



# Submission cover sheet

## **Inquiry into the Family, Personal and Sexual Violence Legislation Amendment Bill 2025**

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Policing**

# **ACT Policing Submission**

Inquiry into Family, Personal and Sexual Violence Legislation  
Amendment Bill 2025

February 2026

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## Executive Summary

ACT Policing thanks the Standing Committee on Legal Affairs for its invitation to make a submission into the Inquiry into the Family, Personal and Sexual Violence Legislation Amendment Bill 2025 (**the Bill**). ACT Policing also thanks the ACT Government for their ongoing work and consultation with ACT Policing regarding the development of proposed Family Violence Safety Notice model included in the Bill.

ACT Policing remains committed to initiatives that support and increase the safety of the ACT community in relation to family, personal and sexual violence. ACT Policing supports the intent of the Bill to enhance victim-survivor's safety and ensure people experiencing, or at risk of family, personal and sexual violence, can access a trauma-informed justice system.

In the 2024-25 Financial Year, ACT Policing responded to 4,478 domestic and family violence incidents. This constitutes an average of 12 domestic and family violence incidents per day. Noting the significant amount of domestic and family violence incidents ACT Policing attends, the establishment of a practical Family Violence Safety Notice (FVSN) scheme in the ACT would provide police with an additional mechanism to immediately enhance a victim-survivor's safety, especially in situations where police attend an incident outside of business hours and arrest may not be appropriate.

While the ACT has the After-Hours Family Violence Order (AHFVO) framework, ACT Policing has experienced several issues, including:

- Difficulties accessing the after-hours Magistrate to apply for an AHFVO
- Impacts of coercive control on the protected person may prevent a family violence order (FVO) application
- The protected person may still be subject to coercive control until an FVO is made and served
- Challenges with serving a protection order in a timely manner
- AHFVO police detention powers are unavailable during business hours
- The protected person may be unable to access a Magistrate during business hours

ACT Policing has attempted to collaborate with stakeholders (such as the Court and Corrective Services) to overcome these issues, however, FVSNs would simplify processes and enhance the legislative framework to better protect victim-survivor's safety.

ACT Policing **strongly supports** the introduction of an ACT Family Violence Safety Notice (FVSN) framework, noting an FVSN aims to ensure the safety of an affected person and/or their children and/or to protect property from being damaged. ACT Policing supports the ACT FVSN model being aligned with the existing AHFVO and FVO frameworks and processes in the ACT as far as practicable.

While this submission explores specific elements of the proposed FVSN scheme in further detail, ACT Policing provides a high-level summary of its overall position for the Committee's consideration.

ACT Policing supports the following elements as drafted in the Bill:

- The 6 month delayed commencement
- Police being able to apply for an FVSN at any time, regardless of the time of day and whether the respondent has been arrested
- FVSNs mirroring the existing AHFVO grounds for issuing an FVSN
- FVSNs prevailing over bail conditions
- The issuing officer being a rank of Sergeant or above
- The ability for an FVSN to be issued alongside arrest
- Personal and electronic service of FVSNs
- The conditions which may be included under a FVSN aligning with the conditions available for AHFVOs and FVOs, including the proposed additional considerations (proposed new section 13O and 13P of the FV Act)
- The ability for the Magistrates Court to amend or revoke the FVSN, at the request of any party (protected person, senior police officer or respondent)
- Appropriate information sharing, system uplift, governance, training, a statutory review, and additional funding for key stakeholders as part of effective implementation and review

ACT Policing supports the following elements; however, recommends the Committee consider amendments which ACT Policing believes may improve operational practicality and enhance victim safety:

- The proposed penalty of a breach of FVSN as 2 years and/or 200 penalty points
  - ACT Policing also advocates for the same penalty as the breach of an AHFVO (500 penalty units, imprisonment for 5 years or both) to ensure the FVSN penalty is proportionate in recognising the seriousness of the offence.
- The 14 day duration
  - ACT Policing also advocates for a longer duration of up to 28 days noting it is important the victim-survivor has continuity of protection where appropriate
- The proposed 4 hour detention period
  - ACT Policing also advocates for the FVSN scheme to be consistent with the existing AHFVO scheme

ACT Policing draws the Committee's attention to the following matters for consideration, which reflect areas of ongoing operational concern or further consideration:

- Excluding young person respondents from the FVSN scheme
- FVSNs not being able to prevail over a conflicting court order condition
- The inclusion of proposed new section 13C (4), noting ACT Policing operates under an extensive use of force framework

Through ACT Policing's engagement with key stakeholders as part of the policy development of the FVSN scheme, several matters were raised by partner stakeholders for consideration which we have provided clarity on throughout this submission, including:

- Removal of judicial oversight, including that an FVSN is not an automatic application for a FVO to the court like in other jurisdictions

- FVSNs may undermine ACT Policing's pro-arrest and pro-charge policy
- Duration of an FVSN
- Including young person respondents, noting their unique complexities and vulnerabilities
- Risk of misidentification

Noting the Bill does not propose an FVSN is an automatic application for an FVO, ACT Policing suggests ongoing monitoring to ensure the effectiveness of FVSNs and, if the ACT Government is interested in changing this aspect in the future, would welcome further discussion noting there would be significant resourcing and implementation considerations.

ACT Policing welcomes further engagement with relevant stakeholders to discuss policy and implementation considerations.

