

Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation 2017

Explanatory notes for SL 2017 No. 185

made under the

Domestic and Family Violence Protection Act 2012

General Outline

Short title

Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation 2017.

Authorising law

Sections 173, 174, 176N and 193 of the *Domestic and Family Violence Protection Act 2012*.

Policy objectives and the reasons for them

The objective of the *Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation 2017* (the Amendment Regulation) is to support the commencement of the provisions of the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2016* (the Amendment Act) which implement the National Domestic Violence Order Scheme (NDVOS) in Queensland.

A key reform introduced by the NDVOS provisions of the Amendment Act is the removal of Part 6 of the *Domestic and Family Violence Protection Act 2012* (the Act) and the requirement to manually register domestic violence orders made in other Australian jurisdictions (the registration of New Zealand orders is retained). The new Part 6 of the Amendment Act establishes the NDVOS in Queensland, allowing for the automatic mutual recognition of domestic violence orders made across Australian jurisdictions.

Under the new Part 6 of the Amendment Act, sections 173 and 174 require an interstate order (an order made by a court or police officer of another state) and a registered foreign order (a New Zealand order) to be declared so by regulation. Section 176N of the Amendment Act provides that a regulation may prescribe the way that the clerk of the court is to register a New Zealand order.

Amendments to the *Domestic and Family Violence Protection Regulation 2012* (the Regulation) are required to: ensure the Regulation aligns with the changes to be introduced by the Amendment Act; and support the commencement of the NDVOS in Queensland.

Achievement of policy objectives

The policy objectives are achieved through amending the Regulation to: reflect the names of interstate orders and registered foreign orders that may be recognised by the NDVOS; and prescribe the way the clerk of the court is to register a New Zealand order.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the Act.

Inconsistency with policy objectives of other legislation

There is no inconsistency with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

There are no alternative ways of achieving the policy objectives other than by an amendment to the Regulation.

Benefits and costs of implementation

There are no costs associated with the implementation of this Amendment Regulation.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

Key domestic and family violence and legal stakeholders were consulted throughout the development of the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016 (the Bill). The results of consultation are detailed in the explanatory notes to the Bill.

Consultation was not undertaken in relation to the Amendment Regulation as it is machinery in nature.