

**Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025**

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**RE: DOMESTIC AND FAMILY VIOLENCE AND OTHER PROTECTION LEGISLATION AMENDMENT  
BILL 2025**

Thank you for providing us with the opportunity to respond to this Inquiry and in particular respond to the amendments contained in the *Domestic and Family Violence and Other Protection Amendment Legislation 2025*, as they relate to the introduction of a framework for police protection directions (PPDs) that will allow police officers to administratively issue immediate long-term protection directions, without filing an application for a proceeding before a court.

The Queensland Sexual Assault Network (QSAN) do not support the changes that relate to PPDs and are very concerned about domestic and family violence (DFV) legislative policy in Queensland prioritising police efficiency over women and children's safety, which is out of step, as far as we are aware with the history of amendments to this legislation.

The Explanatory Memorandum<sup>1</sup> clearly sets out that the primary objective of the Bill is to improve *efficiencies* for police responding to DFV and *reduce operational impacts* of the current DFV legislative framework.

Unfortunately, there are concerns that PPDs will not be neutral to victim-survivor safety as is implied (they are described as being simply another tool for police to use) but will in fact reduce victim survivor (including children's) safety, increase complexity and confusion in the system and increase opportunity for systems and litigation abuse by perpetrators against victim-survivors.

We are also concerned that the driver of these changes is an attitude that DFV is not real policing and responding to DFV is unnecessarily using up resources that could be better allocated to doing "real police work".<sup>2</sup>

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<sup>1</sup> <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0399/5825t399.pdf>

<sup>2</sup> See interview between Shane Prior, QPU President and Peter Fagan on 4BC that "police are doing so much DV they are not getting to the core work of policing, proactively patrolling the community."

The multi-layered decision-making that is required to issue a PPD, the fact that police decision making can be subject to both an internal police review and court review, arguably will mean the bill will not even meet its policy objective of *improved efficiencies* especially if the system is considered as a whole. For example, there will be multiple impacts on victim-survivors, on community agencies that respond to DFV and legal aid, community legal centres and the courts.

The complexity of the legislation underscores that reality that responding to domestic and family violence is complex and we should be wary of quick fixes or easy answers because if these existed, they would have been implemented decades ago.

## **1. Introduction**

### **About QSAN**

The Queensland Sexual Assault Network (QSAN) is the peak body for sexual violence prevention and support organisations in Queensland. We have 20 member services, including specialist services for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with intellectual disability, young women, men and children and our membership are located throughout Queensland, including in rural and regional locations.

Our network of non-Government services is funded to provide specialist sexual assault counselling, support, and prevention programs in Queensland. QSAN is committed to working towards ensuring all Queenslanders who experience sexual violence recently or historically, regardless of age, gender, sexual orientation, cultural background receive a high-quality response in line with best practice, client-centred principles. Our work and analysis of sexual violence is from a feminist perspective and addressed within a specialist trauma framework.

We are committed to engaging with government and other bodies to raise systemic issues of concern, and to ensure the voices and experiences of victims of sexual violence are considered in the formulation of policy and legislation that impacts on sexual violence victims in Queensland.

### **Intimate Partner Sexual Violence and Intersection with lethal violence**

The work of QSAN intersects with domestic and family violence routinely, as we respond to victim survivors who have experienced intimate partner sexual violence as part of their domestic and family violence relationship. Invariably these victim survivors are at high risk of lethality and ongoing violence, as sexual violence is a high-risk indicator and can commonly co-occur with other very high-risk activities such as strangulation, sexual jealousy and the use of pornographic material. Sexual violence is also a common feature of coercive control.

In 2024, in response to a recommendation by the Women's Safety and Justice Taskforce, the Queensland Domestic and Family Violence Death Review and Advisory Board was tasked to undertake an 'intimate partner sexual violence case review' of its existing cases<sup>3</sup>. The findings from the review were consistent with QSAN's client experience and instructive of the relevance of sexual violence to the issue of lethal DFV violence.

