

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Submission No:	45
Submitted by:	Australian Christian Lobby
Publication:	Making the submission and your name public
Attachments:	See attachment
Submitter Comments:	



Committee Secretary
The Education, Arts and Communities
Committee
Queensland Parliament

30 May 2025

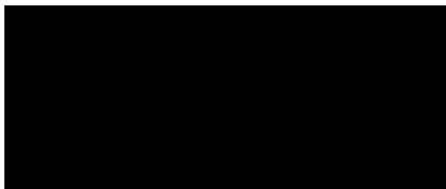
Dear Committee Secretary,

The Australian Christian Lobby (ACL) is grateful for the opportunity to provide this submission to the [Inquiry](#) into the [Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025](#) (Qld) ('Bill'), which amends the [Domestic and Family Violence Protection Act 2012](#) (Qld) ('DVFP Act') and other legislation ('Inquiry').

This submission is approved at ACL's national organisation level.

Thank you for giving our submission your careful consideration.

Yours faithfully,



Rob Norman
Queensland Director, ACL



Submission to the Inquiry into the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (Qld)*

AUSTRALIAN CHRISTIAN LOBBY

About Australian Christian Lobby

The vision of the Australian Christian Lobby (ACL) is to see Christian principles and ethics influencing the way we are governed, do business, and relate to each other as a community. ACL seeks to see a compassionate, just and moral society through having the public contributions of the Christian faith reflected in the political life of the nation.

With around 275,000 supporters, ACL facilitates professional engagement and dialogue between the Christian constituency and government, allowing the Voice of Christians to be heard in the public square. ACL is neither party-partisan nor denominationally aligned. ACL representatives bring a Christian perspective to policy makers in Federal, State and Territory Parliaments.

acl.org.au

The Australian Christian Lobby ('ACL') opposes all forms of domestic and family violence ('DV'/'DFV') and commends the Committee for considering this important issue. DFV is a complex issue that affects the whole of society, inflicting extensive damage on individuals, families and the broader community. It

is encouraging that the QLD Government is taking strong action on this serious issue of public policy concern and supporting the social good of families.

While DFV is unacceptable and should be mitigated as much as possible, our submission highlights concern about the new framework in the Bill for the Queensland Police Service ('QPS') issuing police protection directions ('PPDs'). In summary, we query the rationale of prioritising QPS' operational efficiency at the potential expense of ensuring a consistently just and transparent response to DFV situations, we are concerned about significant potential for error (which is compounded by the long-term and significant ramifications of PPDs, and not entirely offset by the proposed approval/review mechanisms), and the scheme also conflicts with the approach in most other Australian jurisdictions and may enhance potential for misuse of DFV reporting. As such, we suggest that the PPD scheme be reconsidered.

We also note that elder abuse is an increasingly relevant issue in the DFV context, and would generally encourage the Government to also increase its efforts to address elder abuse specifically in future DFV mitigation efforts/reform.

Reasons for ACL being concerned about the new PPD framework in the Bill:

1. Police operational efficiency is prioritised at the potential expense of ensuring consistent justice and transparency:

- **The main aims of the reform are QPS efficiencies:** The Explanatory Notes clearly state that the Bill is intended to "improve productivity for operational police officers ...",¹ as increasing demand for service has impacted the QPS.² They assert that PPDs will "improve efficiencies for police responding to DFV and reduce the operational impacts of the current DFV legislative framework".³ The Explanatory Notes detail⁴ the 'operational impacts' of the current Police Protection Notice ('PPN') scheme and contrast that a PPD scheme will empower police officers "to administratively issue immediate long-term protection directions without filing an application for a proceeding". This will "support frontline efficiencies by removing the necessity for operational police officers to prepare for and attend court for the purposes of providing long-term protection". They reveal that consideration was given to maintaining the status quo of issuing PPNs, but conclude "this would not improve efficiencies for frontline police officers as court processes would continue to be required for PPNs".⁵ Evidently, QPS efficiencies have been made a priority aim.
- **Police efficiency should not be prioritised ahead of a consistent, transparent approach to justice:** ACL recognises that DFV is an increasingly insidious issue.⁶ We acknowledge the potential benefits of increased operational efficiency for the QPS, including in responding to DFV. We also note that the PPD scheme may lessen operational burden for responding officers and achieve increased 'frontline efficiency' as the Explanatory Notes suggest.⁷ However, we query the rationale of prioritising operational efficiency in this context. With DFV an ever-increasing issue, appropriately managing the police response is more important than ever. We are concerned that the new PPD scheme may achieve increased operational efficiency at the potential expense of ensuring that the police response to DFV situations is consistently just and transparent. While it may be efficient for police officers responding to DFV to secure long-term protections for victims without a court order, we consider it more important the enforcement response be consistently just and transparent. We have outlined various specific concerns about the PPD scheme from this perspective below. In broad

terms, any police officer, despite genuine intentions, may be at risk of erroneously issuing a PPD without fully appreciating the wider context at that time. This risk may significantly negate any operational benefits the reform seeks to secure.

