

Domestic and Family Violence Protection Amendment Rule 2025

Explanatory notes for SL 2025 No. 111

made under the

Magistrates Courts Act 1921

General Outline

Short title

Domestic and Family Violence Protection Amendment Rule 2025

Authorising law

Under section 57C(1) of the *Magistrates Courts Act 1921*.

Policy objectives and the reasons for them

The *Queensland Community Safety Act 2024* (Community Safety Act) amended the *Corrective Services Act 2006* (CS Act) to enable a corrective services officer to serve a prescribed domestic violence document under the *Domestic and Family Violence Protection Act 2012* on a prisoner, that would otherwise be required to be served by a police officer, in prescribed circumstances.

The *Domestic and Family Violence Protection Amendment Rule 2025* (Amendment Rule) makes minor, consequential amendments to the *Domestic and Family Violence Protection Rules 2014* (DFVP Rules) to support the operation of the CS Act amendments.

Achievement of policy objectives

The Amendment Rule achieves its objectives by:

- amending rule 9 (How documents may be filed – general) to provide that if the chief executive (corrective services) files a document, that they may file by electronic means.
- amending rule 12(1) (How personal service is performed) to insert that, if the document is being served under the CS Act, section 348B, that the person serving, must explain to the person being served, the nature and effect of the document (this is consistent with how documents are served by police officers).
- amending rule 14(2) (Statement of police service) to provide that the rule does not apply where the chief executive personally serves the document under CS Act section 348B or if

the police officer files an affidavit of personal service or a statement of substituted police service.

- inserting new rule 14B (Corrective services statement of service) to provide for a corrective service statement of service to be filed in a DFVP court registry, where corrective services has served DFV related documents on a person detained in an approved corrections facility. The corrective services statement of service is modelled off the existing police statement of service under rule 14. The statement is to be filed by corrective services and must include the signature of the person who served the document, and the following details:
 - the person's name and position;
 - the time, day and date the document was served;
 - the place of service;
 - the name of the person served and how the person was identified;
 - how the documents or content of the documents was explained to the person served;
 - include a statement that the contents of the statement are true or if the contents of the statement are stated on the basis of information and belief - the contents are true to the best of the knowledge of the person who served the document;
 - include a statement that the person who served the document understands that a person who provides a false matter in the statement may commit an offence; and
 - include information about the document that was served (for example, by including the document as an exhibit or mentioning the document in a way that is sufficient to identify it).
- inserting new rule 14C (Affirming corrective services statement of service) setting out the process for affirming the statement.

Consistency with policy objectives of authorising law

The Amendment Rule is consistent with the policy objectives of the authorising law.

Inconsistency with policy objectives of other legislation

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

Benefits and costs of implementation

The Amendment Rule operationalises amendments to the CS Act to provide for service by corrective services where persons are detained in approved corrections facilities. The Amendment Rule seeks to alleviate the burden on the Queensland Police Service (QPS) when serving documents to persons detained in correctional facilities and streamline processes in terms of providing proof of service by corrective services to a DFVP court registry. There are no projected cost implications related to the amendments.

Consistency with fundamental legislative principles

The Amendment Rule has been developed with regard to the fundamental legislative principles in the *Legislative Standards Act 1992*. No potential breaches of fundamental legislative principles have been identified.

Consultation

Section 57C of the *Magistrates Courts Act 1921* Act provides that the Governor in Council may make rules of court providing for the practices and procedure of a proceeding in a court under the DFVP Act. A rule may only be made with the consent of the Chief Magistrate.

On 4 August 2025, the Chief Magistrate provided consent for the Amendment Rule.

In accordance with the *Queensland Government Better Regulation Policy*, an Impact Analysis Statement has been prepared that identifies the Amendment Rule relates to the administration of courts and tribunals. As such, no further regulatory impact analysis is required.