

Domestic and Family Violence Protection and Other Legislation Amendment Regulation 2025

Explanatory Notes for SL 2025 No. 129

made under the

Childrens Court Act 1992

Disability Services Act 2006

Domestic and Family Violence Protection Act 2012

Evidence Act 1977

Explosives Act 1999

Magistrates Court Act 1921

Police Service Administration Act 1990

Residential Tenancies and Rooming

Accommodation Act 2008

General Outline

Short title

Domestic and Family Violence Protection and Other Legislation Amendment Regulation 2025

Authorising law

Section 7 of the *Childrens Court Act 1992*

Section 239 and Schedule 8 of the *Disability Services Act 2006*

Sections 66B, 66F and 193 of the *Domestic and Family Violence Protection Act 2012*

Sections 103C and 135 of the *Evidence Act 1977*

Section 135 of the *Explosives Act 1999*

Section 57C of the *Magistrates Court Act 1921*

Section 10.28 of the *Police Service Administration Act 1990*

Sections 308B, 381B and 520 of the *Residential Tenancies and Rooming Accommodation Act 2008*

Policy objectives and the reasons for them

The policy objective of the *Domestic and Family Violence Protection and Other Legislation Amendment Regulation 2025* (the Amendment Regulation) is primarily to support the operation of provisions in the *Domestic and Family Violence Protection Act 2012* (the DFVP Act), as inserted by the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025* (the Amendment Act).

Among other matters, the Amendment Act amends the DFVP Act, and the *Evidence Act 1977* to:

- establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to domestic and family violence (DFV) and reduce the operational impacts of the current DFV legislative framework;
- support a Global Positioning System (electronic monitoring) pilot for high-risk DFV perpetrators (the pilot), by enabling prescribed courts to impose a monitoring device condition on a respondent in certain circumstances when making or varying a domestic violence order (DVO); and
- simplify, streamline and expand the video-recorded evidence-in-chief (VREC) framework statewide to support victim-survivors of DFV.

Electronic monitoring of high-risk DFV perpetrators focusses on victim protection and enables police to respond to electronic monitoring alerts. Electronic monitoring is not intended to keep victim-survivors safe on their own, but to complement existing integrated safety planning.

The pilot is planned to run for two years, with the relevant provisions of the DFVP Act which enable the pilot to expire two years from the date they commence. If the pilot is extended, further legislative amendment will be required.

Prescribed courts will be able to make a monitoring device condition if satisfied that the respondent meets several ‘eligibility requirements’ provided by the DFVP Act (section 66B(1)). This includes that the respondent has either been convicted of, or is charged with, a domestic violence offence or an indictable offence involving violence against another person; or there is a history of charges for domestic violence offences made against the respondent; and that the respondent is not required to wear a monitoring device for another reason.

The DFVP Act includes regulation making powers to enable several matters for the pilot to be prescribed by regulation. This provided flexibility during design of the pilot and supports ongoing evaluation and refinement over the life of the pilot. The Amendment Regulation supports the operationalisation of the pilot by prescribing these matters as required.

The Amendment Act also simplifies, streamlines and expands the VREC framework provided for in Part 6A of the *Evidence Act 1977*.

The Amendment Regulation facilitates the statewide expansion of the VREC framework by omitting section 4A of the *Evidence Regulation 2017*. Currently, section 4A restricts the framework’s application to certain courts and locations. As the Amendment Act extends the VREC framework to all summary and committal proceedings for domestic violence offences, section 4A is no longer necessary.

Achievement of policy objectives

The Amendment Regulation, as authorised by sections 66B and 66F of the DFVP Act, proposes to amend the *Domestic and Family Violence Protection Regulation 2023* (DFVP Regulation) to prescribe:

- courts that can impose monitoring device conditions (a Magistrates Court held in Townsville in the Townsville Magistrates Courts District; and a Magistrates Court held in Caboolture in the Caboolture Magistrates Courts District) (new s1B DFVP Regulation, s66B(1)(b) of the DFVP Act);
- an eligibility requirement that the residential address of both the respondent and the aggrieved be within a pilot location at the time the monitoring device condition is imposed on the respondent, as per prescribed postcodes (new s1C DFVP Regulation, s66B(1)(c) DFVP Act);
- an eligibility requirement that the respondent be either in the custody of a police officer; or taken to be in the chief executive's custody under the *Corrective Services Act 2006* (CS Act), and subject to either a community-based order or parole order under the CS Act. This section is intended to expire on 31 January 2026 (new s1D DFVP Regulation; s66B(1)(c) DFVP Act); and
- an information sharing framework for information relating to a monitoring device condition ('monitoring information') (new Part 2, Division 2 DFVP Regulation, s66F DFVP Act).

