

SUPREME COURT OF QUEENSLAND

CITATION: *CYQ v WWY & Ors* [2026] QSC 165

PARTIES: **CYQ**
(applicant)

v

WWY
(first respondent)

and

**COMMISSIONER OF THE QUEENSLAND POLICE
SERVICE**
(second respondent)

and

A MAGISTRATES COURT OF QUEENSLAND
(third respondent)

FILE NO: 3820 of 2025

DIVISION: Trial Division

PROCEEDING: Application

DELIVERED ON: 8 July 2026

DELIVERED AT: Brisbane

HEARING DATE: 9 October 2025, 18 November 2025, 15 December 2025

JUDGE: Davis J

ORDER:

- 1. The application is dismissed.**
- 2. By 4pm on 22 July 2026, the first and second respondents file and serve written submissions on costs.**
- 3. By 4pm on 5 August 2026, the applicant file and serve written submissions in reply.**
- 4. Each party has leave to file and serve an application by 4pm on 12 August 2026 seeking leave to make oral submissions on costs.**
- 5. In the absence of an application filed pursuant to order 4, costs will be determined on any written submissions filed and without further oral hearing.**

CATCHWORDS: MAGISTRATES – APPEAL AND REVIEW – QUEENSLAND – ORDERS TO REVIEW – where a Police Protection Notice (PPN) under the *Domestic and Family Violence Protection Act 2012* was issued against the applicant – where the PPN was issued by police without prior contact with the applicant – where the applicant alleged that made the PPN non-compliant with s 101(1)(b) of the *Domestic and Family Violence Protection Act 2012* – where the Magistrates Court dealt with the PPN as an application for a protection order – where the Magistrates Court made a temporary protection order – where the applicant asserted that the failure to make prior contact with him rendered the PPN and all subsequent action upon it void – where he sought prerogative relief quashing the orders in the Magistrates Court and restraining the Magistrates Court from further hearing the application for a protection order

Domestic and Family Violence Protection Act 2012 (Qld), s 3, s 23, s 28, s 32, s 36, s 37, s 38, s 39 s 44, s 45, s 101A, s 101B, s 102, s 104, s 105, s 107, s 107A, s 107A, s 178

Domestic and Family Violence Protection and Other Legislation Amendment Act 2025 (Qld)

Judicial Review Act 1991 (Qld)

Human Rights Act 2019 (Qld), s 48, s 58

Australian Securities Commission v Marlborough Gold Mines Ltd (1993) 177 CLR 485, cited

BRB Modular Pty Ltd v AWX Constructions Pty Ltd [2015] QSC 222, followed

Farah Constructions Pty Ltd & Ors v Say-Dee Pty Ltd (2007) 230 CLR 89, cited

MAB v Magistrate Hackett & Anor [2025] QSC 299, cited

Mondelez Australia Pty Ltd v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (2020) 271 CLR 495, cited

NRNQ v MEQ Nickel Pty Ltd [1991] 2 Qd R 592, cited

R v A2 (2019) 269 CLR 507, cited

R v Commonwealth Court of Conciliation and Arbitration; Ex parte Ozone Theatres (Aust) Ltd (1949) 78 CLR 389, cited

Re Refugee Review Tribunal & Anor; Ex parte Aala (2000) 204 CLR 82, cited

The Queen v The Australian Broadcasting Tribunal; Ex parte Hardiman (1980) 144 CLR 13, cited

COUNSEL: The applicant appeared on his own behalf
G Elmore for the first and second respondents
The third respondent did not participate

SOLICITORS: The applicant appeared on his own behalf
Queensland Police Service Legal Services for the first and second respondents
The third respondent did not participate

