

1st May 2025

Submission to the Queensland Law Reform Commission

Subject: Reform Request - Accountability, Integrity, and Proportionality in Queensland's Domestic Violence Laws

To Whom It May Concern,

I submit this request as a concerned family member of an accused domestic violence respondent. In the case I refer to, Queensland Police did not obtain particulars or specific details of the alleged conduct prior to the issuing of a protection order. Despite the absence of evidence indicating any genuine risk or threat, the respondent was advised to consent to the order-not due to guilt, but because of the low threshold applied to domestic violence matters under Queensland law, which operates on the civil standard of probability rather than proof.

He was also advised that the best course of action to preserve resources and maintain access to his children was to accept the order "without admission" and raise any related matters within the Federal Circuit and Family Court proceedings. However, since consenting to the order, he has been accused of minimal technical breaches-such as sending a single email requesting that the protected person refrain from involving him or the children on social media. Notably, this communication was made in the context of existing parenting orders that permit communication regarding the welfare of the children.

This situation illustrates the problematic and disproportionate consequences of a system that allows low-threshold orders to evolve into criminal liability without clear procedural safeguards or accountability.

Key Concerns and Recommendations

1. Need for Legal Accountability of Protected Persons Making False or Misleading Allegations

Currently, there is no adequate legislative avenue to hold a protected person accountable when false or misleading allegations are made under the Domestic and Family Violence Protection Act. This includes situations where:

- Allegations are made in the absence of corroborative evidence;
- The protected person maintains contact or initiates interaction in violation of the order;
- False claims are used strategically to influence family law proceedings or escalate conflict.

Legislation must be amended to provide for civil or criminal recourse-such as perjury, contempt, or financial penalties-where there is evidence of malicious or knowingly false allegations.

2. Disproportionate Criminalisation of Technical Breaches

Technical or minor breaches-such as non-threatening contact, accidental communication, or practical matters involving parenting-are frequently treated as criminal offences, often without any actual risk to safety or intent to cause harm. This results in unnecessary criminalisation, public shaming, employment impact, and legal strain, particularly in matters where parenting orders are concurrently in place.

A reform must be implemented to enable judicial discretion and allow context-based reviews of alleged breaches, especially where no violence or intimidation has occurred.

3. The Problematic Nature of "Consent Without Admission"

Legal practitioners often advise respondents to accept orders without admission of wrongdoing due to the extremely low evidentiary threshold in DV applications. While this approach may be pragmatic, it allows untested allegations to form the legal basis for severe consequences, such as criminal records and altered parenting outcomes.

This legal grey area must be addressed. Respondents should have greater protection and access to review mechanisms, particularly where DV orders intersect with family court matters.

4. Recommended Reforms:

- Introduce statutory provisions that allow protected persons to be investigated and held to account for misuse or fabrication of allegations;
- Implement proportionality assessments for minor or technical breaches;
- Define and limit the scope of what constitutes a "breach" within family-related communications;
- Increase judicial training to help differentiate between coercive abuse and situational conflict;
- Require more rigorous evidentiary standards before an order is made or extended;
- Provide an independent complaints and oversight mechanism for misuse of DV applications.

Conclusion and Request for Suppression

The domestic violence legal framework must remain strong in protecting genuine victims. However, it must also ensure that it does not become a tool for manipulation or unjust criminalisation. A balanced, evidence-based, and fair system is in the interest of all parties and of public trust in the law.

Given the personal and sensitive nature of the matter described, I respectfully request that my name and identifying details be suppressed from any public release of this submission, in accordance with QLRC protocols for confidential contributors.

Thank you for your time and for considering this submission in the broader pursuit of justice, reform, and balance.

Yours faithfully,



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