the chair's direction at all times. You may be filmed or photographed during the proceedings and images may also appear on the parliament's website or social media pages.

BYRON, Ms Myrella-Jane, Acting Director, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice

CONNORS, Ms Kate, Deputy Director-General, Justice Policy and Reform, Department of Justice

DREW, Ms Belinda, Director-General, Department of Families, Seniors, Disability Services and Child Safety

HARRINGTON, Ms Peta, Acting Director, Strategic Policy and Legislation, Department of Families, Seniors, Disability Services and Child Safety

HARSLEY, Mr Cameron APM, Deputy Commissioner, Regional Services, Queensland Police Service

INNES, Ms Katherine APM, Assistant Commissioner, Domestic and Family Violence and Vulnerable Persons Command, Queensland Police Service

LYELL, Mr Mark, Acting Inspector, Queensland Police Service

MISSEN, Ms Helen, Senior Executive Director, Strategic Policy and Legislation, Department of Families, Seniors, Disability Services and Child Safety

ROBERTSON, Mrs Leanne, Assistant Director-General, Strategic Policy and Legislation, Justice Policy and Reform, Department of Justice

CHAIR: I will invite each of the departments to provide their opening statement, after which we then will have questions from the committee. Recognising that some of the committee's questions will be repetitious for the department, I thought if we have the one question we can get the three hits of it as opposed to doing the same thing in stereo.

Ms Drew: Good morning. I would like also to acknowledge the owners of the traditional lands on which we meet this morning and to pay my respects to Yagara and Turrbal people past, present and future. I would like to thank the committee for the opportunity to provide a briefing on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025. As you know, I am the director-general of the Department of Families, Seniors, Disability Services and Child Safety. Joining me today are my colleagues Helen Missen and Peta Harrington. I am also joined by representatives from the Department of Justice, led by deputy director-general Kate Connors, who will be available to answer questions about amendments to the Evidence Act 1977, and representatives from the Queensland Police Service, led by Deputy Commissioner Cameron Harsley, who will also be providing a short opening statement.

I will first provide an overview of the bill. The bill amends the Domestic and Family Violence Protection Act 2012 to improve productivity for operational police officers when responding to domestic and family violence, support delivery of related election commitments and make other technical amendments. The bill also amends the Evidence Act 1977 and the Domestic and Family Violence Protection Act 2012 to simplify, streamline and expand the video-recorded evidence-in-chief framework statewide and clarify its use in civil proceedings.

I will turn now to police protection directions, which I will refer to from here as PPDs. The bill introduces 12-month PPDs as a new tool for police when responding to domestic and family violence. Police officers will be enabled to issue a PPD in circumstances where it is appropriate for the matter not to proceed to court. Currently, police responding to domestic and family violence may issue a police protection notice, PPN, to provide temporary protection for the aggrieved until the matter is considered by court. PPNs are generally taken as an application to the court for a protection order or DVO. Currently, PPNs require police to prepare, file and serve supporting material and appear in the court. They are typically considered by courts within 14 business days. PPDs will support frontline operations by removing the necessity for police officers to prepare for and attend court while still providing longer term protection. This means that victim-survivors do not have to go through the court process to obtain 12 months of protection.

There are several things that a police officer will need to consider before making a PPD. Considerations include the principles for administering the act, the criminal and domestic violence history of both parties, whether it would be more appropriate to apply for a protection order and any views or wishes expressed by the aggrieved. There are also circumstances where a police officer will not be able to issue a PPD, which I will refer to as exclusions. We can speak to any of these exclusions in greater detail if requested. Broadly, the exclusions are intended to safeguard against PPDs being used in circumstances where court consideration of the matters would be more appropriate. For example, one exclusion is where the respondent has been convicted of a domestic and family violence offence in the past two years. Another is where the officer is unable to identify the person who is in most need of protection. This exclusion is intended to safeguard against misidentification. Like a PPN and a DVO, a PPD must include standard conditions and may include other conditions with the approval of a senior officer. It will be an offence to contravene a PPD, with a maximum penalty of 120 penalty units or three years imprisonment.

A person will be able to seek a review of a PPD in two ways. The first is via police review within 28 days of the PPD taking effect. A police review is intended to ensure that the PPD provides a level of protection that is appropriate in the circumstances. A police review must be undertaken by an authorised reviewing officer, who may invite parties to make submissions. The second avenue is a court review, where parties can apply to the court to have their protection needs considered afresh. An applicant does not have to go through a police review before seeking a court review. My department will oversee implementation of the bill, including PPDs, in collaboration with the Queensland Police Service and the Department of Justice. The Queensland Police Service will be leading policing implementation activities, which my colleagues here today will speak to.

I will now turn to the electronic monitoring amendments in the bill. The bill supports the government's election commitment to pilot GPS monitoring for high-risk domestic and family violence offenders. The bill does this by specifying that courts can make a monitoring device condition as part of a DVO. My department is leading the development of this pilot. 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.

Monitoring device conditions will only be available where the court is satisfied the respondent has been convicted of or charged with a domestic violence offence or an indictable offence involving violence against another person or has a history of charges for domestic and family violence offences.

These conditions are not intended to keep victim-survivors safe on their own but complement existing integrated safety planning and deter respondents from breaching other DVO conditions. The bill also seeks to strengthen the maintenance of the approved provider list by enabling further matters for consideration when approving a provider to be prescribed by regulation. Matters for the regulation will be developed in consultation with the sector.

Lastly, I turn to the amendments relating to video-recorded evidence-in-chief framework. Currently, in summary trials and committal proceedings in Ipswich, Southport and Coolangatta magistrates courts, adult complainants in criminal domestic violence proceedings can give their evidence-in-chief by way of a video-recorded statement taken by a police officer rather than through oral testimony. This framework seeks to reduce retraumatising victim-survivors by minimising the requirement for them to recall their experiences. It gives victim-survivors the option of providing their evidence-in-chief outside a stressful courtroom environment. The bill expands the framework to all Queensland magistrates courts. The bill also contains amendments to simplify the language used and streamline the process for obtaining a recorded statement. Additionally, the bill clarifies that a court may have regard to a recorded statement in civil proceedings under the Domestic and Family Violence Protection Act 2012, such as an application to obtain a domestic violence order.

I understand that my colleagues from the Queensland Police Service now intend to provide an opening statement. After this my colleagues and I can answer any questions about the bill that the committee has. Thank you.

Ms Connors: In the interests of time, we allowed Ms Drew to make the comments about our section of the act, but we are here to answer any questions when the committee goes to questions. Thank you.

CHAIR: I appreciate your assistance in managing our efficiency.

