Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Submission No:	18
Submitted by:	Queensland Council for Civil Liberties
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	

QUEENSLAND COUNCIL FOR CIVIL LIBERTIES
Protecting Queenslanders' individual rights and liberties since 1967

28 May 2025

The Secretary
Education, Arts and Communities Committee
Parliament House
Email: eacc@parliament.qld.gov.au

Dear Madam,

DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL 2025

Thank you for the opportunity to provide submissions in relation to the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (the Bill).

About the QCCL

The Queensland Council for Civil Liberties (QCCL) is a voluntary organisation concerned with the protection of individual rights and civil liberties. It was founded in 1966 in order to protect and promote the human rights and freedoms of Queensland citizens.

Submission

1. This submission will focus upon two reforms proposed within the Bill:

    a. Police Protection Directions (Clause 19); and

    b. GPS Monitoring of DFV Respondents (Clause 15).

2. The QCCL has serious concerns about both these reforms and consequently **does not support the Bill.**

Police Protection Directions (PPDs)

3. The QCCL opposes the introduction of a PPD scheme on several grounds.

<u>Ousting the role of courts: an abrogation of the right to fair hearing</u>

4. The Bill proposes to enable non-contact, cooldown and ouster clauses to be made as part of a PPD in addition to the standard conditions. These conditions have the potential to fundamentally undermine a person's rights and liberty. For example, under the new scheme, police will be empowered to, *inter alia*:

    a. Require a person to leave their primary place of residence, potentially rendering them homeless; and

b. Restrict a person's ability to attend or traverse particular locations, which may have impacts upon their ability to use public transport or other transit infrastructure and may have consequential effects for their ability to gain or maintain employment, access medical or other key services, or participate in social, cultural or recreational activities.

5. These powers are significant, and in the QCCL's view, should only be imposed after the affected parties are given an opportunity to be heard by an impartial decision maker following a fair hearing, as protected under section 31 *Human Rights Act 2019* (HRA).

6. The Statement of Compatibility provided with the Bill claims that the PPD scheme does not limit the right to a fair hearing[1] – but this is plainly wrong. The right is obviously limited because the entirety of the PPD scheme is predicated upon the idea that police – not courts – are able to impose these conditions in the absence of judicial oversight.

7. It is neither acceptable, nor correct at law, to claim that the right is not limited merely because the legislation includes a review mechanism which is optionally available to respondents – especially when that review mechanism is seriously flawed for reasons explored later in this submission.

8. The right to a fair hearing is fundamentally concerned with the relationship between the individual and the state, and the protection of the individual from state overreach.[2] Consequently, the right encompasses many features, including:

    a. The right to be afforded procedural fairness when decisions are made by the state affecting an individual's rights and freedoms;

    b. The right to equality of arms, which involves both the right to understand the case made against a person, as well as the right to be afforded a fair opportunity to prepare a response and be heard in reply.[3]

---

1 Statement of Compatibility, *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* (Qld) 20.

2 *Re Application under Major Crimes (Investigative Powers) Act 2004* (2009) 24 VR 415, 448 [146] (Warren CJ).

3 *Roberts v Harkness* [2018] VSCA 215 [48].

9. The QCCL is concerned that the circumstances in which PPDs are likely to be issued will not be conducive to protecting any of these aspects of a person's right to fair hearing.

10. When a matter is brought before a court, parties have an opportunity to present their case calmly and plainly, with the benefit of preparation time and assistance of legal representatives.

11. Matters are heard and decided by an independent decision maker with legal expertise, who is given the opportunity to carefully consider the decision in the absence of the heightened environment which gave rise to the subject of the dispute.

12. In contrast, police officers will be issuing PPDs in circumstances where they are called to attend a disturbance – perhaps at the request of one of the parties, but perhaps as a result of a call from a third party – at short notice.

13. When this occurs, police are likely to have extremely limited information about, and a paucity of time to investigate: the nature of the domestic relationship, including any relevant relationship history; the circumstances and events which led to police being called to attend the disturbance; the reliability of the parties' respective witness evidence; or the personal circumstances of the parties, including the potential impacts of a PPD upon them.

14. Further, when attending domestic and family violence incidents, police often encounter individuals in a heightened state who may have impaired capacity to calmly and cogently communicate with police, identify relevant facts and circumstances that ought to be communicated to police, consider the potential implications of a particular condition proposed to be included in a PPD upon, understand their legal rights, or otherwise advocate for their needs.