The Amendment Regulation also makes consequential amendments to the following subordinate legislation, to reference and facilitate the PPD framework where relevant:

- *Childrens Court Rules 2016*
- *Disability Services Regulation 2017*
- *Domestic and Family Violence Protection Rules 2014*
- *Explosives Regulation 2017*
- *Police Service Administration Regulation 2016*
- *Residential Tenancies and Rooming Accommodation Regulation 2025 (RTRA Regulation)*

The Amendment Regulation also repeals section 4A of the *Evidence Regulation 2017* to support the statewide expansion of the VREC framework; and corrects a technical error in the RTRA Regulation by amending the heading of section 23.

Court locations

Section 66B of the DFVP Act outlines the circumstances in which a court may impose a monitoring device condition, and requires that a court must be prescribed by regulation as a court that can impose a monitoring device condition.

New section 1B of the DFVP Regulation prescribes a Magistrates Court held in Caboolture in the Caboolture Magistrates Courts District; and a Magistrates Court held in Townsville in the Townsville Magistrates Courts District as courts that can impose monitoring device conditions.

Location of respondent and aggrieved

Section 66B(1)(c) of the DFVP Act outlines the circumstances in which a court may impose a monitoring device condition and includes that a court must be satisfied of particular matters, including any other requirement prescribed by regulation for the section.

New section 1C of the DFVP Regulation provides for requirements relating to the residential addresses of the respondent and the aggrieved.

This section provides that, for a court that is a Magistrates Court held in Caboolture in the Caboolture Magistrates Courts District, when a monitoring device condition is imposed on the respondent, the postcode for the respondent's residential address and the postcode for the aggrieved's residential address is 4504, 4505, 4506, 4507, 4510, 4511, 4512, 4514, 4515, 4516, 4519 or 4521.

For a court that is a Magistrates Court held in Townsville in the Townsville Magistrates Courts District, when a monitoring device condition is imposed on the respondent, it is a requirement that the postcode for the respondent's residential address and the postcode for the aggrieved's residential address is 4810, 4811, 4812, 4814, 4815, 4816, 4817 or 4818.

Reference to a residential address includes a person's last known residential address.

Providing limitations on where the respondent and the aggrieved reside at the time the monitoring device condition is imposed is intended to facilitate fitting and removal of monitoring devices and the provision of specialist domestic and family violence services to both the respondent and aggrieved, as these services will primarily be within pilot locations.

Although both the respondent and the aggrieved must live in a prescribed postcode, there is no requirement that the respondent and the aggrieved share the same postcode.

The requirement provided by new section 1C of the DFVP Regulation is not intended to limit the ability for the respondent or aggrieved to move after the condition is imposed.

Other requirement about respondent – custody

Section 66B(1)(c) of the DFVP Act outlines the circumstances in which a court may impose a monitoring device condition and includes that a court must be satisfied of particular matters, including any other requirement prescribed by regulation for this section.

New section 1D of the DFVP Regulation provides that the respondent must be –

- (a) in the custody of a police officer; or
- (b) taken to be in the chief executive's custody under the CS Act, section 7, and subject to
 - (i) a community based order under the CS Act; or

(ii) a parole order under the CS Act.

This eligibility criteria will only be in effect for the initial months of the pilot, from 1 October 2025 until 31 January 2026. This will limit eligible respondents to those in the custody of the Queensland Police Service (QPS); or those in the custody of Queensland Corrective Services (QCS) and subject to either a community based order or parole order.

While respondents in the custody of the QPS or QCS may be detained outside of the pilot court locations, their detention location is not intended to be an eligibility restriction or criteria.

Limiting eligible respondents for the initial months of the pilot will allow for controlled implementation, enabling operational processes to be refined before broader expansion.

It is intended that section 1D will expire on 31 January 2026 to broaden the cohort eligible for electronic monitoring. Upon expiry, the court will be able to impose a monitoring device condition on eligible respondents (who will not have to be in custody), having regard to the criteria in section 66B and section 66C of the DFVP Act, and any other criteria prescribed by the DFVP Regulation.

Information sharing framework

Section 66F of the DFVP Act provides for the use of information relating to a monitoring device condition and provides a regulation-making power for prescribing: how information relating to a monitoring device or safety device may be shared and with whom (and the purpose which it can be shared); how the information will be recorded or stored; and the entity responsible for recording or storing the information. Section 66F(2) includes a criminal offence for the misuse of monitoring device or safety device information.