- [1] On 15 May 2025, police issued what purported to be a Police Protection Notice (PPN) against the applicant pursuant to provisions of the *Domestic and Family Violence Protection Act 2012* (*Domestic Violence Act*). A temporary protection order was made in the Magistrates Court at Caboolture which regarded the PPN as an application for a protection order. Those proceedings are continuing.
- [2] The applicant seeks orders of a prerogative nature pursuant to Part 5 of the *Judicial Review Act 1991* (Qld), the effect of which is to attack the validity of the PPN. The applicant's case is that the PPN was not validly issued and therefore there is no application before the Magistrates Court for a protection order. He seeks the following relief, relevantly:
- “2. A declaration that the decision of the First Respondent to issue a Police Protection Notice dated 15 May 2025 ... (PPN) to the Applicant was made ultra vires and is invalid and void ab initio.
 3. A declaration that the decision of the First Respondent to issue the PPN was unlawful under s 58(1) of the *Human Rights Act 2019* (Qld) (*HRA*).
 4. A prerogative order in the nature of prohibition to prohibit the Magistrates Court at Caboolture from further hearing or determining the protection order application proceedings ... resulting from the issuance of the PPN.
 5. Orders in the nature of certiorari quashing:
 - a. the PPN and the application for a protection order which the PPN is taken to be pursuant to s. 112(1) of the *Domestic and Family Violence Protection Act 2012* (Qld) (*DVFP Act*); and
 - b. the temporary protection order made on 22 May 2025 in proceedings....
 6. An order that the First and Second Respondents take all necessary action to formally withdraw the PPN and application for a protection order and discontinue proceedings ... to give practical effect to the Court's orders.”¹
- [3] It is necessary in order to understand the application to firstly analyse the legislation.

¹ Amended Application for Review filed 20 November 2025; leave to amend was sought and granted; costs and other incidental relief was also sought.

Statutory provisions

[4] Section 3 of the *Domestic Violence Act* states the objects:

“3 Main objects

- (1) The main objects of this Act are—
 - (a) to maximise the safety, protection and wellbeing of people who fear or experience domestic violence, and to minimise disruption to their lives; and
 - (b) to prevent or reduce domestic violence and the exposure of children to domestic violence; and
 - (c) to ensure that people who commit domestic violence are held accountable for their actions.
- (2) The objects are to be achieved mainly by—
 - (a) allowing a court to make a domestic violence order to provide protection against further domestic violence; and
 - (b) giving police particular powers to respond to domestic violence, including the power to issue a police protection direction or police protection notice; and
 - (c) imposing consequences for contravening a domestic violence order, police protection direction or police protection notice, in particular, liability for the commission of an offence.”

[5] Part 3² concerns “Domestic violence orders”.

[6] A “domestic violence order” is defined as a “protection order” or a “temporary protection order”.³ A protection order is, in effect, a statutory injunction compelling good behaviour and prohibiting domestic violence by a respondent against an aggrieved.⁴

[7] A “temporary protection order” is an interlocutory order of the same or similar effect as a protection order. The temporary protection order is intended to operate “...in the period before a court decides whether to make a protection order for the benefit of an aggrieved”.⁵

² Commencing s 32.

³ Section 23(2).

⁴ Section 28.

⁵ Section 23(3).

- [8] Both protection orders and temporary protection orders are ordered by a magistrate, in exercise of judicial power.
- [9] Section 100 of the *Domestic Violence Act* vests power upon police officers to issue a PPN or a police protection direction (PPD). Police do not exercise judicial power, so both PPNs and PPDs are issued in exercise of administrative power. As will be seen a PPN initiates proceedings in a Magistrates Court for a protection order. A PPD is a direction which is given when police do not seek a protection order. A PPD does not instigate proceedings in court.
- [10] Section 100, as it appeared when a PPN was issued against the applicant, did not provide for PPDs. They were introduced by amendment in 2025.⁶
- [11] Part 4 is headed “Police functions and powers”. Section 100, as it stood in May 2025,⁷ provided relevantly:

“100 Police officer must investigate domestic violence

- (1) If a police officer reasonably suspects that domestic violence has been committed, the police officer must investigate or cause to be investigated the complaint, report or circumstance on which the officer’s reasonable suspicion is based.
- (2) If, after the investigation, the police officer reasonably believes domestic violence has been committed, the police officer must consider whether it is necessary or desirable—
 - (a) to take any action under subsection (3) to protect a person from further domestic violence; and
 - (b) for the person to be protected immediately from further domestic violence and, if so, what is the most effective action to take to immediately protect the person.
- (3) The police officer may do any of the following—
 - (a) apply to a court for a protection order under part 3, division 1;
 - (b) apply to a court for a variation of a domestic violence order under part 3, division 10;
 - (c) issue a police protection notice under division 2;

⁶ *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025.*

⁷ Reprint current as at 28 April 2025.