15. In some cases, individuals may become aggressive or belligerent, and police may themselves be threatened by one or more of the parties present – in which case attending officers are unlikely to be in a position to dispassionately assess the circumstances before them.

16. It is no criticism of police to point out that the PPD scheme demands that frontline officers, many of whom may be very junior in their career, apply the same consideration and decision-making skills otherwise demanded of a Magistrate – in the context of a potentially heated confrontation, in circumstances where their own personal safety may be at risk, and without the benefit of legal training, nor the relevant parties being in a position to advance cogent argument and persuasive evidence.

17. In these circumstances, plainly the right to fair hearing is significantly limited.

18. The QCCL submits that there is no version of a PPD scheme that limits human rights in this way which could possibly be justifiable in accordance with section 13 of the HRA because:

    a. Ousting the jurisdiction of a court is not a proper purpose within the meaning of s13(2)(b) HRA; and

    b. The existing Police Protection Notice (PPN) scheme is itself a less restrictive and reasonably available alternative way to achieving any purpose connected with achieving efficient protection of victims of domestic and family violence, such that a PPD scheme under which conditions can be made in the absence of court supervision will always fail the 'necessity' test under s13(2)(d).

<u>Fundamental flaws in the proposed review mechanism</u>

19. The review mechanism is fundamentally flawed because the provisions operate such that if a person seeks review of a PPD, they automatically bring about an application for a protection order against them, risking the imposition of a 5 year order as opposed to a 12 month direction.

20. This is because under proposed new section 100ZA(1)(a), upon the Respondent filing an application for review, QPS must file a copy of the PPD, and under s100ZB(1)(a), once filed the PPD is taken to be an application for a protection order.

21. This arrangement will undoubtedly have a chilling effect upon applications for review, and for the reasons outlined above further evidence the scheme's propensity to limit the right to fair hearing.

22. That chilling effect is likely to be exacerbated by the fact that Legal Aid funding is not currently available for respondents to matters under the *Domestic and*

Family Violence Protection Act 2012 (DFVPA), and Queensland's Community Legal Centres are already struggling to meet demand.

23. The QCCL notes that the Bill is not accompanied by any proposed expansion of funding to ensure that individuals who may be adversely affected by PPDs are afforded access to legal representation which may be imperative to the vindication of their rights.

24. Poor access to legal representation will mean that, where applications for review are made, they are less likely to be made with the assistance of legal representatives who are capable of fully informing the court of the facts and arguments relevant to the review. This will fundamentally undermine the efficiency and efficacy of the court review process.

25. The QCCL foreshadows that challenges in accessing legal representation and other delays in a person making an application for review are also likely to undermine any police efficiency gains sought to be achieved by the PPD scheme. For comparison: under the PPN scheme, the PPN must be brought before the court within 14 days – meaning that the court will hear the matter relatively fresh. Under the PPD scheme, a respondent to a PPD may take months before being in a financial position to afford legal representation, at which point police would be required to sift through dated material in order to re-litigate a matter which could have been dealt with by a court much earlier.

26. Finally, while section 100ZD empowers a court to set aside a PPD which will have the effect that the PPD is taken never to have been issued, this offers cold comfort for respondents who may have experienced homelessness or other significant adverse impacts as a result of an improperly issued PPD.

<u>Risks associated with over-criminalisation</u>

27. It is uncontroversial that when a person is made a respondent to a protection order of any kind under the DFVPA, certain behaviours which were not previously criminal may become criminal by virtue of the conditions of the order.

28. Whenever a law purports to criminalise behaviour, care should be taken to ensure that the criminalisation does not:

    a. Exacerbate the existing overrepresentation of particular groups in the criminal justice system; or

    b. Have disproportionate impacts on a person's employment, health, or social, which may in turn have a further criminogenic effect.

29. In 2022, the Commission of Inquiry into QPS Responses to Domestic and Family Violence (QPS COI) found that over the 10 year period 1 Jan 2012 – 31 December 2021, Indigenous people were on average 10.8 times more likely to be charged with contravening a Protection Order than non-Indigenous people.[4]

30. The QPS COI's report explains in considerable detail the extent to which QPS' responses to DFV involves over-policing of Indigenous communities and contributes to the overrepresentation of First Nations peoples in the criminal justice system.

31. To date, QPS has demonstrated a distinct lack of action or initiative to rectify this systemic problem, and there is no reasonable basis to conclude that the trends of the last decade will be broken in the near future.

