

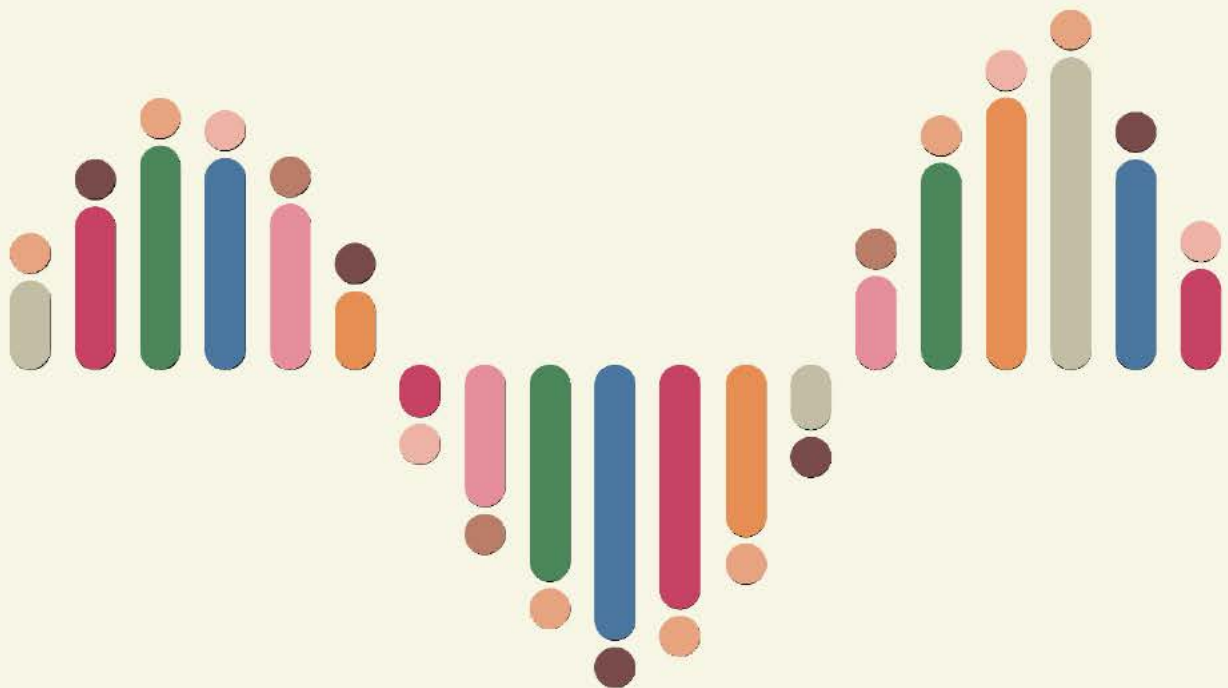
Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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Submitted by:	Beck O'Connor - Victims' Commissioner
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Submission to the Education, Arts and Communities Committee

Inquiry into Domestic and Family Violence Protection
and Other Legislation Amendment Bill 2025

May 2025



Acknowledgement of Country

I pay my respects to the Aboriginal and Torres Strait Islander ancestors of this land, their spirits and their legacy. The foundations laid by these ancestors – our First Nations peoples – give strength, inspiration and courage to current and future generations towards creating a better Queensland.

Victim recognition

I respectfully recognise all victims of crime.

I see you. I believe you. I acknowledge the harm you have suffered.

I respect your choices in whichever path you may take. Your emotions and reactions are valid.

I see your strength, courage, resilience and vulnerabilities and support your right to self-determination, and to lead lives free from fear.

To loved ones of those who have died, I offer my condolences, and acknowledge the ongoing hurt and pain you experience.

I recognise the important role of people supporting and advocating for victims of crime, both personally and professionally.

I value the experiences you have shared with me as they shape my work.

Note on language

I use the terms 'children' and 'young people' throughout this submission to refer to Queenslanders who are under 18 years.

I use the terms 'victim' and 'victim-survivor' throughout this submission. I acknowledge the diverse preferences of individuals with lived experience of crime. I recognise that language plays a significant role in shaping narratives and that individuals may have varying preferences regarding their identities. Some individuals may prefer 'victim' as it emphasises their experience of harm, while 'victim-survivor' acknowledges the ongoing effects and harm caused by crime and highlights the strength and resilience of individuals with lived experience. By incorporating both terms, I hope to honour these perspectives and foster an inclusive dialogue.

I may also use the term 'victim' when referring to legislation because it is a term commonly used in legal frameworks.

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Recommendations

- 1) I **recommend** that the Queensland Government provides information about its intent with respect to *Queensland's Plan for the Primary Prevention of Violence against Women 2024–28* to ensure that the drivers of violence are addressed, noting the consultation that was undertaken with prevention experts, representatives of vulnerable cohorts, victim-survivors and service providers.
- 2) To ensure that all other options for increasing police efficiency have been exhausted before introducing the proposed PPD framework, I **recommend** that the Queensland Government urgently directs the Queensland Productivity Commission to undertake an inquiry into the productivity performance of the Queensland Police Service, having particular regard to:
 - a) the increased demand for services to address domestic and family violence (including the identified pain points outlined in Annexure A created by the Police Protection Directions [PPD] framework), and
 - b) the need to ensure that victim safety remains the paramount consideration in the Queensland Police Service response.
- 3) I **recommend** that:
 - a) the Committee seeks clarification from the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence about the policy position in relation to the circumstances when a police officer **must not** issue a direction (new section 100C);
 - b) clause 19 of the Bill be amended to ensure victims who are at high risk of lethality are better protected, by recognising other evidence-based lethality indicators as circumstances when a police officer **must not** issue a direction (new section 100C), including:
 - i. domestic and family violence incidents have increased in frequency
 - ii. if a female aggrieved is pregnant
 - iii. the respondent and the aggrieved have recently separated or are separating
 - iv. the domestic and family violence has become more serious
 - v. the respondent has committed sexual violence against the aggrieved
 - vi. there has been a significant change in circumstances
 - vii. the respondent has attempted to strangle or suffocate the aggrieved
 - viii. the respondent has made threats to kill towards the aggrieved, the aggrieved's children, or children in the care of the aggrieved
 - ix. the respondent has committed acts of coercive control towards the aggrieved
 - c) the Queensland Police Service immediately review their protective assessment framework to ensure that it is reflective of current understandings of domestic and family violence risk factors, including coercive control, to ensure police effectively assess a victim-survivor's risk.
- 4) I **recommend** that clause 19 of the Bill be amended by:
 - a) amending proposed new section 100Z(1)(a) (Application for review) to state that the Queensland Police Service is a person who may apply to a Magistrate for a Court review, and
 - b) amending proposed new section 100Z (Application for review) to require the Queensland Police Service to seek a Court review of a PPD 10 months after the PPD commences to

determine whether a Domestic Violence Order (DVO) is necessary beyond the expiry of a PPD for the victim-survivor's safety and protection.

- 5) I **recommend** that the Committee seeks clarification from the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence and the Department of Families, Seniors, Disability Services and Child Safety about:
 - a) the evidence that was relied on to arrive at the 12-month protection period provided for PPDs, and
 - b) the results of consultation with victim-survivors about how the 12-month protection period met their needs with respect to safety and protection.
- 6) I **recommend** that clause 19 of the Bill be amended by amending section 100H(3)(d) (Other conditions may be included) to require that for a PPD containing an ouster condition or no-contact condition, a senior sergeant *who is serving in the QPS Domestic, Family Violence and Vulnerable Persons Command* must approve the PPD.
- 7) I **recommend** that clause 19 of the Bill be amended to further safeguard against misidentification of the person in most need of protection by:
 - a) amending proposed new section 100C (circumstances when a police officer must not issue a direction) to state that a police officer must not issue a PPD against the respondent if the respondent is female; or
 - b) *as an alternative (should recommendation 7a not be supported)*, amending Subdivision 4 (police review of direction) to require the Commissioner to review the PPD *if a police officer has issued a PPD to a female respondent*, to ensure Gender Centred Review operates as a safeguard against misidentification of the person in most need of protection. In undertaking a Gender Centred Review, the Police Commissioner must consult with domestic and family violence specialists.
 - c) in implementing this recommendation, consider whether there are any other groups that are vulnerable to misidentification that should be included.
- 8) I **recommend** that the Bill be amended to clarify in what circumstances it would be appropriate to commence or continue a prosecution against a respondent for contravention of a PPD that has since been revoked, and that guidance be provided to police in the Queensland Police Operational Procedures Manual in order to protect respondents who are misidentified.
- 9) I **recommend** that clause 19 of the Bill be amended to amend the proposed new section 100ZB(1)(b) (Police protection direction taken to be application for protection order) to state that the Queensland Police Service is the applicant of a DVO initiated by a Court review (as opposed to the police officer who issued the PPD), in order to allow for increased flexibility as to who the applicant is. This is necessary to safeguard victims who may not agree with either their identification as the respondent or aggrieved who are seeking more extensive conditions of protection in the order which have been refused by the issuing police officer.
- 10) I **recommend** that the Queensland Government immediately:
 - a) publish any available information on Queensland Police Service misidentification of the person most in need of protection in order to foster community and victim-survivor trust and confidence in policing responses.
 - b) progress work to develop a mechanism for understanding misidentification of the person most in need of protection, informed by information and data held by specialist domestic and family violence service providers (as defined in section 169C of the *Domestic and Family*

Violence Protection Act 2012 (Qld)) to inform the statutory review of PPDs (proposed new section 192A) and identify issues and opportunities for improvement.

- 11) To support transparent decision-making, I **recommend** that the Bill require that the *Police Responsibilities Code 2012* (in Schedule 9 of the *Police Power and Responsibilities Regulation 2012 (Qld)*) be amended to require officers to record any views expressed by the aggrieved about the PPD under new section 100B (Police officer may issue direction) subsection (2)(d). In the alternative, the Operational Procedures Manual must be amended to require officers to record any views expressed by the aggrieved about the PPD under new section 100B(2)(d).
- 12) I **recommend** that the Queensland Government ensures that additional and sufficient funding is provided to organisations such as Aboriginal Family Legal Services Queensland (Maruma-li-mari), Legal Aid Queensland, Women's Legal Service Queensland, North Queensland Women's Legal Service, and Queensland Indigenous Family Violence Legal Services, to support review processes for PPDs so that victim-survivors, including misidentified victims, have access to legal advice to utilise the safeguards provided in the legislation.
- 13) I **recommend** that as part of the implementation of the amendments in this Bill that:
 - a) the Department of Families, Seniors, Disability Services and Child Safety, in partnership with the Queensland Police Service and Legal Aid Queensland, provides free or at-cost information seminars and webinars throughout Queensland on the operation of PPDs to Community Legal Centres Queensland and the domestic and family violence support sector to ensure misidentified victim-survivors (including those in rural and remote locations) receive appropriate and timely referral to the legal assistance they require.
 - b) the Queensland Police Service ensures the provision of culturally appropriate and trauma-informed training and resources to officers to ensure that victim-survivors are provided the relevant information about PPDs and other options available to be able to express their views about the protection order. Such resources should be developed in consultation and partnership with subject matter experts.
- 14) I **recommend** the Queensland Government urgently implements recommendation 68 of the *Commission of Inquiry into Queensland Police Service responses to domestic and family violence* to establish a Police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police and to increase victim-survivors' confidence in police being held accountable for the appropriate exercise of their powers.
- 15) I **recommend** the Queensland Government establishes an independent Judicial Commission, which would be responsible for providing ongoing professional development in relation to judicial officers' contemporary understanding of domestic and family violence, including how systems abuse and coercive control over extended periods of time may influence behaviours and actions.
- 16) I **recommend** that the Queensland Government, consistent with Commission of Inquiry (Recommendation 77) and Women's Safety and Justice Taskforce (Report 1, Recommendation 89 and Report 2, Recommendation 188), continues to report publicly on the implementation of recommendations arising out of the Commission of Inquiry and Women's Safety and Justice Taskforce so that victim-survivors have transparency and understanding about the implementation status of previous recommendations they have been consulted on before further reforms are implemented.
- 17) I **recommend** that regulation 9 of the *Recording of Evidence Regulation 2018 (Qld)* be amended to allow a victim of a personal offence whose proceedings were finalised in the

Magistrates Court to be entitled to one free copy of a record of a proceeding to ensure that all victim-survivors, regardless of which jurisdiction their matter is finalised in, can receive sentencing remarks. This may also encourage and facilitate improved media reporting and increase judicial accountability for sentencing for contraventions of domestic and family violence orders.