Note—

Under section 112, a police protection notice is taken to be an application for a protection order.

- (d) take the respondent into custody under division 3;

Note—

Under section 118, if a police officer takes a respondent into custody, the police officer must apply for a protection order against the respondent.

- (e) apply to a magistrate for a temporary protection order under division 4;
- (f) take any other action appropriate in the circumstances.

Example of other action—

taking a respondent to another place, including, for example, a hospital, to receive treatment necessary for the respondent's welfare

- (4) If, after the investigation, the police officer decides not to take any action, the police officer must make a written record of the police officer's reasons for not taking any action.
- (5) The police commissioner must keep the written record in hard copy or electronic form.
- (5A) A police officer's obligation to investigate a complaint, report or circumstance of domestic violence under subsection (1), or to make a written record under subsection (4), ends if the officer reasonably believes that—
 - (a) the only type of relevant relationship that exists between the 2 persons the subject of the complaint, report or circumstance is a family relationship; and
 - (b) one of the persons is under 18 years.
- (6) This section does not limit the responsibility of the police officer to investigate whether a criminal offence has been committed.
- (7) To remove any doubt, it is declared that if a police officer believes that domestic violence has been committed but is unable to take action under subsection

(3) as result of section 22(2) or (4), or stops investigating a matter, or taking action, under subsection (5A), this section does not limit the police officer's responsibilities to investigate the matter, or to take action, under another Act, including the Criminal Code, the *Child Protection Act 1999* or the *Youth Justice Act 1992*.” (emphasis added)

[12] Section 101 empowers a police officer to issue a PPN:

“101 Police officer may issue police protection notice

- (1) A police officer may issue a notice (a *police protection notice*) against a person (the *respondent*) if the police officer—
 - (a) reasonably believes the respondent has committed domestic violence; and
 - (b) if the respondent is not present at the same location as the police officer—has made a reasonable attempt to locate and talk to the respondent including by telephone, to afford the respondent natural justice in relation to the issuing of a police protection notice; and
 - (c) reasonably believes that no domestic violence order or recognised interstate order has been made or police protection notice issued that—
 - (i) names the respondent as a respondent and another person involved in the domestic violence mentioned in paragraph (a) as the aggrieved; or
 - (ii) names the respondent as the aggrieved and another person involved in the domestic violence mentioned in paragraph (a) as a respondent; and
 - (d) reasonably believes a police protection notice is necessary or desirable to protect the aggrieved from domestic violence; and
 - (e) reasonably believes the respondent should not be taken into custody under division 3.
- (2) This section is subject to sections 102 and 103.” (emphasis added)

[13] Various sections regulate the issue of a PPN:

- (a) section 101A prescribes the circumstances (not applicable here) where a PPN must be issued;
- (b) section 102 provides that the approval of a supervising police officer is required before a PPN is issued; and
- (c) sections 101B, 104 and 105, which provide for various formal requirements.

[14] Section 106 prescribes the mandatory provisions of a PPN:

“106 Standard conditions

A police protection notice must include a condition that the respondent—

- (a) must be of good behaviour towards the aggrieved and must not commit domestic violence against the aggrieved; and
- (b) if the notice includes a named person who is an adult—
 - (i) must be of good behaviour towards the named person; and
 - (ii) must not commit associated domestic violence against the named person; and
- (c) if the notice includes a named person who is a child—
 - (i) must be of good behaviour towards the child; and
 - (ii) must not commit associated domestic violence against the child; and
 - (iii) must not expose the child to domestic violence.”

[15] Section 106A identifies conditions which may, on the discretion of police, be included in a PPN. These include “cool-down conditions”,⁸ a “no-contact condition,”⁹ and an “ouster condition” which effectively removes a respondent from particular premises.¹⁰ A PPN has the force of an order in the sense that there are ramifications for its breach.¹¹

⁸ Section 107.

⁹ Section 107A.

¹⁰ If an “ouster condition” is imposed there must also be a “return condition” which contains exceptions to the exclusion from the premises; Section 107C.