Deputy Commissioner Harsley: Before progressing further, I want to take the time to acknowledge the traditional owners of the land on which we meet today and pay respects to elders past, present and emerging. I thank the committee for the opportunity to assist in its examination of the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025. In my portfolio as the Deputy Commissioner, Regional Services I am responsible for the coordination and delivery of a range of policing services including, in particular, the Domestic and Family Violence and Vulnerable Persons Command. To provide specialist advice to the committee, I am joined today by Assistant Commissioner Katherine Innes, who leads the Domestic and Family Violence and Vulnerable Persons Command. Assistant Commissioner Innes is supported by Acting Inspector Mark Lyell to her left. A primary objective of the command is to review and continuously improve Queensland Police Service systems and processes that address domestic and family violence in our communities.

I will take this opportunity to emphasise to the committee that the QPS is under significant strain due to increasing demands for service. In particular, managing the QPS response to domestic and family violence is difficult due to the evolving and complex nature of domestic and family violence and offending. Police officers across Queensland respond to domestic and family violence related occurrences every three minutes. Currently, equivalent capacity of 2,481 full-time police officers is dedicated to addressing domestic and family violence. Without any changes to the way in which police officers respond to domestic and family violence, based on current trends, predicted modelling conducted by the Queensland Police Service shows that by 2032, 5,747 full-time police officers will be required to maintain the current level of service delivery for domestic and family violence. This represents an increase of 3,266 officers. It would be difficult, if not impossible, to recruit this number of officers to meet demand given the tight labour market that we are currently in.

Consequently, it is incumbent upon us as an organisation to implement new initiatives in a way that maintains appropriate protection for domestic and family violence victim-survivors and their children, holds perpetrators to account and improves efficiencies for frontline policing. The bill contains three separate measures which introduce the new police protection direction, PPD, framework into the Domestic and Family Violence Protection Act 2012, expand the use of video-recorded evidence-in-chief and authorise the use of electronic monitoring of high-risk respondents. I acknowledge the time constraints the committee faces in its consideration of the bill and am aware that information about these initiatives has already been provided, so I will not address them in depth. I will confine my comments to how these amendments will be implemented within the Queensland Police Service and the impact they will have on my organisation.

The introduction of the new PPD legislative framework will allow police officers to issue on-the-spot PPDs directing a respondent to not commit domestic and family violence for a period of one year. This framework is nuanced in that it is designed to operate in circumstances where it would be more appropriate not to bring the relevant matter before a court. This is achieved through a range of safeguards that provide guidance to police officers to employ the option of issuing a PPD.

A key feature of the new 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. Additionally, we know that some perpetrators manipulate the criminal justice process to exert control, intimidate, threaten and harass victims and survivors by intentionally delaying court proceedings, including by evading personal document services, despite the efforts of police. Avoiding the need for lengthy and complex court processes can reduce the risk of retraumatising victim-survivors by reducing the need for the potentially lengthy and complex court procedures currently required when obtaining a domestic violence protection order. Importantly, the PPD framework will remove the administrative requirement associated with court proceedings, such as preparing further documentation and filing service documents on involved parties, which can result in a significant timesaving for police for each individual matter. The time recovered through these efficiency gains can be reinvested by frontline police into more complex domestic and family violence matters and other calls for service which will directly affect our ability to provide community safety.

I now turn to the VREC framework expansion. The bill will amend part 6A of the Evidence Act to expand the VREC framework statewide and to clarify its use in civil and domestic violence proceedings. To outline some of the benefits of the bill, it removes the requirement for a VREC statement to be taken as soon as practicable. This allows for a victim-centric, trauma informed approach and recognises that victim-survivors may require time to provide a statement to police. It clarifies that a victim-survivor can make multiple VREC statements to police, recognising that victims and survivors may need to provide multiple statements over time. It removes the statutory requirement that only a trained police officer can take a VREC statement. 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. The bill also allows police officers to simplify the procedures used in obtaining informed consent from a complainant during the VREC process.

In terms of training, my organisation has invested heavily in the last few years in training the Queensland Police Service to be more victim-centric when we are dealing with domestic and family violence. To ensure the PPD framework and VREC statements will be used appropriately, the Queensland Police Service will rely upon the significant investment in training it has undertaken for its members over the last three years. The strong basis for this training is a holistic investigative approach to domestic and family violence, requiring frontline police officers to unearth the pattern and nature of domestic and family violence and to consider the context of the relationship of the relevant parties as a whole to identify the extent of the offending and the person most in need of protection. Specifically for the PPD framework, the Queensland Police Service will invest in a new training package and systems change to facilitate the PPD rollout by 1 January 2026. The comprehensive training will ensure police officers exercise sound operational decision-making and professional judgement and are able to articulate and justify the decision-making in those instances where a PPD is reviewed.

The QPS extends on delivery and combined training program for the PPD and VREC. It is anticipated that this training will be required for all police officers up to the rank of chief superintendent; all legal division members who engage with public and are involved in responding to domestic and family violence matters; and civilian members of the Queensland Police Service who engage with the public and are involved in responding to domestic and family violence including client service officers, watch house officers, police liaison officers, Torres Strait Islander police liaison officers, intelligence analysts and members of our high-risk teams.

In terms of implementation, prior to the rollout of the PPD on 1 January 2026 there will be significant communications between the QPS and key stakeholders, including the domestic and family violence and legal sectors, to ensure awareness and understanding of the PPD legislative framework. The QPS will conduct system enhancements to QPRIME to appropriately record PPD forms and processes. Further updates to QLiTE will be rolled out to allow for the electronic service of documents which may occur. Key milestones of implementation will include the development and delivery of training for PPDs, which will be supported by existing face-to-face domestic and family violence coercive control training, and the development and delivery of change management plans and operational readiness activities to support training outcomes.

To implement and support the rollout of VREC statewide, additional VREC equipment will be required including the availability of tripods and camera mounts for frontline officers. Body worn cameras currently employed by police will be used to record the complainant's evidence-in-chief. This recording is commenced separate to the officer's usual body worn camera recording, requiring that the body worn camera is removed from the officer's uniform and mounted on a tripod. This also ensures the recording is of sufficient quality and reduces the likelihood of the statement being deemed inadmissible. My colleagues and I are happy to answer any further questions of the committee. Thank you.

CHAIR: Thank you very much, Deputy Commissioner. Members, I reiterate that departmental officers are here today to provide factual or technical information. Any questions seeking opinion about policy should be directed to the minister or left to debate on the floor of the House. I also remind members of the desire to be concise and, as per the standing orders of the House, to be cognisant of preambles and their use. Director-General, the explanatory notes state that PPDs will be 'supported by an administrative police review mechanism and an independent court review process'. Can you provide further information to the committee on that?