- 18) Noting the existing publication scheme with respect to the Supreme and District Court sentencing remarks, I **recommend** that the Attorney-General and Minister for Justice and Minister for Integrity explores options with the Chief Magistrate of Queensland to facilitate the increased timely publication of Magistrates Court of Queensland sentencing remarks to enhance judicial accountability, and the visibility and awareness of sentencing outcomes for victim-survivors and the community.
- 19) I **recommend** that clause 19 of the Bill be amended to remove the prescribed period in which a person may apply to the Police Commissioner for a review pursuant to proposed new section 100U (Starting review of application) to provide greater flexibility to victim-survivors to seek a review of the PPD.
- 20) I **recommend** that clause 19 of the Bill be amended by amending proposed new section 100N (Form of direction) to state that:
- A police protection direction issued by a police officer must also state how to seek a Police review or Court review in plain language, and include information about how to access legal or support services to seek such a review.
- 21) I **recommend** that the Queensland Police Service in collaboration with the Department of Families, Seniors, Disability Services and Child Safety and the Department of Justice, in implementing proposed new section 100Z (application for Court review), ensures the approved forms are in plain language, are easy to understand and provide information about support services that a party can access to assist in making the application.
- 22) I **recommend** that clause 37 of the Bill be amended by amending proposed new section 189C (Police protections directions register) to provide that aggregated deidentified information contained in the Police Protections Directions Register be published on the Queensland Police Service website every six months to foster transparency and accountability and improve community confidence in police decision-making.
- 23) I **recommend** that clause 38 of the Bill be amended to provide that the review of Police Protection Directions (proposed new section 192A):
- a) includes an assessment of how PPDs interact with Police Protection Notices (PPNs) and DVOs and whether gaps in safety, protection and wellbeing of people who fear or experience domestic and family violence emerge following the expiry of PPDs after 12 months,
 - b) specifically consider the impact of the PPD framework on Aboriginal and Torres Strait Islander peoples,
 - c) be undertaken in consultation with diverse stakeholders, including victim-survivors of domestic and family violence and services supporting them,
 - d) be carried out by an independent and appropriately qualified person (such as the Police Integrity Unit)
 - e) that the report on the outcome of the review be tabled by the Minister in the Legislative Assembly within 14 sitting days after receiving the report.

24) I **recommend** that the Queensland Police Service and the Department of Families, Seniors, Disability Services and Child Safety urgently:

- a) report on the implementation of embedded workers and co-response models,
- b) publish any available evaluations of these models,
- c) if evaluations have not yet been completed, undertake independent evaluation of these models.

Electronic monitoring pilot for high-risk DFV

25) I **recommend** that clause 15 of the Bill be amended so that proposed new section 66B (court may impose monitoring device condition) requires a court imposing a monitoring device to be satisfied that the aggrieved has access to appropriate and accessible resources, and professional safety planning advice to help them understand the limitations of the monitoring device before making the order.

Video recorded evidence-in-chief

26) I **recommend** that clause 45 of the Bill be amended so that the requirement that video-recorded evidence-in-chief be taken by a police officer who has undertaken specialist training in taking evidence from victims of domestic and family violence be retained (section 103E(1)(b) (Requirements for making recorded statements)). This training should include a specific focus on communicating with, obtaining consent and taking statements from vulnerable witnesses.

27) I **recommend** that the Bill be amended so that the requirement contained in section 103F (that consent be obtained both before, and at the commencement of the statement being taken) be retained to ensure that victims are sufficiently informed about the implications of making a statement at the commencement of the recording. This must also be supported by high quality and accessible resources available to police officers to support the taking of a video recorded evidence-in-chief statement, including printed and digital material.

28) I **recommend** the Committee seeks further information from Department of Families, Seniors, Disability Services and Child Safety and/or the Department of Justice to clarify what implications withdrawal of consent has for any use of recordings made prior to the consent being withdrawn.

29) I **recommend** the Committee seeks further information from Department of Families, Seniors, Disability Services and Child Safety and/or the Department of Justice about whether consultation occurred with relevant prosecution agencies and Heads of Jurisdiction about the proposed removal of an *Oaths Act 1867* (Qld) declaration and whether they are satisfied that this will not lead to unintended consequences, such as victims of domestic and family violence having to give evidence repeatedly at different stages of the criminal justice process.

30) I **recommend** that the Department of Justice publishes the independent evaluation of the Video Recorded Evidence-in-Chief pilot which commenced 12 September 2022 as soon as possible to provide transparency to victim-survivors and their supporters who participated in the pilot program and to contribute to ongoing professional discourse about this victim-centred innovation in the criminal justice system.

Role of the Victims' Commissioner

My role is established under the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) (VCSVRBA) to promote and protect victims' rights.

Under section 6 of the VCSVRBA, a victim includes a person who suffers harm because a criminal offence (including domestic violence) is committed against the person. This includes:

- people who have a criminal offence committed against them directly
- family members or dependants of a person who have a criminal offence committed against them
- people who are harmed because they helped another person who had a criminal offence committed against them
- witnesses of crimes.¹

The VCSVRBA defines harm as including physical, psychological or emotional harm, damage to or loss of property, and financial or economic loss.² This definition recognises the range of impacts that a crime can have on an individual.

In my role I must act independently and in the public interest. I must also have particular regard to victims who may be vulnerable to harm due to certain characteristics, including women, girls and children.³

My functions include:

- to identify and review systemic issues relating to victims
- to conduct research into matters affecting victims, including particular cohorts of victims
- to consult on matters relating to victims, including a person's experience as a victim and their experience in the criminal justice system
- to deal with complaints about alleged contraventions of the Charter of Victims' Rights
- to publish information in relation to the criminal justice system
- to promote the Charter and rights of victims and to advocate on behalf of victims by making recommendations and providing advice, training, information or other help to government and non-government entities
- to provide advice to the Minister on issues affecting victims and the promotion of victims' rights, including making recommendations about improvements to government policy, practices, procedures and systems to support the rights of victims
- to monitor the implementation of recommendations made.

Through these functions, the purpose of my office is to ensure justice and victim support systems uphold the dignity and rights of victims of crime, within a culture of safety, transparency and accessibility.

The Charter of Victims' Rights

The Charter of Victims' Rights (the Charter) is set out in schedule 1 of the VCSVRBA. The Charter describes the ways in which a victim of violent crime should be treated, as far as practicable and

¹ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.

² *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 6.

³ *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) s 11.

appropriate, by government and non-government entities. It sets out the rights of an affected victim⁴ that are to be upheld by prescribed persons⁵ when dealing with the victim.

Charter of Victims' Rights complaints

In September 2024, my office began receiving complaints from victims about their rights not being upheld under the Charter. Previously, the Victim Services Coordinator, Victim Assist Queensland had responsibility for receiving Charter of Victims' Rights complaints, however the powers and functions in relation to those complaints are significantly enhanced under the VCSVRBA.

From 2 September 2024 to 30 April 2025, over 375 Queenslanders have had contact with my office, with over 570 Charter of Victims' Rights complaints, enquiries and feedback. This represents a significant increase in engagement with the Charter, especially noting that Victim Assist Queensland received less than 40 Charter complaints during 2021-2023.⁶

Review of the Charter of Victims' Rights

In February 2025, I commenced a systemic review of the Charter of Victims' Rights, pursuant to my functions under section 9(a) of the VCSVRBA. The review aims to ensure the Charter of Victims' Rights effectively promotes and protects the rights of diverse victims of crime, in line with recommendations by the Taskforce⁷ and the Legal Affairs and Safety Committee's Inquiry into support provided to victims of crime.⁸ The review will be informed by engagement with victims of crime, their advocates, family members and professionals who work with victims of crime.

I will provide a report to the Minister for Youth Justice and Victim Support and Minister for Corrective Services by December 2026.

⁴ *Affected victim* includes a person who has suffered personal harm because of a violent crime or domestic and family violence committed against them, a family member or dependant of that person or a person who dies as a result of the offence, a person who is harmed when intervening to help another person who is harmed or dies because of the offence. See s 38 and 39 of the *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld) for more detail.

⁵ *Prescribed person* includes government entities, and non-government entities that are funded by government to provide support to victims as its primary function (s 40 and Sch 2 *Victims' Commissioner and Sexual Violence Review Board Act 2024* (Qld)).

⁶ Department of Justice and the Attorney-General (Qld), *Departmental Briefing Paper #6639836 to Legal Affairs and Safety Committee, Inquiry into Support Provided for Victims of Crime* (30 March 2023) 8.

⁷ Women's Safety and Justice Taskforce, *Hear her voice: Women and Girls' Experiences Across the Criminal Justice System* (Report 2, Volume 1, 2021) 14, <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/5b70727a-cc0e-4e08-8eda-e1434e6e0814/wsjt-hear-her-voice-report-2-volume-1.pdf?ETag=e7ff438db3d61317be5d683ce05e7023>.

⁸ Legal Affairs and Safety Committee, *Inquiry into Support Provided to Victims of Crime* (Report No. 48 to 57th Parliament, 2023) vi <https://www.parliament.qld.gov.au/Work-of-the-Assembly/Tabled-Papers/docs/5723t648/5723t648-b045.pdf>.

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Introduction

As the Victims' Commissioner, I am committed to supporting change that is considered and courageous, promotes the rights of victims, and contributes to safer communities. I strongly support measures aimed at improving the safety of individuals who fear or are experiencing domestic and family violence and strengthening responses that hold people using violence accountable.

It is my vision that all victims be respected, seen and heard in a justice system that anticipates their needs. To achieve this, we must consider how victims' needs are prioritised across five domains:

1. dignity, choice and control
2. accountability and learning
3. safety and protection
4. healing and support
5. system design.

While each victim has a unique understanding of what 'justice' means to them, access to justice and equity in justice are common threads in the experiences shared by victim-survivors with my office. Access to justice relates to victims having access to support following the harm they have experienced, as well as an ability to participate in the systems they have been propelled into. Equity means that, regardless of a victim's background or identity, their unique experiences and needs will be responded to, and their rights will be upheld.

