

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

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# SUBMISSION

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



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## **Introduction**

Shooters Union Queensland appreciates the opportunity to comment on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (the bill), and within this submission, will offer salient comment on the possibility of unintended consequences and the potential for misuse of police power in applying the legislation as proposed.

## **Authors**

Shooters Union Queensland Pty Ltd Executive Committee.

## **Intended Audience**

- Legal and Safety Committee, Queensland Parliament
- The Honourable Daniel (Dan) Purdie MP, Minister for Police and Emergency Services
- Executive members Shooters Union Queensland Pty Ltd

## **Organisational background and authority to comment**

Shooters Union of Queensland Inc, was formed in 2005, obtaining Weapons Licensing club approval in that year. In 2018, the organisation was restructured to become a proprietary limited liability company because of rapidly increasing membership numbers.

Shooters Union Queensland Pty Ltd is the second largest shooting organisation in Queensland.

Shooters Union Australia Inc was formed in 2013 in answer to requests from members seeking representation in other states. The organisation was changed to a company limited by guarantee in 2018, again because of rapidly increasing membership Australia-wide.

Shooters Union has been represented at all Ministerial Advisory groups since formation, both in Queensland and in other states.

## **General Comments**

Shooters Union does not support or condone domestic or family violence under any circumstances.

Shooters Union support appropriate measures to ensure that persons who commit domestic and family violence cannot lawfully possess firearms, however it is the role of the courts to decide guilt, not the police.

Shooters Union cannot support legislation that may be misused by perpetrators of domestic and family violence, to engage in systems abuse.

For instance, recognising that police frequently misidentify the person most in need of protection in domestic and family violence matters, there is a clear possibility that the proposed legislation will be abused by perpetrators of violence, against their victims, to impact on victims' livelihoods (e.g., rural vets, farm workers, etc).

In addition, Shooters Union cannot support legislation which can be misused by police, for purposes unrelated to genuinely addressing domestic and family violence.

Shooters Union's ongoing, lacklustre, experiences with Queensland's Weapons Licensing Branch is an indication of how police policies and power can be used to inappropriately restrict the responsible use and ownership of firearms by fit and proper Queensland residents, for

no tangible community safety outcomes. We have gathered extensive evidence about arbitrary and in some instances factually completely mistaken application of (for example) 'fit and proper person' requirements, that have subsequently been overturned at QCAT.

Part of the courts' role is to interpret the laws which Parliament has made. The court decides whether the law has been broken or what rights to uphold by establishing the facts and applying the law to the facts.

A Police Protection Direction (PPD) applied by police takes over the authority of a court and as such, appeal provisions must be included in this legislation as it is manifestly insufficient to provide a police review process without providing a respondent with a right of appeal against a potentially unjust direction placed by a frontline police officer.

## **Concerns for first nations communities**

Section 4(3)(j) of the LSA requires that legislation have sufficient regard to Aboriginal tradition and Island custom. Aboriginal and Torres Strait Islander communities have unique cultural practices and traditions that may be affected by the imposition of PPDs. PPDs may restrict an individual's movements, potentially preventing them from participating in important cultural

ceremonies and community gatherings or transferring cultural knowledge and language. This can disrupt the transmission of cultural knowledge and practices.

Restrictions on movement could also affect access to culturally significant sites, which are essential for maintaining cultural heritage and practices. The imposition of conditions impacting contact with a child could interfere with kinship ties, which are central to the social structure and cultural identity of Aboriginal and Torres Strait Islander communities. This could lead to social fragmentation and loss of cultural cohesion.

PPDs may also lead to tensions or conflicts within communities, especially if the directions are perceived as unjust or culturally insensitive. Historical tensions between Aboriginal and Torres Strait Islander communities and law enforcement could be exacerbated if the directions are seen as another form of external control. The QPS provides training regarding Aboriginal and Torres Strait Islander history, tradition and customs, which enables appropriate consideration of Aboriginal or Torres Strait Islander customs and family dynamics. Police officers are also well supported to engage with First Nations communities through Police Liaison Officers and Torres Strait Islander Police Liaison Officers.

However, it has been widely acknowledged, including through high profile independent inquiries, that

problems with racism persist towards Aboriginal and Torres Strait Islander peoples. This raises the possibility that Aboriginal and Torres Strait Islander people will be disproportionately and unjustly impacted by the proposed laws. With regard to firearms, this is also likely to affect Aboriginal and Torres Strait Islander people's employment in rural and remote areas (such as on farms and in the guided hunt industry).