32. A proliferation of conditions made under PPDs – which, by virtue of not having been imposed following due process before a court are inherently tainted with the risk of being inappropriate in the circumstances of each – are liable to intensify the negative impact of QPS's current responses to DFV upon vulnerable groups.

PPDs pose serious risks for victims of DFV

33. Contrary to the government's statement that the PPD scheme will offer better protection victims, the QCCL is of the view that the scheme in fact poses a significant threat to victims of DFV.

34. In Tasmania – the only jurisdiction in Australia to have a comparable PPD scheme, there is a growing body of evidence[5] that police frequently misidentify victim survivors of DFV as being the perpetrators of DFV when issuing Police Family Violence Orders (PFVOs), the Tasmanian equivalent of PPDs.

---

4 Judge Deborah Richards, *A Call for Change: Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence* (Final Report, 14 November 2022), 222

5 Engender Equality, *Misidentification of the Predominant Aggressor in Tasmania* (Research Discussion Paper, December 2022); Hayley Gleeson, 'Tasmania's police family violence orders are supposed to keep victims safe. But experts say they're backfiring on women', *ABC News* (online, 5 March 2023) <https://www.abc.net.au/news/2023-03-05/tasmania-police-family-violence-orders-misidentifying-victims/102037672>; Hayley Gleeson, 'Tasmania Police are still mistaking family violence victims for abusers. For too many women, correcting the record is impossible,' *ABC News* (Online, 19 November 2023) <https://www.abc.net.au/news/2023-11-19/tasmania-police-misidentifying-family-violence-victims-abusers/103102134>

35. For example, in early 2023 the ABC reported that between 2016-2022, Tasmanian police made 13,294 PFVOs compared with 8,480 final and interim family violence orders (FVOs) by the Magistrates Court. Of the orders made in preceding year, 'almost 30%' of PFVOs listed a female aggressor compared with 9% of court orders.[6] In other words, police issued PFVOs against female respondents at more than triple the rate of courts.

36. In Queensland, police misidentification of victim-survivors is, sadly, also a well-documented phenomenon.

37. For example, in its 2016-17 Annual Report, the DFV Death Review and Advisory Board found that 44.4% of women who were killed in the 27 cases it reviewed had previously identified by police as the perpetrator on an order under the DFVPA.[7]

38. Significant ongoing issues involving police misidentification of the person most in need of protection were also identified:

    a. In 2020 by the Women's Safety and Justice Taskforce;[8]

    b. In 2022 by the QPS COI;[9] and

    c. In 2020 by ANROWS.[10]

39. The QCCL has significant concerns that this evidence clearly demonstrates a real risk that, without the independent supervision and oversight of a court, introduction of the PPD scheme is liable to have devastating impact for victims of DFV who are misidentified as respondents, including potentially resulting in victims of DFV being made homeless as a consequence of an inappropriate PPD.

40. In addition, perpetrators of DFV may also be able to use the inherent flaws and injustices of the PPD scheme as a means of engaging in system abuse – either by facilitating or encouraging misidentification of the person most in need of protection, or by using the scheme's obvious flaws as a means of coercively controlling or otherwise deterring victim survivors from cooperating with police or other DFV services.

---

6 Gleeson, *Tasmania's Family Violence Orders* (n 5).

7 Domestic and Family Violence Death Review and Advisory Board, *2016-2017 Annual Report* (Annual Report, 2017) 82-83 <https://www.coronerscourt.qld.gov.au/dfvdrab/annual-reports-and-government-responses>.

8 Women's Safety and Justice Taskforce, *Hear Her Voice* (Report 1, Volume 2, 9 May 2023) 181, 197.

9 Judge Richards, *A Call for Change* (n 4) 5.

10 Heather Nancarrow et al., 'Accurately identifying the "person most in need of protection" in domestic and family violence law' (2020, Research Report) 23, 28-9, 73

41. This is liable to aggravate existing acrimony between the parties, or fuel a respondent's fixation upon the aggrieved, ultimately placing a victim-survivor at even greater risk of continued and/or escalated DFV.

Significant departure from nature of current police powers

42. PPDs are proposed to have an operative period of up to 12 months. This is highly irregular considering that existing police powers to give directions are generally restricted to directions that have immediate or short term effect.