¹¹ Section 178.

- [16] Applications for protection orders are made pursuant to s 32. Relevantly, that section provides:

“32 Application for protection order

- (1) An application for a protection order may be made to a Magistrates Court by—
 - (a) an aggrieved; or
 - (b) an authorised person for an aggrieved; or
 - (c) a police officer under section 100(2)(a); or
 - (d) a person acting under another Act for an aggrieved.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) state the grounds on which it is made; and
 - (c) state the nature of the order sought; and
 - (d) if the applicant is not a police officer—be verified by the applicant by a statutory declaration (a *verification declaration*); and
 - (e) be filed in the court.
- (3) However, subsection (2)(d) does not apply to an applicant if the clerk of the court agrees to grant the applicant’s request under section 36(2)(b).”

- [17] Section 34 provides that an application must be served upon a respondent and s 37 prescribes, relevantly, the circumstances in which a protection order may be made:

“37 When court may make protection order

- (1) A court may make a protection order against a person (the *respondent*) for the benefit of another person (the *aggrieved*) if the court is satisfied that—
 - (a) a relevant relationship exists between the aggrieved and the respondent; and
 - (b) the respondent has committed domestic violence against the aggrieved; and
 - (c) the protection order is necessary or desirable to protect the aggrieved from domestic violence...”¹²

- [18] Section 38 prescribes how the court proceeds where a respondent has appeared on an application for a protection order:

¹² Statutory notes omitted.

“38 Hearing of application—appearance of respondent

- (1) This section applies if a respondent appears before the court that is to hear and decide an application for a protection order.
- (2) The court may—
 - (a) hear and decide the application; or
 - (b) adjourn the application, whether or not it makes a temporary protection order under division 2; or
 - (c) subject to subsection (3), dismiss the application without deciding it.
- (3) The court may dismiss an application without deciding it only if—
 - (a) the applicant has not appeared; and
 - (b) if the applicant is a police officer—no other police officer or service legal officer has requested an adjournment; and
 - (c) no other person eligible to apply for the protection order has appeared.
- (4) The dismissal of an application does not affect the right of the applicant to make a further application against the respondent.”

[19] Section 112 provides that the PPN is taken to be an application for a protection order.

It provides:

“112 Police protection notice taken to be application for protection order

- (1) A police protection notice is taken to be an application for a protection order made by a police officer.
- (2) This section does not apply if—
 - (a) the police protection notice was issued against the respondent under section 101A when the respondent was released from custody; and
 - (b) a police officer prepared an application for a protection order against the respondent while the respondent was in custody as required under section 118.”

[20] None of the circumstances prescribed by s 112(2) apply here.

[21] Temporary protection orders are provided for by division 2 of part 3. Section 44 provides relevantly:

“44 When court may make temporary protection order

- (1) A court may make a temporary protection order if—
 - (a) the court adjourns the hearing of an application for a protection order; or
 - (b) the court adjourns the hearing of an application for a variation of a domestic violence order; or
 - (c) the court adjourns a proceeding mentioned in section 42 or 43; or
 - (d) the applicant for a protection order has asked the clerk of the court under section 36 for the application to be heard by the court—
 - (i) before the application is served on the respondent; or
 - (ii) before the application is served on the respondent and without the applicant giving the court a verification declaration; or
 - (e) the applicant for the variation of a protection order has asked the clerk of the court under section 90 for the application to be heard by the court—
 - (i) before the application is served on the respondent; or
 - (ii) before the application is served on the respondent and without the applicant giving the court a variation declaration; or
 - (f) an application for a temporary protection order is made to the court by a police officer under part 4, division 4.
- (2) For subsection (1)(a), if the application is a police protection notice taken to be an application for a protection order under section 112, it does not matter whether or not the nature of the protection order sought and the grounds on which the order is sought—
 - (a) are stated in the police protection notice; or
 - (b) are stated in a statement mentioned in section 111(3) that has been filed under that section; or
 - (c) have otherwise been made known to the court.”

