Speech By

Hon. Amanda Camm

MEMBER FOR WHITSUNDAY

Record of Proceedings, 30 April 2025

DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

Introduction

Hon. AJ CAMM (Whitsunday—LNP) (Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence) (3.42 pm:): I present a bill for an act to amend the Domestic and Family Violence Protection Act 2012, the Evidence Act 1977, the Explosives Act 1999, the Penalties and Sentences Act 1992, the Police Powers and Responsibilities Act 2000, the Residential Tenancies and Rooming Accommodation Act 2008, the Weapons Act 1990 and the legislation mentioned in schedule 1 for particular purposes. I table the bill, the explanatory notes and a statement of compatibility with human rights. I nominate the Education, Arts and Communities Committee to consider the bill.

Tabled paper: Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 398.

Tabled paper: Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025, explanatory notes 399.

Tabled paper: Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025, statement of compatibility with human rights 400.

The Crisafulli government was elected on a platform of putting victims first. We meant what we said and we have spent the first six months in government doing just that. This legislation is the first step in ensuring victims of domestic and family violence, an increasingly insidious issue in our community, are put first. This is the first tranche of reform and it will give victims immediate protection, hold offenders to account and take steps to ease the re-traumatisation of victims during the court process.

This legislation will ensure real consequences for actions. The police protection direction, PPDs, orders will put on-the-spot constraints on domestic violence offenders and give immediate protection to victims. GPS monitoring devices will also be issued to high-risk perpetrators, protecting their victims by monitoring offenders 24/7. Expanding the video recorded evidence-in-chief trial statewide will support victim-survivors and mitigate the risk of re-traumatisation. VREC will facilitate evidence-in-chief by way of video recorded statement.

This is not an overnight decision; in the past decade we have seen offending rates and domestic violence orders, and the data demonstrates the breach of those on the rise. A change must be made, and this is the first step in what will be our government's commitment to better the protection of victims and hold perpetrators to account.

There is no denying that, in recent years, frontline domestic and family violence services, the Queensland Police Service and other first responders have been experiencing increasing significant demand for their services. The Crisafulli government is committed to ensuring frontline police responding to domestic and family violence have the tools they need to respond effectively to protect

vulnerable people. We need to ensure police have the ability to 'immediately' put protections in place for victims. We also need to ensure they have the tools and ability to prioritise and respond to high-risk perpetrators of domestic and family violence.

The Domestic and Family Violence Protection and Other Legislation Amendment Bill will enable our frontline police officers to offer immediate protection for victims and support police to respond to DFV effectively. The bill also aims to support our commitment to deliver an electronic monitoring pilot and strengthen the maintenance of the approved provider list for delivery of intervention order programs and counselling under the Domestic and Family Violence Protection Act.

This bill will also simplify, streamline and expand the video recorded evidence-in-chief framework statewide. It will clarify that a video recorded statement can be used in civil proceedings under the DFVP Act. In addition, the bill will make technical amendments to improve the maintenance of the approved provider list of DFV intervention order programs and counselling services.

Currently, police officers can issue police protection notices, which provide an aggrieved with protection until an application for a domestic violence order can be heard by a court. To support our frontline police, the bill introduces police protection directions, PPDs, as an additional tool for police officers responding to DFV. Police officers will be able to issue a PPD, which will provide an aggrieved with on-the-spot 12-month protection. PPDs will be used in certain circumstances, when a police officer considers after investigation that it is appropriate for a matter not to proceed to court. The bill also contains safeguards for the issuing of PPDs. Among other reasons, these safeguards are intended to (a) prioritise the safety of victim-survivors and (b) reduce the risk of misidentification of the person most in need of protection.