43. For example, directions to move on from particular locations can only prevent a person from returning to a specified location for up to 24 hours,[11] and noise abatement directions have a maximum potential operative period of 96 hours.[12]

44. Even under the existing PPN scheme – which already enables police to issue standard, ouster, non-contact and cooldown conditions upon a respondent – the requirement that the PPN be brought before a Magistrate within 14 days ensures that requirement has a limited operational period before the relevant conditions can be reviewed by a court and their appropriateness independently assessed.

45. Perhaps the only police power with a comparable effect and operative period is the power for police to grant watch-house bail subject to particular conditions, including non-contact or other location-based restraining conditions. However, this power is accompanied by a key safeguard: bail is granted upon a person's undertaking – or in other words, with a person's consent. However, this element is conspicuously absent from the proposed legislation.

46. The PPD scheme therefore represents a significant expansion in the operative period of police directions/requirements, and accordingly significant legislative safeguards should exist to reduce the risk of the scheme being abused, and/or unintended consequences of the scheme.

47. For reasons outlined throughout this submission, the QCCL believes the safeguards in the Bill are insufficient to account for this risk.

Double standards of justice

48. Finally, the proposed dual existence of the PPD and PPN schemes creates two different standards of justice.

49. Proposed new section 100B(1)(c)-(d) provides that an officer may issue a PPD where none of the circumstances in either section 100C or 100D apply and where the officer considers that it would 'not be more appropriate to take action that involves an application for a protection order' (or in other words, issue a PPN). The Bill provides no guidance as to what factors outside those set out in

[11] *Police Powers and Responsibilities Act* s 48(3)(c).
[12] Ibid s 582(5).

100C or 100D might influence whether or not it is more appropriate to issue a PPN over a PPD.

50. If it is the intention that PPNs should be issued in cases involving serious allegations of DFV, and PPDs are to be issued in less serious cases, then one simple and clear way to convey this would be to devise a scheme under which PPDs could only be issued in minimum terms. This would ensure that, if circumstances were serious enough to warrant the imposition of ouster, cool-down or non-contact conditions, a PPN would be sought.

51. In the absence of this clarity, it is left to the discretion of individual police officers to make a determination about what circumstances amount to a sufficient level of 'seriousness' to warrant a PPN being made over a PPD.

52. This is liable to create situations in which one police officer may choose to issue a PPN – which would be heard and decided by an independent judicial decision-maker – but another police officer might issue a PPD, which would not receive judicial oversight.

53. This would result in an intolerably capricious application of domestic and family violence law, wherein a person's ability to access to a fair hearing is determined by the lottery of police officers on shift.

Conclusion on PPD Scheme

54. For all of the reasons outlined above, the QCCL urges the government in the strongest terms **not to proceed with the proposed PPD scheme**.

55. The QCCL considers that the government would better serve the interests of people experiencing domestic and family violence by prioritizing the establishment of the Police Integrity Unit recommended by the Commission of Inquiry to resolve the existing issues in Queensland policing before increasing law enforcement powers.

Furthermore we note that The Victorian Royal Commission into Family Violence found that the police would need significant training in how to deal with family violence before such laws could be introduced. Has this happened in Queensland? If not what plans are in place to provide the clearly necessary training for police who are effectively going to become judge jury and executioner.

GPS monitoring of DFV Perpetrators

56. The QCCL has serious concerns about the GPS monitoring aspects of the bill, due to both the infringement of the rights of the respondent, and the dubious efficacy of the devices in practice.

The rights of the respondent

57. We are concerned that subjecting respondents to 24-hour electronic surveillance, utilising a clearly visible GPS monitor attached to their person, violates a number of fundamental human rights protected by the *Human Rights Act 2019*, especially:

    a. Privacy and reputation (s 25);

    b. Freedom of movement (s 19); and

    c. The right not to be punished more than once (s 34).

58. The right to privacy, and its connection with dignity is recognised by the Australian courts at the highest level.[13] The corresponding right under the Victorian *Charter* is said to 'ensure people can develop individually, socially and spiritually in that sphere, which provides the civil foundation for their effective participation in democratic society' protecting 'those attributes which are private to all individuals, that domain which may be called their home, the intimate relations which they have in their family and that capacity for communication with others… each of which is indispensable for their personal actuation, freedom of expression and social engagement.'[14]

59. The proposed devices would not simply alert authorities if the respondent breached a condition imposed on them by the courts. The authorities would be constantly informed of the respondent's movements, relationships, recreational activities, habits, employment status, sexual preferences and a host of information which people generally regard as of a deeply personal nature. The respondent will be continuously aware of this, never being unobserved, even within their own home. The respondent's family and friends are also indirectly monitored by their proximity to the respondent, and the impact of the scheme on the rights of innocent third parties needs to be considered.[15] Were the schemes managed by a private entity in the future, the collection of this data would be even more troubling.

