

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Explanatory Notes

FOR

Amendments to be moved during consideration in detail by Corrine McMillan MP – Shadow Minister for Child Safety, Communities and the Prevention of Domestic and Family Violence

Short title

The short title of the Bill is the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025.

Policy objectives and the reasons for them

Domestic and family violence has no place in Queensland or indeed in modern society.

Through consultation and the parliamentary committee process, concerns and risks were identified with particular elements of the bill, namely the introduction of Police Protection Directions (PPDs). The Labor Opposition is concerned PPDs have the potential to jeopardise victim survivor safety.

Through the committee process and public consultation, it was made clear that the domestic and family violence sector, held concerns that PPDs could increase the risk of misidentification and compound the serious consequences of misidentification. These consequences include the potential for victim-survivors to be left without protection, placing them at risk of further violence.

The current drafting of the bill lacks oversight on police issuing 12-month protection directions. This could result in unintended consequences, including missed opportunities for proactive offers of support services for victim-survivors, behaviour change programs for persons using violence and information sharing between entities.

The introduction of PPDs further changes the way victim-survivors are counted. It is anticipated that by introducing a new 12-month protection direction, DVOs and breaches of DVOs reported by Queensland Courts will reduce, irrespective of victim-survivor numbers,

given a new order can be made. Without similar information and statistics in relation to PPDs being released, Queenslanders may be left with a false impression regarding domestic and family violence in Queensland.

PPDs include conditions beyond standard conditions, without requiring consent of the victim survivor. The removal of the consent of the victim, removes agency for victims and as multiple expert stakeholders raised, is not a positive step forward.

The Queensland Labor Opposition values and supports the hardworking and dedicated Queensland Police Service officers and staff. Regardless of where they work, Queensland Police Service officers are on the frontline each and every day protecting Queenslanders and ensuring community safety is maintained.

While the Queensland Labor Opposition understands the need to ensure police work is as efficient as possible, this also needs to be balanced with community safety and ensuring that any legislative changes do not have a negative impact on Queenslanders.

It should be noted that the PPD proposal was being investigated and discussed with numerous stakeholders by the former government, with the potential for it to be progressed as a trial with a number of safeguards in place.

As such, to strengthen and safeguard the proposed PPD framework, based on information that was obtained through the parliamentary committee process and from experts in the field, the following public policy amendments are put forward:

- safeguard against misidentification of the person most in need of protection through a sufficient review process when a female is named as the respondent on a PPD;
- ensure the consent is obtained from the victim-survivor prior to police issuing a PPD;
- address unintended consequences from the removal of court oversight, by ensuring referrals to support services are provided by Police issuing a PPD;
- ensure information sharing; and
- ensure every victim-survivor is counted, with publicly reported data on PPDs, contraventions and misidentification.

REVIEW PROCESS

The domestic and family violence sector and experts have raised concerns that PPDs increase the risk of and the consequences of police unintentionally misidentifying the person most in need of protection.

The introduction of PPDs involves incident-based and on-the-spot decision making from police to identify the person most in need of protection. We know that domestic and family violence is incredibly complex and that the individual in the most need of protection might not be the one identified, due to the circumstances at the time.

The Queensland Police Union states accepted level of female respondents in domestic and family violence cases is 7-8%. However, a recent answer to a question on notice by the Opposition demonstrated that the current level of respondents who are female is 31.1%. (see Question on Notice 490 of 2025).

Despite the progress made through the Women's Safety and Justice Taskforce and the Commission of Inquiry into police responses to domestic and family violence, this demonstrates that misidentification remains an issue.

Under the current system, there is the opportunity to address misidentification when a temporary Police Protection Notice progresses to court. The introduction of PPDs removes oversight to police decision making by the Queensland courts.

To safeguard and reduce the risk of misidentification, based on feedback from experts, it is therefore proposed that all PPDs issued to a woman as the respondent are reviewed by a senior police officer with the input of a specialist domestic and family violence provider.

CONSENT

The domestic and family violence sector and experts in the field have expressed their concerns that the current drafting of the bill does not require the aggrieved to consent to a PPD being issued.

While new section 100B in Clause 19, states that police must consider the aggrieved's views or wishes about an application order being made, it does not explicitly outline that the aggrieved must consent to a PPD being issued. To provide victim-survivors agency, it is proposed that the consent of the aggrieved is obtained before a PPD is progressed.

REFERRALS TO SUPPORT SERVICES

The removal of court oversight in issuing PPDs is a missed opportunity for victim-survivors to receive referrals to support services, to access legal advice and for persons using violence to be prescribed a behaviour change program.

To strengthen the proposed new framework, it is proposed that police officers are required to provide information to victim-survivors and perpetrators regarding various services such as counselling, legal advice, health, housing or any other support service under the act.

INFORMATION SHARING

Another challenge presented by the removal of court oversight is information sharing.