There are also circumstances where a domestic violence order made by a court will continue to be the most appropriate form of protection. A PPD will not be available in any of the following circumstances:

(a) where the respondent or aggrieved is a child;

(b) where the respondent or aggrieved is a police officer. This is to ensure DFV matters involving police are heard by a court and are not handled internally;

(c) where the respondent should be taken into custody in relation to the relevant domestic violence. This acknowledges the seriousness of the matter and ensures that a person who is taken into custody goes before a court and is not released with a PPD;

(d) where a DVO or recognised interstate order relating to the parties is in force or has previously been in force. This exclusion applies regardless of who was the respondent and who was the aggrieved. This is to ensure that parties who have a history of orders between them proceed to a court to have their relationship as a whole considered;

(e) where a PPD against the respondent is in force or has previously been in force. A PPD will also not be able to be issued if there is already a PPD in place between the same aggrieved and respondent, listing the respondent as the aggrieved and the aggrieved as the respondent—that is, a cross-direction will not be permitted;

(f) where the respondent has been convicted of a domestic violence offence within the previous two years, or a proceeding for a domestic violence offence against the respondent has started but not been finally disposed of. These safeguards recognise the significance of past domestic violence offending;

(g) where the respondent has used, or threatened to use, an offensive weapon or instrument to commit the domestic violence. This safeguard recognises that a perpetrator's access to, or use of, weapons is a lethality indictor. Use of a weapon, particularly if used in the most recent violence incident, indicates a very high-risk of lethal violence. PPDs will also revoke a person's weapons licence and require they surrender their weapons. This is consistent with the effect a DVO currently has on a weapons licence;

(h) where an application for a protection order, including via a PPN, against the respondent has been made but not finally dealt with. This will ensure that a PPD does not interfere with existing court proceedings; and

(i) where a child is a named person on a PPD and conditions other than standard conditions are needed to provide protection.

When issuing a PPD, police officers will be required to seek approval from a supervising police officer. For a PPD which includes a cool-down condition, the supervising officer must be of at least the rank of sergeant. PPDs that include an ouster or no-contact condition must be approved by a supervising officer of at least the rank of senior sergeant.

If a supervising officer considers the matter should go before a court, they can approve the issue of a police protection notice instead of a PPD.

The bill establishes two pathways for a PPD to be reviewed once it is issued—a police review and a court review. A police review may be suitable on a police officer's initiative if the police officer becomes aware of circumstances, or reasonably believes there are circumstances, that were not known or considered when the PPD was issued and reasonably believes this may have affected the decision.

The aggrieved, the respondent, an authorised person for the aggrieved and a named person may also apply for a police review of a PPD within 28 days after the notice stating the grounds for the PPD is served on the respondent. The Police Commissioner may agree a longer period for the review to be started. The reviewing officer must decide the review within 28 days after the review is requested.

The aggrieved or respondent can also, at any time during the 12 months the PPD is in force, make an application for a court to review the direction. An applicant can seek court review whether or not they have applied for a police review. The court review is not an appeal against the police review. The court will be required to consider whether a protection order is necessary or desirable at the time of review, not at the time the PPD was issued. The court may make any order available under part 3 of the DFVP Act in relation to hearing an application for a domestic violence order. The court may also make an order setting aside the PPD or decide to dismiss the application for a protection order.

It is intended that PPDs will be enforceable in other jurisdictions as part of the National Domestic Violence Order Scheme. I will work with my colleagues in other jurisdictions to support interstate recognition and ensure victim safety. The government will also undertake a statutory review of the legislation changes after two years to ensure their effectiveness.

I will now turn to the framework for electronic monitoring of high-risk domestic and family violence perpetrators as a condition of a domestic violence order, as established by the bill. The new provisions allow certain courts prescribed by regulation to impose a monitoring device condition on a respondent in certain circumstances, if satisfied the condition is necessary or desirable to protect the aggrieved from domestic violence, or a named person from associated domestic violence, or a named person who is a child from being exposed to domestic violence.

While including electronic monitoring as part of a domestic violence order in the civil context is different to existing frameworks in place for electronic monitoring as part of bail or parole, it is intended that these provisions will complement existing electronic monitoring frameworks.

When making a monitoring device condition, courts will be required to consider making an ouster condition or a condition that prohibits the respondent from approaching, or attempting to approach, the aggrieved or named. A monitoring device condition is intended to complement each of these conditions.