60. It is clear that most members of the community associate these devices with sex offenders, which will no doubt result in many adverse consequences for those wearing the. Criminological evidence has repeatedly found that persons fitted with GPS monitoring devices face stigma in the community, embarrassment and are deterred from engaging in lawful activities and relationships that they

---

[13] *Australian Broadcasting Corporation v Lenah Game Meats* (2001) 208 CLR 199, 226 [43] (Gleeson CJ).
[14] *Director of Housing v Sudi (*2010) 33 VAR 139 145 [29], cited with approval in *PBU & NJE v Mental Health Tribunal and Others* [2018] VSC 564 [25].
[15] See Athula Pathinayake, 'Electronic monitoring: A first step towards an integrated correctional system' (2020) 49 *Australian Bar Review* 294, 315.

otherwise would, owing to their cognisance of continuous police scrutiny.[16] Respondents with a visible device become isolated and find it exceedingly difficult to find employment, in some cases losing their jobs, which illegitimately extends the punitive effect of these schemes and increases the likelihood of recidivism.[17]

61. We note that s 66B(1)(a)(ii) requires the court to be satisfied that the respondent has a history of charges or convictions for domestic violence or other violent offences. That the condition is imposed for prior convictions arguably violates the right of the accused not to be punished more than once. But we especially object the condition being imposed for *charges* as well as, or in addition to *convictions.* This is clearly a violation of the presumption of innocence and if there no convictions of the presumption of harmlessness[18].

62. We further note that the availability of ouster and other prohibitive clauses in s 66C(2) further impact upon the respondent's freedom of movement.

63. We acknowledge rights and freedoms may be limited, and that the scheme may be seen as a proportionate way of protecting victim-survivors and children.[19]

64. Ultimately, the devices are a degrading and harsh measure, that violates a respondent's most fundamental rights and marks the respondent to the community at large as a pariah. Given that the relevant object of the legislation is the safety and protection of the aggrieved, rather than the punishment of the respondent, we consider that the measure is inconsistent with the purposes of the regime broadly.[20]

<u>Lack of evidence supporting a GPS monitoring</u>

65. Plainly, the proposed GPS monitoring scheme entails a significant interference with fundamental human rights. Of course the prevention of DFV is an important goal. But if the scheme is justified, it is by reference not just to the *importance* of the goal, but to the efficacy of the *means*. The evidence to date in Australia and abroad raises doubts about the latter proposition.

---

[16] Karen Souza et al, 'Pre-release expectations and post-release experience of prisoners and their ex-partners' (2015) 20(2) *Legal and Criminological Psychology* 306, 317; Dr Paul Dawson and Melissa Pepper, *Alcohol Abstinence and Monitoring Requirement* (Report, February 2016) 30 Mike Nellis, 'Electronic Monitoring and Probation Practice' in Fergus McNeill, Ioan Durnescu and Rene Butter (eds), *Probation* (Palgrave MacMillan, 2016) 217, 235; Ashley, Willoughby and Mike Nellis, 'You Cannot Really Hide: Experiences of Probation Officers and Young Offenders with GPS Tracking in Winnipeg, Canada,' (2016) 34(1) *Journal of Technology in Human Services* 63, 7.

[17] James Kilgore, 'Would You Like an Ankle Bracelet With That? Winners and Losers in Electronic Monitoring '(2012) 59(1) *Dissent* 66, 67.

[18] Ashworth and Zedner *Preventive Justice* OUP 2014 pages 130-2

[19] *Human Rights Act 2019* (Qld) s 13(1)-(2).

[20] *Domestic and Family Violence Protection Act 2012* (Qld) s 3(1)(a).