### **Removal of 'good character' references**

ACT Policing supports the amendment that the sentence of someone found guilty of a child sexual offence will not be reduced because of their 'good character' to ensure that reputational evidence, community standing, and character references are unable to be used to reduce an individual's sentence once they are found guilty.

## Family Violence Safety Notices

ACT Policing **strongly supports** the introduction of an ACT FVSN framework, noting an FVSN aims to ensure the safety of an affected person and/or their children and/or to protect property from being damaged. An FVSN, sometimes referred to as a Police Issued Safety Notice, is a safety notice issued by police that places conditions on the recipient of the notice.

The ACT is the only jurisdiction without some form of FVSN framework. The Australian Law Reform Commission and New South Wales Law Reform Commission has recommended states and territories provide for FVSNs<sup>1</sup>, and the Australian National University in their Review of the *Family Violence Act 2016* (FV Act) recommended that stakeholders work towards addressing the issues identified with AHFVOs and further consider the practical advantages and disadvantages of adopting Police Issued Safety Notices as an alternative model (Recommendation 2).<sup>2</sup>

ACT Policing supports the ACT FVSN model being based on the Victorian scheme (another human rights jurisdiction) and being aligned with the existing After-Hours Family Violence Order (AHFVO) and Family Violence Order (FVO) frameworks and processes in the ACT. While the proposed ACT FVSN model is more limited than other jurisdictions due to compliance with the *Human Rights Act 2004* and balancing concerns from other stakeholders, ACT Policing advocate that the proposed FVSN scheme must be practicable to meet the primary purpose of protecting the victim-survivor's safety.

## Commencement

The ACT Government proposes the FVSN framework (Chapter 3 of the Bill) will commence 6 months after the Act's notification day.

ACT Policing **supports** a delayed commencement to ensure ACT Policing, ACT Government agencies and support services are operationally ready and appropriately resourced to effectively implement the FVSN scheme. Victim-survivors and respondents may seek assistance from after-hours support services and legal services, including to discuss concerns, seek assistance with safety planning, and apply for a Family Violence Order.

<sup>1</sup> Australian Law Reform Commission and NSW Law Reform Commission (October 2010). *Family Violence – A National Legal Response*. Report 114, [https://www.alrc.gov.au/wp-content/uploads/2019/08/ALRC114\\_WholeReport.pdf](https://www.alrc.gov.au/wp-content/uploads/2019/08/ALRC114_WholeReport.pdf)

<sup>2</sup> Australian National University (14 December 2020). *Review of the Implementation of the Family Violence Act 2016 (ACT)*, [https://www.act.gov.au/\\_data/assets/pdf\\_file/0009/2191545/Review-of-the-Family-Violence-Act-Report-141220.pdf](https://www.act.gov.au/_data/assets/pdf_file/0009/2191545/Review-of-the-Family-Violence-Act-Report-141220.pdf)

## Applying for an FVSN

### When a police officer may apply for an FVSN

The existing AHFVO framework only allows a police officer to apply for an AHFVO outside the business hours of the Magistrates Court.<sup>3</sup> This gap presents a challenge for victims to seek support, noting that the protected person may be unable to access the Magistrate during business hours noting Magistrates sit all day. For an FVO application to be considered by the Magistrate on the same day, the protected person needs to submit their application in the morning. If the protected person doesn't submit the application in time, they may be left unprotected until the next business day when the Magistrate is available. Further, AHFVO police detention powers are unavailable during business hours which means that police have limited options for intervention where arrest is not practicable.

The Bill proposes to allow an FVSN to be issued at any time. ACT Policing **supports** police being able to apply for an FVSN at any time to enhance police intervention in family violence incidents where there is an immediate need to provide protection to victim-survivors. Based on an October 2024 ACT Policing intelligence assessment, ACT Policing understands that domestic and family violence follows well defined weekly and daily rhythms (increasing on Friday, peaking on Sunday; rapidly increasing from 05:00 to 11:00, staying high until 16:00 and peaking at 19:00), but there are no peak days or times for high-risk incidents.<sup>4</sup> This pattern also persisted across the three preceding fiscal years. Therefore, it is crucial for police to have appropriate intervention mechanisms to ensure victim-survivor safety.

### Grounds for issuing an FVSN

The Bill proposes a range of criteria to be satisfied before an FVSN may be issued (proposed new section 13B of the FV Act). ACT Policing **supports** FVSNs mirroring the existing AHFVO considerations (proposed new section 13B(a)–(b)), however, raises the following concerns regarding proposed additional criteria.

#### Young person respondents excluded

The existing AHFVO framework enables police to apply to a Magistrate for an AHFVO where a young person that is 14-17 years old is a respondent. However, the proposed FVSN model only enables police to apply where a person is aged 18 or older (proposed new section 13B(c) of the FV Act). ACT Policing notes the Bill also proposes to remove the AHFVO scheme, which would mean police would have no alternative immediate mechanism to respond to young persons using family violence.

ACT Policing notes the general intent of the ACT Government to divert young people away from the criminal justice system, and that the ACT Government's intent may be instead to enable the Court to consider the circumstances in issuing a protection order.<sup>5</sup> ACT Policing acknowledges that

<sup>3</sup> section 99, *Family Violence Act 2016*

<sup>4</sup> Note: This observation is based on a small sample size.

