

# **Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation (No. 2) 2017**

Explanatory notes for SL 2017 No. 227

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 (No. 2) 2017.*

### **Authorising law**

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

### **Policy objectives and the reasons for them**

The objective of the *Domestic and Family Violence Protection (Interstate and Foreign Orders) Amendment Regulation (No. 2) 2017* (the Amendment Regulation) is to ensure the *Domestic and Family Violence Protection Regulation 2012* (the Regulation) accurately reflects Western Australia's (WA's) domestic violence legislation upon commencement of the National Domestic Violence Order Scheme (NDVOS) on 25 November 2017.

On 25 November 2017, the NDVOS provisions of the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2016* (the Amendment Act) will commence.

The Amendment Act inserts a new Part 6 into the Act to establish the NDVOS in Queensland. Part 6 will allow for the automatic mutual recognition of domestic violence orders made across Australian jurisdictions.

Under the new Part 6 of the 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.

Amendments to the Regulation are required to: reflect WA's domestic violence legislation; and ensure there is no gap in protection for WA victims of domestic and family violence when the NDVOS commences on 25 November 2017.

## **Achievement of policy objectives**

The policy objectives are achieved through amending the Regulation to reflect the names of WA interstate orders and registered foreign orders that may be recognised by the NDVOS.

This will allow violence restraining orders that address a domestic violence concern made in WA before 1 July 2017 to be captured by the NDVOS and WA registered foreign orders to be declared in Queensland as part of the NDVOS.

It is the intention that any foreign restraining order that relates to a domestic violence concern and is registered in WA may be declared to be recognised under the NDVOS in Queensland. This includes foreign restraining orders made before 1 July 2017, when WA commenced new domestic violence provisions in the *Restraining Orders Act 2007* (WA).

## **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**

In accordance with the Queensland Government Guide to Better Regulation, the Office of Best Practice Regulation was not consulted in relation to the amendment regulation. The Department of Communities, Child Safety and Disability Services applied a self-assessed exclusion from further regulatory impact analysis on the basis that the Amendment Regulation is of a machinery nature – category (g).