## **Current process**

The current, in force, Domestic and Family Violence Protection Act 2012 (Qld) provides protection to people experiencing domestic and family violence (DFV), by empowering police to take action to protect a person from DFV, with powers including the issuing of 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.

As the PPN framework requires court oversight, police are required to prepare, file and serve supporting material and appear in court. PPNs must be considered by courts within 14

business days or the next available sitting day if the court is not sitting within this time. A court may then make a DVO or dismiss the application.

The current court oversight plays a critical role in ensuring fairness, accountability, and the protection of all parties involved and sees those decisions made by police (e.g., issuing a PPN).

## **Proposed amendments**

There is currently no framework in Queensland empowering police officers to administratively issue immediate, long-term protection directions without filing an application for a proceeding before a court.

Shooters Union sees it as a major concern that this Bill seeks to enable police officers to issue a 12-month PPD when responding to DFV which does not require further court consideration.

While this will 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. Providing police with the power to issue PPDs 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, however removes the court oversight which is so critical in subjecting the PPD to independent scrutiny, which helps prevent misuse or overreach to ensure the system is not used vindictively (such as through systems abuse), or unjustly, or for otherwise improper purposes.

This provision prevents the victim of domestic or family violence from the security that a DVO provides in protecting them. It also does not allow for a person against whom malicious reports of domestic or family violence have been made to clear him or herself in a court. The legislation already allows for the quickest possible hearing of a DFV matter. The provision clearly gives too much power to police with no appeal provisions. This protects neither the victim nor the alleged offender in the case where the offence may be simply the result of a verbal altercation.

## **Unintended Consequences**

Any proposals to prevent or limit instances of domestic or family violence should aim to affect only offenders, victims and police, however the consequences of the amendments to the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 will have ripple effects on licensed firearms owners, their families and friends.

Where the offender is convicted by a court, these effects are to be expected and would garner support from licensed firearms owners, however the passage of the Queensland Community Safety Act 2024 (Qld) means that any person who police suspect of any crime including that of domestic or family violence, will be the subject of a Firearms Prohibition Order (FPO) and therefore potentially lose their weapons licences and their firearms for periods ranging from 10 years to life.

The Community Safety Act already grants extensive powers to police and combined with this proposed legislation and the ability of police to apply a Police Protection Direction for an extended period with no appeal provisions, has the potential for gross police over-reach due to the lack of court oversight, possibly and very likely in instances where a verbal altercation has attracted the attention of police.

The imposition of a FPO, based on a PPD will affect any person living with or associating with an alleged offender including employers and landlords because under current Weapons Licensing policies, such people may not have access to firearms because of the misconduct (or argument) of an alleged offender.

## **Effect of a PPD on a weapons licence holder**

A police officer may issue a PPD for a period of 12 months, if they reasonably believe the respondent has committed domestic violence; and that a PPD is necessary or desirable to protect the aggrieved from domestic violence; and that it would not be more appropriate for the action taken to include an application for a protection order.

Once a PPD is issued, a person's weapons licence is revoked, and they are required to surrender their weapons. This is consistent with the effect a DVO currently has on a weapons licence.

Shooters Union's concern is that in instances where there may be a malicious or false complaint, or where a PPD is wrongly issued (such as by misidentification of the person most in need of protection),, there will be a large number of firearms licenses revoked, and weapons surrendered by people who do not pose a risk to public safety.

With coercive control now being a domestic violence offence in Queensland, this means that DFV can consist of physical violence, sexual violence, threats of physical violence, emotional abuse, verbal abuse, financial control, and social isolation. Coercive control and abusive behaviours are further defined as being often 'subtle' and 'difficult to spot', which puts considerable pressure on a police officer deciding "on the spot" of whether certain behaviour amounts to DFV or not, which historically has been determined through court oversight.



Shooters Union is also concerned that police officers should not be the “finder of truth” in relation to a DFV incident and should not be responsible for issuing orders in relation to DFV. This should be the job of a judge who is experienced as well as qualified in this area. This is a huge conflict for police to be given the responsibility of investigating as well as deciding what enforcement action should be taken.

The Bill proposes that Section 10B (Fit and proper person—licensees) will be amended, and that having a police protection direction issued against a person will be added as a factor to be considered when determining if someone is a fit and proper person to hold a weapon licence and also Section 10C (Fit and proper person—licensed dealer’s associate) will be amended. Similar to licensees, having a police protection direction issued against a person will be included as a consideration for determining if someone is a fit and proper person to be a licensed dealer’s associate.