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<sup>3</sup> [https://www.coronerscourt.qld.gov.au/\\_\\_data/assets/pdf\\_file/0009/809082/ipsv-case-review-system-issue-report-2024-final.pdf](https://www.coronerscourt.qld.gov.au/__data/assets/pdf_file/0009/809082/ipsv-case-review-system-issue-report-2024-final.pdf)

The findings referred to academic literature and noted that “*several studies have suggested that IPSV is demonstrative or symptomatic of perpetrator’s feelings of entitlement over victims, which may in turn lead to increased homicide risk when this entitlement and control is challenged*” (p.16) Sexual violence can also entrap victims in the relationship making it extremely difficult to separate and remove themselves from the perpetrator.

The report’s findings of the case review of Queensland deaths found there were high levels of sexual violence:

*“The most common type of sexual violence in the cases reviewed was sexual jealousy (28 of the 35 cases, 80%), followed by sexual assault (25 of the 35 cases, 71%), sexual coercion (15 of the 35 cases, 43%), and sexual abuse (13 of the 35 cases, 37%). Forced sexual activity was the least common type of sexual violence reported (7 of the 35 cases, 20%)”. (p.26)*

A consistent theme that was found was under reporting of the full extent of the IPSV and this was particularly acute for Aboriginal and Torres Strait Islander women.

## **2. What are our concerns with PPDs?**

### **Further details required about efficiency or saved operational time**

There are no statements made in the Explanatory Memorandum or other official statements that provide any detail or in any way evidence the *efficiencies* and *improved operational impacts*. It is implied but not explained to the community what the cost benefit analysis of such a major change to policing responses to DFV in Queensland is.

We would, for example, be interested in the following information:

How many policing hours will be saved by introducing these changes?

How will these policing hours be saved?

Will these savings be re-invested into DFV?

What will an increased and improved response to DFV look like after this new investment of time (if this occurs)?

### **Existing provisions allow for urgent protection**

In the Explanatory Memorandum and in media reports we are told that PPDs will provide the Queensland Police Service (QPS) with an *additional tool* to respond *urgently* to DFV and to assist them to respond to increasing demand and meet community expectations.

However, the QPS can already obtain immediate protection for victim-survivors through existing legislative instruments, such as the Police Protection Notices (PPNs) and temporary protection orders, making these arguments about urgency and immediacy redundant.

*“The DFVP Act currently provides protection to people experiencing DFV by empowering police to take action to protect a person from DFV, including by issuing a Police Protection Notice (PPN), and by enabling a court to make protection orders and temporary protection orders (referred to as a*

*domestic violence order (DVO)). PPNs can be taken to be an application for a protection order and provide immediate protection to the aggrieved until the matter can be heard and decided by a court”.<sup>4</sup>*

As we have said before, the introduction of PPDs will increase the complexity of the legislation and will not advance victim-survivor safety (including children).

### **Reducing protection for DFV victim-survivors from 5 year to 12 months orders**

The *Not Now: Not Ever Report* recommended the increase in DVOs at that time from 2 years to 5 years to better support victim survivor safety and reduce re-traumatisation and attendance at as many court events. This hard fought and won change was ultimately legislated in 2017, which was a victory for victim-survivors and for the DFV sector that had long advocated for the extension of time of DVOs.

A PPD will be issued in circumstances when police are called out to a DFV incident, which is itself indicative that these cases are either high risk and/or a complex.

These proposed changes, therefore, will likely reduce the time of protective conditions for victim-survivors in high risk and/or complex matters from a court issued protection order of 5 years to 12 months, which is very troubling.

### **The overall time of court issued orders will reduce**

As PPDs are increasingly used, the existence of 12-month orders will over time have a systemic impact of reducing the length of time of all DVOs Eg. Respondent lawyers will increasingly argue against the 5-year orders, magistrates may be more willing to hear these arguments when the existence of 12-month orders become normalised in the system.

### **Additional barriers in getting variations to extend beyond 12 months.**

In addition, if the victim-survivor wants to extend the time of their PPD beyond the 12-month period, they will need to make an application for a review of the PPD to the court.

They are not assured the support of the QPS to make this application and as the QPS are clearly trying to reduce their workloads in DFV, it is very likely victim-survivors will have to act for themselves in these proceedings, unless they either pay privately for a lawyer or obtain assistance from legal aid.