<sup>5</sup> For example, the recent minimum age of criminal responsibility reforms

young persons may have unique vulnerabilities and complexities, and ACT Policing supports referring children and young people to appropriate support services to address underlying causes of harmful behaviour (including where they display complex needs such as mental health issues). As required by the *Children and Young People Act 2008*, ACT Policing decision makers always seek to engage with children and young people in a way that reflects the Youth Justice Principles, supporting accountability, developmentally appropriate responses, meaningful participation in decisions, cultural considerations, timely legal access, and the use of detention only as a last resort.

However, noting the Bill proposes to remove the existing AHFVO framework and that arrest or charging may not always be appropriate, ACT Policing holds **strong concerns** with excluding young people from being a respondent to a FVSN in the absence of an alternative immediate safety mechanism. ACT Policing seeks to continue to work with the ACT Government to ensure there is no gap in the legislative framework for young person respondents. If the ACT Government does not consider it appropriate for young persons to be respondents to FVSNs, ACT Policing **strongly advocates** for the AHFVO framework to remain in place for young person respondents to provide an immediate mechanism with judicial oversight to ensure a victim-survivor's safety. While the AHFVO framework has its limitations (as explored in other parts of this submission), ACT Policing would prefer for the AHFVO to remain only for young person respondents, rather than not having any immediate intervention mechanism.

The statistics and known issue of under reporting of offences by this age group outlined in **Attachment B** demonstrate the need to extend the FVSN scheme or at least maintain the AHFVO framework to young person respondents. ACT Policing members interact with young people frequently in domestic and family violence related matters and has apprehended more than one young person per week for incidents involving family violence since the start of 2025.<sup>6</sup> In many of these circumstances, victims are unwilling to provide statements or evidence against the accused young person and police are limited in what actions they may take to ensure the safety of all individuals involved. An AHFVO or FVSN could be appropriate in many of these situations to provide some level of protection immediately, where there are no other avenues available to police to protect the victim/s.

For example, there may be an immediate safety need where there is an intimate partner relationship between two 17-year-olds, or a young person demonstrating an immediate safety risk to their siblings or parents and arrest or charging is not appropriate because the victim-survivor does not want the child to be arrested but wants some form of protection or action. A case study is at **Attachment A**.

### **Interaction with bail conditions**

ACT Policing believes the Bill proposes that the most recent FVSN or bail condition may prevail where there is any inconsistency. That is, should a respondent be subject to bail conditions which are inconsistent with conditions of the FVSN, Clause 91 of the Bill proposes that the FVSN may prevail over existing bail conditions to the extent of any inconsistency. However, if an FVSN is already in force, if the court is satisfied the proposed bail condition would better protect the safety of the protected person, then the court may impose a bail condition which would displace the inconsistent FVSN condition.

<sup>6</sup> Source: PROMIS as of 28 January 2026

If this understanding is correct, ACT Policing **supports** this aspect of the Bill, noting discretion may be required to issue a FVSN to ensure the victim's safety. This recognises that police are likely to have new and significant information from attending an incident that the courts would not have had the benefit of in issuing the initial bail conditions. For example, a pre-existing bail order may require a person to reside at a place, however, after police attend an incident, an exclusion condition may be required for an FVSN due to immediate safety risks to the protected person.

Where there is a conflict between a bail condition and new FVSN, if there are any issues, any party may attend court during business hours to request the FVSN be amended or revoked. Per existing practice where an FVO application may conflict with an existing bail condition, ACT Policing would expect that where an FVSN is issued and similarly conflicts with an existing bail condition, the person would self-report this change of circumstances to the court and may seek a bail amendment.

### **Interaction with court orders**

The Bill proposes that a FVSN may be issued only if it would not be inconsistent with any court order already in force in the ACT (other than a bail order) (proposed new section 13B(e) of the FV Act) and that, if an FVSN condition is inconsistent with a court order, the FVSN continues in force but the court order prevails to the extent of the inconsistency (proposed new section 13S).

ACT Policing **advocates** for an FVSN to be able to prevail over a conflicting court order condition, noting police may attend an incident and have new and significant information that may require an FVSN to address immediate safety risks. ACT Policing seeks to continue working with the ACT Government regarding this aspect of the FVSN scheme, noting the Bill's current proposal may leave a legislative gap for police to appropriately intervene, meaning police may be required to spend more time with the parties to provide appropriate support.

Generally regarding how FVSNs interact with bail conditions and court orders, ACT Policing notes it will be important for the respondent to understand the relevant conditions that apply, which ACT Policing can provide support in explaining and referring to support services for any additional assistance e.g. applying for an amendment to the protection order or bail.

ACT Policing highlights the following example for consideration. We note that some FVOs contain conditional permissions rather than absolute prohibitions. For example, an FVO may allow contact between the respondent and the protected person for limited purposes, such as communication about children. In practice, police may attend an incident and identify that the respondent is using this permitted contact to continue threatening, harassing, or exerting coercive control over the protected person.

As currently drafted, police would be unable to impose an FVSN condition that conflicts with the existing FVO condition, despite having the more recent information about the circumstances of the relationship. This means that, despite identifying an immediate safety risk, police may be prevented from issuing an FVSN to restrict contact where the FVO expressly permits it, potentially limiting police's ability to respond effectively to evolving risk at the time of attendance.

ACT Policing also notes that the scope of court orders is broad, and police do not always have real-time access to all relevant orders. As a result, police are often required to act on the basis of information that is readily available at the time of attendance.

### **Enquiries whether a court order is already in force**

The Bill proposes that, in deciding whether to make an application, the applicant police officer must enquire whether a court order (other than a bail order) is already in force in the ACT in relation to the affected person or the respondent.