Ms Drew: Yes, it is correct to say that they will be subject to review processes. The bill provides that, without limiting the terms of the review, the review is to include consideration of whether PPDs have been effective in improving the safety, protection and wellbeing of people who fear or experience domestic violence; whether the issuing of PPDs has had any impact on courts in relation to civil or criminal proceedings about domestic violence—for example, whether there has been an increase or decrease in applications for DVO or proceedings for domestic and family violence offences; and whether the PPD provisions have improved the efficiency of the exercise of police powers under the act. I may have given you the review section. Can I refer to you please, Peta?

Ms Harrington: Yes, the PPD framework as a whole will be subject to statutory review. Individual PPDs will also be able to be reviewed in two ways, as the director-general has outlined, but I can speak to that further. First of all, a person who is a party to a PPD or a named person will be able to apply to police for a police review of the PPD. That is the administrative review that police will be able to undertake. The purpose of that review is to ensure the PPD provided the protection that was appropriate in the circumstances. The review looks at whether, at the time the PPD was originally made, the PPD was appropriate, had the right conditions on it or needed additional conditions. That can include consideration of the circumstances that were in place at the time but that only became apparent to police within those first 28 days. If, for example, the aggrieved attends the police station a few days after the PPD is issued and says, 'Actually, it is a little bit more serious than I said at the time. I really think I need an additional condition,' that can be considered in the police review process.

Ms McMILLAN: Ms Harrington, are the police reviewing themselves in relation to that review?

Ms Harrington: That is the internal police review process—and, of course, my colleagues from QPS may wish to comment further on that. There are requirements in the bill that the officer who is conducting the police review was not involved in the original investigation—it is within the police but it is independent—and the officer also needs to be a rank above the rank of the approving officer of the PPD.

To continue in relation to the police review process, when making the outcome of the review by the reviewing officer, the officer can decide to revoke the PPD and just take no further action. They can also revoke the PPD and issue a new PPD with further conditions, but it has to be for the same aggrieved and respondent, so it cannot swap the respondent and the aggrieved around. They can also make a decision to apply for a protection order, either via a PPN or applying specifically to the court for a protection order.

In terms of the court review process, as the director-general said, that process does not need to happen after a police review. There are two fully separate review processes and they do not need to follow one another. A court process will work in the following way. A party to a PPD can apply to the court for a review and they identify at that stage what outcome they are seeking. If it is the respondent, they might apply to the court to say, 'I don't think this PPD should have been issued.' The aggrieved might apply to court seeking further conditions if they chose not to go through the police review process.

That will then trigger the following process to be very similar to the process that is currently in place for a PPN. Police will become notified that the court review process has been lodged. The PPD is then filed with the court and the PPD is taken to be the application for the protection order. That is

intended to mirror as closely as possible the current process, where a PPN—police protection notice—is taken by the court for an application for a protection order. The court can then consider the matter as a whole. Apologies, it is a complicated process.

CHAIR: I appreciate your very fulsome answer. Where a person has chosen to take the independent court review process and where the PPD becomes the equivalent of an order, does that then require police officers to serve the perpetrator?

Ms Harrington: Yes, it is a very similar process to a police protection notice. Because the matter will now be proceeding to court, all of the parties will need to be made aware that the court review has commenced.

Ms McMILLAN: Director-General, QCOSS has made a public statement outlining that PPDs will not improve the safety and wellbeing of victim-survivors. Given QCOSS's comments, what evidence is there that PPDs are beneficial to affording victim-survivors protection from domestic and family violence?

Ms Drew: It is important from the department's point of view that we hear the independent perspectives of both our peak bodies. As you know, member, the Queensland Council of Social Service is currently working for the department to stand up an independent peak body for the domestic and family violence sector. We value the feedback from QCOSS and the perspective of the sector more broadly. Like a PPN and a DVO, a PPD must include standard conditions and may include other conditions; however, parties will not be required to proceed to a court, meaning immediate 12-month protection is offered. In terms of the question you asked, that immediate 12-month protection, on the spot, increases the safety of the aggrieved.

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, as you have heard from my colleagues in the QPS, that by improving the effectiveness of frontline police responses more focus can be placed on victim-survivors. We will certainly continue to work with QCOSS through the domestic violence peak and the sector to make sure those services for victim-survivors are available.

Ms McMILLAN: This question is directed to the police. Given QCOSS's comments and your response to the question, is the primary purpose of the PPDs police efficiency?

Deputy Commissioner Harsley: No. I believe the primary purpose is the protection of victim-survivors. I will share with the committee my personal experience of attending a domestic and family violence matter a few months ago, being out on the road. It was a circumstance that lends itself to issuing a PPD. Unfortunately, that was not available to us. We went to the house and investigated it, but by the time we went back to the police station, completed paperwork and returned to the address the respondent had taken off to avoid police. It took some four days before we could serve that person with appropriate paperwork, so the protection of the victim-survivor in that period was really open.

I firmly believe the PPD is a way of providing protection then and there, because if police leave that address and then get called back two hours later then we could at least take some more affirmative action than we did when we first attended or in the current circumstance. I think it will firm up more protection for victim-survivors. Police efficiency is a by-product. I am not overly concerned with police efficiency as much as protecting our community. The best way we can do that is by providing that protection at the initial outsource.

Ms BOURNE: Director-General, did the department undertake a cross-jurisdictional analysis of PPDs and, if so, what were the findings?

Ms Drew: Other jurisdictions, it is accurate to say, do have PPDs in operation. Tasmania is currently the only jurisdiction in Australia that empowers police officers to issue a 12-month protection order without requiring court application. In Tasmania, police officers can issue police family violence orders, PFVOs, for up to 12 months. PFVOs can include conditions such as no contact and ouster conditions in addition to standard conditions requiring the person not to engage in family and domestic violence.

There are some differences in the Tasmanian model. The Tasmania police family violence order, PFVO, system was introduced in their Family Violence Act 2004 and PFVOs have been their primary tool for police response since then. In contrast, PPDs are being introduced as a new tool for Queensland police officers while existing tools like PPNs remain available. This allows PPDs to be tested in the Queensland context alongside additional well-tested responses.

