

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

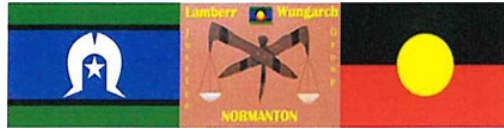
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Submission to the Education, Arts and Communities Committee on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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-Acknowledgement-

The Lamberr Wungarch Justice Group wish to begin by acknowledging the Turrbal and Yuggera peoples, Traditional Custodians of the land on which we will learn from each other today and pay our respects to their Elders past and present. We extend that respect to all Aboriginal and Torres Strait Islander peoples here.

Dear Committee Members,

The Lamberr Wungarch Justice Group of Normanton thanks the Education, Arts and Communities Committee for the opportunity to provide a submission on the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025.

Andrew Dawes
Coordinator

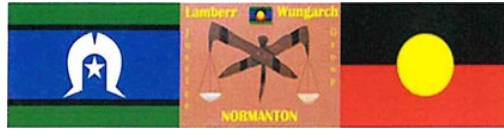


Table of Contents

Acknowledgement of Country	p 3
Introduction	p 4
Summary	p 4
Police Protection Directions	p 5
Police as Magistrates	p 6
Means of Review	p 7
A Legal fallacy?	P 8
Oppressive Punishment	p 8



Introduction

The Lamberr Wungarch Justice Group has been concerned in relation to the seeming increase of police powers when issuing a '*police protection direction*'¹, where the object is two-fold, freeing up police resources to concentrate on serious or frontline offending as well as easing the administrative burden on police after a '*police protection notice*'² has been issued.

Summary

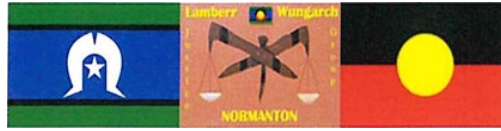
- That the powers sought are already available to police through the Domestic and Family Violence protection Act 2012 QLD³
- The powers if assented to would undermine both the Human and legal rights of people within Queensland
- This erosion of Human rights is not outweighed by the wished-for reduction in rates of Domestic Violence, or a hoped-for increased police productivity
- Will disproportionately affect remote Indigenous communities due to their overrepresentation in the Queensland judicial system
- Oversight in relation to applications is limited and will increase the workload in the lower courts

¹ police protection direction, *PPD*

² Police protection notice, *PPN*

³ Domestic and Family Violence protection Act 2012 QLD,

<https://www5.austlii.edu.au/au/legis/qld/consol_act/dafvpa2012379/> accessed on 14/5/25



Police Protection Directions

Police protection directions seem designed to alleviate the burdensome administration of justice that the Queensland police service is subject to after the issuing of a *PPN*⁴.

Along with catching/addressing behaviour in a domestic setting by parties whose actions don't or has yet to reach the threshold of domestic violence and would not proceed to court.⁵

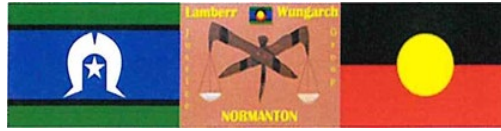
This may well be good intentioned on behalf of the Queensland government and designed to address a need within our community but the Justice group finds the broad nature of the power and the limited oversight in its application concerning.

It would seem from the explanatory notes, that the PPD will support frontline operations by removing the necessity for police officers to prepare for and attend court while still providing longer term protection. This means that victim-survivors do not have to go through the court process to obtain 12 months of protection.⁶

⁴ *PPN* police protection notice.

⁵ DREW, Ms Belinda, *Director-General, Department of Families, Seniors, Disability Services and Child Safety*, at para 3, p2 <<https://documents.parliament.qld.gov.au.com/EDUCATIONA-7015/DFVPOLAB20-3862/Public%20briefing%20held%20in%20Brisbane%20on%2021%20May%202025.pdf>> accessed on the 14/5/2025

⁶ Ibid



The Lamberr Wungarch justice Group sees this as flimsy justification for the exercising of such a broad ranging and restrictive extrajudicial determination.⁷

Effectively the police become the arbiters of whether a person's behaviour is in some way domestically unacceptable but doesn't meet the threshold of domestic violence in a civil or criminal sense. Subsequent to this determination they are able to impose restrictions upon the 'alleged' respondent, without recourse to a Magistrates Court process that is established around the issuing and legally authorising the serving of a *PPN* or *DVO* on the respondent.

There appear to be two methods of appeal in relation to when a determination is made in regard to the issuing of a *PPD* by a police officer.

- a) A police review, "*...within 28 days of the PPD taking effect. A police review is intended to ensure that the PPD provides a level of protection that is appropriate in the circumstances. A police review must be undertaken by an authorised reviewing officer, who may invite parties to make submission.*"⁸
- b) The court review, "*...is a court review, where parties can apply to the court to have their protection needs considered afresh.*"⁹

Effectively there is only one means of review, that is via a court review.

For our community to believe that police officers reviewing the behaviour of other police officers, effectively, mates reviewing mates, from their station to ensure they are upholding the administrative law in relation to the issuing of a *PPD* is quite simply, delusory.

