

Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023

Explanatory notes for SL 2023 No. 94

Made under the

Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023

General Outline

Short Title

Proclamation - Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023 (commencing remaining provisions)

Authorising law

Section 2 of the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023* (the DFVPOLA Act).

Policy objectives and the reasons for them

The objective of the Proclamation is to fix 1 August 2023 as the commencement date for the provisions of the DFVPOLA Act that are not in force. These provisions relate to:

- giving effect to legislative reform in recommendations 52 to 60 and 63 to 66 in chapter 3.8 of the *Women's Safety and Justice Taskforce* (Taskforce) first report, *Hear her voice: Addressing coercive control and domestic and family violence in Queensland*;
- modernising sexual offence terminology throughout the Criminal Code;
- amending the *Youth Justice Act 1992* to provide specific mitigatory circumstances relating to domestic violence; and
- making consequential amendments to existing legislation.

Achievement of policy objectives

The policy objective is achieved by fixing 1 August 2023 as the commencement date for the provisions of the DFVPOLA Act that are not in force.

Consistency with policy objectives of authorising law

The Proclamation is consistent with the objectives of the authorising law.

Inconsistency with policy objectives of other legislation

The Proclamation is not inconsistent with the policy objectives of other legislation.

Benefits and costs of implementation

The benefit of the Proclamation is the commencement of the provisions of the DFVPOLA Act that are not yet in force. This includes giving effect to the first tranche of legislative amendments recommended by the Taskforce to strengthen existing laws to address the patterned nature of coercive control and limit the ability of perpetrators to further traumatise victims during the court process. The Proclamation will also commence provisions of the DFVPOLA Act not related to the first Taskforce report.

Commencement of the provisions relating to the first Taskforce report is likely to increase demands for courts, police and the legal profession due to the increase in numbers of matters coming before the courts, as well as an increase in the complexity of the matters being heard. This demand will be monitored and any costs impacts will be assessed and included in future budget processes.

Any increase to the complexity or demand of matters before the courts, as well as implementation costs, arising from commencement of the non-taskforce related provisions of the DFVPOLA Act not in force, are expected to be minimal and will be met from existing departmental resources.

Consistency with fundamental legislative principles

The Proclamation is consistent with fundamental legislative principles.

Consultation

The judiciary was consulted on, and raised no issue with, the proposed commencement date of the remaining provisions not in force of the DFVPOLA Act.

The judiciary, domestic and family violence, sexual assault and legal stakeholders were consulted on a confidential basis during drafting of the DFVPOLA Act. Stakeholder feedback resulting from this consultation process was considered and incorporated into the legislation where appropriate.

A self-assessment by the Department of Justice and Attorney-General has determined that the proclamation is excluded from regulatory impact analysis under exclusion category (g) of the *Queensland Government Guide to Better Regulation* as it is a regulatory proposal of a machinery nature.