The court will decide about the necessity to extend the time frame based on the current evidence of abuse and violence.

Many perpetrators are very smart at skirting the system in a way where they continue to harass the victim survivor and breach the conditions of the existing order, but the victim survivor may not have sufficient evidence to “prove” the necessity for the extension, leaving them exposed to further acts of violence when the PPD ends.

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<sup>4</sup> <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0399/5825t399.pdf> (page 2)

The PPD may also have been very effective in stopping the perpetrator's violence during the period of the direction and though the risk of ongoing violence remains, the court may not be willing to extend the order without further proven acts of violence.

This places the victim-survivor in the unenviable position of having to wait for another act of violence before they can apply for a further protection order leaving them unsafe and vulnerable.

### **Family Law implications**

PPDs will have significant implications for family law and child contact arrangements in Queensland.

We note Section 100D (1) (a) and (b) of the Bill states if a PPD includes the respondent's child as a named person or it would include a condition that would prevent or limit contact between the respondent and the child of the respondent then Section 100 (2) applies.

Section 100 (2) states a police officer must not issue a PPD in circumstances where there is a family law order or an order or care agreement under the Child Protection Act 1999 or if there are proceedings on foot but not finalised under the Child Protection Act 1999 or the Family Law Act 1975 relating to the children.

It should be noted that most people, especially those who are just separating do not have family court or child protection orders in place. At most, they may only have a verbal agreement about contact or a parenting plan (a written and agreed plan about contact) however, the exemption in Section 100 (2) only relate to court orders.

The exemption for family court/ child protection court orders for PPDs is similar to PPNs however, PPNs only remain on foot for a relatively short period of time until the matter is heard by the court, usually at the next earliest opportune court date.

Unlike PPNs, PPDs will not be subject to court oversight and will be in place for 12 months, so the impact on child contact arrangements could be significant.

If a no contact order PPD is issued and the parties have children, unlike court-issued Domestic Violence Orders (DVOs) that include a family law exemption allowing parental negotiation and mediation on child contact, PPDs will lack this provision.

For some victim-survivors a no contact PPD may provide increased protection, though for others it might also increase their risk, as there may be an escalation of the perpetrator's violence if they are unable to see their children. For example, in Hannah Clarke's case, Rowan Baxter committed the murders after contact with his children was stopped by Hannah's solicitor.

In cases of misidentification of victims as perpetrator, it will add to the already enormous impact of such decision making, as it will mean that mothers will be prevented from seeing their children.

Consequently, a 12 month no contact PPD will mean the parties will be unable to negotiate child contact arrangements either by themselves, through a mediation service or through their lawyers as this will be a breach of the PPD.

As a consequence the respondent seeking contact will be required to either seek a police review to remove the no contact condition to allow negotiation or be pushed towards litigation, either in the magistrate's court, as the respondent seeks a court review to remove the no-contact clause or include a family law exemption in the protection order, or they will commence family law proceedings or they may seek to commence proceedings in both courts and seek an internal police review simultaneously.

Any increased court litigation will impact shared assets or strain legal aid resources and increase the potential for litigation abuse.

The question remains: How does this change truly enhance victim safety and streamline systems?

### **Will PPDs reduce protection for victim-survivors?**

If the police officer wants to impose a 'no contact' order PPD, then they are required to seek approval from a senior sergeant (100K(2)(ii)) rather than just a sergeant when such a provision is not being sought (100K (2) (ii))

This additional oversight requirement may be enough for some frontline officers to seek to circumvent these additional complexities (including those outlined above in relation to child contact) by opting for a less stringent safety conditions, issuing PPDs with only good behaviour requirements when they should otherwise be seeking a no contact provision.

The absence of a no contact provision will leave open opportunities for the victim and the children to be subjected to ongoing harassment and violence from the perpetrator. It will then be on the shoulders of the victim-survivor to seek a court review to increase the protective conditions. It is uncertain if this court review of the PPD would be supported by the police, but we presume not, as the police try to reduce their operational responsibilities in responding to DFV. The victim survivor therefore will be acting for herself in the court, unless they can pay privately or obtain legal aid for legal representation.