66. As you are no doubt aware, in 2019 QPS ran a trial of the devices in simulated DFV scenarios. A report published that year disclosed that the devices were successful (in the sense of triggering an alert) only 51% of the time, 'partially successful' 23% of the time and failed utterly in 26% of scenarios.[21] It was further found that there 'notable variances in the electronically tracked movements and the real route undertaken by the individual' such that results could not meet the criminal standard.[22]

67. Of great concern is the tendency of the devices to generate false positives, which the report correctly observed not only undermines their evidentiary value in proceedings, but also subjects 'perpetrators' to 'breach-related proceedings based on inaccurate readings when in fact, there was no breach.'[23] Necessarily, this imposes costs upon the accused, along with the stress and indignity of proving their innocence. Criminological evidence also indicates that the phenomena of false positives greatly increases the resentment the persons wearing the devices feel at the imposition, leading them to question the legitimacy of their conditions.[24] This in turn increased the likelihood of recidivism, undermining the devices' purported deterrent and reformatory benefits.[25]

68. To the extent that the devices do function correctly, there are also doubts as to their long-term effects on recidivism. Trials of a similar scheme in Tasmania found that the devices were effective while they were being worn, but once the condition was lifted, almost half of respondents subsequently reoffended, indistinguishably from the 50% recidivism rate following incarceration.[26] The report itself concluded that 'if an offender intended to breach the FVO and inflict harm on the victim, they would attempt to do so.'[27] Experience from abroad has also yielded mixed results as to both deterrence and prevention.[28]

---

[21] Queensland Police Service, *Domestic and Family Violence GPS-Enabled Electronic Monitoring Technology Evaluation Report* (Report, April 2019) 2 <https://www.publications.qld.gov.au/dataset/end-domestic-and-family-violence-our-progress/resource/2a943b54-8fa6-4635-b781-9a78a83bd608>.

[22] Ibid.

[23] QPS, *Evaluation Report* (n 18) 18.

[24] Rita Haverkamp and Gunda Woessner, 'The Emergence and Use of GPS Monitoring in Germany' (2016) 34(1) Journal of Technology and Human Services 117, 131-132; Marietta Martinovic and Philipp Schluter 'A Researcher's Experience of Wearing a GPS-EM Device' (2012) 23(3) Current Issues in Criminal Justice 413, 419; Anthea Hucklesby, 'Understanding Offenders' Compliance: A Case Study of Electronically Monitored Curfew Orders,' (2009) 36(2) Journal of Law and Society 248, 263.

[25] Ibid.

[26] Tasmanian Institute of Law Enforcement Studies, Evaluation of Project Vigilance: Electronic Monitoring of Family Violence Offenders (Final Report, July 2022) 34 <https://figshare.utas.edu.au/articles/report/Evaluation_of_Project_Vigilance_electronic_monitoring_of_family_violence_offenders_-_Final_Report/23170916>.

[27] Ibid 3-4.

[28] Avdi Avdija and Jihee Lee, 'Does Electronic Monitoring Home Detention Program Work? Evaluating Program Suitability Based on Offenders 'Post-Program Recidivism Status' (2014) 11(2) *Justice Policy Journal* 1, 3-4; Rafael Di Tella and Ernesto Schargrodsky, 'Criminal Recidivism and Electronic Monitoring '(2013) 121(1) *Journal of Political Economy* 27, 32-33.

69. A core aim of both the PPD and GPS elements of the scheme is the reduction of costs. As the QPS report observed 'GPS tracking creates greater workloads on staff owing to a more complex and extensive information stream, which could impact on the ability of staff to effectively supervise individuals subject to a tracking device.'[29] A study of GPS monitoring in Britain found that the costs of administering the scheme in that jurisdiction only provided savings when compared with 'relatively long' prison sentences.[30] The additional expenses of data-retention, false positives and the limited effect on long-term recidivism render doubtful the purported cost-saving benefits of the scheme.

Conclusion on the GPS Monitoring Scheme

70. For all of the reasons outlined above, the QCCL urges the government in the strongest terms **not to proceed with the proposed GPS scheme.**

71. The QCCL considers that the increased costs and doubtful efficacy of the scheme do not justify the prejudice to the rights of respondents.

72. This submission has been prepared by Ms Nicki Murray, executive member, with contributions from our interns John Birrell, Charlie Hoare and Gabriel Fenech.

73. We trust this is of assistance to you in your deliberations

Please direct correspondence concerning this letter to [redacted]

Yours Faithfully

[redacted]

Michael Cope
President
For and on behalf of the
Queensland Council for Civil Liberties
28 May 2025

[29] QPS, *Evaluation Report* (n 18) 19.
[30] David Smith, 'Electronic Monitoring of Offenders: The Scottish Experience' (2001) 1(2) *Criminal Justice* 201, 201.