- [22] Section 45 prescribes the matters about which the Magistrates Court must be satisfied before making a temporary protection order. Relevantly:

“45 Matters court must be satisfied of

- (1) A court may make a temporary protection order against a respondent only if the court is satisfied that—
 - (a) a relevant relationship exists between the aggrieved and the respondent; and
 - (b) the respondent has committed domestic violence against the aggrieved.”

Background

- [23] The applicant is married and has previously been married and there are four children by that prior relationship.
- [24] On 14 May 2025, the applicant was at home with his current wife. He became agitated in relation to dealings with his former wife and left the house stating that he intended to go to his former wife’s home and kill her.
- [25] The applicant’s current wife contacted police and reported that incident.
- [26] Police interviewed the applicant’s former wife just after 8pm on 14 May. That interview was conducted at the applicant’s former wife’s home by two Constables. The applicant says that he was contacted by police at 6:11pm but was just asked as to his whereabouts. He says no allegations were put to him.
- [27] A PPN was issued just after 3am on 15 May 2025 and was served upon the applicant at about 4am by the first respondent.
- [28] By force of s 112 of the *Domestic Violence Act*, the PPN operates as an application for a protection order. The matter was returnable before the Caboolture Magistrates Court on 22 May 2025 when a temporary protection order was made. The proceeding in relation to a protection order remains afoot.
- [29] There is no allegation that the applicant has breached the terms of the PPN.

The current proceedings

[30] An application for statutory order of review was filed in this Court on 28 August 2025.

[31] That application came before me on 9 October 2025 and certain directions were given. The matter came back before me on 18 November 2025. At that point I joined the third respondent but excused the third respondent from further appearances in the proceeding¹³. I granted leave to the applicant to file an Amended Originating Application. The terms of the Amended Originating Application which was subsequently filed appear at paragraph [2] of these reasons. Other directions were made including listing the matter for hearing on 15 December 2025.

[32] The applicant’s primary argument is that:

- (a) if (as here) a police officer issues a PPN pursuant to s 101(1) of the *Domestic Violence Act*; then
- (b) by s 101(1)(b), before issuing the PPN, the police officer must “[make] a reasonable attempt to locate and talk to the respondent...to afford the respondent natural justice in relation to issuing a police protection notice”; but
- (c) the police did not do so here before the PPN was issued; consequently
- (d) the PPN is void and of no effect; and therefore
- (e) the PPN is not a valid application for a protection order pursuant to s 112(1); so
- (f) the proceedings in the Magistrates Court are beyond jurisdiction; and
- (g) the temporary protection notice made in the Magistrates Court is invalid as made beyond jurisdiction.

[33] The applicant’s alternate submission brings in aid s 58(1) of the *Human Rights Act 2019*. As later explained that submission is misconceived.

¹³ *The Queen v The Australian Broadcasting Tribunal; Ex parte Hardiman* (1980) 144 CLR 13 at 35–36.

Consideration

The validity of the Police Protection Notice

- [34] Although the question put by the applicant is whether the PPN is valid, that is not the correct question. The real question is whether a PPN issued without compliance with s 101(1)(b), has force as an application for a protection order.
- [35] The broader question as to whether failure to comply with s 101(1)(b) renders the PPN void and of no force for any purpose might arise in the right case. It does not arise here. There is no allegation of any breach by the applicant of the conditions of the PPN. The PPN has been superseded by the temporary protection order made in the Magistrates Court of Caboolture. Any question as to the validity of the PPN as a restraint on the applicant's behaviour is only hypothetical.
- [36] The issue is one of construction of the *Domestic Violence Act*. It is now well settled that the aim is to ascertain the meaning of the text of the legislation by reference to context and purpose.¹⁴
- [37] That exercise was undertaken by Ryan J in *MAB v Magistrate Hackett & Anor*,¹⁵ who held that a failure by a police officer to make "a reasonable attempt to locate and talk to the respondent"¹⁶ before issuing a PPN did not invalidate proceedings in the Magistrates Court initiated by that PPN.¹⁷
- [38] *MAB* did not go on appeal so is the current authoritative judgment of the Trial Division concerning the issue currently before me. In the absence of authority on the point from the Court of Appeal or High Court of Australia, I should follow *MAB* unless convinced that the judgment is wrong.¹⁸

¹⁴ *R v A2* (2019) 269 CLR 507 at [31]-[37]; also *Mondelez Australia Pty Ltd v Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union* (2020) 271 CLR 495 at [98] per Edelman J.

