

Domestic and Family Violence Protection Regulation 2023

Explanatory notes for SL 2023 No. 87

Made under the

Domestic and Family Violence Protection Act 2012

General Outline

Short Title

Domestic and Family Violence Protection Regulation 2023

Authorising law

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

Policy objectives and the reasons for them

The policy objectives of the *Domestic and Family Violence Protection Regulation 2023* (the Regulation) are to support the operation of provisions in the *Domestic and Family Violence Protection Act 2012* (the Act) regarding publication of information relating to proceedings and recognition of interstate and foreign domestic violence orders.

The Act's purpose is to maximise the safety, protection, and wellbeing of people who fear or experience domestic violence, 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.

Publication of certain information, such as evidence or identifying information about a party or witness, relating to proceedings is prohibited under section 159 of the Act. The Regulation prescribes exceptions to this prohibition.

Part 6 of the Act establishes, in conjunction with the corresponding laws, a national recognition scheme that enables interstate and foreign domestic violence orders to be recognised interstate orders under the Act. The Regulation prescribes the relevant state, territory, and New Zealand legislation under which recognised orders can be made.

Section 176N of the Act provides for registration of New Zealand orders by a clerk of the court. The Regulation prescribes the way in which the clerk of the court is to register a New Zealand order.

The Regulation will replace the *Domestic and Family Violence Protection Regulation 2012* (2012 Regulation) which is scheduled to automatically expire on 1 September 2023. The Regulation will remake the 2012 Regulation in substantially the same form with minor amendments in accordance with modern drafting practice.

Achievement of policy objectives

The Regulation achieves its objectives by:

- prescribing the circumstances in which certain information relating to proceedings is permitted to be published;
- declaring interstate and foreign orders as recognised interstate orders, maintaining consistency across states and territories under the national recognition scheme for domestic and family violence orders; and
- prescribing how the clerk of the court may register New Zealand orders.

Consistency with policy objectives of authorising law

The Regulation is consistent with the policy objectives of the Act to maximise the safety, wellbeing, and protection of people who fear or experience domestic violence, to prevent or reduce domestic violence, and to ensure people who commit domestic violence are held accountable.

Inconsistency with policy objectives of other legislation

The Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are no costs to implementation of the Regulation.

The benefits of the Regulation are that aggrieved persons will continue to be protected from domestic violence after moving to Queensland where they have a current order issued by a court in other jurisdiction and publication of information relating to proceedings will be allowed in certain limited circumstances, such as where there is a legitimate community interest.

Consistency with fundamental legislative principles

The Regulation is consistent with fundamental legislative principles.

Consultation

The Chief Magistrate was consulted on the making of the Regulation.

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Targeted consultation was conducted with government stakeholders including on a consultation draft of the 2023 Regulation. The 2023 Regulation was supported by all stakeholders.

A sunset review was undertaken in consultation with the Office of Best Practice Regulation (OBPR) to examine the ongoing need, effectiveness, and efficiency of the 2012 Regulation. OBPR advised the 2012 Regulation remains relevant and requires no further regulatory impact analysis.