In line with my statutory functions, my focus is on protecting and promoting victims' rights. In providing this submission, I seek to draw on what I have heard in my engagement with victims, their supporters and those who work with them. I have not provided detailed responses to each of the proposed amendments in the Bill. Rather, I have provided additional information for the Committee's consideration through the lens of these domains.

Domestic and family violence in Queensland

Domestic and family violence remains the most pervasive form of crime in Queensland. Calls to the Queensland Police Service (QPS) for assistance with domestic and family violence incidents have increased by 218 per cent—from 60,000 in 2012 to over 192,000 in 2024.⁹

Breaches of domestic violence protection orders have also more than doubled. Between January 2020 and December 2024, monthly breaches rose from 3,032 to 6,414. In just the first four months of 2025, there were 23,543 breaches—an average of 5,886 each month.¹⁰

These figures highlight the critical need for strong, coordinated primary prevention efforts. This includes initiatives such as respectful relationships education across all Queensland schools, both public and private.

⁹ The Hon Dan Purdie (Minister for Police and Emergency Services) and The Hon Amanda Camm (Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence), 'Major reform for domestic and family violence puts victims ahead of perpetrators' (Joint Statement, 4 April 2025) <https://statements.qld.gov.au/statements/102332>.

¹⁰ Queensland Police Service, Queensland Crime Statistics (advanced search based on 'Breach of Domestic Violence Protection Order' accessed 26 May 2025), <https://mypolice.qld.gov.au/queensland-crime-statistics/>.

This Bill was introduced during Domestic and Family Violence Prevention Month. I acknowledge the important work being done throughout May—and year-round—by dedicated individuals and organisations working to end domestic and family violence. However, fostering long-term socio-cultural and behavioural change must be driven by clear strategic objectives, outcomes, and intent.

While I note that the former Government released *Queensland's Plan for the Primary Prevention of Violence against Women 2024–2028*,¹¹ I would welcome a response from the current Government to clarify its position—whether it intends to implement this plan or adopt an alternative approach to Queensland's primary prevention response.

Recommendation

- 1) I **recommend** that the Queensland Government provides information about its intent with respect to *Queensland's Plan for the Primary Prevention of Violence against Women 2024–28* to ensure that the drivers of violence are addressed, noting the consultation that was undertaken with prevention experts, representatives of vulnerable cohorts, victim-survivors and service providers.

Police Protection Directions

I respect the important work undertaken by the Queensland Police Service (QPS) and recognise the serious challenges they face in terms of the increasing volume of domestic and family violence reports and the health and wellbeing of police officers.

I previously commented on proposals by the Queensland Police Union (QPU) with respect to Police Protection Directions (PPDs). In relation to those proposals, I noted:

... my advice to government and the QPU is that preventing, intervening in, and responding to domestic and family violence is inherently complex and requires evidence-based, innovative solutions that prioritise the safety and needs of victims and the broader community.¹²

Reflecting this advice, I am deeply concerned that the first rationale presented for these amendments, 'to improve efficiencies for police responding to DFV',¹³ is not supported by data, evidence or modelling. Similarly, no evidence has been presented to suggest that PPDs will increase perpetrator accountability.

I note that the main objects of the *Domestic and Family Violence Protection Act 2012* (Qld) (DFVP Act) are:

- (a) to maximise the safety, protection and wellbeing of people who fear or experience domestic violence, and to minimise disruption to their lives; and
- (b) to prevent or reduce domestic violence and the exposure of children to domestic violence; and
- (c) to ensure that people who commit domestic violence are held accountable for their actions.¹⁴

¹¹ Queensland Government, *Queensland's Plan for the Primary Prevention of Violence against Women 2024–2028* (2024) <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/5e93ad13-32a1-4444-a423-cf0bad6bc746/qld-plan-primary-prevention-violence-against-women-2024-28.pdf?ETag=acfc2622397c537fd88342a126f761ae>.

¹² Beck O'Connor (Victims' Commissioner), *Statement from the Victims' Commissioner: Response to the Queensland Police Union of Employees 'Blueprint for Action'* (Statement, 17 February 2025) https://www.victimscscommissioner.qld.gov.au/_data/assets/pdf_file/0019/821035/statement-from-the-victims-commissioner.pdf.

¹³ Explanatory Notes, Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (Qld) 1.

¹⁴ *Domestic and Family Violence Protection Act 2012* (Qld) s 3(1).

The emphasis on police operational efficiencies in this Bill's amendments appear to be inconsistent with the main object of the DFVP Act itself. This risks diminishing the critical focus on the safety, protection and wellbeing of people who fear or experience domestic and family violence, which – as the DFVP Act makes clear – should always be our paramount motivation.

The sanctity and protection of human life must never be compromised for efficiency measures.

As a result of recommendations from the *Not Now, Not Ever* report,¹⁵ the Women's Safety and Justice Taskforce (WSJT) Report¹⁶ and the report of the Commission of Inquiry (COI) into Queensland Police Service responses to domestic and family violence,¹⁷ successive governments have invested hundreds of millions of dollars into increased resources for the QPS over the last decade. I accept that during that same period, demand for services has also increased exponentially. However, it is also legitimate to ask whether the resources provided to QPS are being deployed as efficiently and effectively as possible. As Victims' Commissioner, my expectation is that these types of questions should be exhausted before legislative efficiencies are enacted that risk compromising the safety of victims in any way.

As noted above, the evidence is clear that domestic and family violence is the dominant crime crisis in Queensland. In decades gone by, much of this type of crime was treated as a private matter and simply never policed. This represents a fundamental shift in the service focus of modern policing in Queensland. I would like to see the QPS better supported to manage this shift in their business in a way that means victims' safety remains paramount.

One of this Government's first acts was to introduce and pass the *Queensland Productivity Commission Act 2025* (the QPCA). The functions of the Queensland Productivity Commission as set out in the QPCA include undertaking inquiries and research into economic and social issues, regulatory matters or legislation. I believe as a matter of urgency the Queensland Government should direct the Queensland Productivity Commission to undertake an inquiry to review the productivity performance of the Queensland Police Service, having particular regard to the increased demand for services to address domestic and family violence, the impact of the identified pain points outlined in Annexure A, and the need to ensure that victim safety remains the paramount consideration.

Recommendation

- 2) To ensure that all other options for increasing police efficiency have been exhausted before introducing the proposed PPD framework, I **recommend** that the Queensland Government urgently directs the Queensland Productivity Commission to undertake an inquiry into the productivity performance of the Queensland Police Service, having particular regard to:
 - a) the increased demand for services to address domestic and family violence (including the identified pain points outlined in Annexure A created by the Police Protection Directions [PPD] framework), and
 - b) the need to ensure that victim safety remains the paramount consideration in the Queensland Police Service response.

¹⁵ Special Taskforce on Domestic and Family Violence in Queensland, *Not Now, Not Ever: Putting an End to Domestic and Family Violence in Queensland* (2015) <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/533db62b-b2c9-43cc-a5ff-f9e1bc95c7c7/dfv-report-vol-one.pdf?ETag=c69c3ef47071a137ddbaedb49f7fe468>.

¹⁶ Women's Safety and Justice Taskforce. *Hear her voice: Women and Girls' Experiences Across the Criminal Justice System* (2021), <https://www.publications.qld.gov.au/dataset/womens-safety-and-justice-taskforce>.

¹⁷ Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence, *A Call for Change* (Report, November 2022) 50 <https://www.qpsdfvinquiry.qld.gov.au/about/assets/commission-of-inquiry-dpsdfv-report.pdf>.

Safety and protection

To be safe is to be protected from harm, risk or threat. More broadly, safety encompasses both protection from immediate dangers and precaution to prevent possible future risks. All Queenslanders have the right to be safe and to have their lives, and families, protected by the government.¹⁸ The primary purpose of introducing PPDs must be for the improved safety and protection of victims of domestic and family violence, not police efficiency.

I acknowledge the serious challenges faced by the QPS in responding to the increasing volume of reports of domestic and family violence. The work of police in responding to domestic and family violence is demanding, complex and not infrequently, dangerous.

I hold considerable concerns that the proposed PPD framework does not fully recognise the complexity of the decision-making required, the time that will be necessary to make informed, considered decisions, and the impact of adverse consequences for victim-survivors, including children, should the wrong decision be made.

I am also concerned that the proposed PPD framework could reinforce an incident-based approach to policing¹ and therefore risk undermining a range of efforts, including legislative reform, directed at moving towards a response that recognises the patterned nature of domestic and family violence.

I note that victims expressed their frustration to the WSJT about their experiences of violence being assessed as separate incidents rather than patterned behaviour: 'Victims said they felt confused, angry, and let down when the police appeared uninterested in their attempts to give context to their experiences of violence and abuse.'¹⁹ With the new offence of coercive control having commenced on 26 May 2025, it is critical that we continue to listen to what victims have told us.

PPD decision-making

It is proposed that police officers only issue a PPD in certain circumstances. This is achieved by:

- prohibiting PPDs being made when certain factors are present (proposed new section 100C)
- specifying factors that must be considered by police before making a PPD (proposed new section 100E).

Currently, temporary Police Protection Notices (PPNs) are time-limited and subject to automatic court review, therefore reducing the impact of any adverse conditions. When considering whether to issue a PPD, the Bill requires officers to satisfy themselves that a PPD is appropriate in the circumstances (proposed new section 100A), noting that the decisions will impact upon the aggrieved and respondent for 12 months. To confidently make this decision, police officers will require a detailed understanding of the circumstances, including any history of domestic violence and coercive control, and to have undertaken an assessment of risk. It will be important that police do not limit their considerations to an incident-based perspective, but consider the relationship as a whole.

The Bill provides (proposed new section 100E) a range of factors that a police officer must consider before issuing a PPD, such as whether the additional powers of a court may be necessary or desirable to protect the aggrieved from further domestic violence, and past convictions of either party for domestic violence.²⁰ This is in addition to the factors to be considered in proposed new section

¹⁸ Queensland Human Rights Commission, *A Plain Language Guide to Your Human Rights* (1 May 2020) <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/9ff883e6-afa9-4934-a153-7c9d42d4926d/hr-plain-lang-guide-english.pdf?ETag=73135147a50e8cfa491def577efece11>.

¹⁹ Women's Safety and Justice Taskforce. *Hear her voice: Women and Girls' Experiences Across the Criminal Justice System* (Report 1, Volume 2, 2021) 171, <https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/6597bfa7-6529-4c56-9114-2e7639682f16/wsyt-hear-her-voice-report-1-volume-2.pdf?ETag=9e5c98869854b0ce9bb4fd27f4779408>.

²⁰ Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (Qld) cl 19.

100B(2) which includes considering the views of the aggrieved.²¹ While I appreciate there are proposals to ensure police are appropriately trained in any amendments, the complexity of such decisions are ordinarily dealt with by a court, and decision-making is supported by material put forward by the parties (and often, legal representatives).

It is proposed by section 100C that police officers must not issue a PPD where particular exclusions apply. One of the exclusions is where the respondent has used, or threatened to use, an offensive weapon or instrument to commit the domestic violence. The Explanatory Notes state that this recognises that a perpetrator's access to, or use of weapons, is a lethality indicator.²² However, this is but one of a known number of lethality risk indicators. Other indicators include threats to kill, actual or pending separation, coercive control, pregnancy, non-fatal strangulation, stalking and intimate partner sexual violence. Most of these other indicators are reflected in the QPS's domestic and family violence risk assessment tool.²³ The policy position with regard to this exclusion in the absence of other exclusions, is therefore unclear. I suggest the Committee considers clarifying the policy position and considering what further exclusions may be warranted in relation to other lethality factors.

