

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Submission No:	31
Submitted by:	<div></div>
Publication:	Making the submission public but withholding your name
Attachments:	See attachment
Submitter Comments:	

Submission on the Domestic and Family Violence Protection and Other Legislation Bill 2025

The Chair
Education, Arts and Communities Committee
Parliament of Queensland
Parliament House, Brisbane QLD 4000

Subject: Submission on the Domestic and Family Violence Protection and Other Legislation Bill 2025

Dear Chair and Committee Members,

Thank you for the opportunity to comment on the Domestic and Family Violence Protection and Other Legislation Bill 2025 (“the Bill”). While its intent is welcome, several provisions—and notable omissions—raise concerns that could undermine both victim safety and frontline policing effectiveness.

1. Lack of Statutory Good-Faith Protection for Police

Issue: The Bill expands police investigative and enforcement powers, yet omits an explicit “good-faith” or judicial-style immunity clause. Without this safeguard, officers who act swiftly to protect victims may face personal civil or disciplinary action for technical or procedural missteps made under pressure.

Implication: Fear of litigation or professional sanction is likely to foster risk-averse policing, discouraging decisive intervention in volatile DFV situations—particularly in remote stations where specialist oversight is limited.

Recommendation: Introduce a narrowly drafted immunity provision, modelled on s. 36 of the Victorian *Family Violence Protection Act 2008*, shielding officers acting honestly and reasonably, while preserving accountability for willful or grossly negligent conduct.

2. Risk of Supreme Court Congestion

Issue: The Bill's broadened appeal pathways, coupled with expanded standing rights, could divert a high volume of interlocutory and final appeals to the Supreme Court.

Implication: An already burdened superior-court list will encounter further delays, inflating costs for parties and prolonging uncertainty for victims seeking final protection orders.

Recommendation: Establish a dedicated DFV appellate list within the District Court, supported by specialised registrars, and mandate a compulsory case-management or mediation conference before any appeal may be filed—reducing frivolous matters and reserving the Supreme Court for questions of law.

3. Misidentification of the Primary Victim (“Reactive Abuse”)

Issue: Empirical studies (ANROWS 2022) confirm persistent misidentification of victims as respondents, especially where defensive or reactive behaviour occurs. The Bill is silent on statutory tests for identifying the primary aggressor.

Implication: Cross-applications and dual arrests re-traumatise survivors, erode trust in the system, and consume court resources.

Recommendation: Insert a legislative direction requiring police and courts to apply a coercive-control lens and consider factors such as pattern of abuse, power imbalance, and context, supported by mandatory specialist training and annual misidentification reporting.

4. Gaps in Accountability for Excessive or Rough Policing

Issue: While most officers act professionally, the Bill lacks mechanisms to monitor or address excessive force and dual arrests in DFV operations.

Implication: Victims from marginalised communities risk further trauma and distrust in policing, while the absence of transparent data impedes continuous improvement.

Recommendation: Create an independent DFV policing oversight panel—either within the CCC or as a stand-alone body—to review complaints, publish de-identified outcomes, and release annual statistics on dual arrests, use-of-force incidents, and misidentification rates.

5. Practical Reform Matrix

Area	Current Gap	Proposed Amendment
Legal protection for officers	No explicit good-faith immunity	“Officer immunity for acts done honestly and reasonably in the execution of DFV duties”
Appeal workload	Potential Supreme Court congestion	Create District Court DFV appeals list; mandatory pre-appeal conference
Misidentification	No statutory guidance	Define “primary aggressor” test; compulsory training & data reporting
Oversight of police conduct	Ad-hoc complaints processes	Independent DFV policing oversight mechanism & annual public reporting

6. Existing Powers Are Under-Utilised, Not Absent

Under-utilised Police Protection Notices (PPNs). Queensland Police already possess the power to issue a PPN that provides immediate, short-term protection in high-risk situations. Strengthening statewide guidance on when and how to issue PPNs—and ensuring frontline officers have the confidence, resources and supervision to use them—would deliver faster safety outcomes than creating additional layers of statute.

Linking PPNs to cross-application limits. Where police issue a PPN naming a primary aggressor, legislation should bar that respondent from lodging a cross-application for a DVO until the first return date (or a court-ordered review). This prevents perpetrators from using reactive filings to muddy the legal waters and intimidate victims during the critical early phase.

Tightening bail and training rather than new offences. Clear, DV-specific bail conditions—combined with mandatory electronic monitoring for repeat or high-risk offenders—and robust trauma-informed training will make existing laws more effective. Before drafting new offences, the State should fully resource and enforce the powers it already holds.

Conclusion

The Bill can be strengthened by ensuring existing powers are fully utilised, frontline officers are protected when acting in good faith, and the courts remain accessible and efficient. I welcome the opportunity to discuss these recommendations in more detail.

Yours sincerely,

[REDACTED]

[REDACTED]