- **Increasing demand on QPS will increase risks:** We are also concerned about giving such significant duties to a service under “significant strain”⁸. While the argument is evidently being made that PPDs should be introduced to support the QPS as it grapples with increasing demand, a converse view of this context is that there is too much risk in empowering an understaffed and overly risk-averse public sector with such a weighty responsibility. The Explanatory Notes assert that with additional tools such as PPDs “QPS will be able to respond to increasing demand and meet community expectations”.⁹ However, they also note that QLD’s DFV system has already undergone significant reform over the last 10 years and continuing reform prioritising victim-survivor safety has not on its own been sufficient.¹⁰ If the new reforms do not achieve the hoped-for operational efficiency, the QPS will be tasked with issuing PPDs with consistent impartiality despite still struggling with increasing demand (which is only projected to increase¹¹).
- **The 2-year Statutory Review must consider the overall justice of the PPD scheme:** The Bill provides for a statutory review of PPD provisions 2 years after commencement. It must consider whether PPDs have been effective in improving the safety, protection and wellbeing of people who fear or experience DV; civil/criminal court proceeding impacts (e.g. increases/decreases in applications/proceedings); and whether PPDs have improved the efficiency of the exercise of police powers and remain appropriate.¹² While it is positive that a review will occur and there is no limit to its terms, there is no express requirement that the overall justice of the scheme be considered (e.g. the number of PPDs erroneously issued/revoked upon review).
- **The existing PPN scheme with court oversight ensures decisions are made on carefully prepared and considered evidence, providing better protection against innocent accused people being negatively impacted:** One benefit of the current PPN scheme is the requirement for court oversight.¹³ Though the need for police to prepare, file and serve supporting material and appear in court involves further time and effort, it ensures that responding officers do not make hasty decisions in the heat of a dispute, including that could negatively impact an innocent accused person. It ensures that evidence is requisitely prepared and considered, and that a court will independently consider the matter. The proposed PPD scheme will be available to police in addition to existing powers to issue PPNs,¹⁴ so the current system is apparently otherwise working. There are other potential solutions to increasing QPS demand than PPDs, e.g. expanding the frontline workforce.
- **The proposed changes have significant negative human rights implications:** There are “very deep”¹⁵ potential human rights impacts, including that it will engage and may limit the right to recognition and equality before the law, freedom of movement, expression and association, the right to property, the right to privacy and reputation, cultural rights, the right to liberty and security of person and the right to a fair hearing.¹⁶ As the Statement of Compatibility summarises, the significance of the impact on human rights is that police officers will be able to make decisions having large impacts on a person’s daily life—including where they can go and live and who they can talk to—without automatic judicial oversight.¹⁷ This is asserted to be reasonable and justified,¹⁸ but we query this when operational QPS efficiency may be achieved in other ways.
- **The new PPD framework will likely add to court costs and may increase incarceration rates:** The Explanatory Notes expressly confirm that the PPD framework will impact courts and service

providers, which “will likely result in additional costs for government”. They assert that the government will monitor the impacts, including demand impacts on courts, and that any cost impacts will simply be dealt with through normal budget processes.¹⁹ We query the logic of introducing a new PPD framework with the aim of increasing police efficiency when that is expected to result in additional costs for government and demand impacts on courts. We also note that due to the simplified process for issuing a PPD, “there may be an increase in the number of people liable for breaching a PPD, resulting in an increase in general incarceration rates in relation to [DFV]”.²⁰

2. We are concerned about the significant potential for error in enabling responding police officers to issue PPDs resulting in injustice:

- **Rushed decisions in determining when it is appropriate for matters not to proceed to court:** As s.100A about the purpose of PPDs sets out,²¹ the new scheme will essentially “provide police with a new tool for responding to DFV instances in circumstances where it is appropriate for the matter not to proceed to court”.²² However, we query whether police officers will be able to consistently accurately determine when such circumstances exist. This is a significant conclusion for an officer to make while potentially still on-scene amidst an ongoing dispute. The Bill also does not expressly state what would constitute such circumstances. The Explanatory material refers to the Bill as enabling police officers to issue PPDs “when responding to DFV”²³ and “on-the-spot”²⁴ so there seems a clear intent for PPDs to be issued relatively quickly by officers while still on-scene. They also suggest that s.100A is intended to clarify that PPDs “should not be the default tool in DFV situations”,²⁵ but we query whether PPDs may in practice become the default if operational efficiencies may be gained in issuing them instead of PPNs.
- **Police officer discretion:** We are concerned about the discretion of police officers regarding PPDs. We agree with the Explanatory Notes that²⁶ “[b]y vesting decision making power in a police officer rather than a judicial officer, the rights of the individual are arguably less secure as there may be a perception that a police officer is more prone to bias ...”. The Explanatory Notes assert that the Bill has ‘detailed guidelines’ and ‘sufficient safeguards’ which still make it appropriate to delegate this power.²⁷ Ultimately however, officers will still have discretion:
 - **‘Reasonable belief’:** New s.100B(1) about when a police officer may issue a PPD²⁸ does list some criteria, including that they must reasonably believe the person has committed DV, a PPD is necessary or desirable to protect the aggrieved, it would not be more appropriate to take action that involves an application for a protection order, etc..²⁹ However, an officer’s ‘reasonable belief’ is key. While an officer may make a well-intentioned assessment of what is reasonable at the time, their belief could still be misplaced.
 - **Matters to consider:** In deciding whether to issue a PPD, a police officer must consider matters³⁰ in s.100B(2). There is also a list of additional matters in s.100E,³¹ which the Explanatory Notes state is “intended to provide clarity and transparency about police decision making to parties other than police who may be impacted by the making of PPDs”. However, they also acknowledge it is only “intended to provide guidance” and will not stop a PPD being issued, despite being “intended to ensure that PPDs are not issued in high-risk situations”.³² Indeed, under s.100E(2), the fact such circumstances exist does not mean an officer cannot issue a PPD.³³
 - **QPS internal policy:** The Explanatory Notes suggest it “is anticipated that police officers considering these matters will be guided by operational procedures, internal guidelines and other assessment tools”, including those police currently use to assess DFV risks. They “may also be informed by other sources” such as the parties’ criminal and DFV histories or, a person’s past

compliance with bail for unrelated offences.³⁴ While helpful, the ensuing assessment may not be as rigorous as a court-reviewed PPN. The guidance in internal QPS policy may also change and is extraneous to the legislation. As such, we query whether it is appropriate to consider it (as the Explanatory Notes suggest³⁵) part of the ‘appropriate safeguards’ justifying a delegation of powers to police.