Recommendations

3) I recommend that:

- a) the Committee seeks clarification from the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence about the policy position in relation to the circumstances when a police officer **must not** issue a direction (new section 100C);
- b) clause 19 of the Bill be amended to ensure victims who are at high risk of lethality are better protected, by recognising other evidence-based lethality indicators as circumstances when a police officer **must not** issue a direction (new section 100C), including:
 - x. domestic and family violence incidents have increased in frequency
 - xi. if a female aggrieved is pregnant
 - xii. the respondent and the aggrieved have recently separated or are separating
 - xiii. the domestic and family violence has become more serious
 - xiv. the respondent has committed sexual violence against the aggrieved
 - xv. there has been a significant change in circumstances
 - xvi. the respondent has attempted to strangle or suffocate the aggrieved
 - xvii. the respondent has made threats to kill towards the aggrieved, the aggrieved's children, or children in the care of the aggrieved
 - xviii. the respondent has committed acts of coercive control towards the aggrieved
- c) the Queensland Police Service immediately review their protective assessment framework to ensure that it is reflective of current understandings of domestic and family violence risk factors, including coercive control, to ensure police effectively assess a victim-survivor's risk.

Currently a Domestic Violence Order (DVO) made by a court remains in force for five years, unless the court determines that a different period is desirable.²⁴ The court must provide reasons for making a DVO with a duration of less than five years.²⁵ This reform was introduced in Queensland in 2016 because it was determined that this longer period was generally required for victims' safety. This Bill's

²¹ (n 20) cl 19.

²² (n 13) 6.

²³ Queensland Police Service (QPS), *Operational Procedures Manual* (Issue 105.1, Effective 1 May 2025) 818.

²⁴ (n 14) s 97(1).

²⁵ (n 14) s 97(2)(b).

Explanatory Notes provide no rationale for the selection of 12 months as the length of protection provided under the PPD framework, or whether consultation was undertaken with victim-survivors about this reduction in the period of protection.

The principle of paramount importance to a court making a decision about the length of the order must be that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount.²⁶ In considering the proposed amendments, the Committee should consider what protection is available to the victim upon the expiry of the PPD after 12 months, noting that a subsequent PPD cannot be issued.²⁷ I ask the Committee to consider whether the necessity for a court application to extend the protection will merely be moved 12 months into the future, and whether it is appropriate for the onus to be placed on the victim to apply to the court to obtain this protection. I do not believe this will provide police with an efficiency and, more importantly, I do not think it provides victims with an appropriate level of protection, while also shifting the burden to victim-survivors to make an application to protect themselves.

Recommendations

- 4) I **recommend** that clause 19 of the Bill be amended by:
 - a) amending proposed new section 100Z(1)(a) (Application for review) to state that the Queensland Police Service is a person who may apply to a Magistrate for a Court review, and
 - b) amending proposed new section 100Z (Application for review) to require the Queensland Police Service to seek a Court review of a PPD 10 months after the PPD commences to determine whether a Domestic Violence Order (DVO) is necessary beyond the expiry of a PPD for the victim-survivor's safety and protection.
- 5) I **recommend** that the Committee seeks clarification from the Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence and the Department of Families, Seniors, Disability Services and Child Safety about:
 - a) the evidence that was relied on to arrive at the 12-month protection period provided for PPDs, and
 - b) the results of consultation with victim-survivors about how the 12-month protection period met their needs with respect to safety and protection.

Ouster and no-contact conditions

I note the proposal that police officers are able to include ouster and non-contact conditions on a PPD, prohibiting the respondent from contacting or approaching the aggrieved, or entering a stated premises or approaching within a stated distance of the premises. While this is consistent with conditions that can currently be included on a PPN, the duration of the conditions in a PPD is considerably longer than in a PPN. This necessitates further scrutiny by police of the appropriateness of these conditions for the protection of the aggrieved, noting the potential impact of these conditions on any children.

While I note that inclusion of these conditions is proposed to be subject to approval by a Senior Sergeant, I question whether sufficient information about the circumstances of the aggrieved and respondent will be available to the Senior Sergeant to ensure the appropriateness of the conditions. It

²⁶ (n 14) s 97(3).

²⁷ (n 20) cl 19.

is my view that a Senior Sergeant within the QPS Domestic, Family Violence and Vulnerable Persons Command would provide specialist domestic and family violence knowledge and expertise to frontline officers to assess the appropriateness of such conditions and should be a requirement for the making of ouster or non-contact conditions.

Recommendation

6) I **recommend** that clause 19 of the Bill be amended by amending proposed new section 100H(3)(d) to:

the supervising police officer who approves, under section 100K, the issuing of the direction including the condition is ...

(ii) for an ouster condition or no-contact condition—of at least the rank of senior sergeant *who is serving in the QPS Domestic, Family Violence and Vulnerable Persons Command.*

I know from my interactions with victim-survivors that, while ouster conditions may be welcomed in principle, the likelihood of this condition being breached is exacerbated where the respondent has a lack of accommodation options. This puts the safety of victims at risk. There is a need to consider what accommodation support may be required to increase the likelihood of respondents complying with conditions and thereby preserving the safety of victims. Beyond this, opportunities to support improved compliance with orders is explored below.

Misidentification

Court involvement provides critical oversight to reducing the risk of misidentification and enables the views of victim-survivors to be explored beyond the initial event. While PPDs may reduce the number of proceedings in court (noting that they are still capable of being contested in court), relieving the demand on frontline police should not come at the cost of increased risks of misidentification, losing transparency and due process, and limiting the ability of victim-survivors to be engaged in the process.

I cannot understate the significance of the consequences of misidentification for a victim. The Explanatory Notes rightfully recognise:

The consequences of misidentification can be severe and potentially fatal. 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.²⁸

My interaction with victims also highlights the fundamental distrust of police and the criminal justice system that can result from misidentification and the profound impacts this can have on that person's willingness to ever seek help or justice again. Wrongly issuing a PPD could also impact a person's ability to obtain (or retain) a Blue Card or other vulnerable persons check, potentially impacting current or prospective employment and have implications in Family Court proceedings.

The Explanatory Notes correctly identify that misidentification of the person most in need of protection has been raised as a considerable concern in relation to the similar Police Family Violence Orders in Tasmania where there has been a doubling of applications to revoke these orders. Research undertaken in Tasmania that draws on interviews with family violence practitioners provides evidence about the substantial impacts on victims who have been misidentified by police and issued a Police

²⁸ (n 13) 6.

Family Violence Order, as well as factors that contribute to misidentification including systems abuse by the person using violence.²⁹

Research also notes that the consequences of misidentification are often amplified for Aboriginal women.³⁰ This increased risk must be specifically acknowledged and managed. The Explanatory Notes fail to identify that Aboriginal and Torres Strait Islander women are particularly at risk of being misidentified as the respondent.³¹

Safeguards to manage misidentification

I note the safeguards proposed in the Bill that attempt to manage the risk of misidentification including preventing a police officer from issuing a PPD if the person who is most in need of protection cannot be identified or where either party is a police officer. I also note that the proposals for police review and court review of the PPD on application by the respondent provide a victim who has been wrongly identified as a respondent with avenues for the PPD to be revoked. However, in my view these measures do not go far enough to prevent misidentification in the first instance.

In the Ministers' joint media release announcing the introduction of this legislation, it is stated that 'Police Protection Directions issued to female respondents are subject to the Gender Centred Review.'³² However no information about this process has been provided in the materials supporting this Bill. The Queensland Police Service have agreed to provide me a briefing with respect to the Gender Centred Review.

Despite the absence of publicly available detail, the Gender Centred Review recognises the need for further review of PPDs made against females. It is my view that this review should be undertaken by the court, and therefore the Bill should prevent a police officer from making a PPD against a female. In these circumstances a PPN could be issued, with automatic review by the Court. This would be an appropriate response to managing significant risk in the instances where a female is identified as a respondent. It also aligns with the approach taken where a police officer is identified an aggrieved or respondent (discussed further below).

If there is insufficient support for preventing PPDs being made against females, the Gender Centred Review should be incorporated into the Bill. The Gender Centred Review process should require consultation with independent domestic and family violence specialists, which would provide expertise necessary to ensure holistic risk assessments. While this is not my preferred option to address this issue, it would provide transparency and system accountability to this important aspect of the process.

Importantly, when implementing either of the above options, consideration must be had as to whether other groups more at risk of being misidentified, such as LGBTQI+ people,³³ should be subject to a similar review.

²⁹ Engender Equality, *Misidentification of the Predominant Aggressor: Research Discussion Paper 2023* (Discussion Paper, 2023) <https://engenderequality.org.au/wp-content/uploads/2023/07/Engender-Equality-Misidentification-of-the-Predominant-Aggression-Research-Discussion-Paper-2023.pdf>.

³⁰ Australia's National Research Organisation for Women's Safety, *Accurately identifying the "person most in need of protection" in domestic and family violence law: Key findings and future directions* (Research to policy and practice, 23/2020, ANROWS, 2020) 6 <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2020/11/25063655/ANROWS-RtPP-Nancarrow-PMINOP.pdf>.

³¹ (n 30); (n 17) 90.

³² The Hon Dan Purdie (Minister for Police and Emergency Services) and The Hon Amanda Camm (Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence), 'A Fresh Start for Queensland: Landmark Domestic and Family Violence Reforms Introduced to Parliament Ahead of DFV Prevention Month' (Joint Statement, 30 April 2025) <https://statements.qld.gov.au/statements/102478>.

³³ Australia's National Research Organisation for Women's Safety (ANROWS), *Domestic and Family Violence and Intimate Partner Violence in LGBTQ Relationships – A Discussion on Strengthening Practice* (Webinar, 30 June 2020) <https://www.anrows.org.au/event/domestic-and-family-violence-and-intimate-partner-violence-in-lgbtq-relationships-a-discussion-on-strengthening-practice/>.

This proposed differential treatment of respondents on the basis of sex or other identified characteristics can be justified on the basis of the known levels of risk of misidentification.

Recommendation

- 7) I **recommend** that clause 19 of the Bill be amended to further safeguard against misidentification of the person in most need of protection by:
- a) amending proposed new section 100C (circumstances when a police officer must not issue a direction) to state that a police officer must not issue a PPD against the respondent if the respondent is female; or
 - b) *as an alternative (should recommendation 7a not be supported)*, amending Subdivision 4 (police review of direction) to require the Commissioner to review the PPD *if a police officer has issued a PPD to a female respondent*, to ensure Gender Centred Review operates as a safeguard against misidentification of the person in most need of protection. In undertaking a Gender Centred Review, the Police Commissioner must consult with domestic and family violence specialists.
 - c) in implementing this recommendation, consider whether there are any other groups that are vulnerable to misidentification that should be included.

Involvement of police officers

I support domestic and family violence matters involving police being heard by a court. As noted elsewhere in this submission, I know from my interactions with victims that it is common for domestic and family violence perpetrators to deliberately manipulate interactions with criminal justice agencies to either cast doubt on the actions of the victim-survivor or to facilitate their abuse. I note that misuse of PPDs in situations where perpetrators have a police background has been identified as an issue in Tasmania,³⁴ I welcome the inclusion of new section 100C(1)(a)(ii), which stipulates that a police officer must not issue a PPD where either the aggrieved or respondent is a police officer. It will be important to monitor implementation of this proposal to assess how this this exclusion works in practice, and consider whether it serves to disadvantage police officers who are experiencing domestic and family violence.