### **Review process of a PPD (police review)**

A person who has been issued with a PPD, has 28 days to apply for a police review of the PPD. A police officer conducting the review may:

- confirm the PPD, amend the conditions of the PPD, revoke the PPD, or
- revoke the PPD and issue a PPN and make an application for a protection order through the courts.

Shooters Union does not see the merit in having a PPD peer-reviewed by a fellow police officer. The only other avenue for a review is to apply to the court for a review, which then triggers the following concerns.

### **Review process of a PPD (court review)**

A respondent does not have to have a police review if they want to skip that step and apply straight for a court review, however this comes with risk, as filing the application for a court review will trigger filing the PPD with the court which is then considered an application for a DVO.

This raised significant concerns for the right of natural justice to be applied to all respondents by the court being made aware of, and respond to information which will be used in the course of a decision that will negatively affect the respondent, as an application for a court review of an infringement against the respondent, triggers an application against them, as a DFV respondent.

Furthermore, if the court is also convinced that DFV has occurred again, then the court can issue a DVO which lasts for 5 years<sup>1</sup>.

As such, it is Shooters Union's concern that applying for a court review of the 12 month PPD could potentially result in a five year DVO being made against a respondent<sup>2</sup>.

Additionally, in relation to a court review, the explanatory notes also state at page 10, that upon hearing the review, the Magistrates Court will be required to consider whether a protection order is necessary or desirable at the time of review<sup>3</sup> and may make any order available under Part 3 of the DFVP Act in relation to hearing an application for a DVO.

In addition to the orders available under Part 3, the court may also

- make an order setting aside the PPD or
- a decision to dismiss the application.

If the court makes an order setting aside the PPD, the direction is taken never to have been issued and will not form part of the respondent's domestic violence history.

Shooters Union questions the validity that a court review of a PPD requires a Magistrate to consider whether a protection order is necessary or desirable at the time of the review and not at the time of when police were called and a PPD was issued.

This potentially could see a person have been of bad behaviour at the time of police coming but then be of good behaviour at the time of the review meaning the PPD is then revoked.

## Recommendations

Although there are clearly some attempts at safeguards in the bill, which outlines circumstances in which a police officer must not issue a PPD (exclusions), including however not limited to:

- where the respondent or aggrieved is a child, to ensure children are enabled access to legal representation,
- where the respondent or aggrieved is a police officer.

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<sup>1</sup> (this is not clear in the Bill but it was confirmed by the department during the public briefing of the bill, the transcript of this is yet to be published).

<sup>2</sup> It is unclear whether the five years starts from the day of the court order, or the day the PPD was issued. If the PPD is in force for 11 months before the court hears the matter, is the person bound by a PPD and DVO for potentially almost 6 years?

<sup>3</sup> not at the time the PPD was issued

- where the respondent should be taken into custody in relation to the relevant domestic violence.
- where a child is a named person on a PPD and conditions other than standard conditions are needed to provide protection

Shooters Union suggests that if a situation is severe enough to necessitate follow-up or ongoing police involvement, the existing legislative provisions allow for a speedy court hearing. Police should never have the absolute power that this bill allows.

The Bill includes a number of provisions for review of a PPD, including an internal police initiated review and, an administrative review process where the respondent, the aggrieved, an authorised person for the aggrieved or a named person will be provided with the ability to apply to the police commissioner for a review of the direction within 28 days after it takes effect (noting the review period may be extended by the police commissioner), Shooters Union recommends that an independent review is essential if natural justice is to be achieved in an open and transparent manner.

Shooters Union does not in any way object to the concept of a PPD for short term emergency situations to protect a victim but to allow police officers without judicial oversight, even with a senior officer's approval, places far too much power and responsibility in the hands of police.

Shooters Union notes that only a court can order a monitoring device condition, which we believe preserves a balance between the power of police and the power of a court. The same should apply to a requirement for a court to approve a PPD by applying a DVO or disallowing the PPD as soon as is possible after the emergency application of the PPD.

We also note that under the existing legislative system, protection orders are regularly breached and that according to Domestic and Family Violence Death Review publications, many domestic and family violence homicides occur despite orders being in place. This suggests that the proposed changes will offer little real protection to victims of domestic and family violence in any form.

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