PFVOs can be appealed by a person, as we have heard. However, police can only change a PFVO on agreement of all parties. If police refuse to change or remove the PFVO, a person can apply to the court and police can defend the PFVO staying in place. In contrast, in Queensland a person will be able to seek either police or court review, as we have heard. No requirement will be there for the police to review the process before seeking a court review and this ensures accessible review options. The PPD framework also includes exclusions and matters for police to consider when making a PPD, which the PFVO framework does not. We have undertaken a jurisdictional comparison and you can hear by that answer, member, that there are some differences in our application of the learnings from that jurisdiction to the Queensland context.

Ms BOURNE: What evidence was there to support the effectiveness of police issued protections called police family violence orders in Tasmania?

CHAIR: Member for Ipswich West, would you like to have an opportunity to outline relevance in terms of the director-general of the Queensland department providing evidence of someone else's legislation and its application in this state? I am happy for you to explore this a little.

Ms BOURNE: Just in terms of the cross-jurisdictional analysis of the PPDs; I think that was the thrust of the question, Chair.

CHAIR: I invite you to provide the answer to the best of your ability.

Ms Drew: I will refer to my colleague.

Ms Harrington: We are happy to speak to that. There has not been a formal evaluation of the Tasmanian police family violence orders in and of themselves. In 2008, four years after they were introduced, the Tasmanian Department of Justice completed a review of their legislation as a whole. In that review they reported that the safety of adult victims of family violence had seen improvement, particularly at first point of contact with police, as a result of the new police powers and changed practices. There was a concern in that about the blanket nature of a police family violence order, but the PPD framework mitigates this issue as it will operate alongside existing tools available for police. There was also a comment in the 2015 Tasmanian Sentencing Advisory Council review that noted that, whilst the number of protection orders being issued in Tasmania was decreasing, there was an increased rate of breaches, but that is the only formal evaluation that we are aware of. I will see if our QPS colleagues have anything further to comment on the Tasmanian model.

Assistant Commissioner Innes: I did attend Tasmania earlier this year to view their model specifically. Whilst I was not provided with any particular data to provide here today, they did discuss with me a reducing mortality rate or fatality rate in relation to aggrieveds, which I felt is worth noting here.

Miss DOOLAN: Director-General, in relation to PPD exclusions, could you provide some insight into any situations where a respondent may be taken into custody versus being issued a PPD?

Ms Drew: I would assess that as an operational question and refer it to the QPS, please.

Insp. Lyell: In terms of your question around the circumstances where a person is taken into custody, obviously police responding to domestic and family violence are faced with a wide array of behaviour across the state. Police may encounter physical violence having been used by a perpetrator against a victim-survivor immediately prior to police arriving or even as police are attending and observe that violence. That may be a circumstance, for example, where a decision is made by an officer that the person will be taken into custody, either arrested outright for an offence—a common assault, assault occasioning bodily harm, domestic violence offence—or taken into custody under section 116 of the Domestic and Family Violence Protection Act 2012, taken into custody back to the police station to enable police to finalise their investigation and ascertain their appropriate response.

Certainly, arrest will be one of those occasions where a PPD will be excluded because the perpetrator is arrested for an offence, becoming the suspect or the defendant for the criminal proceedings that will follow if the officer evaluates that there is sufficient evidence and that it is in the public interest to commence criminal proceedings for a domestic violence offence, for example, or another criminal offence. In other circumstances, it may be, for example, that things are quite heated in the household where the police have attended and the police make the decision that it will be preferable to take the defendant into custody. Section 116 of the act sets out preconditions that must be met prior to that decision being made—for example, a risk of physical violence, because of what police have seen or been told when they arrive. They take the person back to the police station and at that stage police will assess whether or not to commence criminal proceedings or whether it is more appropriate to commence proceedings in relation to a domestic violence application, for example, by way of a PPN or a DV1, depending on the circumstances.

Miss DOOLAN: How long are they kept in custody?

Insp. Lyell: Again, there is a range of legislation that can apply. The Criminal Code and the Police Powers and Responsibilities Act provide for powers of arrest. The PPRA ordinarily provides, for example, a person can be taken into custody for four hours. That can be extended longer for a criminal offence. Similarly, in terms of the domestic violence legislation, they can be taken back to the station for an appropriate time.

Mr DAMETTO: Before I begin my questioning, I thank the department and the QPS for what you are doing to try to reduce domestic and family violence in Queensland. I thank the department for the important work that you are doing legislatively and also the QPS as it must be an incredible task for your frontline officers to take on, on a daily basis. I think we need to acknowledge that. Director-General, how does a PPD affect someone's blue card, yellow card and firearms licence?

Ms Drew: I will refer to my colleague for that answer.

Ms Harrington: Because a PPD will be considered as part of somebody's domestic violence history or criminal history, that information will be available to Blue Card when they are considering whether somebody is suitable to be granted a blue card. Certainly if a person is issued a PPD, that information will be relevant. In relation to the person's weapons licence, a PPD will impact the person's licence in the same way that a domestic violence order impacts that person's licence, which is that the licence is revoked. That is not currently what happens for police protection notices because the notice is quite short-term, but because the PPD is for the full 12 months it is necessary to revoke that person's weapons licence. I will check whether our QPS colleagues have anything to add to that. No. That is the effect.

Mr DAMETTO: Earlier today we heard commentary around concerns about a PPD taking away the course of natural justice. With those concerns in mind, Director-General, what considerations have been put in place to make sure that wrongly accused domestic and family violence perpetrators are also being protected by this current and proposed legislation?

Ms Drew: I will refer to my colleague again, but, in short, the protections in the new bill relate to the potential for both respondents and aggrieved to go through review processes.

Ms Harrington: As we have already mentioned, there are several safeguards in the bill that are aimed at protecting against misidentification. That would be the instance that you are referring to where a person has been wrongly accused and identified as the respondent on a PPD. We will refer to that as a misidentification of the person most in need of protection. Obviously, we understand that the consequences of misidentification can be quite severe and that a wrongly issued PPD would have significant impacts on the person. The bill includes several safeguards to protect against that.

Firstly, a police officer will not be able to issue a PPD if they cannot identify the person most in need of protection. If they attend and they see that there are indications that both parties might be using violence against each other and they are unable to determine who is most in need of protection, that is an exclusion for the issuing of a PPD. Consistent with the current approach for police protection notices, a cross-PPD is not permitted, so the officer cannot issue a PPD against both persons. That is intended to ensure that, where there are those potentially conflicting allegations, the matter proceeds to a court. There are also exclusions for where either party is a police officer or where there is family law or child protection involvement. Those exclusions are also intended, in part, to protect against misidentification.