- When a police officer must not issue a PPD: Section 100C specifies circumstances when a police officer must *not* issue a PPD.³⁶ For example, if the respondent should be taken into custody in relation to the DV (which acknowledges the seriousness of the matter and ensures a person taken into custody goes before a court³⁷), if a DVO is or has previously been in force (to ensure that parties with a history of orders proceed to court³⁸), where a PPD is or has previously been in force against the respondent, the respondent has been convicted of a DV offence within the previous 2 years or such a proceeding is still on foot, an offensive weapon was used, etc.. However, police officers still retain discretion to issue a PPD where such serious exclusions do not apply.
- **Potential for misidentification of the victim and aggressor**: Under s100C(i), a police officer will be prevented from issuing a PPD if there are “indications” that both persons in the relationship are in need of protection, and the person most in need of it cannot be identified.³⁹ This is a safeguard against misidentification of the primary aggressor,⁴⁰ which can occur where a victim may have displayed aggression in self-defense or retaliation or appears ‘hysterical’ or angry as a result of abuse they experienced, leading to issuance of a restriction against them instead of the actual abuser.⁴¹ Section 100L also provides that a cross-direction/cross-PPD is not permitted, to address misidentification concerns.⁴² While these sections may protect against misidentification, the Explanatory Notes acknowledge the potential gravity of any error, including that the “consequences of misidentification can be severe and potentially fatal”. They note that a “wrongly issued PPD may leave a person without protection, subject to criminalisation and systems abuse from the perpetrator, restrict freedom of movement or association, damage reputation and create long-lasting stigma which may persist even after the PPD ends”.⁴³ These are significant consequences that could apply if a PPD is issued simply because the attending officer is not aware at the time of any ‘indications’ that both persons are in need of protection. Court oversight, like for PPNs, would mitigate these grave risks.
- **Issuing a PPD when a respondent is not present/contactable impinges on natural justice and increases risk of error**: A PPD may apparently be issued without a police officer sighting or speaking to the respondent, so long as they have made a ‘reasonable attempt’ to do so. In particular, new s.100B(3) states that before issuing a PPD, if the respondent is not present at the same location, the police officer must make “a reasonable attempt to locate and talk to the respondent, including by telephone, to afford the respondent natural justice”.⁴⁴ This exacerbates the potential for error, including if the respondent happens to be non-contactable (potentially for good or neutral reasons) at that time. A new s.100E does require a police officer to consider that they have not been able to locate and talk to the respondent before issuing a PPD,⁴⁵ but does not specifically prevent a PPD being imposed for that reason. It only guides a police officer to consider whether it would be more appropriate to take action that involves an application for a protection order.⁴⁶ Subsection (2) confirms that the fact that this circumstance exists does *not* mean the police officer cannot issue a PPD.⁴⁷
- **Training does not negate the significant potential for error**: The Explanatory Notes state that the PPD roll-out would be complemented “by appropriate training to support police to use their

discretion to determine the most appropriate response in the circumstances”.⁴⁸ They also state that commencement “will be by proclamation to ensure that police are supported and trained to exercise their discretion appropriately”,⁴⁹ and that commencement will be delayed to 1 January 2026 to allow for such training.⁵⁰ While training may be beneficial, it does not entirely negate the significant potential for error.

3. The approval/review mechanisms do not entirely offset the risks and consequences of erroneous PPDs:

- **Supervisor approval:** New s.100K specifies that before issuing a PPD, a police officer must obtain the approval of a supervising officer not involved in investigating the DV.⁵¹ For PPDs including standard or ‘cool-down’ conditions, the approving officer must be a rank of sergeant or higher, or for PPDs with ‘ouster’ or ‘no-contact’ conditions, a senior-sergeant or higher.⁵² The Explanatory Notes call this a ‘safeguard’⁵³ consistent with the requirements for PPNs.⁵⁴ However, the approval may be sought and given verbally,⁵⁵ which potentially lessens its robustness and increases the risk of the decision maker making a determination without being fully aware of all the facts.
- **Police review mechanisms:** Police review mechanisms also apply where ⁵⁶ (‘internal police-initiated review’) a police officer becomes aware of (or reasonably believes there are) circumstances that were/may not have been, known or considered by the issuing police officer and reasonably believes that those may have affected the decision to issue a PPD or its conditions,⁵⁷ or (‘administrative review’) the respondent, the aggrieved (or their authorised person) or a named person apply to the police commissioner for a review within 28 days (or a longer period agreed to by the commissioner) after a notice stating the grounds for issuing the PPD is served on the respondent.⁵⁸ This also mitigates some concern about any PPDs which are erroneously issued.⁵⁹ However:
 - Retaining the existing PPN process may be simpler and more rigorous: Such processes would involve an operational burden on the QPS (perhaps undermining a key aim of the Bill) and it would arguably be simpler and more rigorous to just retain the PPN process.
 - Time limit for administrative review is too short: 28 days to apply for administrative review is relatively short when PPDs may exist for 12 months and those who are subject to a PPD may have little understanding of this process or how to practically navigate it. Applying for administrative reviews should be possible for up to at least six months.
 - PPDs under review may still be enforced: A review would not immediately halt the effect of any erroneously issued PPD – under s.100V, commencement of a police review does not otherwise affect the operation of a PPD or prevent the taking of any action to implement it.⁶⁰ This is intended to include enforcement,⁶¹ so a PPD could apparently still be enforced until the review is finalised. Under s.100Y, a decision is only required to be made within 28 days,⁶² which is a notable period of time for an erroneously issued PPD to be enforced. The review process should provide that where it is clearly evident that an error has been made, the PPD should be lifted immediately.
 - Criminal penalties may still apply: Under s.100Y(5), if a reviewing officer revokes a PPD it is taken never to have been issued and will not form part of the respondent’s DV history, but a proceeding may still be started or continued for an offence against s.177A committed before the PPD was set aside.⁶³ This reflects the position that an offence of contravening a PPD is still committed, regardless of whether it is revoked (i.e. the person was aware of the conditions and contravened the PPD, thus committing the offence).⁶⁴ Essentially however, a person may be

