



# Police Federation of Australia

The National Voice of Policing

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The Secretary  
Senate Legal and Constitutional Affairs Committee  
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## Inquiry into Family Law Amendment (Federal Family Violence Orders) Bill 2021 [Provisions]

The Police Federation of Australia (PFA) represents the professional and industrial interests of Australia's more than 65,000 police and is the only entity that can legitimately speak on behalf of police officers from every Australian police jurisdiction from a national perspective, hence its title as the 'National Voice of Policing'.

PFA Membership Numbers as at 31 December 2020	
<b>AFPA</b>	4,115
<b>NT</b>	1,588
<b>NSW</b>	16,851
<b>SA</b>	4,824
<b>VIC</b>	17,685
<b>TAS</b>	1,375
<b>QLD</b>	11,970
<b>WA</b>	6,835
<b>TOTAL</b>	65,243

Policing issues predominantly fall under state authority and legislation, however issues such as the Family Law Amendment (Federal Family Violence Orders) Bill 2021 has a potential impact on police across every jurisdiction.

Whilst the PFA strongly supports the intent of the Bill and are advised that the interaction with state and territory violence orders has been one of the issues considered at length throughout the consultation process through the National Personal Protection Injunctions Working Group (NPPIWG), of which state and territory police agencies are members, we make the following comments that we would ask the committee to take into consideration.

#### **Police training and resourcing –**

We are advised that before a Federal Family Violence Order (FFVO) is issued by the Federal Court they must inquire as to the possible existence of a state or territory order. To do this, the Court will need access to the National Police Reference System and as such there are provisions in the Bill for the capacity for amendments/revocation of the FFVOs, which can be done by either a state or territory court, or a federal court, pending the circumstances of the variation or revocation. Any resultant summonses issued by the Federal Court, would likely be required to be served by state or territory police which entail those police undertaking the required coordination and risk assessments.

This is likely to require specific training and perhaps additional resourcing requirements for state and territory police agencies. It may also entail upgrades to state and territory technology. We seek that the committee recommends that such training, resourcing and technology upgrades, be funded by the Federal Government.

#### **RECOMMENDATION:**

**That any training, additional resourcing or technology upgrade requirements for state and territory police as a result of the carriage of this Bill, be funded by the Federal Government.**

## Human Rights –

The PFA notes that in Report 7 of 2021 the Parliamentary Joint Committee on Human Rights, which provides an analysis of the human rights compatibility of recently introduced bills and legislative instruments, said in relation to this Bill –

*“The committee notes the Attorney-General’s advice that the measure seeks to encourage courts to exercise their power to revoke or suspend a federal family violence order so as to resolve inconsistencies between federal and state or territory family violence orders and in turn, protect children from harm. While the committee notes that this important objective could constitute a legitimate objective for the purposes of international human rights law, questions remain as to whether this specific measure is necessary and addresses a pressing or substantial concern. The committee notes that it is not clear whether the courts are reluctant to exercise their jurisdiction due to the complexity of considering the best interests of the child and the extent to which this reluctance could cause delay in proceedings and place victims of family violence at risk of harm. Without further information in relation to this, the committee is unable to conclude that the measure is rationally connected to the stated objective. As regards proportionality, while the committee notes that the best interests of the child would be an important consideration, this safeguard alone may be insufficient to protect the right of the child to have his or her best interests taken as a primary consideration. Suggested action 2.54 The committee recommends the statement of compatibility with human rights be updated to reflect the information which has been provided by the Attorney-General.*

*The committee draws these human rights concerns to the attention of the Attorney-General and the Parliament”.*

The PFA anticipates that the Committee will specifically address the issues raised in the Parliamentary Joint Committee on Human Rights Report to ensure that there are no

unintended consequences of the proposed Bill, specifically as they concern police involvement.

We thank the Committee for the opportunity to make this submission on behalf of Australia's Police. The PFA offers any further support to the Committee that you deem appropriate including appearing to give evidence if requested.

Sincerely yours

A handwritten signature in black ink, appearing to read 'S. Weber', with a long horizontal line extending to the right.

Scott Weber  
Chief Executive Officer  
18 June 2021