



Queensland

# Domestic and Family Violence Protection Regulation 2012

## Explanatory Notes for SL 2012 No. 158

made under the

*Domestic and Family Violence Protection Act 2012*

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## General outline

### Short title

*Domestic and Family Violence Protection Regulation 2012.*

### Authorising law

Section 193 of the *Domestic and Family Violence Protection Act 2012*.

### Policy objectives and the reasons for them

The *Domestic and Family Violence Protection Act 2012* focuses on effective and timely responses to provide for the safety of victims of domestic violence and their children and ensuring that perpetrators of violence are held accountable. Section 193 provides for the making of a regulation to support the operation of the Act.

Section 170 of the Act provides for the registration of interstate orders. Interstate orders are orders that are made by a court in another State or Territory or New Zealand under a prescribed law. The Regulation facilitates the ability of aggrieved to register an interstate order and be protected in Queensland, by prescribing the legislation for the purposes of this section.

Section 159 prevents information given in evidence or information that is likely to identify, or lead to the identification of a party, witness or child concerned in proceedings, from being published. A person or corporation that publishes this information can be liable to a penalty of 100 penalty units or 2 years imprisonment or for a corporation, 1000 penalty units. Section 159(2) recognises that there are circumstances where publication is appropriate and provides an exception for these circumstances. The section also provides for additional exceptions to be made by regulation. The regulation prescribes an additional exception that is currently prescribed in the existing 2003 regulation.

### **Achievement of policy objectives**

The regulation prescribes a list of State and Territory and New Zealand legislation for the purposes of allowing an aggrieved person to register an interstate or New Zealand order in Queensland. This means that where an aggrieved person moves to Queensland and they have a current domestic violence order, they will be able to attend a Queensland courthouse and request that the Registrar register the order. The order will then be enforceable in Queensland and the aggrieved will continue to be protected from domestic violence.

The regulation prescribes an exemption to the prohibition on publication on public interest grounds where an aggrieved person or respondent is seriously injured or killed in a situation where a domestic violence order had previously been made between the parties.

### **Consistency with policy objectives of authorising law**

The regulation is consistent with the main objects of the Act, to maximise the safety, protection and wellbeing of people who fear or experience domestic violence, and to minimise disruptions in their lives and to prevent or reduce domestic violence and the exposure of children to domestic violence; and to ensure that people who commit domestic violence are held accountable for their actions.

### **Inconsistency with policy objectives of other legislation**

The regulation is consistent with the policy objectives of other legislation. It provides for the protection of children from domestic violence by allowing aggrieved parents to register an interstate order naming a child.

### **Alternative ways of achieving policy objectives**

The contents of the regulation could be included in an amendment to the *Domestic Violence Family Protection Act 2012*. However, the inclusion of prescribed interstate legislation creates an administrative burden in the need to amend legislation every time another jurisdiction changes the name of their authorising law.

### **Benefits and costs of implementation**

There are no costs of implementation of the Regulation. There are two key benefits:

1. Aggrieved persons will continue to be protected from domestic violence after moving to Queensland where they have a current order issued by an interstate, Territory or New Zealand court.
2. The current exemption to the prohibition to publication of identifying information will continue.

### **Consistency with fundamental legislative principles**

The regulation is consistent with fundamental legislative principles.

### **Consultation**

Government agencies have been consulted through an Interagency Working Group. Queensland Treasury and Trade have been consulted. All parties support the proposed action.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Communities, Child Safety and Disability Services.

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