criminally liable for contravening a PPD that should potentially never have existed. The legislation needs to specifically and appropriately address this potential unintended consequence.

- Other amendment powers are minimal: The ability for the police commissioner (or a delegate) to otherwise amend a PPD outside of the above police review mechanisms apparently only relates to correction of a minor error or to reflect a change in the name, contact details or address for service for the parties.⁶⁵ Any errors of greater significance would apparently require a more formal police review.
- **Court review process**: Various parties may also apply to the Magistrates Court to review a PPD at any time it is in force.⁶⁶ Appeal provisions are also inserted regarding a court's decision on review.⁶⁷ While this is also positive:
 - Police resources: An applicant can seek court review whether or not they have applied for police review. An application for court review may be filed while a police review is still on-foot. If so, the police review must be discontinued⁶⁸ to avoid the unnecessary duplication and resource expenditure of both reviews continuing.⁶⁹ However, it seems that this could occur after resources have already been expended to some degree at least on a police review, which may contribute to the very sort of operational inefficiency the Bill seeks to reduce.
 - Potential for manipulation to drag out legal processes: We also query whether this framework for two separate review processes could potentially be open to manipulation by the parties, e.g. if one party applies for a police review, then the other applies for a court review expecting that the other party's application for police review may be successful and so seeking to extend the overall time the relevant PPD remains in force until a review is eventually decided.
 - PPDs under review may still be enforced: New s.100ZA(3) provides for applications to be listed for hearing at the earliest opportunity and not later than 14 business days after filing.⁷⁰ However, like police reviews, under s.100ZC an application does not affect operation of a PPD or prevent the taking of any action to implement it,⁷¹ which is intended to include enforcing it.⁷² A PPD will remain in effect while a court review is on foot, even if adjourned.⁷³ This extends the potential timeframe of erroneously issued PPDs until a decision is made, which is not fair.
 - Criminal penalties may still apply: Under s.100ZD(3), if the court makes an order setting aside the PPD, it is taken never to have been issued and will not form part of the respondent's DV history, but a proceeding may still be started or continued for an offence against new s.177A committed before the PPD was set aside.⁷⁴ This is the same position as for police reviews,⁷⁵ and enlivens the concerns discussed above. The Explanatory Notes assert that⁷⁶ "[w]hile the absence of automatic judicial oversight means that the right to a fair hearing is engaged, the ability of the respondent and aggrieved to access a court to review a PPD means that the right is not limited".⁷⁷ However, *delayed* ability to access the court may evidently still impact their rights and liberties. The legislation needs to specifically and appropriately address this potential unintended consequence.

4. Compounding such potential risks and consequences, PPDs may have long-term and significant ramifications:

- **Long-term nature**: PPDs secure 12-month⁷⁸ protections (unless another type of order or notice is made, etc.⁷⁹). As such, any erroneously issued PPD may have significant long-term implications for the parties involved.