ACT Policing notes this may not always be reasonable or possible due to the circumstances, for example, it is not on our records system, police are remote and there is no internet connection to connect to the police records system, it is 3am at night and the courts aren't open to make enquiries, or the parties are intoxicated so police aren't able to reasonably ask them. Further, the information sharing of relevant orders may not always be consistent or readily available.

Noting the above, ACT Policing **recommends** this provision is amended to provide that the applicant police officer makes enquiries "as far as practicable".

### **Detention power**

Proposed new section 13C of the FV Act of the Bill proposes a 4 hour detention power in more limited circumstances than the current AHFVO detention power<sup>7</sup>. ACT Policing **supports** the 4 hour detention period, however, ACT Policing **advocates** for the FVSN scheme to be consistent with the existing AHFVO scheme.

While the primary focus of the detention of a person during the application for a FVSN is to ensure the safety of a victim-survivor and the effective service of the FVSN on the perpetrator, ACT Policing **queries** the inclusion of proposed new section 13C (4), "A police officer must not, in the course of detaining a person under this section, use more force, or subject the person to greater indignity, than is necessary and reasonable to detain the person or to prevent their escape." ACT Policing believes this provision was intended to align with section 221 of the *Crimes Act 1900*.

However, ACT Policing suggests there is limited practical benefit to including proposed new section 13C(4), noting ACT Policing operates under extensive governance, training and oversight relating to the use of force, including operating under the AFP Commissioner's Order on Operational Safety (CO3). ACT Policing acknowledges that police are provided with significant responsibility and powers to protect and ensure the safety of the community, and that police have a challenging job in being required to make quick decisions in complex circumstances about whether and how to exercise their various powers. Noting that there is no similar provision in other powers to detain, apprehend or otherwise restrict a person,<sup>8</sup> ACT Policing is concerned the inclusion of this provision in the FVSN scheme specifically may risk fragmenting police understanding and practices for use of force. Consistency and clarity is critical to ensure members can use their powers appropriately, especially in dynamic, high-risk situations. For clarity, ACT Policing is not suggesting our Use of Force framework needs to be legislated; ACT Policing wishes to emphasise that we currently operate under an existing appropriate framework.

<sup>7</sup> section 105, *Family Violence Act 2016*

<sup>8</sup> For example, the involuntary detention of a person under the emergency apprehension provisions in the *Mental Health Act 2015* and general stop, search and detain powers in the *Crimes Act 1900* do not include a similar use of force provision

### Rank of an issuing officer: Sergeant

The Bill proposes a senior police officer (a police officer of, or above, the rank of Sergeant) is the decision-maker of an FVSN.

ACT Policing **supports** the issuing officer being a rank of Sergeant or above, noting that they have extensive experience and separation from the immediate incident to make an appropriate decision. If the issuing officer is not satisfied of this, they may not issue an FVSN, for example, where an immediate safety risk is not identified and it is assessed that the victim-survivor has ample, safe opportunity to apply for a protection order at a later stage. Allowing for a Sergeant to be the FVSN issuing officer would also be consistent with other jurisdictions' FVSNs frameworks.

### FVSN may be issued alongside arrest

The existing AHFVO scheme only allows a judicial officer to issue an FVSN if it is not practicable to or there are no grounds to arrest the respondent for a family violence offence<sup>9</sup>. The Bill proposes an FVSN may be issued FVSN standalone or alongside arrest.

ACT Policing **supports** the ability for an FVSN to be issued alongside arrest, noting that the offender, even if arrested, may continue to exercise coercive control on the victim-survivor.

For example, despite being charged and arrested, people who are detained in the Alexander Maconochie Centre (AMC) may use the AMC phone system to harass the protected person or incite someone they know to harass the protected person. Although there is a process for ACT Corrective Services to apply for a contact ban, this takes time and resources, and the threshold is high. The Court is also not empowered to apply bail-like conditions to persons in custody. This means that, unless it is prohibited by a FVO or AHFVO condition, the criminal justice system is limited in its ability to prevent an offender from contacting victim-survivors. Where offenders maintain ongoing contact with the protected person, there is an increased risk:

- to the victim-survivor's safety,
- of the victim-survivor continuing to experience coercive control, and
- of the protected person becoming an uncooperative witness which may lead to failed prosecutions.

Furthermore, while the protected person is in the process of making an application for an FVO, they are similarly left vulnerable until the court issues an interim or final FVO. In these situations, police have limited options to appropriately protect the victim-survivor, which demonstrates the importance of police being allowed to issue a FVSN alongside arrest.

ACT Policing understands that stakeholders have raised concerns that the FVSN framework may undermine ACT Policing's pro-arrest and pro-charge policy, including potentially issuing an FVSN where the threshold for arrest is satisfied. However, ACT Policing notes that the FVSN scheme will not impact our existing evidence-led, pro-charge, pro-arrest and presumption against bail framework when responding to domestic family violence incidents. When there is insufficient evidence to commence judicial proceedings, ACT Policing also follows a pro-intervention policy where we work collaboratively with agencies and stakeholders throughout the domestic, family

<sup>9</sup> s100(c), *Family Violence Act 2016*

violence sector to provide parties with support. The FVSN framework would complement these existing approaches, rather than replace them.