The PPD framework also requires an officer, before issuing a PPD, to make a reasonable attempt to locate and talk to the respondent. That ensures natural justice and ensures that the officer is speaking to them in relation to the issuing of a PPD and having that conversation. Further, section 22A of the Domestic and Family Violence Protection Act currently provides guidance for determining who is the person most in need of protection. The bill actually expands this section and clarifies that that guidance is also relevant for police, so there is an existing section in the act that provides quite a lot of consideration. Those considerations include considering the relevant relationship between the persons; the nature and severity of harm caused by each person in their behaviours; the level of fear experienced by each person because of the behaviour of the other person; which person has the capacity to seriously harm the other person or to control or dominate the other person and cause the other person to fear for their safety or wellbeing; whether the persons have characteristics that may make them particularly vulnerable to domestic violence, for example, women, children, Aboriginal and Torres Strait Islander people, people from a culturally or linguistically diverse background, people with a disability and LGBTQIA+ people.

CHAIR: There are nine grounds for exclusions for the issuing of a PPD—this is probably more of a procedural question. Can you explain how officers are able to appreciate those exclusions when they are at the coalface, so to speak?

Ms Drew: I will refer to my QPS colleagues for that.

Insp. Lyell: The exclusions are provided for in the bill in proposed sections 100C, 100D and 100L. Effectively, the exclusions that have been provided for in the proposed legislation fall into three groups. There is a group of exclusions that relate to the characteristics of the parties. As has already been explained, if the aggrieved or respondent is a police officer or a child, the police know they cannot issue a PPD. Similarly, there are a series of factors in terms of whatever protection has already been provided or imposed. If there are domestic violence orders that have already been made or have previously existed between the parties, they will be excluded. That is one series of exclusions.

There are two further exclusions. If the respondent has been convicted of a domestic violence offence in the last two years, that person cannot be issued a PPD. Similarly, if the police have commenced a proceeding for a domestic violence offence and those proceedings have not yet been concluded, the person cannot be issued a PPD. That is the first chunk of exclusions that will apply and police will be provided training to make sure they are aware of them. They may know all this prior to even attending the job if they know the parties involved in the domestic violence call for service.

The next group of exclusionary criteria relate to the incident—the domestic violence, considered holistically, that the police are responding to. For example, if a weapon or an instrument is used to commit domestic violence, that matter will have to proceed to court; it cannot be dealt with by a PPD. There are further conditions of that kind. Again, if the police cannot identify the person most in need of protection because of the circumstances, or if there are competing allegations in relation to domestic violence and both parties need protection, they will send that matter to court by a PPN or another application—a DV1—rather than issuing a PPD. There is one further exclusion in that group.

The third category relates to the protection the officer considers necessary or desirable. For example, if a child is to be named and it is necessary that there be additional conditions other than the standard conditions, they are excluded. A child of the aggrieved, or a child that usually lives with the aggrieved, cannot be the subject of a PPD. If it is going to proceed, it has to be by way of an application to a court. Similarly, as was explained, where there are complex Family Court orders or current protection orders and there is a child of the respondent whom the officer would want to name, or where the conditions that the officer wishes to impose would affect the contact between the respondent and the child of the respondent, that matter would be excluded and we would have to proceed by way of an application to a court.

In effect, there are different ways you can count the number of exclusions. There are a large number of exclusions provided for in the legislation and officers will have to know that prior to issuing PPDs. Some of that information can be ascertained prior to attending the job, depending on the information that is known; some will be determined based on the information they gather in their investigation; and some will depend upon the officer's professional judgement as to what protections are necessary to protect victim-survivors of domestic violence. Combining those factors, the officer will then ascertain whether a PPD can be issued and they will go through the additional considerations to determine whether it is more appropriate for the matter to go to court by way of an application. I will just add that one of the other benefits for a PPD being issued for the aggrieved is that it means the aggrieved has certainty of the protection that has been provided without having to go through a court process and the trauma that necessarily involves.

CHAIR: Thank you, Inspector. I am incredibly impressed with the thoroughness of your knowledge. You spoke of the exclusions. Do officers have access to the intelligence or the information to know that there is an interstate DV order? How do officers gain access to that intelligence, other than from the victim or the perpetrator themselves, so they know when they are onsite whether they can make that order?

Insp. Lyell: Some information will 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. Some information has to be gathered by the officer at the scene. The bill requires the officer to ask the aggrieved and respondent if any family law orders, care and protection orders or proceedings are in place. The officer will be able to act on that information but they will not be excluded. For example, if there was a family law order that was issued but the aggrieved and respondent told the police there was none, that will not exclude the issuing of a PPD. The police will be able to act on the information

they know or reasonably believe based on the information they have at the time. They will not be held up because a lot of that information will not be available objectively at 2 am when police are attending, other than through the parties.

Mr KRAUSE: My question is in relation to the videorecording of evidence for the Department of Justice. Good morning to you all. Have any concerns been raised in relation to victims providing evidence a number of times through multiple videorecordings or items of evidence?

Ms Connors: We are not aware of victims raising concerns about that. As the QPS alluded to earlier, victim-survivors of domestic violence may give their evidence on multiple occasions. They may wish to give further evidence to police about other incidents as they go through, I suppose, their journey towards entering the justice system to resolve the domestic and family violence issues. I think having the ability to have multiple instances of videorecorded evidence is something that would be well received by victim-survivors.

Mr KRAUSE: Can you inform the committee how it reduces retraumatisation of victims?

Ms Byron: It is a well-known fact that the criminal justice system can be a traumatising process for victim-survivors, as we have heard today. Usually victim-survivors must retell their experiences multiple times—first to police when providing a written statement and then again in court. Giving that evidence, particularly in a courtroom environment, can be stressful.

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.

There is also the ability to capture the complainant's evidence-in-chief closer to the time of an incident, which might also produce better quality evidence from that victim-survivor because it may be more detailed as it is a fresher account. All these mechanisms work together to seek to limit the retraumatisation of a victim-survivor having to give their evidence-in-chief and retell their experiences multiple times in the criminal justice system.

Mr KRAUSE: How does the bill clarify the use of recorded statements in civil proceedings?

Ms Byron: There are two amendments in the bill in relation to that clarifying amendment. Currently, under section 145 of the Domestic and Family Violence Protection Act, our courts are not bound by rules of evidence in relation to receiving evidence to inform the court when they are determining an application such as a domestic violence order. It is currently in the legislation for the court to receive recorded statements of victims, but this just clarifies that provision.