To enable the pilot to capture 'high-risk' perpetrators of DFV, monitoring device conditions will only be available where the court is satisfied the respondent has either been convicted of, or is charged with, a domestic violence offence or an indictable offence involving violence against another person; or there is a history of charges for domestic violence offences made against the respondent. There will be certain considerations for a court deciding whether to impose a monitoring device condition. This will include the personal circumstances of the respondent and any views or wishes expressed by the aggrieved or a named person.

We know that giving evidence in court can re-traumatise victim-survivors of domestic and family violence. To assist in minimising this trauma, the bill simplifies, streamlines and expands the framework in part 6A of the Evidence Act 1977, which allows adult complainants in domestic violence criminal proceedings to give their evidence-in-chief by way of a video recorded statement. Currently, this framework only applies in the Ipswich, Southport and Coolangatta magistrates courts. The bill expands the framework to all magistrates courts statewide to enable all victim-survivors of domestic and family violence the option of providing a recorded statement instead of a written statement, and have that recording presented to the court as their evidence-in-chief instead of oral testimony.

In response to operational issues with the current legislative framework, the bill also makes a number of amendments to simplify and streamline the process for making a recorded statement. Those amendments include simplifying the language used by a police officer to explain the process and for a complainant to declare that their statement is true. The bill also clarifies that informed consent need only be obtained once, either before or at the commencement of the recorded statement.

We know that victim-survivors of domestic and family violence may delay reporting offending to police. If a matter is immediately reported, victim-survivors may be in a heightened state of distress and require further time before providing a detailed account to police. The bill removes the requirement to obtain a recorded statement as soon as practicable after the events to which the recorded statement relates. This will allow a victim-centric approach to when a police officer may take a recorded statement.

We also know that victim-survivors may make multiple reports to police over a period of time. The bill clarifies that multiple recorded statements can be taken. The bill also removes the requirement for a police officer who has successfully completed certain training to take a recorded statement. This will provide more victim-survivors across the state the option of making a recorded statement with a police officer who has completed other suitable training. These amendments ensure that the framework is still founded on victim agency and informed consent but make it more accessible and simpler for victim-survivors and police officers.

The bill makes a number of other amendments, including that an oral or written English translation must be provided if any part of a recorded statement is in a language other than English, and providing an example of an exceptional circumstance where an audio recorded statement may be used.

Following a domestic and family violence incident, victim-survivors may be required to give evidence in criminal proceedings as well as civil proceedings under the Domestic and Family Violence Protection Act. Giving evidence in these civil proceedings can also re-traumatise victim-survivors. The bill clarifies that in a civil proceeding under the Domestic and Family Violence Protection Act, the court may have regard to a recorded statement. Admitting a recorded statement, instead of an affidavit, can also assist in minimising the requirement for victim-survivors to retell their story.

The bill strengthens the maintenance of the approved provider list. The approved provider list outlines service providers approved to provide court ordered intervention and counselling services to persons using violence. The amendments provide an ability for the chief executive to consider matters prescribed by regulation when considering the approval of a provider for an approved program or counselling. Criteria will be able to be prescribed by regulation in addition to the existing requirements for the approval of providers on the APL.

The Domestic and Family Violence Protection and Other Legislation Amendment Bill will offer better protection for victims and hold domestic violence perpetrators to account, while supporting our frontline police when they are responding to domestic and family violence. The bill will also support our government's commitment to establish an electronic monitoring pilot for high-risk domestic and family violence offenders. I commend the bill to the House.

First Reading

Hon. AJ CAMM (Whitsunday—LNP) (Minister for Families, Seniors and Disability Services and Minister for Child Safety and the Prevention of Domestic and Family Violence) (4.00 pm): I move—

That the bill be now read a first time.

Question put—That the bill be now read a first time.

Motion agreed to.

Bill read a first time.

Referral to Education, Arts and Communities Committee

Mr DEPUTY SPEAKER (Mr Krause): Order! In accordance with standing order 131, the bill is now referred to the Education, Arts and Communities Committee.