¹⁵ [2025] QSC 299.

¹⁶ *Domestic and Family Violence Protection Act 2012*, s 101(1)(b).

¹⁷ *MAB v Magistrate Hackett & Anor* [2025] QSC 299 at [69]-[72].

¹⁸ *Australian Securities Commission v Marlborough Gold Mines Ltd* (1993) 177 CLR 485 at 492 concerning national legislation; *Farah Constructions Pty Ltd & Ors v Say-Dee Pty Ltd* (2007) 230 CLR 89; *NRNQ v MEQ Nickel Pty Ltd* [1991] 2 Qd R 592 at 598-599; and *BRB Modular Pty Ltd v AWX Constructions Pty Ltd* [2015] QSC 222 at 10.

- [39] In any event, I consider that the conclusion reached by Ryan J in *MAB* is correct for the reasons which follow.
- [40] The objects of the *Domestic Violence Act* include maximising the safety and protection of persons who may be subject to domestic violence¹⁹ and the prevention of domestic violence.²⁰
- [41] These objects are achieved, in part, by the creation of various remedies designed to restrain those who might commit acts of domestic violence.
- [42] Those remedies are primarily protection orders and temporary protection orders.²¹ They are orders made by a court exercising judicial power.
- [43] A protection order is only made when:
- (a) there is an application which has been served upon the respondent;²²
 - (b) the respondent is heard, unless the respondent does not appear;²³ and
 - (c) statutorily prescribed conditions are met.²⁴
- [44] A temporary protection order:
- (a) may be made ex parte but only if the Court is satisfied certain prerequisites have been met;²⁵
 - (b) may only be made if the Court is satisfied prescribed conditions are met;²⁶
 - (c) may remain in force until the hearing of the application for a protection order.
- [45] A PPN arises not by force of an order of a court but by action of a police officer. It performs two functions:
- (a) to provide immediate protection to the person allegedly the subject of domestic violence; and

¹⁹ Section 3(1)(a).

²⁰ Section 3(1)(b).

²¹ Section 23.

²² Section 34.

²³ Sections 38 and 39.

²⁴ Section 37.

²⁵ Sections 36, 44(1)(d).

²⁶ Section 45.

(b) to commence proceedings for a protection order.

[46] The scheme of the legislation is that police officers (among others) may enliven the jurisdiction of the Magistrates Court to make both temporary protection orders and protection orders, in order to fulfil the objects of the Act.

[47] The scheme includes the commencement of court proceedings by a police officer filing an application for a protection order²⁷ or by the making of a PPN.²⁸

[48] Questions might arise as to whether criminal responsibility attaches to a respondent who breaches a PPN which was issued in contravention of s 101(1)(b). That question is not before me. As already observed, the purpose of the PPN is to commence proceedings in the Magistrates Court and to bring the respondent to court. Once a respondent has appeared before the Magistrates Court and a temporary protection order made, the PPN ceases to have any effect. What occurs thereafter depends upon the exercise of judicial power by the Magistrates Court. At that point the role of the police is just as a party to the proceeding.

[49] It could not, in my view, be the intention of the legislature to effectively withdraw jurisdiction from the Magistrates Court because of a defect in the issue of a PPN where the legislation empowers a police officer to commence proceedings for a protection order independently of issuing a PPN. Such a construction would be contrary to the fulfilment of the objects of the Act.

The relief sought

[50] For reasons earlier explained, the relief sought in paragraph [2] of the Amended Application is cast too widely.²⁹ The real issue is not whether the PPN is invalid and void ab initio, but whether the PPN fails to initiate proceeding in the Magistrates Court. I have answered that question.

²⁷ Section 32(1)(c).

²⁸ Sections 101 and 112.

²⁹ Set out at paragraph [2] of these reasons.

[51] Prerogative relief is discretionary.³⁰ As the general question of validity of the PPN does not arise, I refuse to otherwise consider the relief sought in paragraph [2] of the Amended Application.