## Issuing an FVSN

### Personal service

The serving police officer must personally explain the FVSN to the respondent. ACT Policing **supports** this, noting this is an existing requirement when serving a protection order.

The Bill proposes that a copy of the FVSN, an amended FVSN and revoked FVSN be provided to the protected person, chief police officer, registrar of firearms, a protected person's parent or guardian if applicable and anyone else the issuing police officer is satisfied has a relevant interest in the matter (proposed new section 13T, 13ZA and 13ZB of the FV Act). ACT Policing **supports** ensuring relevant parties receive a copy of the updated FVSN.

### Electronic service

The Bill proposes police may personally serve a FVSN upon a respondent using electronic communication if the respondent agrees.

ACT Policing **supports** this, noting this may increase efficiencies by ensuring the victim-survivor's safety as soon as practicable and reduce the time required for police to detain the respondent, in line with the least restrictive principle.

### Conditions of an FVSN

The Bill proposes conditions which may be included under a FVSN align with the conditions available for AHFVOs and FVOs. Proposed new Division 2A.4 of the FV Act (Conditions of family violence safety notices) provides that, in deciding conditions, the paramount consideration must be the safety and protection of the affected person and any affected child (section 13O) and, after that, the conditions must be the least restrictive of the personal rights and liberties of the respondent (section 13P).

ACT Policing **supports** the ACT's FVSN model mirroring the existing FVO and AHFVO scheme as far as practicable and appropriate, including the types of conditions that can be issued, and for the safety and protection of victim-survivors to be the paramount consideration.

Similar to existing frameworks, ACT Policing may make referrals to support services for assistance and all parties are able to access these at any time. ACT Policing may also provide an explanatory pamphlet to assist the respondent to comply with the order, including explaining terminology and process. ACT Policing is also open to further discussions with ACT Government to ensure ACT Policing and support services have appropriate resources to support respondents subject to an exclusion condition to access temporary accommodation or transport, and to retrieve personal property after an FVSN is issued.

### Exclusion conditions

Proposed new section 13R of the FV Act in the Bill proposes that, in deciding whether to include an exclusion condition, the issuing police officer must consider a range of primary factors (physical, emotional and psychological needs and any disability of the protected people) and secondary

factors (accommodation needs for the protected people, the respondent and child and length of time required to find alternative accommodation).

ACT Policing **supports** the proposed considerations. ACT Policing recognise that the exclusion condition may significantly impact a person's human rights, however, note that this is an important aspect of AHFVOs, FVOs, and other jurisdiction's FVSN models to address immediate safety risks for the victim-survivor and potentially act as a circuit breaker to violence and the victim-survivor seeking help. ACT Policing note that the protected person, senior police officer or respondent may apply to the Magistrates Court to amend or revoke the FVSN or seek assistance from support services if there are any concerns.

## After an FVSN is issued

### Duration of an FVSN: 14 days

The Bill proposes an FVSN remains in force for 14 days after the day the notice is served on the respondent.

While ACT Policing **supports** the 14 day duration, ACT Policing also **advocates** for a longer duration of up to 28 days noting it is important the victim-survivor has continuity of protection where appropriate, to provide the victim-survivor with more time to access support (including enacting safety planning and seeking appropriate legal counsel). ACT Policing note that other jurisdictions may have shorter FVSN durations as their FVSN schemes are automatic applications for FVOs.

While the proposed duration is longer than the existing AHFVO framework, a 28 day period could ensure the protected person has appropriate time to apply for a FVO, noting they may continue to be influenced by coercive control and they must consider a significant amount of information regarding options for intervention and support.

In cases where the protected person applies for an FVO within the relevant period, a longer duration could also provide police with more time to locate the respondent and serve the FVO (noting FVOs are only valid once it has been served and the respondent may be avoiding police). ACT Policing notes the challenges associated with serving protection orders, including that, if a respondent is actively avoiding police and the service of documents, ACT Policing does not have any additional powers or other lawful means to serve the order.

ACT Policing also supports ensuring the existing FVSN remains in force until the amended FVSN is served.

### Amend or revoke FVSN

The Bill proposes that a protected person, senior police officer or respondent may apply to the Magistrates Court to amend or revoke the FVSN.

ACT Policing **supports** this, noting it provides all parties the ability to request an amendment or revocation, and other parties may attend the return date hearing. Police may consider seeking an amendment/revocation in situations where new information comes to light that could not be managed by the application of a court issued FVO. However, ACT Policing note it may not always be practical/achievable to serve the amended FVSN in person prior to the FVSN expiring.

ACT Policing note that perpetrators may weaponise the court system (including when seeking judicial review) to further perpetrate coercive control and abuse on the victim-survivor e.g. commencing a proceeding to bring the victim-survivor in the same room as them, or continuing to exert control over the victim by tying them up in multiple legal proceedings. ACT Policing would be open to discussions to safeguard against this occurring in the ACT FVSN model and more broadly.

### Extend an FVSN

The Bill proposes an FVSN cannot be renewed or extended.

Noting that the purpose of an FVSN is to address immediate risk, ACT Policing **does not support** the extension of a FVSN either by a Court order or by the issuing police officer. Instead, victim-survivors may use existing mechanisms (such as interim and final FVOs) to address long-term risks.

ACT Policing would be open to discussions on how to approach situations where FVSNs are issued on a recurring basis – for example, where the parties have previously been issued multiple FVSNs over a period of months (which have now expired) and the victim-survivor has not applied for a FVO, however, police attend another incident and there is an immediate risk of harm. Part of addressing this pattern may be ensuring support services and agencies are providing the victim-survivor with appropriate support to make an FVO application.

