

Domestic and Family Violence Protection Amendment Rule 2023

Human Rights Certificate

Prepared in accordance with Part 3 of the *Human Rights Act 2019*

In accordance with section 41 of the *Human Rights Act 2019* (HR Act), I, the Honourable Yvette D'Ath MP, Attorney-General and Minister for Justice and Minister for the Prevention of Domestic and Family Violence, provide this human rights certificate with respect to the *Domestic and Family Violence Protection Amendment Rule 2023* (the Amendment Rule) made under the *Magistrates Courts Act 1921* (the MC Act).

In my opinion, the Amendment Rule, as tabled in the Legislative Assembly, is compatible with the human rights protected by the HR Act. I base my opinion on the reasons outlined in this statement.

Overview of the Subordinate Legislation

The *Domestic and Family Violence Protection Rules 2014* (DFVP Rules) provide rules for users of the DFVP Act to ensure consistent practices across the jurisdiction. The DFVP Rules apply to a proceeding in a DFVP court under the DFVP Act, and a registry of a DFVP court in relation to a proceeding under the DFVP Act. The DFVP Rules do not apply to an appeal under the DFVP Act.

The purpose of the Amendment Rule is to support the operation of the amendments to the *Domestic and Family Violence Protection Act 2012* (DFVP Act) made by the *Domestic and Family Violence Protection (Combating Coercive Control) and Other Legislation Amendment Act 2023* (DFVPOLA Act) and address minor technical issues identified in the DFVP Rules.

The DFVPOLA Act implements the first tranche of legislative reform recommended by the Women's Safety and Justice Taskforce (the Taskforce) in its first report, *Hear her voice – Addressing coercive control and domestic and family violence in Queensland* (first report).

The Amendment Rule supports the DFVPOLA Act by:

- requiring a police officer to file an affidavit of attempted personal service if an application for a substituted service order is made under the DFVP Act in relation to personal service of a document on a respondent;
- requiring a police officer to file a statement of substituted police service with the registry of the DFVP court, unless the court orders otherwise, if the police officer serves a document on a respondent under a substituted service order;

- allowing the DFVP court to issue a direction to the police commissioner to provide the court a copy of the respondent's criminal history and domestic violence history, unless this is not reasonable in the circumstances.
- requiring the police commissioner to provide identical copies of the criminal history and domestic violence history to the respondent; and
- making technical changes to relevant language to ensure consistency across the DFVP Rules.

Human Rights Issues

The Amendment Rule will ensure that the DFVP Rules accurately reflect the amendments to the DFVP Act made by the DFVPOLA Act. The Amendment Rule updates the rules for DFVP court processes and procedures to ensure consistency and efficiency across the jurisdiction. On this basis, it is my opinion that this subordinate legislation does not raise human rights issues because it does not engage or limit any human rights protected under the HR Act.

Conclusion

I consider that the *Domestic and Family Violence Protection Amendment Rule 2023* is compatible with the HR Act because it does not raise a human rights issue.

YVETTE D'ATH MP
Attorney-General and Minister for Justice and
Minister for the Prevention of Domestic and Family Violence
Leader of the House

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