- **PPDs should only include standard conditions, PPNs should be used where it is considered that non-standard provisions should be imposed such a non-contact/ouster condition:** In addition to standard conditions,⁸⁰ a police officer may impose non-standard conditions (except PPDs naming a child, see below).⁸¹ This can include prohibiting a respondent from contacting or approaching the victim ('no contact'), and restricting access to locations such as the victim's home/workplace ('ouster').⁸² While such conditions may require a senior sergeant's approval,⁸³ they have serious implications and a senior sergeant does not have the independence of a court, particularly as decisions may be made on the basis of verbal information provided by an officer. There is a risk that important facts may be inadvertently omitted during such a process. The Explanatory Notes reveal that consideration was given to restricting PPDs to standard conditions only,⁸⁴ but this evidently did not occur. Though consistent with non-standard conditions that may be included in PPNs,⁸⁵ PPDs are not automatically reviewed by a court. PPDs should only be subject to standard conditions, and if non-standard conditions are required, a PPN should be used.
- **Enforceability in other jurisdictions:** As noted by s.100Q, a PPD may be enforceable in other States and New Zealand without further notice to the respondent.⁸⁶ This is the intent,⁸⁷ although whether this is the case will be a matter for those jurisdictions.⁸⁸ Again, this adds to the potential significance of any erroneously issued PPDs.
- **Arrest without warrant provision should be removed:** The Bill amends s.365 of the *Police Powers and Responsibilities Act 2000* (PPRA) to refer to s.177A. As such, a police officer that reasonably suspects a person has, or is, contravening a PPD may arrest a person without a warrant.⁸⁹ The Explanatory Notes concede that this impacts the principle that legislation should have sufficient regard to the rights and liberties of individuals. In fact, the absence of court oversight "means that there may be circumstances where a person is issued with a PPD, contravenes the PPD and is arrested without having ever been before a court", which "impedes on a person's right to natural justice and procedural fairness, exacerbated in instances where the person may not understand the PPD, or may have been misidentified as the person most in need of protection".⁹⁰ They assert that this risk is mitigated by the requirement for courts hearing proceedings for a breach of PPD to consider whether it was issued in substantial compliance with Part 4, Division 1A and whether the respondent was told about the existence of the PPD or contravened condition.⁹¹ In our view, these factors do not fully mitigate such a serious risk, especially if a PPD is not fully properly issued/understood. This provision to arrest without a warrant should be reviewed to ensure such arrests only occur where there is sufficient concern for the safety of other persons.
- **Contravention:** There are significant penalties for contravening a PPD, reinforcing concern about any which are erroneously issued. The Bill creates a new s.177A offence in this regard⁹² with a maximum penalty of 120 penalty units or 3 years imprisonment. Though this is the same penalty applicable to PPNs, PPNs entail a court process.⁹³ Notably, a court hearing proceedings for prosecution of a PPD contravention must consider whether the PPD was issued "in substantial compliance" only with Part 4, Division 1A.⁹⁴ The Explanatory Notes call this a 'safeguard',⁹⁵ but essentially someone could be liable despite provisions about power to issue a PPD not being fully followed.
- **Effect for other Acts:** PPDs will have implications/consequential impacts regarding the *Explosives Act 1999*,⁹⁶ *Penalties and Sentences Act 1992*,⁹⁷ *PPRA*,⁹⁸ *Residential Tenancies and Rooming Accommodation Act 2008*,⁹⁹ and *Weapons Act 1990*,¹⁰⁰ and the *Child Protection Act 1999*, *Corrective Services Act 2006*, *Criminal Code*, *Disability Services Act 2006*, *Industrial Relations Act 2016* and

Working with Children (Risk Management and Screening) Act 2000.¹⁰¹ For some, this may increase the impact of erroneously issued PPDs, including on their ability to work.¹⁰²

5. The proposed amendments conflict with the approach in most other Australian jurisdictions:

- **The approach in most Australian jurisdictions may be a more appropriate approach than PPDs:** The Explanatory Notes reveal that consideration was given to DFV responses in other States/Territories. In Victoria, WA, SA and NT, police officers can issue short term protection orders or notices which may include some or all of the conditions available for a court issued protection order.¹⁰³ Despite such widespread frameworks for short-term approaches across Australia, the Explanatory Notes simply state that those models do not provide long-term protection for victims and application to court for a protection order is required, therefore “[t]hose alternatives do not achieve the purpose of the PPDs and are therefore not true alternatives”.¹⁰⁴ This seems to quickly write off the different approach in most other Australian jurisdictions, even though it may be more appropriate when priorities other than increasing police efficiency are prioritised.
- **The similar approach already operating in Tasmania has deficiencies:** The Explanatory Notes discuss that in Tasmania, police officers can issue police family violence orders for up to 12 months and include ‘no contact’ and ‘ouster’ conditions. Tasmania is currently the only Australian jurisdiction to empower police officers to issue 12-month protection orders without requiring court application.¹⁰⁵ The Explanatory Notes concede that Tasmania’s approach is contrary to a 2010 Australian Law Reform Commission (‘ALRC’) recommendation that police-issued orders should act as an application to the court, with the notice expiring when the person appears.¹⁰⁶ Tasmanian DV workers have also reportedly warned of a ‘misidentification crisis’, with applications to revoke such orders allegedly increasing by 102% in the 6 years to June 2023, and applications by female respondents jumping 154%.¹⁰⁷ The Explanatory Notes ultimately conclude that the QLD PPD framework “shares similarities with the Tasmanian model, however additional safeguards are built into the PPD framework to avoid some of the issues that have arisen in Tasmania (such as misidentification of the person most in need of protection) and to narrow any restrictions on human rights”.¹⁰⁸ However, we query the adoption of such an approach while it is contrary to most other jurisdictions, there are clearly issues with how such an approach operates in Tasmania, and there is no certainty the proposed ‘additional safeguards’ will be sufficient.

6. The new PPD scheme is unnecessary and may enhance the potential for misuse of DFV reporting:

- **PPNs already secure some immediate protection for victims under existing legislation:** In addition to advancing police efficiencies, the explanatory material highlights the benefits of a PPD scheme for DFV victims. In particular, it notes an intent to “give victim survivors immediate protections against respondents”,¹⁰⁹ including through PPDs securing ‘on-the-spot’ constraints on DFV offenders.¹¹⁰ Evidently, PPDs may be beneficial in immediately securing the long-term protection of people genuinely at risk of being harmed by DFV. However, we query whether this is necessary. As the Explanatory Notes acknowledge,¹¹¹ PPNs already “provide immediate protection to the aggrieved until the matter can be heard and decided by a court”. As PPNs must be considered by courts within 14 business days or the next available sitting day,¹¹² the existing scheme does not significantly delay securing long-term protections. We are not aware of any suggestion that PPNs do not provide adequate protection until a matter can be heard.
- **Potential for misuse of DFV reporting:** We are concerned that the new PPD scheme may enhance the potential for misuse of DFV reporting compared to PPNs. For example, it may motivate people

to making false accusations, if they expect a police officer may be convinced to immediately issue a PPD, they stand to benefit in some way, and there is no automatic court oversight. In particular, we query whether PPDs could potentially be exploited to inhibit a person's contact with their children, although there are already some protections against this in the Bill:

- A child *cannot* be named as a PPD aggrieved/respondent,¹¹³ “to ensure children are enabled access to legal representation, and benefit from the further supports and opportunities provided by the court process”.¹¹⁴ Notably, under s100F, a child *can* still be a ‘named person’ in a PPD if it is necessary or desirable for their protection.¹¹⁵ However, there are restrictions if non-standard conditions are needed to provide protection.¹¹⁶ Even so, we query whether PPDs that do not expressly name a child could still indirectly inhibit a person from seeing a child if a PPD in favour of one of the parents includes ouster or ‘no-contact’ conditions generally.
- Under s.100D, there are other restrictions on PPDs involving a child of a respondent,¹¹⁷ i.e. a police officer also must not issue a PPD that names a child or otherwise includes a condition that would prevent or limit contact between the respondent and their child if they know or reasonably believe that a family law order or child protection order/care agreement is in force, a child protection/family law proceeding is on foot, etc.. This recognises that if a court has made an order or is considering a proceeding, the court should consider any existing orders and ensure any conditions imposed do not conflict.¹¹⁸ To determine if this may be an issue, a police officer considering issuing such a PPD must ask the parties whether this is the case. However, the Explanatory Notes note the difficulty in police obtaining accurate information about the existence and subject of relevant orders and proceedings in a timely manner.¹¹⁹ If a PPD *is* issued, any condition which is inconsistent with any orders/agreements is of no effect to the extent of the inconsistency,¹²⁰ but that does not invalidate or otherwise affect the PPD. This “safeguards the validity of the PPD and the operation of the order or agreement in the event [the parties] do not disclose an order, agreement or proceedings when asked ...”.¹²¹ Even so, we query whether the parties could be left uncertain about the practical effect of any inconsistency, potentially causing them to ‘play it safe’ and abide by conditions limiting contact with a child just in case. It also seems that non-standard conditions could still be imposed where such formalities do not yet exist, e.g. there seems potential for a PPD with ‘ouster’ or ‘no-contact’ conditions to still create difficulties for a parent of a child prior to commencement of a formal family law/child protection order or proceeding.

Suggested Solutions:

We recommend that the PPD scheme be reconsidered and removed (in favour of other measures to reduce the burden of the PPN scheme or increase QPS capacity), or that the PPD scheme be otherwise substantially amended to mitigate all the above concerns.

Elder abuse needs to be addressed in future DVF reforms: We also wish to generally note that elder abuse is an increasingly relevant issue in DVF contexts. For example, an Australian Institute of Health and Welfare (‘AIHW’) 2020 prevalence study estimated that around 1 in 6 (15% or 598,000) older people in Australia experienced elder abuse in the past year (for physical abuse specifically, it was 1.8% or 71,900).¹²² According to 2023 ABS Recorded Crime – Victims data between 2014 and 2023, the rate of FDV-related assaults specifically for those aged 65 years and over reported in most states and territories was 14–132 per 100,000 persons. Though elder abuse is just one manifestation of DVF, it evidently continues to impact a vulnerable cohort of Australians. In fact, AIHW confirms that people are at increased risk of abuse in their later years, and the number of older people experiencing abuse in

Australia is likely to increase over time with our ageing population.¹²³ While 17% of people in Australia were aged 65 and over in 2021, projections indicate they will make up around 21% of the population by 2066.¹²⁴ We encourage the Government to address elder abuse in future DFV reforms.

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

² See pages 1 and 2 of the Explanatory Notes.

³ See page 1 of the Explanatory Notes.

⁴ See page 2 of the Explanatory Notes.

⁵ See page 15 of the Explanatory Notes. See also page 22 of the Statement of Compatibility.

⁶ As asserted on page 1 of the Explanatory Speech:

https://documents.parliament.qld.gov.au/speeches/spk2025/Amanda_Camm-Whitsunday-20250430-351301777813.pdf.

⁷ See page 2 of the Explanatory Notes.

⁸ See pages 22 and 23 of the Statement of Compatibility.

⁹ See pages 1 and 2 of the Explanatory Notes.

¹⁰ See page 1 of the Explanatory Notes.

¹¹ See page 22 of the Statement of Compatibility.

¹² See new clause 192A inserted by clause 38 of the Bill. See also page 11 of the Explanatory Notes.

¹³ See page 2 of the Explanatory Notes.

¹⁴ See page 4 of the Explanatory Notes.

¹⁵ See page 22 of the Statement of Compatibility.

¹⁶ See the Statement of Compatibility regarding the Bill, particularly page 16 onwards:

<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0400/5825t400.pdf>.

¹⁷ See page 16 of the Statement of Compatibility.

¹⁸ See pages 20 and 33 of the Statement of Compatibility.

¹⁹ See page 16 of the Explanatory Notes.

²⁰ See page 19 of the Statement of Compatibility.

²¹ See the new section 100A inserted by clause 19 of the Bill.

²² See page 2 of the Explanatory Notes.

²³ See page 2 of the Explanatory Notes.

²⁴ See page 2 of the Explanatory Speech.

²⁵ See page 30 of the Explanatory Notes.

²⁶ See pages 16 and 17 of the Explanatory Notes.

²⁷ See page 17 of the Explanatory Notes.

²⁸ See the new section 100B inserted by clause 19 of the Bill.

²⁹ See also page 4 of the Explanatory Notes.