Applying a lens of misidentification

In light of the paucity of data, and adverse consequences caused by, misidentification, it is my view that the Bill in its entirety be considered in detail from the perspective of a person who has been misidentified — that is, from the perspective of a person who has been wrongly identified as the person using violence.

One key concern arises under proposed new section 100Y(5)(c). If a Police Protection Direction (PPD) is revoked following a review, proceedings may still be initiated or continued against the respondent for contravening the PPD before it was revoked (under section 177A). This raises the troubling possibility that someone wrongly identified could still be prosecuted even after the PPD has been overturned. The Bill must clarify the circumstances under which such proceedings would be appropriate and ensure this is reflected both in legislation and in guidance within the Queensland Police Operational Procedures Manual.

³⁴ (n 29) 8.

Recommendation

- 8) I **recommend** that the Bill be amended to clarify in what circumstances it would be appropriate to commence or continue a prosecution against a respondent for contravention of a PPD that has since been revoked, and that guidance be provided to police in the Queensland Police Operational Procedures Manual in order to protect respondents who are misidentified.

Under proposed new section 100ZB, when a court review of a PPD is sought – whether by the respondent, the aggrieved, or their representative – the police officer who issued the original PPD becomes the applicant for the resulting protection order. This is potentially problematic, especially if the review is sought due to an error or omission by that same officer. In misidentification cases, where there may already be a lack of trust in police, this process could undermine the fairness of proceedings. It reinforces the need for *both* the aggrieved and the respondent to have access to legal assistance.

Finally, proposed section 100ZD would prevent a respondent from applying for another court review of a PPD without the court's leave. This is a higher threshold than applies to Domestic Violence Orders (DVOs), where further applications can be made more readily. While the intent may be to prevent systems abuse, it's important to consider how this might disadvantage misidentified individuals—particularly those without the resources to fully engage in the review process.

Recommendation

- 9) I **recommend** that clause 19 of the Bill be amended to amend the proposed new section 100ZB(1)(b) (Police protection direction taken to be application for protection order) to state that the Queensland Police Service is the applicant of a DVO initiated by a Court review (as opposed to the police officer who issued the PPD), in order to allow for increased flexibility as to who the applicant is. This is necessary to safeguard victims who may not agree with either their identification as the respondent or aggrieved who are seeking more extensive conditions of protection in the order which have been refused by the issuing police officer.

Ongoing monitoring and release of data

Legislative safeguards must be complemented by other mechanisms including those previously identified by the COI. This includes training, more accessible guidance concerning legislative and procedural obligations, cultural change and capacity.

It is critical that there is ongoing monitoring and assessment of whether safeguards are working in practice. In making this assessment, it is important to consider those misidentified victims that do not, or are not able, seek redress from being misidentified. As acknowledged in the Explanatory Notes:

[T]here may be circumstances where a person is issued with a PPD, contravenes the PPD and is arrested without having ever been before a court. This 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.³⁵

There is no publicly available data about misidentification of the person most in need of protection by the Queensland Police Service. Given the known risks associated with misidentification, it is critical that Government immediately progresses work to share any available information about misidentification. Because misidentification can impact upon future help-seeking behaviour of a victim-

³⁵ (n 13) 17.

survivor,³⁶ it is critical that the Government respond to these serious and unresolved concerns held by stakeholders and the community, in order to foster community and victim-survivor confidence in policing and broader criminal justice responses.

Further, detailed data will need to be collected from across the service system (not just from the QPS) to inform an understanding of whether the proposed amendments, and in particular, the safeguards against misidentification are working. This data must capture demographic data so that impacts on Aboriginal and Torres Strait Islander peoples, and other demographic cohorts can be assessed. As discussed elsewhere in this submission, the independent statutory review of the legislation must ensure these issues are fully scrutinised.

The Explanatory Notes state that by reducing the operational impacts of the current DFV legislative framework on frontline police officers, 'more focus can be placed on victim-survivors'. It is not clear what this additional focus on victim-survivors entails.

Recommendations

10) I **recommend** that the Queensland Government immediately:

- a) publish any available information on Queensland Police Service misidentification of the person most in need of protection in order to foster community and victim-survivor trust and confidence in policing responses.
- b) progress work to develop a mechanism for understanding misidentification of the person most in need of protection, informed by information and data held by specialist domestic and family violence service providers (as defined in section 169C of the *Domestic and Family Violence Protection Act 2012* (Qld)) to inform the statutory review of PPDs (proposed new section 192A) and identify issues and opportunities for improvement.

Dignity, choice and control

Dignity, choice, and control are fundamental principles that respect an individual's autonomy and empower individuals to make informed decisions about their next steps. Ensuring victims are provided sufficient information and access to specialist support and legal advice is critical to being able to make informed choices and access options to support their safety and address their diverse needs.

Obtaining the views or wishes of the aggrieved

As noted above, the Bill proposes that, when deciding whether to issue a PPD, the police officer must consider (among other things), 'any views or wishes expressed by the aggrieved about whether an application for a protection order should be made'.³⁷ The Explanatory Notes state that this is to ensure the aggrieved's wishes, particularly whether they would prefer to seek a DVO, are taken into account by the police officer.³⁸ I welcome this requirement which provides victims with an opportunity to have their views heard. This requirement would be strengthened by ensuring that those views are recorded.

In order to form a view, victims will need to be provided sufficient information in an accessible and trauma-informed manner about the options available, and the implications of those options. For example, a victim would need to be provided information and assistance to understand:

³⁶ Family Violence Reform Implementation Monitor, *Monitoring Victoria's Family Violence Reforms – Accurate Identification of the Predominant Aggressor* (Report, December 2021) 14 https://www.fvrim.vic.gov.au/sites/default/files/2021-12/FVRIM%20Predominant%20Aggressor%20December%202021_0.pdf.

³⁷ (n 20) cl 19.

³⁸ (n 13) 5.

- The difference between a PPD and a DVO, including the duration of each and the conditions that can be included
- The process required to review, revoke or vary a PPD versus a DVO
- The option of a PPN providing short-term protection pending a decision in relation to a DVO.

This information is complex and may be difficult to communicate, particularly at the scene of a domestic violence incident. A person's ability to process this information and form a view would be impeded by recent traumatic events. The presence of specialist workers would assist in enabling a victim to be able to participate in decision-making, and a co-response model would support this to take place (discussed further below). Police officers must also be equipped with culturally appropriate and trauma-informed training and resources to support communication with victims of domestic violence.

The Committee should consider the practical reality of adequately informing victims about the options available, and whether the time this requires will detract from the Bill's ability to achieve its objectives.

Recommendation

11) To support transparent decision-making, I **recommend** that the Bill require that the *Police Responsibilities Code 2012* (in Schedule 9 of the *Police Power and Responsibilities Regulation 2012* (Qld)) be amended to require officers to record any views expressed by the aggrieved about the PPD under new section 100B (Police officer may issue direction) subsection (2)(d). In the alternative, the Operational Procedures Manual must be amended to require officers to record any views expressed by the aggrieved about the PPD under new section 100B(2)(d).

Accessibility of review options and legal assistance

Unlike PPNs, which are automatically reviewed by the Court, the proposed PPD framework does not have Court oversight.

The absence of automatic court oversight and removal of the opportunity to obtain specialist support before the issuance of a PPD places greater responsibility on victims to advocate for their own needs. Not all victims have the knowledge or capacity to do so.

Under the proposed PPD framework, if an aggrieved or a respondent wants the PPD to be revoked (for example, in cases of misidentification) or the condition varied, they must initiate it themselves, either through applying to the Commissioner of Police (new Subdivision 4), or to the Court (new Subdivision 5).

Victims of domestic violence face a range of barriers to accessing the legal system, and would require legal advice and assistance to access any review processes. It is likely this will increase demand on legal assistance services which are already stretched.³⁹

In consideration of these factors, it is vital that frontline officers adopt an approach informed by contemporary understanding of DFV, and ensure victim-survivors feel heard, respected, and supported. Communication with police officers should empower victim-survivors to make choices that align with their individual needs and circumstances, while providing culturally safe and accessible information.

Noting the need for trauma-informed practice in responding to domestic violence, it is important to also ensure that police have access to appropriate supports to manage vicarious trauma, including

³⁹ Women's Legal Services Australia, *Federal Pre-Budget Submission 2025-26* (Submission, 31 January 2025) <https://www.wlsa.org.au/wp-content/uploads/2025/02/WLSA-Federal-Pre-Budget-Submission-2025-26-FINAL.pdf>

compassion fatigue and burnout. Cultural change may be required so that accessing this support is normalised across the police service.⁴⁰

Recommendations

- 12) I **recommend** that the Queensland Government ensures that additional and sufficient funding is provided to organisations such as Aboriginal Family Legal Services Queensland (Maruma-li-mari), Legal Aid Queensland, Women's Legal Service Queensland, North Queensland Women's Legal Service, and Queensland Indigenous Family Violence Legal Services, to support review processes for PPDs so that victim-survivors, including misidentified victims, have access to legal advice to utilise the safeguards provided in the legislation.
- 13) I **recommend** that as part of the implementation of the amendments in this Bill that:
- a) the Department of Families, Seniors, Disability Services and Child Safety, in partnership with the Queensland Police Service and Legal Aid Queensland, provides free or at-cost information seminars and webinars throughout Queensland on the operation of PPDs to Community Legal Centres Queensland and the domestic and family violence support sector to ensure misidentified victim-survivors (including those in rural and remote locations) receive appropriate and timely referral to the legal assistance they require.
 - b) the Queensland Police Service ensures the provision of culturally appropriate and trauma-informed training and resources to officers to ensure that victim-survivors are provided the relevant information about PPDs and other options available to be able to express their views about the protection order. Such resources should be developed in consultation and partnership with subject matter experts.

Accountability and learning

Victim-survivors of domestic and family violence expect accountability from people using violence and the systems they are interacting with.

Accountability of people using violence

Victim-survivors rightfully expect that people using violence against them will face consequences for their criminal conduct. The Explanatory Notes provide little information to support the contention that PPDs will be more effective than the existing PPN and DVO framework in holding people using violence accountable.

Too often, I hear from victim-survivors that police do not act on reports of contraventions of DVOs, saying they are too trivial, or placing the burden on victim-survivors to collect evidence. When victim-survivors do report contraventions, there are not proportionate consequences for offenders who breach their DVO conditions.

More recently, data from the Queensland Sentencing Advisory Council found that the most common penalty imposed on adults for a contravention offence from 2016-17 to 2023-24 was a monetary penalty (39.6%), with one-third (31.3%) of cases sentenced to a custodial penalty.⁴¹ Notably, from

⁴⁰ Queensland Human Rights Commission, *Strengthening the Service: Independent Review of Workplace Equality in the Queensland Police Service* (Report, 2024); Independent Commission of Inquiry into Queensland Police Service Responses to Domestic and Family Violence, *A Call for Change* (Report, November 2022).

⁴¹ Queensland Sentencing Advisory Council, *Sentencing Spotlight on Contravention of a Domestic Violence Order* (May 2025) 12 https://www.sentencingcouncil.qld.gov.au/data/assets/pdf_file/0004/825412/Spotlight_on_Contravention_of_a_domestic_violence_order.pdf.

