



Submission cover sheet

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

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AFPA

Australian Federal
Police Association

Family, Personal and Sexual Violence Legislation Amendment Bill 2025

**Standing Committee on Legal Affairs
ACT Legislative Assembly**

Submission by the Australian Federal Police Association

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Family, Personal and Sexual Violence Legislation Amendment Bill 2025 Submission from the Australian Federal Police Association

The Australian Federal Police Association (AFPA) is the industrial and professional representative body for Australian Federal Police (AFP) employees. The AFPA represents the interests of its members across all of the AFP's operational environments, including ACT Policing. Our members have a strong interest in legislative frameworks that enhance community safety while also ensuring that police officers are appropriately supported, protected and treated fairly in the performance of their duties.

The AFPA welcomes the opportunity to make a submission to the Standing Committee on Legal Affairs in relation to the *Family, Personal and Sexual Violence Legislation Amendment Bill 2025* (the Bill). The Association recognises the seriousness of family, personal and sexual violence and supports legislative reform that strengthens victim safety, improves justice outcomes and enhances the ability of police to respond to immediate risk.

Overall, the AFPA supports the passage of the Bill. However, given the expansion of police powers proposed, particularly through the Family Violence Safety Notice (FVSN) Scheme, the AFPA considers it essential that appropriate safeguards are implemented to protect police officers who will be required to exercise these powers in complex and high-risk circumstances.

Overview of Current Arrangements – After-Hours Orders

Under the current framework, short-term protection outside court hours is provided through After-Hours Orders (AHOs). These orders may only be issued by a magistrate outside the business hours of the Magistrates' Court and generally remain in force until the close of business on the second business day after the order was made.

In practice, the AHO process requires police officers attending a family violence incident to contact an on-call, off-duty magistrate to seek an order. This process can be time-consuming and administratively burdensome. It is poorly suited to the fast-

moving, volatile and high-risk situations that require immediate intervention. Additionally, AHOs can only be issued in circumstances where the grounds for arrest have not been met. Furthermore, members have reported to the AFPA that the current arrangements are not fit for purpose for matters that arise during court hours. In theory, victims and police can apply for an interim order in the Magistrates' Court if an incident occurs during court hours. However, in practice, these interim orders are often delayed due to the court's busy schedule, and an interim order will not be issued until the following business day.

Family Violence Safety Notice (FVSN) Scheme

The AFPA supports the establishment of the FVSN Scheme and acknowledges that it addresses long-standing deficiencies in the current AHO framework. All other Australian jurisdictions have implemented similar schemes to great success. The AFPA welcomes the ACT Government's decision to act on such an important matter.

The current scheme in the ACT has been recognised as operationally restrictive, particularly due to its reliance on judicial availability, limited duration and inability to operate alongside arrest powers. While ACT Policing officers have seldom failed to obtain an AHO when required, the power to issue FVSNs will significantly enhance the ability of police to provide effective and immediate protection to vulnerable members of the community.

Additionally, the introduction of FVSNs will be a less restrictive method for respondents. Currently, respondents are often detained until an AHO can be issued by an on-call magistrate. This process can take hours due to the time required for police to prepare an application and the availability of the magistrate. FVSNs will allow police to protect victims, while having a minimal impact on the respondent's time and liberty, where grounds for arrest have not been met.

The proposed scheme provides ACT Policing members with a more flexible and practical tool to respond to immediate risk. The scheme grants police officers at the rank of sergeant or above to issue short-term safety notices at any time. The Bill will increase the period in which this temporary order can remain in force to 14 days, whereas AHOs expire on the second business day after the order is issued. These changes reflect the operational reality that family violence occurs, and is indeed more prevalent, outside of court hours. FVSNs can be issued even when grounds for arrest exist which recognises that criminal enforcement alone may not adequately address ongoing risk, coercive behaviour or post-arrest intimidation.

The AFPA positively notes that the scheme requires careful consideration of the views of the affected victims and respondents, the history of violence, and potential hardship arising from the issuance of an FVSN. The inclusion of judicial oversight through the ability to apply for amendment or revocation is also an important safeguard that supports procedural fairness and accountability.

Impact on Police and the Need for Safeguards

The FVSN scheme is intended to improve victim safety, and this should be the paramount objective of the Bill. However, it is important to note that the Bill will materially change the responsibilities of ACT Policing members. The responsibility for issuing temporary protective orders will shift, in part, from judicial officers to police officers, who will be required to make legally significant decisions in dynamic, high-stress and often emotionally charged environments.

