



National Office



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Research Director
Health, Communities, Disability Services and
Domestic and Family Violence Prevention Committee
Parliament House
George Street
Brisbane Qld 4000

RE: *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016*

The Australian Christian Lobby (ACL) welcomes the opportunity to make a submission to the Health, Communities, Disability Services and Domestic and Family Violence Prevention Committee to assist in the committee's deliberation on the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016*.

Domestic violence is a complex issue that affects the whole of society, inflicting extensive damage on individuals, families and the broader community. It is encouraging that the QLD government is taking strong action on this serious issue of public policy concern and supporting the social good of families.

ACL supports the objectives 1,2, 4 and 5 of this bill. They are sensible and appropriate reforms.

ACL has some concerns around the approach provided by objective 3. The safety of persons at risk in domestic violence situations must be protected with appropriate measures. There are some concerns, however, with regards to the objective of requiring police to consider immediate action without due process through the courts. This approach risks undermining one of the foundations of the rule of law – that one is innocent until proven guilty. It is of utmost importance that the legal rights of both parties involved in a domestic violence situation are given respect under the law.

The Explanatory Notes to the bill explain that:

Clause 19 of the Bill expands the circumstances in which police can impose such conditions to situations where the condition is necessary or desirable to protect the aggrieved or another person as part of a PPN. Clauses 32 and 45 provide that while personal service is required for a PPN, a PPN may be enforceable if a police officer has told a respondent about the existence of the PPN and the conditions contained in the PPN. This is a potential departure from the principle that sufficient regard be given to

*the rights and liberties of individuals under section 4(2) of the Legislative Standards
Act 1992.*¹

Given the bill's departure from the principle that sufficient regard be given to the rights and liberties of the accused, ACL encourages the committee to consider what appropriate steps might be taken to either avoid the need for such an *ex parte* approach to PPN's or to provide within the legislation additional appropriate legislative measures to discourage false complaints to police.

Regards,



Wendy Francis
Queensland Director
Spokesperson for Women and Children

¹ Explanatory Notes, *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016*, p. 11.