




Speech By
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MEMBER FOR TOOHEY

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DOMESTIC AND FAMILY VIOLENCE PROTECTION AND OTHER LEGISLATION AMENDMENT BILL

 **Mr RUSSO** (Toohey—ALP) (10.53 pm): I rise to speak on the Domestic and Family Violence Protection and Other Legislation Amendment Bill and to support the amendments to be moved by the shadow minister during consideration in detail. Domestic and family violence is a plague on our society. It destroys lives, tears families apart and leaves lasting trauma in its wake. The scale, severity and impact of this violence in Queensland is of a deep and ongoing concern to every member of the Queensland Labor opposition and to every Queenslanders who believes in safety, respect and justice. We in opposition are unwavering in our commitment to ending violence, but we also recognise that this work is complex. It cannot be solved with legislation alone. It requires sustained, long-term, whole-of-society change.

Ending violence fundamentally requires addressing gender inequality, challenging outdated attitudes and building a culture of respect. Laws play a critical role, but they must be informed by lived experience, grounded in evidence and always prioritise the safety and wellbeing of victim-survivors.

I acknowledge the significant reforms already delivered in recent years. These reforms have not happened in a vacuum. These reforms were shaped through extensive consultation with the domestic and family violence sector, with frontline service providers, the Queensland police and our courts. These include the commencement of coercive control laws introduced by the former Labor government, the implementation of the *Hear her voice* reports from the Women's Safety and Justice Taskforce and *A call for change: Commission of inquiry into Queensland Police Service responses to domestic and family violence*.

These reforms laid a solid foundation for a more responsive and supportive system. Any new legislation must build on this progress, not undermine it. That is why we on this side of the House approach this bill with caution. While we support reforms that improve responses to domestic and family violence, there are deep reservations about key aspects of this legislation—most notably, the introduction of police protection directions.

Police protection directions, as outlined in this bill, are 12-month, on-the-spot police issued protection orders issued by police officers without court oversight. Unlike domestic violence orders, the police directions are issued without court oversight. The bill proposes to give police the power to issue these orders directly at the scene of a domestic violence incident.

Let's be clear: I respect and support the Queensland Police Service. I acknowledge the dangerous and often distressing circumstances they face in responding to domestic violence, but new powers must be balanced with appropriate safeguards. They must enhance safety, not compromise it. We cannot risk the safety and dignity of victim-survivors in the name of expediency.

The majority of stakeholders consulted during the committee process opposed the police protection direction framework because they are an efficiency measure and do not prioritise the safety and wellbeing of victim-survivors. Their concerns were serious, consistent and evidence based. Key

amongst them was the risk of misidentification—the wrongful identification of a victim-survivor as the perpetrator.

This is not a theoretical concern. The call for change commission of inquiry identified misidentification as a systemic issue in Queensland. Despite improvements in training and policy, misidentification unfortunately still persists, especially for Aboriginal and Torres Strait Islander women, culturally and linguistically diverse women, women with disabilities and the LGBTIQ+ communities.

DVConnect, the Queensland Law Society, Women's Legal Service Queensland, QCOSS and the Victims' Commissioner have all sounded the alarm. The consequences of misidentification are severe. It can leave a victim without protection, it can criminalise them, it can expose them to further system abuse, and it can carry a lifelong stigma. QCOSS highlighted this issue. Almost half of all women killed in domestic violence related homicides have previously been misidentified by police as the respondent. That fact alone should stop us in our tracks because these are not just statistics; these are lives lost.

There is also concern that, once a police protection direction has been issued or has previously been in force, another cannot be issued naming the current aggrieved as the respondent. In simple terms, cross-directions are not permitted, even where misidentification is later identified. This risks locked-in, flawed decisions without a remedy. Further, even where a person has been convicted of a domestic violence offence within the past two years, police can still issue a new police protection direction at the same time as commencing proceedings for a new offence even if both relate to the same pattern of abuse. This loophole alone has the potential to put victim-survivors in serious danger, including the risk of death.

Critically, police protection directions bypass the courts. This removes essential oversight. Judicial oversight ensures access to legal support, it allows victim-survivors to be heard, it holds perpetrators to account through structural intervention and it enables decisions to be made with context, not just in the heat of the moment. The Queensland Law Society aptly stated—

The emphasis on police operational efficiencies in this Bill appears to be inconsistent with the main objective of the Domestic and Family Violence Protection Act 2012 itself.

The act is about safety, not speed; protection, not productivity. Alarming, the bill does not require the consent of the aggrieved person before a police protection direction is issued. While the views of the victim may be considered, there is no obligation to do so. By removing judicial oversight and consent provisions, the victim-survivor is denied a say in the outcomes that concern their safety and wellbeing. It risks retraumatising them and it undermines the very principles of trauma informed, survivor centred justice.

Police protection directions also reduce the standard period of protection from five years, as recommended in the *Not now, not ever* report, to just one year. This is not progress; this is a step backwards.