2016-17 to 2023-24, 44.8% of people sentenced for contravention of DVOs were repeat offenders.⁴² I note that the Queensland Sentencing Advisory Council is currently undertaking a review of the sentencing of domestic and family violence offences, and is due to provide a report to the Attorney-General by 27 February 2026.

I have recommended elsewhere that police, legal practitioners, specialist service system providers and judicial officers require ongoing professional development in relation to our evolving understanding of domestic and family violence, particularly the drivers of domestic and family violence and cumulative impacts of domestic and family violence and coercive control on victims and survivors.⁴³ This is of the utmost importance with the commencement of coercive control as an offence from 26 May 2025.

It is essential that breaches of DVOs are treated seriously. These are longstanding issues which were identified by both WSJT and the COI, and which have not been resolved. In response to this issue, WSJT identified the need for a Judicial Commission to increase judicial accountability. The COI identified that a Police Integrity Unit was a suitable vehicle for ensuring that complaints about police conduct were dealt with appropriately. I note that the Independent Implementation Supervisor's fourth progress report (May 2024) noted that both of these recommendations were underway,⁴⁴ however there has been no public reporting on WSJT or COI recommendations since.

Recommendations

- 14) I **recommend** the Queensland Government urgently implements recommendation 68 of the *Commission of Inquiry into Queensland Police Service responses to domestic and family violence* to establish a Police Integrity Unit as an independent and separate unit of the Crime and Corruption Commission to deal with all complaints in relation to police and to increase victim-survivors' confidence in police being held accountable for the appropriate exercise of their powers.
- 15) I **recommend** the Queensland Government establishes an independent Judicial Commission, which would be responsible for providing ongoing professional development in relation to judicial officers' contemporary understanding of domestic and family violence, including how systems abuse and coercive control over extended periods of time may influence behaviours and actions.
- 16) I **recommend** that the Queensland Government, consistent with Commission of Inquiry (Recommendation 77) and Women's Safety and Justice Taskforce (Report 1, Recommendation 89 and Report 2, Recommendation 188), continues to report publicly on the implementation of recommendations arising out of the Commission of Inquiry and Women's Safety and Justice Taskforce so that victim-survivors have transparency and understanding about the implementation status of previous recommendations they have been consulted on before further reforms are implemented.

Another important aspect of perpetrator accountability is visibility. For sentencing purposes such as denunciation and general deterrence to have an effect, the community must be aware of the consequences. Sentencing remarks are also an important public record which form part of a victim-survivor's experience with the criminal justice process, as 'victims often perceive that the length of a sentence reflects the way the court viewed the seriousness of the crime and the impact of the criminal

⁴² Ibid 10.

⁴³ Beck O'Connor (Victims' Commissioner), *Submission to Queensland Law Reform Commission: Review of Particular Criminal Defences* (May 2025) Recommendation 11.

⁴⁴ Office of the Independent Implementation Supervisor, *Biannual Progress Report 4* (Report, May 2024) 6, 61 https://www.publications.qld.gov.au/ckan-publications-attachments-prod/resources/5fcde7be-383b-4f7f-86b5-8913536d31df/ois_report-4-to-upload-to-publications-portal.pdf?ETag=8951335d1404879533fb344413da7802.

act upon them'.⁴⁵ QSAC recently recognised that there are several barriers to victim-survivors attending court for a sentencing hearing, and when they do, they do not always understand or hear the reasons for the sentence outcome.⁴⁶ QSAC ultimately recommended improvements to how District and Supreme Court sentencing remarks are provided to victim-survivors of rape (and possibly sexual assault).⁴⁷

Pursuant to the *Recording of Evidence Regulation 2018*, victims of personal offences who are the subject of a criminal proceeding in the Supreme Court or the District Court are entitled to one free copy of an existing transcription or an audio recording of a proceeding. There is no provision for victims of personal offences whose matters have been dealt with in the Magistrates Court to obtain free recordings. While the Supreme Court Library publishes Supreme and District Court sentencing remarks, it does not publish Magistrates Court sentencing remarks. This means that few sentencing remarks dealing with contravention offences are published.

Improved accessibility to sentencing remarks would assist victim-survivors in understanding how persons using violence have been held accountable. Further, improved access to sentencing remarks by the media, for example, will also provide greater judicial accountability and may improve community awareness.⁴⁸

Recommendations

- 17) I **recommend** that regulation 9 of the *Recording of Evidence Regulation 2018* (Qld) be amended to allow a victim of a personal offence whose proceedings were finalised in the Magistrates Court to be entitled to one free copy of a record of a proceeding to ensure that all victim-survivors, regardless of which jurisdiction their matter is finalised in, can receive sentencing remarks. This may also encourage and facilitate improved media reporting and increase judicial accountability for sentencing for contraventions of domestic and family violence orders.
- 18) Noting the existing publication scheme with respect to the Supreme and District Court sentencing remarks, I **recommend** that the Attorney-General and Minister for Justice and Minister for Integrity explores options with the Chief Magistrate of Queensland to facilitate the increased timely publication of Magistrates Court of Queensland sentencing remarks to enhance judicial accountability, and the visibility and awareness of sentencing outcomes for victim-survivors and the community.

Administrative police reviews of Police Protection Directions

The Bill includes new provisions (Part 4 Div 1A Subdiv 4) for administrative police review of a PPD, including an internal police-initiated review mechanism (new section 100T) and a review process where the respondent, the aggrieved, an authorised person for the aggrieved or a named person can apply to the Commissioner for a review of the PPD (new section 100U).

⁴⁵ Queensland Sentencing Advisory Council, *Sentencing of Sexual Assault and Rape: The Ripple Effect* (Final Report, December 2025) 520 https://www.sentencingcouncil.qld.gov.au/_data/assets/pdf_file/0009/818604/Sentencing-of-Sexual-Assault-and-Rape-Final-Report.pdf.

⁴⁶ Ibid 520.

⁴⁷ Ibid Recommendation 15.

⁴⁸ Kate Warner, Julia Davis and Helen Cockburn, 'The Purposes of Punishment: How Do Judges Apply a Legislative Statement of Sentencing Purposes?' (2017) 41 *Criminal Law Journal* 69, 69-85 https://www.utas.edu.au/_data/assets/pdf_file/0020/1223831/The-Purposes-of-Punishment-How-Do-Judges-Apply-a-Legislative-Statement-of-Sentencing-Purposes.pdf.

Under the proposed PPD framework, an administrative police review of a PPD will only occur when a police officer acts on circumstances that suggest that the issuance of the PPD should be reconsidered, or when an interested party initiates a review. I am concerned that there is no automatic court oversight of police decision-making in issuing a PPD, particularly considering the potential for significant ramifications such as protection, safety and custody of children and impacts on living arrangements and employment arising from ouster conditions. I am also concerned that the proposed police review puts police in the position of investigator and decision-maker, overriding procedural safeguards usually present when there are significant impacts on the lives of individuals. The lack of court involvement also makes it harder for victims to have a say in the process and for detailed consideration of the events and proposed conditions to be explored.

New section 100U provides a process for defined parties to apply for a police review within 28 days, or within a longer period agreed to by the Police Commissioner. No rationale has been provided for this timeframe and I am not convinced that 28 days is sufficient for many parties, in the context of domestic and family violence, to be able to access requisite resources or support to initiate a review. For example, the current demand on domestic and family violence services and legal services suggests that it will be extremely difficult for victim-survivors to access the support necessary for them to engage in such a review. I note that the Police Commissioner may extend this timeframe but in the absence of clear criteria for such an extension, this provision risks being applied inequitably.

Given the policy intent of these amendments is so strongly focused on achieving police efficiencies, I am concerned that police officers may be reluctant to utilise the mechanism provided in new section 100T, while the mechanisms in section 100U shift the burden of review to victim-survivors themselves.

Recommendations

19) I **recommend** that clause 19 of the Bill be amended to remove the prescribed period in which a person may apply to the Police Commissioner for a review pursuant to proposed new section 100U (Starting review of application) to provide greater flexibility to victim-survivors to seek a review of the PPD.

20) I **recommend** that clause 19 of the Bill be amended by amending proposed new section 100N (Form of direction) to state that:

A police protection direction issued by a police officer must also state how to seek a Police review or Court review in plain language, and include information about how to access legal or support services to seek such a review.

Court reviews of Police Protection Directions

The Bill includes new provisions (Part 4 Div 1A Subdiv 5) establishing an independent process for court review. Oversight by the Magistrates Court provides an appropriate level of scrutiny and accountability for the issuance of PPDs, however I am concerned – as for administrative police reviews – that the mechanisms in section 100Z again shift the burden to victim-survivors to initiate a Court review. This is because it requires an aggrieved to initiate the application.

I also note that the initiation of a Court review results in an application for a DVO being made (section 100ZB). I have noted above the potential impacts on persons who have been misidentified with this framework.

Recommendation

21) I **recommend** that the Queensland Police Service in collaboration with the Department of Families, Seniors, Disability Services and Child Safety and the Department of Justice, in implementing proposed new section 100Z (application for Court review), ensures the approved forms are in plain language, are easy to understand and provide information about support services that a party can access to assist in making the application.

Police Protection Directions Register

New section 189C requires the Police Commissioner to keep a register of PPDs 'in a form that the commissioner considers appropriate.'

The Explanatory Notes state that 'Access to information regarding PPDs beyond the parties, will be governed under existing information sharing provisions in Part 5A of the DFVP Act.'⁴⁹ While I appreciate that Part 5A of the DFVP Act provides important safeguards, designed to enable particular entities to share information while also protecting the confidentiality of the information, I am concerned that placing the PPD register within this framework will impede scrutiny of these processes. This may be overcome by publishing a de-identified version of the PPD register to enable independent monitoring of PPD implementation, which will also assist in fostering confidence and trust in policing responses.

Recommendation

22) I **recommend** that clause 37 of the Bill be amended by amending proposed new section 189C (Police protections directions register) to provide that aggregated deidentified information contained in the Police Protections Directions Register be published on the Queensland Police Service website every six months to foster transparency and accountability and improve community confidence in police decision-making.

Independent Statutory Review

Reviews provide a critical opportunity to interrogate data and determine whether new provisions are operating as intended. I therefore welcome the insertion of new section 192A, requiring the Minister to ensure the operation of the PPD provisions are reviewed two years after their commencement, and that the review be tabled in the Legislative Assembly. I believe this provision can be further strengthened by incorporating consultation with affected stakeholders, ensuring it is undertaken by an independent and appropriately qualified person, and clarifying the tabling requirement.

I have previously indicated my support for the establishment of an Independent Police Integrity Unit, as recommended by the 2022 COI (Recommendation 68). Such a body may be able to examine the operation of the PPD framework proposed in this Bill to identify any unintended consequences and, where necessary, investigate any allegations of misconduct by QPS officers. I note similar bodies interstate such as the New South Wales Law Enforcement Conduct Commission frequently undertake such functions when new police powers are introduced. Increased police accountability will positively contribute to improved public confidence in the criminal justice system.

⁴⁹ (n 13) 11.