### Penalty

The Bill proposes that a person commits an offence if they breach an FVSN, with the maximum penalty proposed as 2 years and/or 200 penalty points.

While ACT Policing **supports** this penalty, ACT Policing **advocates** for the same penalty as the breach of an AHFVO (500 penalty units, imprisonment for 5 years or both) to ensure the FVSN penalty is proportionate in recognising the seriousness of the offence.

Consistency of penalties is essential to ensure that breaches are treated with equal seriousness, regardless of whether the protective conditions originate from a police-issued FVSN or court issued FVO. This approach promotes clarity for victims and respondents, avoids confusion of enforcement and reinforces the legitimacy of police issued FVSN as an immediate and effective protection mechanism. Reduced penalties have the potential to reduce compliance and undermine the protective intent of the framework.

The proposed maximum penalty of 2 years' imprisonment for a breach of a Family Violence Safety Notice may limit ACT Policing's ability to effectively investigate and enforce breaches.

Section 180(4)(b) of the *Telecommunications (Interception and Access) Act 1979 (Cth)* requires that an offence be punishable by imprisonment for at least 3 years before section 180 authorisations can be used. Authorisations under this Act, are employed by police as an investigative mechanism during periods of heightened risk to help locate offenders, prevent further harm, and protect victim-survivors at a time when they are most vulnerable. One consequence of setting the maximum penalty at 2 years, means ACT Policing would be unable to rely on these authorisations to locate and arrest an offender, or to investigate a breach of an FVSN for the purpose of ensuring a victim-survivor's safety. This contrasts with AHFVOs and FVOs, which as noted carry a maximum penalty of 5 years' imprisonment and therefore meet the legislative threshold.

## Not an automatic application for an FVO

The Bill does not propose an FVSN is an automatic application for a FVO, which exists in other jurisdictions. ACT Policing has **no significant issues** with this, however, would suggest monitoring the effectiveness of the FVSN scheme to ensure it is appropriately protecting victim-survivor safety.

If the ACT Government is interested in changing FVSNs to be an automatic application for an FVO in the future, ACT Policing would welcome further discussion noting there would be significant resourcing and implementation considerations. For example, noting ACT Policing does not have police prosecutors, there will be time and resourcing impacts, including a need to brief external legal counsel to represent ACT Policing in FVO hearings.

## Police Powers

ACT Policing **supports** the national recognition of FVSNs in the National Domestic Violence Order Scheme to ensure police can serve and enforce an ACT FVSN interstate, noting the ACT has porous borders with New South Wales.

ACT Policing also **supports** ensuring police have appropriate powers to effectively serve and enforce a FVSN and other court orders generally. Previously, ACT Policing conducted Days of Action in an attempt to address outstanding protection orders.<sup>10</sup> As mentioned above in the 'Duration' section, noting police have limited powers to effectively serve and enforce protection orders, ACT Policing looks forward to further consultation with the ACT Government to improve the service regime more broadly.

## Implementation

ACT Policing **supports** appropriate information sharing, system uplift, governance, training, a statutory review, and additional funding for support services to ensure the ACT FVSN model is implemented effectively.

### System uplift

As part of implementation, ACT Policing will work with stakeholders to develop an electronic service platform and appropriate governance.

### Training

ACT Policing is also designing and delivering enhanced domestic and family violence training for ACT Policing officers' knowledge and understanding of coercive control and trauma-informed best practice, which will complement the implementation of the FVSN framework.

<sup>10</sup> ACT Policing (7 March 2025). 'Hundreds of court orders served by police', <https://police.act.gov.au/news/2025-media-releases/march/hundreds-of-court-orders-served-by-police>

## Support services

ACT Policing note that, as part of issuing an FVSN, it is crucial for Police and support services to provide the victim-survivor and respondent support to make an informed decision. As part of this, ACT Policing **supports** additional resourcing for support services to reduce harms for victim-survivors and marginalised communities.

ACT Policing notes that, when Police attend a family violence incident, all persons involved are offered support services such as the Domestic Violence Crisis Service. Additionally, Police provide job cards to victim-survivors which include contact numbers for Legal Aid and other support services.

## Impact on vulnerable communities

ACT Policing acknowledge the impact an FVSN may have on vulnerable communities, such as Aboriginal or Torres Strait Islander people, culturally and linguistically diverse people, and people with disabilities. Police currently receive training on and operate within existing frameworks which recognise the additional needs of vulnerable persons.

ACT Policing supports additional resourcing for support services that Police can refer parties who are from a vulnerable community to, including accommodation, health, and legal support.

## Misidentification

### Prevention of misidentification

ACT Policing recognises the ongoing risk and significant harm caused by victim-survivor and perpetrator misidentification and believes that the most effective mitigation is the continued capability uplift in family violence training for Police.

ACT Policing note that this concern is not specific to the FVSN proposal – misidentification is a recognised issue in domestic, family violence matters. Police currently receive family violence training, including on misidentification, as part of their Recruit training and after they commence in ACT Policing e.g. presentations by the Domestic Family Violence Investigation Unit, information at training days, and governance. ACT Policing is also planning to roll out additional family violence training to the ACT Policing workforce to improve police understanding of the risks and nuances of misidentification, and methods to assist Police to identify who the primary person in need of protection is. This additional training is currently being developed with support from ACT Government funding for police coercive control training and is anticipated for delivery in 2026.