³⁰ Including the principles for administering the DFVP Act (including that the safety, protection and wellbeing of people who fear or experience DV, including children, are paramount), the criminal and DV history of both parties, any views or wishes expressed by the aggrieved (including whether they would prefer to go to court), etc.: See the new section 100B inserted by clause 19 of the Bill. See also page 4 of the Explanatory Notes.

³¹ For example, whether the respondent may cause serious harm if he/she commits further DV, whether additional powers of a court, in making a protection order, may be necessary or desirable, whether either party has a conviction for a DV offence, etc.: See the new section 100E inserted by clause 19 of the Bill.

³² See page 7 of the Explanatory Notes.

³³ See the new section 100E(2) inserted by clause 19 of the Bill.

³⁴ See page 8 of the Explanatory Notes.

³⁵ See page 18 of the Explanatory Notes.

³⁶ See the new section 100C inserted by clause 19 of the Bill.

³⁷ See page 6 of the Explanatory Notes. See also page 2 of the Explanatory Speech.

³⁸ See page 6 of the Explanatory Notes. See also page 2 of the Explanatory Speech.

³⁹ See the new section 100C(1)(i) inserted by clause 19 of the Bill. See also clause 7 of the Bill which amends section 22A.

⁴⁰ See page 6 of the Explanatory Notes.

⁴¹ See page 21 of the Explanatory Notes.

⁴² See the new section 100L inserted by clause 19 of the Bill. See also page 34 of the Explanatory Notes.

⁴³ See page 6 of the Explanatory Notes.

⁴⁴ See the new section 100B(3) inserted by clause 19 of the Bill. See also page 5 of the Explanatory Notes.

- ⁴⁵ See the new section 100E(1)(a)(iv) inserted by clause 19 of the Bill.
- ⁴⁶ See the new section 100E(1)(b) inserted by clause 19 of the Bill. See also page 7 of the Explanatory Notes.
- ⁴⁷ See the new section 100E(2) inserted by clause 19 of the Bill.
- ⁴⁸ See page 4 of the Explanatory Notes. See also page 22 of the Statement of Compatibility.
- ⁴⁹ See page 8 of the Explanatory Notes. See also clause 2 of the Bill.
- ⁵⁰ See page 17 of the Explanatory Notes.
- ⁵¹ See the new section 100K inserted by clause 19 of the Bill. See also page 4 of the Explanatory Notes.
- ⁵² See page 5 of the Explanatory Notes.
- ⁵³ See page 17 of the Explanatory Notes.
- ⁵⁴ See page 34 of the Explanatory Notes.
- ⁵⁵ See the new section 100K(3) inserted by clause 19 of the Bill.
- ⁵⁶ See new sections 100T to 100Y inserted by clause 19 of the Bill. See also page 8 of the Explanatory Notes.
- ⁵⁷ See new section 100T inserted by clause 19 of the Bill.
- ⁵⁸ See new section 100U inserted by clause 19 of the Bill.
- ⁵⁹ See page 4 of the Explanatory Notes.
- ⁶⁰ See new section 100V inserted by clause 19 of the Bill. See also page 9 of the Explanatory Notes.
- ⁶¹ See page 37 of the Explanatory Notes.
- ⁶² See new section 100Y(1) inserted by clause 19 of the Bill. See also page 37 of the Explanatory Notes.
- ⁶³ See new section 100Y(5) inserted by clause 19 of the Bill. See also page 9 of the Explanatory Notes.
- ⁶⁴ See page 38 of the Explanatory Notes.
- ⁶⁵ See new section 100S inserted by clause 19 of the Bill. See also page 10 of the Explanatory Notes.
- ⁶⁶ See new sections 100Z to 100ZD inserted by clause 19 of the Bill. See also clause 28 of the Bill amending section 164.
- ⁶⁷ See clause 28 of the Bill which amends section 164 to provide that a person who is aggrieved by a court's decision to set aside a PPD or, dismiss an application for review under new section 100ZD(2), may appeal the decision: See page 41 of the Explanatory Notes.
- ⁶⁸ See new section 100ZC inserted by clause 19 of the Bill. See also pages 10 and 39 of the Explanatory Notes.
- ⁶⁹ See page 40 of the Explanatory Notes.
- ⁷⁰ See new section 100ZA(3) inserted by clause 19 of the Bill. See also page 39 of the Explanatory Notes.
- ⁷¹ See new section 100ZC(1) inserted by clause 19 of the Bill. See also page 10 of the Explanatory Notes.
- ⁷² See page 40 of the Explanatory Notes.
- ⁷³ See pages 8 and 36 of the Explanatory Notes. See also the new section 100R(4) inserted by clause 19 of the Bill.
- ⁷⁴ See new section 100ZD(3) inserted by clause 19 of the Bill. See also page 10 of the Explanatory Notes.
- ⁷⁵ See page 40 of the Explanatory Notes.
- ⁷⁶ See pages 16 and 17 of the Explanatory Notes.
- ⁷⁷ See also pages 19 and 20 of the Statement of Compatibility.
- ⁷⁸ See the new section 100R inserted by clause 19 of the Bill. See also page 8 of the Explanatory Notes.
- ⁷⁹ See page 8 of the Explanatory Notes.
- ⁸⁰ See the new section 100G inserted by clause 19 of the Bill.
- ⁸¹ See the new section 100H inserted by clause 19 of the Bill.
- ⁸² See page 5 of the Explanatory Notes. See also the new section 100H inserted by clause 19 of the Bill and section 106A of the DFVP Act.
- ⁸³ See page 4 of the Explanatory Notes. See also the new section 100H(3)(d) inserted by clause 19 of the Bill.
- ⁸⁴ See page 15 of the Explanatory Notes.
- ⁸⁵ See page 33 of the Explanatory Notes.
- ⁸⁶ See the new section 100Q inserted by clause 19 of the Bill.
- ⁸⁷ See page 3 of the Explanatory Speech.
- ⁸⁸ See the new section 100Q(3)(a)(i) inserted by clause 19 of the Bill. See also page 35 of the Explanatory Notes.
- ⁸⁹ See clause 63 of the Bill. See also page 48 of the Explanatory Notes.
- ⁹⁰ See page 17 of the Explanatory Notes. See also similar discussion on pages 23 to 26 of the Statement of Compatibility.
- ⁹¹ See new section 177A inserted by clause 31 of the Bill. See also page 17 of the Explanatory Notes.
- ⁹² See clause 31 of the Bill inserting a new section 177A. See also pages 10 to 11 of the Explanatory Notes.
- ⁹³ See page 11 of the Explanatory Notes.
- ⁹⁴ See the new section 177A(3) inserted by clause 19 of the Bill. See also page 11 of the Explanatory Notes.
- ⁹⁵ See page 11 of the Explanatory Notes.
- ⁹⁶ See Part 4 of the Bill. See also pages 47 and 48 of the Explanatory Notes.
- ⁹⁷ See Part 5 of the Bill. See also page 48 of the Explanatory Notes.
- ⁹⁸ See Part 6 of the Bill. See also page 48 of the Explanatory Notes.