Recommendations

23) I **recommend** that clause 38 of the Bill be amended to provide that the review of Police Protection Directions (proposed new section 192A):

- f) includes an assessment of how PPDs interact with Police Protection Notices (PPNs) and DVOs and whether gaps in safety, protection and wellbeing of people who fear or experience domestic and family violence emerge following the expiry of PPDs after 12 months,
- g) specifically consider the impact of the PPD framework on Aboriginal and Torres Strait Islander peoples,
- h) be undertaken in consultation with diverse stakeholders, including victim-survivors of domestic and family violence and services supporting them,
- i) be carried out by an independent and appropriately qualified person (such as the Police Integrity Unit)
- j) that the report on the outcome of the review be tabled by the Minister in the Legislative Assembly within 14 sitting days after receiving the report.

Healing and support

Healing from trauma is a deeply personal journey, with each victim-survivor of domestic and family violence having unique needs shaped by their individual experiences and the nature of the harm they've survived.

Many victim-survivors I have spoken to have expressed feelings of isolation and confusion when navigating the criminal justice system. Some have described these encounters as retraumatising, perpetuating the powerlessness they experienced with their abuse.

Support services play a vital role in ensuring that care is not only tailored and responsive, but also accessible, empowering, and grounded in an understanding of victims' rights. This is especially important for victim-survivors of domestic and family violence, who face unique barriers in seeking support.

Timely referrals to support services

There is an ongoing and continued need for timely referrals to support services, to provide appropriate advice and information to victim-survivors, to allow informed decision-making. Through the Charter of Victims' Rights, victims of violent crime (including domestic and family violence) have the right to be informed, at the earliest practicable opportunity, about services and remedies available to them.

Surveys undertaken during the COI reported that only 44.25 per cent of victim-survivors reported being referred to support services by police – over half of these survey respondents reported that referrals occurred infrequently (56.3 per cent).⁵⁰

The COI heard many examples of police failing to engage with available external specialist support services. Community organisations identified several problems with police engagement with external services including a lack of awareness of, and respect for, the domestic and family violence support sector, insufficient information provided in referrals by police and a lack of response to requests for additional information from services (including about potential risks to children).⁵¹

⁵⁰ (n 17) 50.

⁵¹ (n 17) 60.

We know from interactions with victims through my office that victims continue to have trouble navigating support services and are faced with long wait times and delays, including for counselling and financial assistance.

I am concerned that PPDs will not address the well-documented issues surrounding the availability and accessibility of support services. Without a comprehensive and adequately resourced support system—including legal assistance, crisis accommodation and culturally appropriate care—the safety, protection, healing and long-term recovery of victim-survivors are seriously undermined.

Collaborative partnerships

Preventing, intervening in and responding to domestic and family violence is inherently complex and cannot be achieved through isolated or incident-based approaches. It requires a coordinated, evidence-based approach that centres the voices and needs of victim-survivors and is grounded in genuine, sustained collaboration among police, DFV specialist services and community-based organisations, as recommended by the COI⁵² and the Women's Safety Justice Taskforce⁵³.

Positive outcomes have been achieved through coordinated, collaborative response to DFV, including but not limited to, improved reporting, communication, information sharing and support, and enhanced police legitimacy.⁵⁴ Additionally, developing stronger relationships between police and domestic and family violence support services leads to a better understanding of risk, as well as improved decision-making, safety planning for victim-survivors and perpetrator accountability. First Nations communities have shared with me the importance of community-led models to respond to DFV.

I have heard first-hand the difference that collaborative partnerships can make to victim-survivors' experiences of reporting to police, police understanding of the domestic and family violence they have experienced, and the support that victim-survivors can have access to through such partnerships.

Having regard to the concerns raised previously by WSJT and COI and noting the limited information available about ongoing implementation of recommendations made by those reports (as observed in recommendation 16 of this submission), it is critical that the status of the implementation of embedded workers and co-responses models be reported on as a matter of urgency.

Recommendation

24) I **recommend** that the Queensland Police Service and the Department of Families, Seniors, Disability Services and Child Safety urgently:

- d) report on the implementation of embedded workers and co-response models,
- e) publish any available evaluations of these models,
- f) if evaluations have not yet been completed, undertake independent evaluation of these models.

System design

I am concerned about the complexity of the proposed PPD framework. I regularly hear from victims of crime about the difficulties they experience navigating unfamiliar criminal justice systems, particularly with respect to their dealings with police. Reflecting this feedback, this Bill should provide a focus on

⁵² (n 17) 14,18.

⁵³ Women's Safety and Justice Taskforce, *Hear Her Voice – Report One – Addressing Coercive Control and Domestic and Family Violence in Queensland* (Report 1, Volume 1, 2021) <https://www.publications.qld.gov.au/dataset/womens-safety-and-justice-taskforce/resource/39caeea1-77f5-4317-9179-6a18b01762b1>.

⁵⁴ (n 17) 60.

simplifying systems and improving accessibility for individuals who fear or are experiencing domestic and family violence. Instead, this Bill introduces new levels of complexity of protection orders with overlapping and sometimes conflicting purposes – PPNs, PPDs and DVOs – for police to implement, and victim-survivors to understand.

I envisage that several elements of the proposed PPD appeal framework will be confusing to many victim-survivors. For example:

- the ability to apply for a Court review at any time a PPD is in force, even if a police review is already on foot
- the ability to apply for a Court review whether or not there has been an application for a police review
- the Court review not being intended to be an appeal against the police review
- in a Court review, that the PPD is taken to be an application for a protection order.

Recommendations in this submission call for accessible resources for victim-survivors to understand these complexities (recommendation 25).

While the supporting material for the Bill makes clear that these amendments are focused on improving police efficiencies, I am concerned that the design of the PPD framework – particularly the review mechanisms – may not reduce the burden on police officers or the courts. In the absence of clear modelling, **Annexure A** to this submission seeks to illustrate the anticipated pain points within the system under the proposed amendments.

Consultation with specialist Domestic and Family Violence support services and cultural leaders

Specialist domestic and family violence services, which are funded by the government to provide enhanced support to people experiencing violence, are uniquely qualified to ensure that victim-survivors' needs are appropriately identified, responded to and anticipated. Further, cultural leaders have a deep understanding of their community and can provide information about their community's unique strengths, needs and challenges – critical knowledge necessary to developing solutions which are responsive, inclusive, and culturally safe.

It is essential that policing responses to domestic and family violence are not pursued in isolation, but instead delivered in conjunction with these other services and supports as part of a whole-of-system response. To encourage a coherent approach that brings together the civil, criminal and service provision aspects of the response to domestic and family violence and ensures that the voices of victim-survivors are reflected in any policy reform, specialist domestic and family violence services must be comprehensively consulted about the changes proposed in this Bill.

Electronic monitoring pilot for high-risk DFV

The Bill proposes amendments to establish a framework to allow courts to impose a monitoring device condition on a respondent in certain circumstances when making a DVO.

My primary concerns in relation to electronic monitoring for high-risk domestic and family violence offenders include:

- victim-survivors not being involved in decision-making in relation to electronic monitoring conditions
- the potential for electronic monitoring conditions to foster a false sense of security and safety for victim-survivors
- Magistrates failing to consider breaches evidenced by electronic monitoring conditions seriously, therefore failing to hold perpetrators accountable.

Dignity, choice and control

Research undertaken by ANROWS highlighted the potential for electronic monitoring conditions to increase the risk to victim-survivors.⁵⁵ Consequently, ANROWS highlighted the need for victim consultation to occur prior to electronic monitoring activation for an offender, to ensure that victims' voices are heard in understanding risks and can take this into account in the course of safety planning.⁵⁶

Further, this consultation should occur in collaboration with skilled specialist domestic and family violence staff. This may provide assurance to both the victim-survivor and the Court regarding the risks involved in any electronic monitoring condition and ensure that the pervasive nature of coercive control is fully understood and recognised.

Safety and protection

In relation to the potential for electronic monitoring conditions to contribute to a false sense of safety, previous evaluations of electronic monitoring have highlighted that 'while GPS makes it easier to prosecute crimes, it cannot physically prevent them', that GPS 'is limited in preventing physical harm', and there is 'not real time response capabilities for all breaches'.⁵⁷ For these reasons, it is critical that the Government and the justice system actively inform victim-survivors and the community of the capabilities and limitations of electronic monitoring. Furthermore, the justice system must not perceive electronic monitoring to be a replacement for a victim-survivor's comprehensive safety planning, developed with a skilled professional.

I also note that one of the rationales for this Bill is to address police inefficiencies in light of a growing demand. I note the risk of implementing electronic monitoring in the absence of an appropriate level of resources to monitor and respond to electronic monitoring alerts. A failure to respond in a timely manner will have a deleterious impact on victim-survivors' trust and confidence in electronic monitoring conditions, and in police more broadly.

⁵⁵ Heather Nancarrow and Tanya Modini (Australia's National Research Organisation for Women's Safety (ANROWS)), *Electronic Monitoring in the Context of Domestic and Family Violence: Report for the Queensland Department of Justice and Attorney-General* (Research Report, 2018) 48 <https://anrows-2019.s3.ap-southeast-2.amazonaws.com/wp-content/uploads/2019/10/17114052/anrows-electronic-monitoring.ANROWS.pdf>.

⁵⁶ Ibid 67.

⁵⁷ Ibid 54.

Accountability and learning

I have mentioned previously the importance of Magistrates imposing proportionate penalties with respect to contravention offences (as observed in recommendations 17 and 18 above). Research undertaken by ANROWS identified that ‘without the current criminal justice system working effectively to support swift consequences for DFV offenders, EM [electronic monitoring] would not reduce risk for victims/survivors’.⁵⁸ Participants in the ANROWS research commented on the effectiveness of electronic monitoring being impacted by inconsistent follow through with DFV incidents and breaches and the perception that offenders ‘get away with it’ even when they do proceed to court.⁵⁹ This further highlights the imperative for the continued implementation of recommendations made by the COI.

Recommendations

25) I **recommend** that clause 15 of the Bill be amended so that proposed new section 66B (court may impose monitoring device condition) requires a court imposing a monitoring device to be satisfied that the aggrieved has access to appropriate and accessible resources, and professional safety planning advice to help them understand the limitations of the monitoring device before making the order.

⁵⁸ Ibid 59.

⁵⁹ Ibid 59.

Video-recorded evidence-in-chief (VREC)

The use of video-recorded statements as evidence in court proceedings has the potential to improve domestic and family violence victim-survivors' experience of the justice system. It may reduce the number of times that the victim needs to recount their experience and may capture more of the context and emotion present at the scene. The proposed expansion of the use of video-recorded evidence-in-chief (VREC) and the clarification that it can be used for proceedings under the *Domestic and Family Violence Protection Act 2012* will enable more victims to access these potential benefits.

There are, however, a range of risks in relation to VREC that need to be carefully managed to ensure the dignity and rights of victims are upheld. I am concerned that a number of the proposals remove important safeguards.

Accountability and learning

The Bill proposes to omit section 103E(1)(b) of the *Evidence Act 1977* which requires a VREC statement to be taken by a 'trained police officer'.⁶⁰ Currently, a 'trained police officer' is defined in section 103E(4) as 'a police officer who has successfully completed a domestic and family violence training course, approved by the Police Commissioner, for the purpose of taking recorded statements.' Section 104(2) states that failure to comply with sub-section 103(1)(b) does not prevent the evidence being taken or recorded, or of admissibility of this evidence.