While ACT Policing plans to provide further additional training and governance on misidentification as part of specific FVSN implementation, ACT Policing would also welcome additional resourcing to further uplift this capability.

### Management after misidentification

Noting there may still be instances where misidentification may occur, ACT Policing proposes that, once identified, Police would withdraw offences associated with misidentification from an affected persons' history as soon as practicable. In such circumstances, any legal action taken against an affected person who has been misidentified as the primary perpetrator, such as a breach charge, would be withdrawn/discontinued. ACT Policing also recognises that misidentification is

broader than a policing or criminal justice issue and can have implications for victim-survivors when engaging support services. ACT Policing will therefore share information in sanctioned forums to ensure misidentified matters are corrected and communicated with our sector partners.

ACT Policing welcomes further discussions with stakeholders on options regarding how to manage a situation if misidentification occurs.

## Review and Evaluation

The Bill proposes a statutory review of the FV Act two years after commencement. ACT Policing **supports** this, including ensuring there are appropriate mechanisms to monitor the ongoing effectiveness of the FVSN framework.

As part of the statutory review, ACT Policing is particularly interested in assessing the aspects of the FVSN scheme that we have raised concerns with in this submission, including young person respondents, penalties, duration.

## Removal of 'good character' references

The Bill proposes that the sentence of someone found guilty of a child sexual offence will not be reduced because of their 'good character' (Clause 4).

ACT Policing **supports** this proposal. This amendment would ensure that reputational evidence, community standing, and character references are unable to be used to reduce an individual's sentence once they are found guilty.

ACT Policing considers that this reform will align with protective victim focused sentencing in recognising that child sexual offending frequently occurs in private and trusted contexts, where the use of good character could minimise the severity of the offence. Removing the assessment of good character ensures that the gravity of the child sexual offending and the harm caused to victims remains the central consideration in sentencing.

## Attachment A – FVSN Case studies

Please see below case studies which demonstrate the need for the FVSN scheme.

### Case study 1: AHFVO unavailable during business hours

Police attended an address in response to a report from neighbours of a disturbance. The couple at the address had multiple previous involvements with police for family violence. On arrival, the Person of Interest (POI) denied any disturbance had occurred, and was calm and cooperative with police. This behaviour is consistent with perpetrator 'image management', whereby the perpetrator seeks to ingratiate themselves with police. The victim also denied any disturbance had occurred, was highly erratic, uncooperative, and abusive towards police. This behaviour is consistent with a victim trauma response, combined with self-protective behaviours in coercive-controlling relationships whereby a victim does not want to be perceived by the perpetrator to have cooperated with police.

Police were suspicious that the POI had assaulted the victim, and that she faced ongoing risk of family violence once police departed. In the absence of any statement from the victim or other evidence, it was not possible to arrest the man to create safety for the woman. As the incident occurred during the day, it was not possible to seek an AHFVO. The victim was also unwilling and/or unable to seek a FVO noting the continued presence of the perpetrator in her home. Police had no powers to intervene and ultimately had to depart, leaving both parties at the address.

Several days later, a neighbour who was not home at the time of the original incident came forward with CCTV footage showing that the POI had assaulted and strangled the victim on the front lawn of the home. The POI was subsequently arrested, though after having ongoing access to the victim for several days.

Had an FVSN scheme been in place, it would have been possible to exclude the POI from the address, reducing the risk of the victim experiencing a second serious family violence incident, and creating space in which police might have been able to engage with her safely to seek her statement and for the victim to seek her own FVO.

### **Case Study 2: Different opinions regarding risk**

An ongoing disturbance was reported to police. Police received two calls from members of the public, stating they could hear female yelling “my arm, my arm, stop!”, followed by several loud bangs. Police identified a POI who was highly agitated and apprehensive towards Police and threatened to run off several times. The POI stated he had a verbal argument with his partner and she left the location after commenting that he had hit her.

The POI was arrested for suspicion of family violence assault. Police spoke with a witness who observed the POI and victim having a verbal argument and then observing the POI grab the victim by her hair.

Police located the victim a short time later, with no visible injuries. The victim informed Police it was a verbal argument only, starting when the victim spilt a drink on the POI’s jacket and he called her a ‘grub’.

Due to fear of the victim’s safety given the POI’s highly aggressive behaviour towards her and the phone calls made to ACT Communications, Police applied for the AHFVO, however it was not granted by the Magistrate. The Magistrate declined the AHFVO given there were no further incidents or threats made during the incident to suggest that further acts of violence would occur. The Magistrate stated that the conduct was of a verbal argument and was not indicative of the likelihood of further violence.