⁹⁹ See Part 7 of the Bill. See also page 49 of the Explanatory Notes.

¹⁰⁰ See Part 8 of the Bill. See also pages 49 and 50 of the Explanatory Notes.

¹⁰¹ See Part 9 of the Bill. See also page 50 of the Explanatory Notes.

¹⁰² See pages 26 to 32 of the Statement of Compatibility.

¹⁰³ See pages 15 and 22 of the Explanatory Notes, and page 22 of the Statement of Compatibility. In particular:

- In WA, police issued protection orders can last for 24 hours (without the consent of the aggrieved or relevant person) or 72 hours (with consent). The order cannot be extended or renewed, and a police officer cannot issue another order in relation to the same facts.
- In NT, the order is considered a summons for the person to appear before court to show cause why the court should not confirm the making of a protection order. The matter must be brought before the court as soon as practicable after the order is made.
- In Victoria, a family violence safety notice issued by a police officer is considered an application for a protection order and the first mention date must be within 72 hours of the notice being issued.
- In SA, a police officer can issue an interim protection order which is deemed to be an application to the court as well as a summons against the respondent. The matter must be heard within eight days of the interim order being issued, or if the court is not sitting within that time, within two days after the court next commences sitting. Meaning the duration of the police-issued interim protection order is limited to around 10 days.
- In NSW, a police officer can make an application for an apprehended DVO (ADVO). A police officer can apply for an ADVO by issuing a provisional ADVO or by listing an application for an ADVO at court. A provisional ADVO takes effect immediately, whereas a future application will only come into effect once the matter is determined by a court.

¹⁰⁴ See page 15 of the Explanatory Notes. See also page 22 of the Statement of Compatibility.

¹⁰⁵ See pages 15,21 and 22 of the Explanatory Notes. See also page 22 of the Statement of Compatibility.

¹⁰⁶ See page 21 of the Explanatory Notes.

¹⁰⁷ See page 21 of the Explanatory Notes.

¹⁰⁸ See page 15 of the Explanatory Notes. See also page 22 of the Statement of Compatibility.

¹⁰⁹ See page 1 of the Explanatory Notes.

¹¹⁰ See page 1 of the Explanatory Speech.

¹¹¹ See page 2 of the Explanatory Notes.

¹¹² See page 2 of the Explanatory Notes.

¹¹³ For example, clause 6 of the Bill amends s.22 of the DFVP Act to clarify that a child can not be named as the actual aggrieved or respondent in a PPD: See clause 6 on page 9 of the Bill. See also page 24 of the Explanatory Notes.

¹¹⁴ See page 5 of the Explanatory Notes. A new clause 100C also prevents a police officer issuing a PPD if the aggrieved or the respondent is a child: See the new section 100C inserted by clause 19 of the Bill.

¹¹⁵ See the new section 100F inserted by clause 19 of the Bill.

¹¹⁶ For example, the new clause 100C(3) prevents a police officer issuing a PPD if it is necessary or desirable to protect a child and conditions other than standard conditions are needed to provide protection: See the new section 100C(3) inserted by clause 19 of the Bill. See also page 32 of the Explanatory Notes. Clause 100H regarding imposition of non-standard conditions also expressly confirms that it does not apply to PPDs naming a child: See new section 100H inserted by clause 19 of the Bill.

¹¹⁷ See the new section 100D inserted by clause 19 of the Bill.

¹¹⁸ See page 7 of the Explanatory Notes.

¹¹⁹ See page 32 of the Explanatory Notes.

¹²⁰ See the new section 100D(4) inserted by clause 19 of the Bill. See also page 7 of the Explanatory Notes.

¹²¹ See page 7 of the Explanatory Notes.

¹²² See this Australian Government AIHW dataset regarding family, domestic and sexual violence and older people dated 28 February 2025: <https://www.aihw.gov.au/family-domestic-and-sexual-violence/population-groups/older-people#:~:text=The%20AIFS%20National%20Elder%20Abuse,experienced%20neglect%20in%20the%20past>.

¹²³ See above endnote.

¹²⁴ See above endnote.