[52] Given that I have concluded that any failure to comply with s 101(1)(b) does not invalidate the proceedings in the Magistrates Court, it follows that I will refuse the relief sought in paragraphs [4], [5] and [6] of the Amended Application.

[53] Paragraph [3] of the Amended Application raises a claim for a declaration that “the decision...to issue the PPN was unlawful under s 58(1) of the *Human Rights Act 2019* (Qld)”. In the written submissions, the applicant expressed the argument in terms of s 48 of the *Human Rights Act*. The applicant said:

“Section 48 [of the *Human Rights Act 2019*] requires the [*Domestic and Family Violence Protection Act 2012*] to be interpreted compatibly with human rights. This favours construing s 101(1)(b) as a mandatory precondition, as ignoring natural justice impairs rights without justification.”

[54] Section 48 of the *Human Rights Act* relevantly provides:

“48 Interpretation

- (1) All statutory provisions must, to the extent possible that is consistent with their purpose, be interpreted in a way that is compatible with human rights.
- (2) If a statutory provision can not be interpreted in a way that is compatible with human rights, the provision must, to the extent possible that is consistent with its purpose, be interpreted in a way that is most compatible with human rights.”

[55] The applicant points to “rights to privacy, family and liberty” which might be a reference to ss 25 and 29 of the *Human Rights Act*. The argument was never developed either in written or oral submissions.

[56] Sections 25 and 29 of the *Human Rights Act* provides:

25 Privacy and reputation

A person has the right—

³⁰ *R v Commonwealth Court of Conciliation and Arbitration; Ex parte Ozone Theatres (Aust) Ltd* (1949) 78 CLR 389 at 400; and *Re Refugee Review Tribunal & Anor; Ex parte Aala* (2000) 204 CLR 82 at 108.

- (a) not to have the person's privacy, family, home or correspondence unlawfully or arbitrarily interfered with; and
- (b) not to have the person's reputation unlawfully attacked.

...

29 Right to liberty and security of person

- (1) Every person has the right to liberty and security.
- (2) A person must not be subjected to arbitrary arrest or detention.
- (3) A person must not be deprived of the person's liberty except on grounds, and in accordance with procedures, established by law.
- (4) A person who is arrested or detained must be informed at the time of arrest or detention of the reason for the arrest or detention and must be promptly informed about any proceedings to be brought against the person.
- (5) A person who is arrested or detained on a criminal charge—
 - (a) must be promptly brought before a court; and
 - (b) has the right to be brought to trial without unreasonable delay; and
 - (c) must be released if paragraph (a) or (b) is not complied with.
- (6) A person awaiting trial must not be automatically detained in custody, but the person's release may be subject to guarantees to appear—
 - (a) for trial; and
 - (b) at any other stage of the judicial proceeding; and
 - (c) if appropriate, for execution of judgment.
- (7) A person deprived of liberty by arrest or detention is entitled to apply to a court for a declaration or order regarding the lawfulness of the person's detention, and the court must—
 - (a) make a decision without delay; and
 - (b) order the release of the person if it finds the detention is unlawful.
- (8) A person must not be imprisoned only because of the person's inability to perform a contractual obligation."

[57] I have analysed the purpose of ss 100, 101 and 112 of the *Domestic Violence Act* and also their operation. Relevantly to the current dispute, the purpose of the PPN is an alternative method of commencing proceedings for a protection order and brings the matter to court so that a magistrate can hear and determine the case. A respondent is a party to those proceedings and has a right to be heard. An interpretation that a defect in the issue of the PPN does not invalidate proceedings before the Magistrates Court is not an interpretation inconsistent with the applicant's human rights.

Conclusions

[58] There is no substance in any of the arguments raised by the applicant and the application should be dismissed.

[59] At the hearing, the parties were content for costs to be determined on written submissions and I will make directions to facilitate that course.

[60] The orders are:

1. The application is dismissed.
2. By 4pm on 22 July 2026, the first and second respondents file and serve written submissions on costs.
3. By 4pm on 5 August 2026, the applicant file and serve written submissions in reply.
4. Each party has leave to file and serve an application by 4pm on 12 August 2026 seeking leave to make oral submissions on costs.
5. In the absence of an application filed pursuant to order 4, costs will be determined on any written submissions filed and without further oral hearing.