### **Case Study 3: Young person perpetrating family violence**

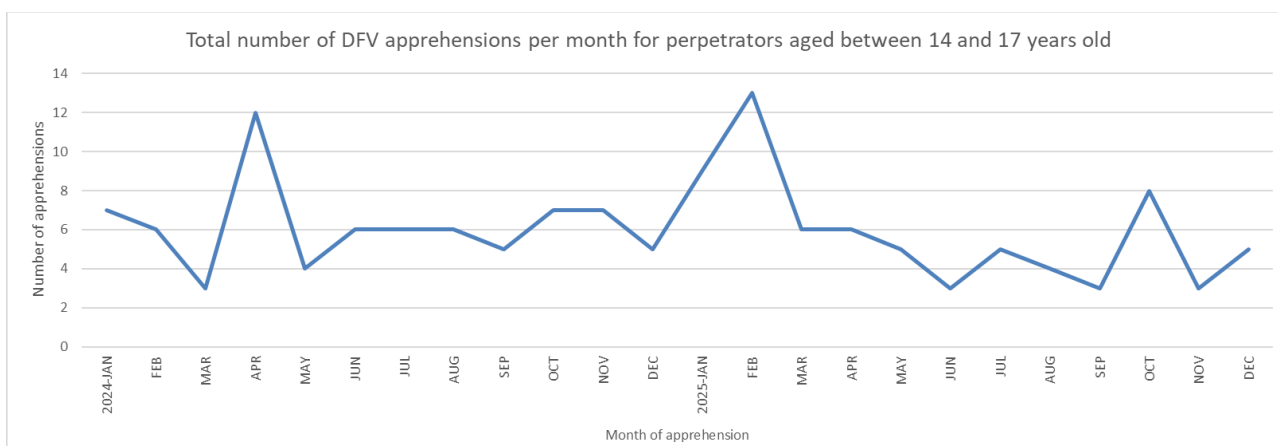
Police attended a residence after reports of a young person (YP) assaulting his father. Police established that the YP had entered into an argument with his parents about his gym membership. The gym membership had been confiscated by the parents due to the YP’s poor behaviour. When the YP was told he would not be receiving the gym membership back, his behaviour escalated. The YP threw several items (no further description) towards his father and then grabbed a plank of wood and held it near his father. The father left the residence to defuse the situation and to avoid further confrontation with the YP. Police also established that the YP had been sending violent messages to his father and generally being argumentative in every conversation between the pair.

The father did not wish to provide a statement, however, Police offered him support services which he accepted. The father was also open to the idea of an FVO which was suggested by police. Police also spoke to the young person regarding seeking support for himself and seeking other positive outlets to assist in his anger management, which he accepted.

## Attachment B – Statistics regarding domestic family violence and young persons

### Statistics on the number of perpetrators of domestic family violence (DFV) aged between 14 – 17 years

- From January 2024 to December 2025, an average of 6 persons were apprehended per month for family violence related offending within this specific age bracket.
- The chart below shows the total number of apprehensions per month during this period:
- Males are more frequently represented (average of 4.3 male perpetrators per month compared to 1.7 per month for female perpetrators).



Source: PROMIS as of 28 January 2028

Caveat: The number of apprehended people is counted once per unique apprehension. That is, a person with multiple apprehensions in a given period is counted multiple times for that period.

### Apprehension of offenders for DFV-related incidents

**Table 1:** Number of persons apprehended by ACTP between 01 January 2020 and 31 December 2025 in connection with DFV-related incidents, by the age of the person and date of apprehension.

While this data demonstrates the vast majority of DFV perpetrators are adults, there remains a risk that, if FVSNs or AHFVOs do not apply to young respondents (14-17 years old), there will be a legislative gap for police to immediately protect a victim-survivor’s safety where arrest or charging is not appropriate.

## Age of offender at the start date of the offence

Date apprehension created	Age of offender at the start date of the offence			All
	13 years old or younger	14 to 17 years old	18 years old or older	
2020				
2021	11	37	747	795
2022	13	42	986	1041
2023	8	72	1016	1096
2024	20	74	1022	1116
2025	1	70	1109	1180
All	60	330	5568	5958

Source: PROMIS as of 29 January 2026

Note: Does not include Jervis Bay. Apprehended people are counted once per unique apprehension. That is, a person with multiple apprehensions in a given period is counted multiple times for that period.

**Table 2:** Number of DFV-related charges laid by ACTP between 01 January 2020 and 31 December 2025, against people aged 14 to 17 years

	2020	2021	2022	2023	2024	2025
Homicide offences (excl driving causing death)	.	.	.	1	.	.
Assault (excluding sexual assault)	25	34	53	56	58	62
Sexual assaults and related offences	52	.	23	60	40	35
Other offences against the person including acts endangering life generally	5	.	6	8	6	8
Robbery (armed and other)	.	.	.	1	.	.
Burglary	2	.	.	4	7	.
Motor vehicle theft	.	.	.	.	3	.
Other theft	5	.	.	.	2	.
Property damage	24	34	21	38	40	28
Other offences (incl offences against justice procedures)	14	6	5	20	20	22
Drug offences	.	.	.	.	.	1
All	127	74	108	188	176	156

Source: PROMIS as of 29 January 2026

Note: Does not include Jervis Bay.

**Under-reporting of DFV involving perpetrators aged between 14 and 17**

ACT Policing holds concerns that many domestic family violence incidents involving young people go unreported, noting DFV incidents are generally underreported. The hidden nature of domestic violence incidents may mean the involvement of police is dependent on reports of the actual incident. Many incidents may not reach the attention of police because victims may either not recognise the violence as illegal or a crime (i.e. it's just 'bad behaviour' by their son/daughter), or they may fear the consequences of reporting (i.e. their child gets arrested and a criminal record). Additional reasons for underreporting may include the stigma associated with reporting, perceived embarrassment by coming forward, fear of further consequences either on the victim themselves or on the perpetrator, and perceived lack of action or options provided by police.

FVSNs may help to mitigate some of these reasons as they may encourage reporting by guardians and provide an additional option which may be more appropriate than arrest or no substantive response at all, depending on the circumstances.