AFP members routinely respond to family violence incidents under challenging conditions, including long shifts, competing operational demands and incomplete or conflicting information. Decisions relating to the issuance of FVSNs will frequently need to be made quickly, often in circumstances where the consequences of action or inaction may only become apparent later. In this context, there is an increased risk that police officers may be subject to heightened scrutiny, vexatious complaints or disciplinary action, including in circumstances where they have acted reasonably and in good faith.

The AFPA is concerned that, without appropriate legislative and procedural protections, members may be exposed to unfair consequences arising from decisions to issue a notice, decisions to not issue a notice, or subsequent allegations made by respondents. The potential for malicious or vexatious complaints is a real and ongoing issue in policing, and this may be exacerbated by the expanded powers proposed under the Bill.

Accordingly, while strongly supporting the introduction of the scheme, the AFPA recommends that safeguards be incorporated to protect police officers from adverse outcomes arising from good faith decision-making. This should include clear statutory guidance, robust training, strong operational policy, and protections against liability or disciplinary action where officers have acted reasonably, within the scope of their authority.

Other Measures in the Bill

The AFPA also supports the other reforms contained in the Bill, including changes relating to image-based abuse, remote court attendance, the admissibility of counselling communications and the revocation of reduced sentences for child sex offenders on the basis of “good character” references. These reforms are consistent with a trauma-informed approach to justice and are intended to reduce re-traumatisation of victims.

These reforms will be an asset to AFPA members, particularly those working as Police Victim Liaison Officers. The AFPA considers that such reforms which simplify court processes, strengthen protections for victims and mitigate the risk of re-traumatisation will assist our members in supporting victims to navigate the justice system with greater ease and safety.

Resourcing

The AFPA emphasises that the effectiveness of the reforms contained in this Bill, particularly those relating to family, personal and sexual violence, will be fundamentally dependent on appropriate and sustained resourcing for ACT Policing. Legislative reform alone will not deliver improved outcomes if it is not matched by investment in the people and capabilities required to implement it safely and effectively.

ACT Policing is currently operating in an environment of significant resource constraint. Existing resourcing and funding levels are insufficient to meet current demand. The ACT Government has shown a strong commitment to addressing family, personal and sexual violence, however the AFPA reiterate that this must be reflected with additional perpetual funding to support frontline and specialist policing capability.

In particular, the AFPA considers that a permanent uplift in personnel is required. At a minimum, the introduction of the proposed reforms will necessitate a sustained increase in capability equivalent to at least three additional Victim Liaison Officers and two additional Investigative Assistants. These roles are critical to ensuring victims receive appropriate support, that matters are progressed effectively through the justice system, and that frontline officers are not required to absorb additional responsibilities without adequate backing.

The AFPA also highlights the significant operational burden placed on ACT Policing by the volume of civil law inquiries that fall outside core policing functions. ACT Policing members are frequently required to respond to members of the public seeking assistance in circumstances where police have limited jurisdiction or expertise. This diverts scarce policing resources away from frontline operational duties and can lead to frustration for both police and members of the community who are seeking assistance that police are not best placed to provide.

The AFPA strongly supports the establishment of a dedicated referral pathway or co-located support service to address this gap. This could include a model similar to that used in New South Wales, where specialist domestic and family violence support services are embedded within police stations, or the establishment of a designated location, such as the City Police Station, where members of the public can be referred for civil advice and assistance. Such a service would be particularly valuable for individuals who do not qualify for legal aid or assistance through existing community organisations.

Importantly, any such initiative must be supported by ongoing, guaranteed funding rather than short-term or pilot arrangements. Without secure, perpetual resourcing, there is a risk that responsibility for managing unmet community need will continue to fall back onto police officers, further stretching already limited resources and undermining the intent of the reforms.

The AFPA submits that meaningful investment in ACT Policing resourcing is essential to ensuring that the reforms in this Bill achieve their intended outcomes, protect victims effectively, and do not place unsustainable pressure on AFP members tasked with their implementation.

Conclusion

The AFPA supports the Bill and acknowledges its potential to significantly improve responses to incidents of family, personal and sexual violence in the ACT. The introduction of the FVSN scheme represents an important step toward providing immediate and practical protection to people at risk.

However, the AFPA emphasises that the Committee and Legislative Assembly should consider implementing protections to the officers required to exercise these new powers. Ensuring AFP members are supported, protected from malicious complaints and are not unfairly penalised for good faith operational decisions is essential to the success of the scheme and to maintaining public confidence in policing responses.

Subject to the inclusion of appropriate safeguards for police officers, the AFPA supports the Bill.