We predict that only seeking standard conditions in PPDs and not seeking no contact conditions will become the routine response.

### **Increased complexity**

The issuing of a PPD is not straight forward and there are a range of discretions and legislative requirements that must be weighed up by the police officer which creates a complex decision-making matrix for frontline officers.

The police officer must be satisfied of all the provisions in 100B, including that a PPD is the most appropriate intervention rather than an application for a protection order. Of interest, there are no legislative guidelines provided that would assist this decision.

They must then consider a number of exemptions set out in 100C (1 – 3) and which all contains numerous sub paragraphs (Section 100C 1 includes 11 sub-paragraphs) of circumstances where the police officer must not issue a PPD.

In addition, Section 100D sets out restrictions on the issuing of PPDs when there are children of the respondent and family law or child protection orders.

There are then more additional matters for consideration contained in Section 100E that a police officer must consider before issuing a PPD, including if the respondent may cause serious harm, there are previous DFV convictions and other important considerations etcetera.

This would all have to be documented as a police officer's decision for a PPD can be subject to both an internal police review and a court review.

**The provisions will not reduce police paperwork – if implemented in a way that is consistent with the legislation**

The decision-making process to issue a PPD is quite complicated, if it is implemented in accordance with the legislation. This proposal will make the decision making on the frontline more cumbersome and difficult and will not reduce police paperwork.

Section 100K requires police to obtain approval of a supervising police officer before issuing a PPD and a senior sergeant if they are seeking to issue an ouster condition or make a no contact provision (Section 100K(2)).

Section 100 K(5) requires a range of details about this interaction to be recorded.

The decision to issue a PPD may also be subject to an internal police review, which can be commenced by the respondent, the aggrieved or an authorised person for the aggrieved person or a named person (Section 100 U) within 28 days of the issue of the PPD.

If an internal police review is commenced, the Police Commissioner must give the other party notice of the review and invite them to make a submission on the matter. The Police Commissioner may also ask the parties for any information that may be relevant to the consideration of the review (Section 100 U (3)).

An internal police review must then be conducted by a police officer with a higher rank than the supervising office who approved the issue of the PPD and was independent of the investigation of relevant domestic violence by considering all the relevant information (Section 100 U(3)).

Section 100 Y sets out the numerous options available to them when conducting the review.

The review needs to be appropriately undertaken and appropriately documented.

At any time during the life of the PPD, the parties can also seek a court review. (Section 100Z). If within 28 days of the PPD being made, then this could be at the same time as the police review.

Section 100Z (3) states that the court must give a copy of any application for court review to the Police Commissioner.

The Police Commissioner must (Section 100ZA) provide a copy of the PPD to the court, as well as a signed written notice stating the grounds for the issuing of the PPD by the police officer who issued it and/or a statement by the police officer.

The police officer must then service a copy of the review documents on the parties (Section 100 ZA (4)). The PPD becomes an application for a protection order before the court and the police officer who issued the PPD is also taken to be the applicant for the protection order (Section 100ZB (1) (b)) but it is uncertain if the police will act for the victim-survivor, who may have to act for herself in court unless she is able to obtain legal representation (either privately or legal aid).

There is uncertainty about how the process and outcomes of a police review relate to a court review, which may be conducted at the same time.

Each PPD issued must be documented in a way that acknowledges it could be subject to a review by either the police or the courts.

All in all, these do not seem to be processes that will reduce police paperwork if implemented in a way that is consistent with the legislation.

### **Exceptions for high-risk matters will often not work in practice**

Though exceptions exist for high risk and complex cases to use a court process and not PPDs, if PPDs become the standard operational QPS response to DFV, these exceptions, as set out in the legislation will not work in practice.

### **PPDs with standard conditions will become the rule not the exception**

As we have stated previously, the legislative approach is complex. The default position will quickly become the issuing of PPDs with standard conditions in most situations, including high risk matters.