There is a clause in the bill that provides an example under section 145 of how the court might inform itself, and that example is by way of considering a recorded statement taken under the video evidence-in-chief framework under the Evidence Act. There is also a provision in the Evidence Act that clarifies that nothing in part 6A of the Evidence Act, which is where that video evidence-in-chief framework is held, prevents that from being considered in those civil proceedings under the Domestic and Family Violence Protection Act. All those provisions just seek to clarify that those recorded statements, similar to the criminal justice system, might also benefit victims from having to provide an affidavit in those civil proceedings—again, another way of potentially retraumatising victim-survivors in their having to retell their experiences.

Ms McMILLAN: What were the plethora of safeguards considered by the department? How did the department decide on the safeguards that are in the bill?

Ms Drew: I will refer to my colleague.

Ms Harrington: The safeguards that are contained in the bill are a matter for government, so we would not necessarily comment on exactly which safeguards were decided to be included in the bill. The intent of the safeguards as a whole is to support officers, first of all, to make the determination about when a PPD is appropriate or when it is more appropriate for the matter to proceed to court.

Also, the safeguards collectively prevent some of the risks. For example, as I spoke previously, several of the safeguards are intended to protect against misidentification and also to ensure that matters proceed to court when there may be things that are more appropriate for the court to consider. The child protection and family law exclusions are intended to recognise that a court has already made an order in relation to family law or child protection and it is more appropriate that domestic and family violence is also considered by a court.

Other considerations are when there may be orders that a court can make that cannot be in the PPD, such as an intervention order, a soon-to-commerce diversion order or, subject to passage of the bill, an electronic monitoring condition. The safeguards are intended to point towards when it is appropriate for a matter to go to the court.

Ms McMILLAN: Can I just clarify: you said that safeguards were a matter for the government. What do you mean by that? Do you mean your department or do you mean the LNP government?

Ms Harrington: What I mean is that the decision about which safeguards to include in the bill was for cabinet, so it is a policy decision for government.

Ms BOURNE: Deputy Commissioner, how have you determined whether a domestic and family violence incident can be dealt with via a PPD over a court order?

Deputy Commissioner Harsley: The conditions around which order the officer takes at the time, depending on the circumstances, were outlined previously. Inevitably, if it does not meet the obligation of the PPD then the officer will revert to taking an action under a PPN or an arrest or another action. If you look at the vast majority of domestic and family violence incidents we have, they are contained perhaps within that PPD realm and not so much a matter before the court.

Just to give some comfort to the committee about misidentification, the Queensland Police Service is acutely aware of misidentification. We currently have in place a practice that every domestic and family violence order where a female is identified as the respondent is reviewed within 24 hours internally by the Queensland Police Service. When we issue a PPD, that process will extend to PPDs so that misidentification does not occur.

Also, to give the committee a bit more comfort about who will be doing the review of the PPD, in practice it will always be an officer with a rank of a senior sergeant or inspector who has nothing to do with the matter and they will have to record that decision. The other safeguard, of course, is that the matter may be taken to court as well.

Mr DAMETTO: I am not sure who to direct this question to—maybe it is all three organisations. My question is in regard to the Queensland Police Union. What consultation has been undertaken through the department and QPS with the Police Union on this proposed legislation?

Ms Drew: I will refer to my QPS colleagues first.

Deputy Commissioner Harsley: As the committee is probably aware, publicly the Queensland Police Union have made a statement and given a view of where they believe domestic and family violence should sit. We have given a response to the union and also spoken to the union about that. It is not the view of the service. The service has a view that a PPD process may not criminalise behaviour. It may actually give most people an opportunity to rectify behaviour and provide more immediate protection to victim-survivors than some of the matters espoused by the union.

Mr DAMETTO: My next question is in regard to evidence being gathered during a PPD and when it is applied. Is it the same type of evidence that would have to be collated to go to court for a domestic violence order? Also, has it been considered how many police reviews would be requested within the 28 days?

Insp. Lyell: To answer your second question first, we do not know how many police reviews there will be because it is a mechanism that has not existed to date. In terms of your first question, when a matter goes for court review, the police will need to provide evidence to the court for the making of a domestic violence order—a five-year order—by the court in the same way as they would right now for a PPN that had been issued.

When the PPD is issued, the officer would have to be mindful that either the aggrieved or the respondent could elect for court review. They will need to ensure it is issued appropriately so that, if a court is reviewing the issue of the PPD and whether a domestic violence order should be made, sufficient evidence will be able to be provided.

The timing of when the evidence would be gathered would be a matter for the officer on the ground applying the tools they have available to them—for example, their body worn recording devices that they are issued now. They may be using those devices as they attend the job to gather evidence in case it is required later. For example, the taking of a VREC might be something that is done immediately, depending on the circumstances, or at a later time but ready prior to court to provide the court the basis for the making of a protection order.

CHAIR: My question is with regard to the GPS monitoring trial. What would be considered a high-risk respondent and will the availability of the GPS monitoring devices be broad enough to maximise victim safety?

Ms Drew: The courts will ultimately be responsible for consideration of the application of electronic monitoring. A court may make a monitoring device condition if they are satisfied that the condition is necessary or desirable to protect the aggrieved or a named person from domestic violence. The condition does not have to be for the entire duration of the DVO and may be for a period of time the court considers reasonably necessary. Monitoring device conditions will only be available for adult respondents who have been convicted of or currently charged with a domestic violence offence or an indictable offence involving violence against another person or respondents who have a history of charges for domestic violence offences. This eligibility criteria is intended to capture high-risk persons using violence, consistent with the Queensland government's election commitment.

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.

Ms Harrington: The reason we have tied it to that charge or offending history, as the director-general said, is to reflect the language of the government election commitment for high-risk offenders. One of the challenges is, of course, that the Domestic and Family Violence Protection Act is a civil framework, so the intention to reference that offending history or that history of charges is to ensure that the cohort for which the monitoring device conditions are made have that criminal history.

Miss DOOLAN: Director-General, what is the expected timeline for GPS monitoring being available to the courts?

Ms Drew: I will refer to my colleague to provide you with that answer. I will commence by saying that, for the member's information, the development of the pilot in all of its detail is currently underway. We expect that towards the end of the year the first devices will be fitted. I will refer to my colleague for further information.

Ms Harrington: Yes. The government has committed to rolling out the pilot by the end of the year. The systems, processes and policy required to support the monitoring of up to 150 individuals will be in place by the end of 2025. At this stage, it is intended that the pilot will operate initially in select locations, which will be the prescribed courts in the regulation.

Mr KRAUSE: I have a question for the police. In relation to the electronic monitoring devices and the fact that it says in the explanatory notes that the monitoring device is not to be used 'for a purpose other than the purpose for which the information was obtained', if a respondent who has a monitoring device on them was investigated for another matter or a crime, could that information be used? Are there safeguards around that information? Is there a pathway or not for that information from the monitoring device to be used for that other purpose?

