

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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

Education, Arts and Communities Committee

30 May 2025

INTRODUCTION

The Family Responsibilities Commission (**FRC or Commission**) appreciates the opportunity to contribute to the Committee's examination of the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (**DFVOLA Bill**). The FRC wishes to specifically make comment on the potential impact of the proposed Police Protection Directions (**PPDs**) on the operations of the Commission.

The *Family Responsibilities Commission Act 2008* (**FRC Act**) requires a court¹ to give the Commission a court advice notice, if a court makes a protection order against a person² who is within the Commission's jurisdiction. The FRC is concerned that the proposal to introduce PPDs will reduce the FRC's opportunity to support victim-survivors and persons using violence in the communities it serves.

RECOMMENDATION

The FRC recommends that the Committee consider the impacts of the proposed introduction of Police Protection Directions on the ability of the FRC to fulfil its role in early intervention in DFV matters and restoring socially responsible standards of behaviour in FRC communities.

The FRC supports amendments to section 43(1)(a) of the FRC Act to ensure that the FRC receives notification of all PPDs issued against persons within the Commission's jurisdiction.

LEGISLATIVE ISSUES

Section 43(1)(a) of the FRC Act requires that the FRC is provided with a court advice notice where a court makes a protection order against a person. A 'protection order' in the FRC Act refers to, and has the same meaning as, section 37 of the *Domestic and Family Violence Protection Act 2012* (**DFVP Act**).

¹ Court means the Childrens, District, Magistrates or Supreme Courts of Queensland, see section 43(6) of the FRC Act.

² See section 43(1)(a)(ii) of the FRC Act.

In effect, this means that the FRC receives notification of domestic violence orders and breaches of domestic violence orders in the communities of Aurukun, Coen, Hope Vale and Mossman Gorge.³ Provided the jurisdictional requirements are met, the Commission may then require a person who is the subject of a court advice notice to attend a conference with the FRC Local Commissioners in their community.

If the DFVOLA Bill is passed, the FRC does not believe that Police Protection Directions will fall within the ambit of section 43 of the FRC Act. The FRC Act requires the provision of court advice notices for 'protection orders' as that term is defined in the DFVP Act. Section 37 of the DFVP Act relates only to circumstances when *a court* is making the protection order.

The DFVOLA Bill does not amend section 37 of the DFVP Act, except to the extent that it clarifies that a PPD being in force does not prevent an order being made. PPDs appear to be designed to be clearly separate and distinct from protection orders made by a court.

Our reading of the Bill and its interaction with the FRC Act is that the FRC will not be required to be notified of PPDs.

IMPACTS ON THE FRC AND CLIENTS

Victim-survivor support and early intervention

Once a court advice notice is received, and has been assessed for jurisdiction, all matters are carefully considered as to the most appropriate approach to deal with the matter. Most often, clients that are the subject of a notice relating to a domestic violence order or breach are served to attend a conference with the FRC's Local Commissioners.

The FRC is a novel bi-cultural institution. The FRC is a model that can provide an alternative to traditional western notions of accountability through the courts. Persons using violence can be conferenced by a panel of Elders and encouraged to take responsibility for their actions. Given the range of issues about which the FRC can speak to individuals and families, there are significant opportunities for early intervention before behaviour escalates or worsens. The FRC can refer clients to community support services such as counselling and anger management, and alcohol and other drug treatment. The FRC can also monitor engagement and compliance and utilise its power relating to income management if the circumstances warrant.

In the 2023-24 financial year the FRC received 221 court advice notices for domestic violence orders, and 118 for domestic violence breaches that were within the FRC's jurisdiction. The Commission held 210 conferences that were related to domestic and family violence issues and made 142 referrals to support services from those conferences.

Depending on the uptake and use of PPDs in the FRC communities, employing PPDs in favour of protection orders made by a court could significantly reduce the number of court advice notices provided to the FRC. This would, in turn, significantly reduce the opportunity for early intervention for persons using violence using local authority in a culturally safe environment.

Conferences also provide an opportunity for Local Commissioners to support victim-survivors

³ The FRC does not currently receive notice of protection orders in the community of Doomadgee.

as they can be approached as a relevant person for the conference and offered support via a referral to a support service, or the option to enter into a voluntary income management agreement to help protect their payments and provide financial support for their families.

The FRC notes that a number of the proposed circumstances under which PPDs will **not** be able to be issued will be present in FRC communities. Unfortunately, the severity of domestic and family violence incidents in remote First Nations communities is disproportionately high, and given the extent to which violence is normalised, it is often difficult to identify the person most in need of protection. Accordingly, PPDs may not be appropriate in some circumstances.

However, the FRC remains concerned that the number of PPDs made instead of court ordered protection orders would reduce the Local Commissioners visibility of domestic and family violence matters and consequently, their opportunity to help.

PPD conditions contributing to overrepresentation in incarceration

The FRC of course considers that the safety of aggrieved parties, most often women and children, is paramount. However, the issue of standard conditions attached to protection orders without full knowledge of the circumstances may be inappropriate when considering the often collective and communal culture of First Nations people and factors such as housing availability in remote communities.

The FRC has previously raised concerns regarding the imposition of standard conditions of domestic violence orders in the absence of respondents.⁴ FRC Local Commissioners frequently encounter clients who are respondents to an application for a domestic violence order and have been placed on protection orders in their absence. This often results in 'non-contact' and other conditions, sometimes in place for long periods, which may be inappropriate for the circumstances of both the respondent and the aggrieved.

In these circumstances, the likelihood of breaching orders increases, and in turn, the likelihood of incarceration. The FRC has come across a number of instances where standard non-contact conditions have been applied in the absence of the respondent where the aggrieved is a sibling or other relative living in the same house. While this may be entirely appropriate in some cases, respondents in First Nations communities need to be better supported through the court process to ensure that Magistrates are fully aware of the relevant circumstances when making orders.

In addition, FRC Local Commissioners often find that clients in conference who are respondents in domestic violence order applications are often unaware, or do not fully understand, the conditions of the order, which also leads to a higher likelihood of breaches and incarceration. Clients in FRC communities are generally unable to access legal or financial support to apply to the Court to vary the conditions of their order.

The Commission understands that PPDs are proposed to be of a shorter duration of 12 months, and that some conditions require the approval of more senior officers. However, the FRC remains concerned that the same factors relevant to protection orders that contribute to

⁴ FRC Submission to the Consultation on Queensland Domestic and Family Violence Perpetrator Strategy, 22 September 2023.

disproportionate incarceration rates of First Nations people will also be present, and potentially exacerbated, in the use of PPDs.

CONCLUSION

The FRC is concerned that the introduction of PPDs, in its current proposed state:

- will reduce the opportunity for the FRC's Local Commissioners to provide support to victim-survivors and early intervention for persons using violence, in a culturally appropriate setting; and
- may exacerbate the overrepresentation of First Nations people in the criminal justice system, if the policy setting and implementation doesn't reflect the issues identified in this brief.

The Commission recommends that the Committee carefully consider these impacts and supports the amendment of section 43(1) of the FRC Act to ensure that the FRC receives notification of all PPDs issued against persons within the Commission's jurisdiction. The Commission can provide appropriate drafting instructions for the amendment and further support for implementation.

Tammy Williams
Commissioner
Family Responsibilities Commission