### **A reduction in breaches will be at the cost of victim-survivor's safety**

When a PPD is issued with only standard conditions of good behaviour and does not contain a no contact provision then it makes it more difficult and sometimes impossible for action to be taken for breaches. For example, if the perpetrator is following the aggrieved, or constantly telephoning her to "talk about the children".

In such situations, many aggrieved's will not be fully protected and will be subject to ongoing violence and harassment by the perpetrator.

The number of reported breaches will reduce over time, and this will no doubt impact on the operational time police spend on DFV, however it will be at the cost of victim-survivor's safety and well-being.

### **Increases opportunities for systems and litigation abuse**

The introduction of internal police reviews will increase opportunity for systems abuse by perpetrators. DFV perpetrators will use systems and court processes to ensure contact with the victim-survivor, to wear them down, to subject them to harassment and to perpetuate emotional and financial strain. An internal police review will be relatively easy to commence and will be a perfect process to manipulate. The mere commencement of a police review by a respondent perpetrator will take an emotional toll on the victim survivor.

The police review decision, as an administrative decision could arguably also be subject to a Judicial Review, which is again another forum for a well informed and articulate perpetrator to take their case.

The police reviews can also be commenced at the same time as a police review (if commenced within 28 days of the PPD being issued) which will multiply the pressure and negative impact on the victim-survivor who must answer to both proceedings.

As advised previously in the family law section if a no contact order is made the parties will be required to initiate family law litigation and possibly magistrates court litigation in the pursuit of child contact, as they will be prevented from negotiating or mediating child contact arrangements outside of court.

Again, any court proceedings with a perpetrator are extremely costly, emotionally taxing and provide opportunity for further abuse.

### **Perpetuates an incident-based approach which is inconsistent with recent reforms on coercive control**

PPDs perpetuate an incident-based approach to policing DFV in Queensland which is contrary to the policy and legislative intent behind the Women's Safety and Justice Taskforce Report, the criminalisation of coercive control and recent changes to the Domestic and Family Violence Act that requires the court to consider a pattern of behaviour over time, context and the 'relationship as a whole'.

Please see Section 8(2) of the Domestic and Family Violence Act's definition of domestic and family violence that specifically references these issues:

*Behaviour, or a pattern of behaviour, mentioned in subsection (1)—*

*(a) may occur over a period of time; and*

*(b) may be more than 1 act, or a series of acts, that when considered cumulatively is abusive, threatening, coercive or causes fear in a way mentioned in that subsection; and*

*(c) is to be considered in the context of the relationship between the first person and the second person as a whole.*

### **No clear and specific requirement to consider a pattern of behaviour**

The Bill *does not* specifically and/or clearly direct police when making a PPD to consider a pattern of behaviour over time, consider context or the relationship as a whole. The broader DFV definition will not be front of mind for frontline police responding to a DFV call-out.

This oversight and the clear objective in the PPD legislation of efficiency risks limiting the progress made towards a more holistic approach to combating DFV in Queensland and regrettably, will tend towards the prioritisation of physical abuse, rather than responding to other abuse types, including coercive control.

### **Misidentification of victim-survivors as perpetrators of DFV**

Any DFV response that is based on single incidents, de-contextualises the dynamics of DFV and power relationships will mainly respond to physical violence which, in turn will increase the risk of misidentification of victim-survivors of DFV as perpetrators. This undermines the significant work in Queensland that has been undertaken to get our system ready to identify patterns of abuse and better respond to coercive control.


Unfortunately, PPDs will also become a tool of manipulation for perpetrators to use effectively against victim-survivors and especially against some of our most vulnerable victim-survivors, Aboriginal and Torres Strait Islander and culturally and linguistically diverse women and other victim survivors who may not present as “perfect victims”.

### **Focus on efficiency and not safety disincentives criminal investigations of DFV**

Although the current legislation provides for criminal charges to be made at the same time as protective interventions, the reality is when the priority of these new laws is police efficiency and reducing police operational time on DFV, there is a disincentive to properly investigate criminal activity and appropriately prosecute, as this is time-intensive work.

If you require any further information, please do not hesitate to contact the Secretariat.

Kind Regards,

  
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QSAN.