Ms Drew: Thank you, member.

Mr KRAUSE: If it is not addressed appropriately to police, I apologise. Director-General?

Ms Drew: I will refer to my colleague.

Ms Harrington: The bill does provide an exclusion for the use of that information as evidence in proceedings, other than proceedings for domestic violence offences. That is intended to recognise that the information is collected for the purpose of monitoring domestic violence and the compliance with domestic violence conditions. It also ensures it cannot be used, for example, in family law proceedings—the data that is collected in that way cannot be used. The bill also provides that a regulation can establish information-sharing arrangements for electronic monitoring. As the pilot is still in development, how that information is shared between agencies, for example, will be captured in the regulation. Did QPS have anything further to add to that?

Assistant Commissioner Innes: No, thank you.

Mr DAMETTO: Ms Connors, when you appeal a PPD and a respondent has to go to court to have that reviewed, what is the process for that? Is the onus on the respondent to prove their innocence? If so, how does someone prove their innocence if it did not happen?

Ms Connors: Apologies, member. I will actually refer that to my colleague.

Mr DAMETTO: Sorry. I was just taking a stab at that.

Ms Harrington: My apologies. Could you please repeat the question?

Mr DAMETTO: When a respondent wants to take a PPD to court to have it appealed, what is the process for that? Is the onus on the respondent to prove their innocence? If that is the case, how does someone prove that something did not happen?

CHAIR: The first part of your question is very much about process and procedure and is acceptable. The second part with the hypothetical is not acceptable.

Mr DAMETTO: I am more than happy to remove the last part of the question.

CHAIR: You are seeking a legal opinion, I think, to answer the second part. The first part is logical.

Mr DAMETTO: Excellent. I respect the chair.

Ms Harrington: You are asking about the court review process; am I right? As I said before, when a person applies for court review, they will make known in their application the outcome they are seeking. That is their opportunity to put forth their grounds for lodging the application for review and the outcome they are seeking from the court, whether that is that they would like the PPD to be revoked—for example, if they feel that they have been wrongly identified as the respondent—or a different type of protection order and conditions. As I mentioned before, they can also apply for a protection order against the other parties—for example, if they feel there has been a misidentification.

In terms of the onus for that, because that process mirrors very closely the current process for a PPN, once the PPD is filed in court and taken as the application for the protection order, that brings police into the process, and police are then the applicant to the court for the protection order. In that sense, police do bear the onus of justifying the issuing of the police protection direction. It will not be up to that person to bear the onus of saying why or why not the PPD should have been issued in the first place. Police involvement will achieve that.

Insp. Lyell: I just add that the court review process is not about the police justifying why the PPD was issued or whether it should have been issued. It is about the PPD being taken to be an application and the court considering whether a protection order should be made under the existing framework in section 37: was there a relevant relationship between the parties, was there an act of domestic violence and is it necessary and desirable for a protection order to be made? Ordinarily, that is in place for five years as the default position unless the court orders a different period of time. In the court review process, the onus is on the police officer to convince the court that there should be a court order once a party—the aggrieved or respondent—elects to take the matter for a court review.

Mr DAMETTO: Did I understand that correctly? If you take it to a court review and it goes through that process and it is agreed by the court that a protection order should be applied, then it is applied for five years?

Insp. Lyell: That is correct. That is the default position under the legislation. It provides that the court will apply subsection (3). Subsection (3) in section 97 says the period of an order will be five years unless the court orders otherwise. They had 12 months under the PPD. If they think there is a bona fide reason that should not be in place, they can elect for court review, knowing that the court will then consider whether an order should be made.

Mr DAMETTO: That is interesting.

Ms Harrington: The court review is not reviewing the administrative decision of police to issue the PPD. They are assessing the protective needs of the parties at the time the review is considered. That is distinct from the police review process, which has to occur in that first 28 days, which looks at the circumstances at the time. What that might mean is that, if the court review occurs 11 months after the PPD is issued, for example, the court might assess that there are no protective needs at that time. That does not mean that they are saying there were not protective needs at the time the PPD was issued.

Ms McMILLAN: I am not sure whether my question is to the police or to the department. Does the aggrieved have to provide consent for a PPD to be issued? If the answer is no, why was this not a condition for issuing the PPD? Why did we not make the decision around the aggrieved not providing consent?

Ms Drew: To save confusion, we will take that question. My colleague will answer.

Ms Harrington: In response to your question, there is not a specific requirement that a victim-survivor or the aggrieved consent to the issue of a PPD. However, under the Domestic and Family Violence Protection Act, the principles of the act provide that the views and wishes of the aggrieved need to be considered in all decisions made under the act, and the PPD framework has a

specific requirement that the officer considers any views and wishes expressed by the aggrieved. That may include, for example, if the aggrieved makes it known to the officer that they would prefer the matter to proceed through court. I am happy to refer to my QPS colleagues, but I understand that part of the intention of not including a consent requirement is that that may leave the aggrieved open to potentially persuasion or also potentially a safety risk if they are viewed to have been the cause of the PPD being issued because they had to consent to it. QPS, would you like to comment on that?

Assistant Commissioner Innes: Yes. As per the current legislation, they are police applications. They do not require an aggrieved or a victim to provide us with consent under any other arrangement—whether that is a PPN or a DV1. We are replicating the current system that we have in place. It focuses on the safety of the aggrieved and taking that consideration out of the victim's hands at that time and making it a police decision.

Ms McMILLAN: Do you perceive that this will result in a decline in women coming forward as victims?

CHAIR: Sorry, I will just take a moment. Member?

Mr KRAUSE: I think that is asking for an opinion, Chair—asking for someone's perception on a matter.

CHAIR: Member, would you like to rephrase that?

Ms McMILLAN: Sure. Thank you to the chair and to the member for Scenic Rim. Is it foreseeable that fewer women will come forward or make an allegation around DV in light of that risk of lack of consent?

Assistant Commissioner Innes: The current system has the same requirements. There is no change whatsoever.

Miss DOOLAN: Director-General, how does the amendment bill complement the Queensland government's work to implement the Women's Safety and Justice Taskforce recommendations?

Ms Drew: It is an important question in the context of the broader domestic, family and sexual violence sector and the work that it does every day alongside Queensland police in supporting victim-survivors and also in the effort of engaging with persons using violence and supporting them.