Time and time again, police investigating and overseeing other police is a recipe for malfeasance and corruption, of not only the judicial/legal system but will undermine the public belief in the institution of policing itself and the robustness of their systems of review.

⁷ extrajudicial; not forming a valid part of regular legal proceedings; delivered without legal authority; done in contravention of due process of law. <<https://dwww.merriam-webster.com/dictionary/extrajudicial>> accessed on the 14/5/2025

⁸ Above @ para 5

⁹ Above @ para 5



In our position within the Normanton community, the Lamberr Wungarch Justice Group would be assisting people to seek a court review at the earliest possibility opportunity because we know from previous experience, rightly or wrongly that the outcome of a police review of a *PPD* would likely be preordained.

We also believe if the threshold for the issuing of a *PPD* is so slight that it will inevitably lead to a great number being issued, perhaps wrongly, with the reviewing of these issued *PPD*'s undertaken by a Magistrate Court.

The number of reviews generated by the issuing of *PPD*'s will increase the workload on its judicial officers and slowing the court process and the administration of justice, which is already stretched in our remote communities.

It is concerning to Justice group that a review through the courts of the issued *PPD* will automatically trigger a filing of the *PPD* with the court, which is then deemed as an application for a *DVO*¹⁰ with the issuing police officer as the applicant.

If the *PPD* is described as not meeting the threshold for a *PPN* or *DVO*¹¹ why would its presentation before a Magistrate change the material facts surrounding the issuing of the *PPD* in the first instance?

The Justice Group thinks it would effectively be a waste of the courts time determining if the *PPD*, is in fact a *DVO*? Subject to the facts presented to the court for review. If it was determined to be a *DVO*, then one should have been issued in the first instance, by issuing of a *PPN* and going through the standard process.

It seems to be a circular legal construction and not all clear, what outcome is to be achieved by its implementation and through a review of the court, if the evidential basis behind the administrative task, is that it is unable/shouldn't be referred to court in the first place.

Unless it is designed punish those alleged to have committed domestic violence, even though their alleged offending doesn't reach the evidentiary requirement required to commence a civil process.

All of the options available to police when they issue a *PPD* are similar to the powers afforded to the police when they issue a *PPN* but comes with none of the judicial oversight.

¹⁰ *DVO* domestic violence order

¹¹ Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025, Explanatory Notes, p4, <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0399/5825t399.pdf>> accessed on the 15/5/2025



That is until the alleged respondent undertakes a review, through the court system but the *PPD* conditions will stay in place until the 'review' is heard. ⁴

This administrative creation, *PPD*, when combined with a breach may find the respondent incarcerated for up to 3 years, ⁵ with no court appearances by them until their matter is before the Magistrates court, for their alleged breach.

This is effectively the same censure for contravening a *DVO* but with none of the Judicial processes' for reviewing the validity of the initial *PPD* or establishing that any offence had occurred warranting such a censure, in the first instance.

This should be anathema for a system that profess that people are innocent until proven guilty and views the administration of justice as central to the social compact with its citizens.

The Lamberr Wungarch Justic Group views this as another ill-conceived response that will not address the underlying issues that plague all of our communities suffering from domestic and family violence.

Police working in remote communities have enough to do without second guessing the future decisions of a Magistrates, regarding whether the issuing of a *PPD* will meet the evidentiary standards required of a *DVO*, if and when a review of the decision to issue is undertaken by the respondent or the aggrieved.

The Justice Groups fears are well founded because we have yet to see a decrease in Indigenous rates of Incarceration in Queensland, in fact the opposite is true, we are incarcerating Indigenous people for longer, at higher numbers. ⁶

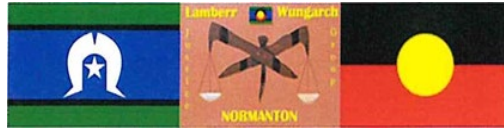
The domestic violence in Normanton will not be reduced by what we believe will be the fast tracking of *PPN*'s but without the judicial oversight of a court, which will hasten the criminalization that will flow from these *PPD*'s.

It will only exacerbate the problem and does not address the underlying reasons for its occurrence nor will assist with its reduction.

⁴ Ibid p 10 <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5825t0399/5825t399.pdf>> accessed 15/5/2025> accessed on the 15/5/2025

⁵ Above @ 11, <<https://www.parliament.qld.gov.au/Work-of-the-Assembly/TabledPapers/docs/5825t0399/5825t399.pdf>> accessed on the 15/5/2025

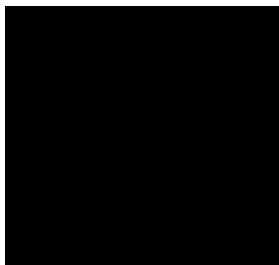
⁶ Australian Bureau of Statistics, Prisoners in Australia, Queensland <<https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release#aboriginal-and-torres-strait-islander-prisoners>> accessed 16/5/2025



The Lamberr Wungarch would like to thank the committee for the opportunity to comment on these proposed changes to the administration of the law that will affect our community so deeply.

If you would like any further clarification or information regarding our submission please feel free to contact us.

On behalf of the Lamberr Wungarch board and community,



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