Training is significant both to the taking of evidence from a person likely to have experienced or be experiencing trauma, but also important to obtaining informed consent. This is particularly significant where there are vulnerabilities present including people for whom English is not their first language, people with communication difficulties or people with intellectual disability. Evaluation of similar schemes in New South Wales and Victoria has noted that training plays an important role in equipping operational police to implement these legislative provisions safely and in a manner that benefits victims and criminal justice processes.

Both the Women's Safety and Justice Taskforce and the COI made findings and recommendations relating to the need for improved training to equip police with the ability to improve their interactions with victims of domestic and family violence and to identify vulnerable persons, including those with cognitive or intellectual disability.⁶¹

Similarly, the COI also found a need for improved training for police in the taking of video recorded statements (section 93A statements), particularly in relation to interviewing vulnerable complainants.⁶² This is despite these statements already being undertaken by specially trained officers. This suggests that there is a need for ongoing and updated training for all officers taking statements, including VREC.

Recommendations

26) I **recommend** that clause 45 of the Bill be amended so that the requirement that video-recorded evidence-in-chief be taken by a police officer who has undertaken specialist training in taking evidence from victims of domestic and family violence be retained (section 103E(1)(b) (Requirements for making recorded statements)). This training should include a specific focus on communicating with, obtaining consent and taking statements from vulnerable witnesses.

⁶⁰ (n 20) cl 45(1).

⁶¹ (n 17) rec 32.

⁶² (n 17) rec 36.

Dignity, choice and control

Obtaining consent

I do not support the proposal to amend section 103F to clarify that informed consent can be obtained *either* before or at the commencement of the statement being taken, where currently both is required.

Victims need a full understanding of the implications of making a recorded statement prior to the recording commencing, and for that information to be reiterated at the commencement of the recording. This is particularly important where there is a delay between consent being provided and the making of the recording, which would be facilitated by the proposed removal of the ‘as soon as practicable requirement’ (clause 44). While I support this proposal, which provides additional flexibility to meet the needs of victim-survivors and enable victim-survivors who delay their reporting of domestic violence to be provided with the opportunity to have access to VREC, it is important that informed consent is obtained throughout this process and that the removal of the requirement does not result in undue delays in taking statements.

There is also a need to consider the ability of complainants to withdraw their consent at different points. The Bill proposes amendments that the complainant may withdraw their consent at any time while the statement is being taken.⁶³ It is not clear what implications this may have for the use of any recordings made prior to the withdrawal of consent. This issue requires clarification.

Multiple recorded statements

I support the proposal to amend section 103D of the *Evidence Act* to include a provision that explicitly states that the complainant’s evidence-in-chief may be comprised of more than one video recorded statement. The proposal reflects the understanding that complainants may progressively disclose aspects of domestic and family violence and may require multiple opportunities to provide a full account in a trauma-informed manner. It is also important to support police officers to take statements relating to a pattern and history of abuse, rather than focusing on a particular single incident alone.

Accessibility of language

I support the proposal to simplify the language used in section 103F(2)(c)(i) from the complainant being required to ‘attest to the truthfulness of the contents of the recorded statement in the court’ to the complainant, if required by a court, to ‘attest to, or otherwise confirm, the truthfulness of the contents of the transcript or the recorded statement’. It is important that language used to describe the criminal justice system is as accessible as possible. There may be opportunities to make this language even more accessible and I encourage the Committee to consider the views of DfV stakeholders in this regard.

As noted above, it is important that police are trained in implementing this provision in a way that anticipates and responds to the needs of victims who may need further explanation or support to understand the meaning of the information provided. The Queensland Police Service Operational Procedures Manual must reflect this.

I encourage consideration of other measures that would support police officers to effectively communicate with victims when obtaining informed consent and to build trust when taking statements. This may include the provision of information (including recorded information) in different languages and other tools to facilitate communication. I note the proposal to amend section 103E(c)⁶⁴ of the

⁶³ (n 20) cl 46.

⁶⁴ (n 20) cl 45(5).

Evidence Act to allow for either a written or oral translation, which will provide increased flexibility in the provision of independent professional translation services.

Recommendation

- 27) I **recommend** that the Bill be amended so that the requirement contained in section 103F (that consent be obtained both before, and at the commencement of the statement being taken) be retained to ensure that victims are sufficiently informed about the implications of making a statement at the commencement of the recording. This must also be supported by high quality and accessible resources available to police officers to support the taking of a video recorded evidence-in-chief statement, including printed and digital material.
- 28) I **recommend** the Committee seeks further information from Department of Families, Seniors, Disability Services and Child Safety and/or the Department of Justice to clarify what implications withdrawal of consent has for any use of recordings made prior to the consent being withdrawn.

Systems design

Oaths and affirmations

I would welcome further information about the rationale for the proposal to amend section 103E(3)(b) of the *Evidence Act* so that instead of requiring the complainant's acknowledgment or declaration under the *Oaths Act 1867* (Qld), a declaration at the end of the recorded statement by the complainant about these matters is sufficient. The Explanatory Notes do not provide information about whether this will impact upon the admissibility of VREC in different stages of the criminal justice process. I am concerned for victims of domestic and family violence that this may mean they will not receive the trauma-informed benefits of the VREC scheme and will be forced to give evidence again during the criminal justice process.

The explanatory notes to the Bill do not provide any detail about whether prosecutorial agencies including the Office of the Director of Public Prosecutions and the Police Prosecutions Corps were consulted on the VREC proposals, and specifically on this proposal. Further, I also note that the Consultation List in the explanatory notes does not refer to Heads of Jurisdictions. Consultation with these stakeholders would provide invaluable expertise necessary to understand the efficacy of this and other proposals in practice and knowing they support this proposal would provide greater assurance to victims of domestic and family violence.

Recommendation

- 29) I **recommend** the Committee seeks further information from Department of Families, Seniors, Disability Services and Child Safety and/or the Department of Justice about whether consultation occurred with relevant prosecution agencies and Heads of Jurisdiction about the proposed removal of an *Oaths Act 1867* (Qld) declaration and whether they are satisfied that this will not lead to unintended consequences, such as victims of domestic and family violence having to give evidence repeatedly at different stages of the criminal justice process.

Evaluation of the pilot

Finally, I note that the proposed amendments follow the Video Recorded Evidence-in-Chief pilot, which commenced on 12 September 2022 in Ipswich and Southport Magistrates Courts.⁶⁵ The former Government previously made reference to early evaluation findings.⁶⁶ It would be appropriate for the Government to provide information about the outcomes of any evaluation to provide context and rationale to the proposed reforms. Victim-survivors and those who supported them and participated in the pilot should be allowed to understand the evaluation and how it informed the Government's decision to proceed with these recommendations. The publishing of these types of evaluations in Australia and around the world contributes positively to policy discussions and research into the development of victim-centred innovations in the criminal justice system.

Recommendation

30) I **recommend** that the Department of Justice publishes the independent evaluation of the Video Recorded Evidence-in-Chief pilot which commenced 12 September 2022 as soon as possible to provide transparency to victim-survivors and their supporters who participated in the pilot program and to contribute to ongoing professional discourse about this victim-centred innovation in the criminal justice system.

⁶⁵ Queensland Courts, *Video Recorded Evidence-In-Chief Pilot* (Web Page, 13 October 2022) <https://www.courts.qld.gov.au/going-to-court/domestic-violence/video-recorded-evidence-in-chief-pilot>.

⁶⁶ Queensland Parliamentary Debates, Legislative Assembly, 11 June 2024, Question on Notice No. 732, <https://documents.parliament.qld.gov.au/tableoffice/questionsanswers/2024/732-2024.pdf>.

Concluding remarks

The Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 represents a significant opportunity to enhance the safety, protection and wellbeing of individuals who fear or experience domestic and family violence. However, the proposed amendments require careful consideration to ensure they foster access to, and equity in, justice.

I remain concerned about the potential unintended consequences of these reforms. Key issues include the complexity of the proposed PPD framework, risks of misidentification, the adequacy of safeguards, and the access to legal and support services for victim-survivors. Additionally, the current emphasis on police efficiencies must not overshadow the paramount need to prioritise victim safety and perpetrator accountability.

To address these concerns, I have recommended several measures, including enhanced training for police, improved transparency and accountability mechanisms, and the inclusion of independent statutory reviews. I have also called for the Government to release evaluations of existing pilots and ensure that reforms are informed by evidence, stakeholder consultation and the voices of victim-survivors.

I urge the Committee to consult widely in its inquiry into this Bill, listening closely to the voices of victim-survivors of domestic and family violence and those who support them. I ask the Committee to consider the recommendations provided in this submission to ensure that the proposed amendments achieve their intended objectives without compromising the rights and safety of those they aim to protect – victim-survivors.

Annexure A – Possible pain points under proposed amendments

Pain points under existing PPN and DVO framework	Possible pain points under proposed amendments
<p>Police report that attending DV incidents takes several hours due to paperwork required</p>	<p>Victim-survivors may feel isolated from police because of the prioritisation of efficiency and singular forms of contact under the PPD framework.</p> <p>Police are required to consider a range of legislated and other factors to assess whether it is appropriate to:</p> <ul style="list-style-type: none"> • issue a PPD and determine what conditions are required • issue a PPN and determine what conditions are required • apply for a DVO • no action (reasons required to be provided under DFVP Act).⁶⁷ <p>Police are required to seek internal approval/review for PPDs that:</p> <ul style="list-style-type: none"> • include ouster or non-contact conditions • name a female as the respondent.

⁶⁷ (n 14) s 100(4).

Pain points under existing PPN and DVO framework	Possible pain points under proposed amendments
<p>Victim-survivors have to attend Court in limited circumstances to provide evidence in support of DVO within 14 days of incident</p>	<p>Increased administrative responsibility on QPS to undertake PPD reviews – both police-initiated and on application by parties.</p> <p>Issuing police officer must initiate an internal police review of PPD if they later become aware of circumstances that may have impacted decision to issue PPD (section 100T).</p> <p>Internal police review processes will place demands on police time and resources:</p> <ul style="list-style-type: none"> • new section 100W requires the Police Commissioner to issue written notices regarding a review. The Commissioner may also seek further information from parties to assist in deciding the review. • new section 100X requires a reviewing officer to consider all relevant information available, including any submissions made or information given, and make an assessment of the circumstances that existed when the PPD was issued, including any circumstances which were not known by the issuing police officer. • new section 100Y(4) requires the reviewing officer to provide relevant parties with a written notice of the decision, stating their reasons, and information around the availability of a court review of the PPD and the possible decisions that could be made on review, and that the respondent or aggrieved may apply for a protection order.
<p>Police are required to attend court when an application for a DVO is being heard and prepare documentation relating to the application.</p>	<p>Police are required to file supporting material for DVO application when Court review is initiated under section 100ZA.</p> <p>Police are required to attend at court when parties initiate application for Court review of PPD (taken to be an application for a DVO).</p>
<p>Parties can seek variations to the DVO through the Court.</p>	<p>Parties can seek a review within 28 days from PPD being issued (section 100U(4)) which may result in a varied PPD.</p> <p>Variations otherwise have to be sought through Court review.</p>
<p>Police are required to serve a PPN or DVO on the respondent.</p>	<p>Police are required to serve a PPN, PPD or DVO on the respondent.</p>

Pain points under existing PPN and DVO framework	Possible pain points under proposed amendments
	A potential consequence of PPDs is that there will be more breach proceedings, displacing the involvement of police to those proceedings rather than DVO proceedings.