The Women's Safety and Justice Taskforce reform and the recommendations attaching to that is continued work of the department. As part of that ongoing work, the department has been undertaking the development of a refreshed domestic and family violence strategy. That refreshed strategy takes into consideration a range of things including the work already underway under the Women's Safety and Justice Taskforce recommendations including important initiatives such as the embedded workers and co-responder trials, which take the work of the domestic violence sector right to the front door of policing and form partnerships with policing and responding on the front line to the needs of victim-survivors and persons using violence.

The new domestic and family violence strategy also looks at the incorporation, in a strategic way, of the government's election commitments including electronic monitoring and the changes we are discussing here today to this bill. Also, we will consider in due course, subject to budget outcomes, an investment strategy that will support the delivery again of the continued recommendations under the Women's Safety and Justice Taskforce and also the refreshed strategic approach of that piece of work I mentioned.

The strategy itself will take into consideration in the first year strengthening those initiatives that form strong partnerships between Queensland police and the sector itself and, as well as that, take a focus on increasing responses to persons using violence which we are considering, as part of that strategy, are really critical components to the success of the changes proposed in this bill including electronic monitoring.

Ms BOURNE: Director-General, was a trial considered for the PPDs instead of a statewide implementation?

Ms Drew: That is a matter of government policy and not something I can comment on.

CHAIR: Member for Scenic Rim, I think you wanted to talk about VREC.

Mr KRAUSE: Yes. I have a couple of questions that I was cut off by the chair previously from asking. Sorry, Chair. That is not a reflection on you. How does the bill clarify the use of a recorded statement in criminal proceedings? I asked about civil proceedings previously. Could you talk about criminal proceedings?

Ms Byron: The bill makes a number of amendments in relation to the current videorecorded evidence-in-chief scheme. Currently the framework only applies in three court locations—the magistrates courts at Southport, Coolangatta and Ipswich. One of the amendments in the bill is to expand that statewide in all Magistrates Court criminal proceedings. For summary trial proceedings and committal proceedings in magistrates courts throughout the state, the videorecorded evidence-in-chief framework will apply. There are also other amendments in the bill clarifying, streamlining and simplifying some of the processes. It very much builds on that existing framework, which allows videorecorded statements obtained by police to be admissible in those criminal proceedings.

Mr KRAUSE: I think you have sort of answered it. The last question I had was: how does the bill simplify the language used and streamline the process for using the obtained recorded statement?

Ms Byron: There are amendments in the bill which, firstly, seek to simplify the language. Currently there is language when police officers obtain informed consent from the complainant. One of the requirements of obtaining a videorecorded statement is that the police officer must explain a number of matters. The complainant must indicate that they understand those matters and give their consent for a recorded statement to be obtained. Some of that language is technical. There is talk about declarations under the Oaths Act. The amendments in the bill seek to simplify that language for police officers and complainants to understand the process in plain English. Some of the amendments seek to simplify some of that language about declarations under the Oaths Act and references to that legislation. There are also amendments to streamline the process. For example, currently part 6A of the Evidence Act requires a complainant's consent to be given twice. This seeks to streamline that by only requiring them to give that consent once, just so that consent is not required more times than necessary.

Mr KRAUSE: You mentioned the simplification of language around declarations and so forth. It will still be clear to the person giving evidence that it is sworn evidence and that it is subject to requirements under particular legislation around truthfulness and so forth?

Ms Byron: Yes. The bill still requires a complainant to give a declaration of two matters: firstly, that the contents of the statement they have given to police is true and correct to the best of their knowledge and belief; and, secondly, that they give that statement knowing they can be prosecuted if there is anything false in it. It is different to a sworn written statement in that that declaration is given orally, but there can still be consequences for giving false information. They can still be liable for prosecution if they knowingly give false information to police.

CHAIR: I am very conscious that we have not had any questions yet with regard to the approved provider list. I was wondering whether you could give some line of sight for the committee as to what is the approved provider list, what are the changes proposed here and what is the intent behind those changes? It is one of the sections that we have not yet got to.

Ms Drew: I am happy to provide some opening remarks. Under section 69 of the act, if the court makes or varies a domestic violence order, the court can also make an intervention order with the agreement of the respondent that requires the respondent to attend an approved intervention or counselling program facilitated by an approved provider for an assessment of their suitability to engage with the program for ongoing intervention. Section 75 provides for approval of providers and intervention programs. The current process for managing the approved provider list does not include an application or monitoring process or any criteria for providers delivering counselling services. The absence of effective assessment and oversight of this approved provider list has resulted in inconsistency and a lack of accountability for the service system and quality assurance of that service delivery.

The bill seeks to strengthen the maintenance of the list by providing an ability for the chief executive to consider matters prescribed by regulation when considering the approval of a provider for an approved program or counselling. The provision includes a regulation-making power in addition to the existing requirements for the approval of providers on the list. Matters for inclusion in the regulation will be developed in consultation with the domestic and family violence sector itself, which is important to note. It is expected that, as part of this consultation, current providers will also be made aware of upcoming new requirements if they are to continue to be on the approved provider list. It really is, in part, an exercise through this process of improving the quality of those interventions.

CHAIR: Is one of the criteria that is used related to regional access and capacity of service providers, with Queensland obviously being such a broad state and having services across the state? That is my question: is that a criteria?

Ms Drew: That would be subject to further consideration and development of the regulation but would be a consideration.

Mr DAMETTO: Director-General, this question is with regard to coercive control as an offence coming into effect from 26 May. If police respond to a call-out in relation to a DV incident where coercive control is the only allegation, can police issue a PPD or does it have to be physical domestic violence?

Ms Drew: I will refer to my colleague.

Ms Harrington: Coercive control is recognised as a form of domestic violence, so there is no restriction on PPDs only being issued for physical violence. Indeed, the Domestic and Family Violence Protection Act now, even before the criminal offence of coercive control commences, recognises that domestic and family violence can be sexual, physical, emotional, financial and various other types of violence. So, no, there is no restriction on the issue of a PPD to physical violence.

Ms BOURNE: Further to the question that I asked you before, Director-General, was there any evidence to support a trial of PPDs as opposed to the statewide rollout?

Ms Drew: In consideration of the approach that we have taken, as I mentioned before, we provided advice to government on those matters as part of their policy considerations. Those are policy matters. I will not comment further.

CHAIR: Ladies and gentlemen, on behalf of the committee, I would like to thank you for your time here today. I know that we have benefited greatly from having the experience of all of you in the room but also from having the opportunity to get advice from different departments along the way. That officially concludes this briefing. Thank you to everyone who has participated and thank you to everyone who has joined us here. Thank you to our Hansard reporters. A transcript of these proceedings will be available on the committee's webpage in due course. I now declare this public briefing closed.

The committee adjourned at 11.13 am.