Currently, the *Family Responsibilities Commission Act 2008* requires that the Family Responsibility Commission be notified about court issued domestic violence orders. This provides the opportunity for the commission to support victim-survivors and/or the person using violence to change their behaviour.

As PPDs will not progress to court, this information sharing will not be triggered. As such, it is proposed to provide a legislative power to enable information to be shared and referrals to be made the Family Responsibilities Commission where required and where appropriate.

DATA AND PUBLIC REPORTING OF DATA

Every victim-survivor of domestic and family violence deserves to be counted.

The introduction of a new protection direction in the form of PPDs is anticipated to impact the number of DVOs and contravention of a DVO as currently reported by the Queensland Courts.

Concerns are held by many expert stakeholders that this will mispresent the number of victim-survivors in Queensland. To address this, amendments are proposed to ensure data is captured in line with what is currently reported by Queensland Courts and to make this data publicly available.

This is to ensure that every victim is counted in Queensland and that the domestic and family violence landscape in Queensland is transparent to all Queenslanders. This would include the number of PPDs issued, the number of contraventions of PPDs and the number of cases of misidentification that occurred.

REVIEW OF PROVISIONS

The bill requires that the Minister ensure the operation of PPD provisions are reviewed after 2 years from commencement.

To ensure this review sufficiently examines the effectiveness and any consequences of introducing PPDs, it is proposed, based on feedback from the sector and through consultation, that the review also includes consideration of misidentification. In addition, it is proposed that the review be conducted independently of government, for example by a university.

These amendments are necessary to ensure the safety of victim-survivors of domestic and family violence and to address any unintended consequences that have been raised by expert stakeholders through the committee process.

Achievement of policy objectives

To achieve these objectives, amendments are proposed to various clauses as outlined below.

Alternative ways of achieving policy objectives

While there might be administrative ways to achieve some of the policy objectives, it is prudent and appropriate to enshrine the policy objectives in legislation, for consistency and transparency.

Estimated cost for government implementation

There are no cost implications for the amendments as it will be achieved through existing budget arrangements.

Consistency with fundamental legislative principles

The amendments have been drafted having regard to the fundamental legislative principles and are generally consistent with fundamental legislative principles. Any inconsistencies are justified and are within the bounds of what has already been considered in respect of the bill itself.

Consultation

The amendments have been drafted after feedback was received via the parliamentary committee process. This included written and verbal submissions from expert domestic and family violence sector members, members of the community, the department, the Queensland Police Service and the Queensland Police Union.

Consistency with legislation of other jurisdictions

The legislation is drafted specifically for Queensland legislation.

Notes on provisions

Part 1 Preliminary

Amendment 1 inserts that police must not issue police protection directions in circumstances where the aggrieved has not consented to the issue of the direction.

Amendment 2 inserts that a police officer must provide the aggrieved and respondent information about assistance or support services such as counselling, disability services, health services, housing and homelessness services, legal services and sexual assault services.

It also inserts that a police officer must give the aggrieved and respondent information about how to access the assistance or support services and, if the aggrieved or respondent is a community member under the *Family Responsibilities Commission Act 2008*, that services may be sought from the Family Responsibilities Commission under that Act.

Amendment 3 inserts that police protection directions that name a female as a respondent and male as the aggrieved will start the police review process.

Amendment 4 inserts that in relation to the police review process commenced pursuant to amendment 3, the reviewing officer must obtain advice from at least one specialist Domestic and Family Violence service provider about whether the direction is appropriate in the circumstances.

Amendment 5 amends section 169F of the Act to insert that the Family Responsibilities Commission is an entity that the police may refer a person to, if that person is named as the aggrieved or respondent, the police officer reasonably believes the person is a community member under the *Family Responsibilities Commission Act 2008*, and if it would be appropriate for them to receive services from the commission.

Amendment 6 and 7 insert that the police protection directions register, kept by the Police Commissioner, must include each proceeding started under section 177A that involves a contravention of a police protection direction and whether the direction is identified as having been issued in circumstances that indicated both persons were in need of protection, and when issued incorrectly because the respondent is later identified to be the person most in need of protection in the relationship.

Amendment 8 inserts a new section, 189D, to provide for the publication of information about police protection directions monthly on the Queensland Police Service website, which must not contain any identifying personal information.

The new section requires that the Police Commissioner prepares a report that includes, the number of police protection directions issued in the month, the number of contraventions of police protection directions, the number of police protection directions issued where it was indicated both persons were in need of protection, and when it was issued incorrectly because the respondent was later identified as the person most in need of protection.

Amendment 9 inserts that the *Review of police protection directions provisions* must consider the number of police protection directions identified that were issued where it was indicated both persons were in need of protection and issued incorrectly, or if it was because the respondent was later identified as the person most in need of protection.

Amendment 10 inserts that the *Review of police protection directions provisions* must be conducted by an independent and appropriately qualified entity, such as a university.

Amendment 11 provides for consequential amendments to the dictionary.