An existing information sharing framework is contained in Part 5A of the DFVP Act. However, this framework does not sufficiently capture the information sharing required for the pilot. A new information sharing framework specific to monitoring information is inserted into the DFVP Regulation in new Part 2, Division 2, which resembles Part 5A of the DFVP Act for consistency where appropriate. This new framework only applies to the sharing of ‘monitoring information’.

‘Monitoring information’ is defined under new section 1F as information relating to a monitoring device or safety device, including information relating to alerts and notifications from the device or a person’s geographical location. This necessarily includes information relating to the monitoring device condition, consistent with the enabling provision (section 66F of the DFVP Act).

New Division 2 enables monitoring information to be shared for several purposes.

New section 1G provides that monitoring information may be shared for the following purposes:

- performing a function necessary for the imposition of the monitoring device condition;
- assisting the respondent to comply with the monitoring device condition;

- supporting or assisting the aggrieved or named person, including assisting the aggrieved or named person to use a safety device;
- assessing or responding to a domestic violence threat;

Monitoring information may also be shared with the chief executive for the purpose of evaluating whether imposing monitoring device conditions on respondents has been effective in improving the safety, protection and wellbeing of people who fear or experience domestic violence (new section 1G(2)).

New section 1H provides that monitoring information may be shared with regard to the same principles for sharing information that are mentioned in Part 5A of the DFVP Act.

The DFVP Regulation will also provide for circumstances when monitoring information may be shared from a prescribed entity or specialist DFV service provider, to another prescribed entity or specialist DFV service provider to comply with a request made by the chief executive under section 66E(2) of the DFVP Act. Without limiting necessary information sharing to facilitate these requests, new section 1I also provides that monitoring information may be shared to the extent necessary to:

- enable fitting or removal of a monitoring device from the respondent;
- remotely monitor the monitoring device;
- give a safety device to the aggrieved or a named person;
- remotely monitor the safety device;
- contact the respondent in relation to the monitoring device;
- contact the aggrieved or named person in relation to the safety device;
- give information relating to alerts or notifications from the monitoring device to the chief executive, a prescribed entity or a specialist DFV service provider; and
- otherwise facilitate the request made by the chief executive.

Under new sections 1J and 1K, monitoring information may also be shared to assess a domestic violence threat, or respond to a serious threat to the life, health or safety of the aggrieved or a named person because of domestic violence.

To enable a prescribed entity or specialist DFV service provider to contact the respondent or aggrieved as part of the pilot, monitoring information may also be shared with a respondent, aggrieved or named person under new section 1L. For the respondent, this information may relate to the monitoring device. For the aggrieved or a named person, if the person consents to being given the information, this information may include information relating to the monitoring device, or information relating to the safety device.

New section 1M outlines permitted uses of shared monitoring information, to enable the prescribed entity or specialist DFV service provider to use the information given to them for various purposes.

A delegation provision is also included (new section 1N), to provide for particular persons to give, receive or use information shared under Division 2 as if the prescribed entity or specialist DFV service was the receiver of the information. This enables particular functions of the pilot to be outsourced or delegated.

Division 2 also provides limitations on monitoring information that may be shared and, police use of monitoring information, consistent with limitations under Part 5A of the DFVP Act.

New section 1Q of the DFVP Regulation provides for recording and storage of monitoring information, including that the prescribed entity or specialist DFV service provider may record and store information to the extent necessary to ensure compliance with a request made by the chief executive under section 66E(2) of the DFVP Act.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the policy objectives of the DFVP 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.

The Amendment Regulation is also consistent with the policy objectives of the Amendment Act to establish a framework for PPDs to improve efficiencies for police responding to DFV, support the electronic monitoring pilot, and expand the VREC framework statewide.

Inconsistency with policy objectives of other legislation

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

Alternative ways of achieving policy objectives

The policy objectives can only be achieved by making subordinate legislation. Court locations for the pilot must be prescribed for a court to impose a monitoring device condition under Part 3, Division 5, Subdivision 3 of the DFVP Act. Prescribing eligibility criteria will allow more effective monitoring of respondents and an achievable scaled rollout approach.

There is insufficient enabling legislation for the sharing and storage of information related to monitoring information without prescribing arrangements in legislation.

Benefits and costs of implementation

Funding has been allocated for the electronic monitoring pilot. Any future funding will be sought through normal budget processes. Any costs arising out of the expansion of the VREC framework statewide will be dealt with as part of normal budget processes.

Consistency with fundamental legislative principles

The fundamental legislative principles (FLPs) under the *Legislative Standards Act 1992* (LS Act) require legislation to have sufficient regard to the rights and liberties of individuals and the institution of Parliament.

The Amendment Regulation is generally consistent with FLPs. Potential departures are addressed below.

The proposed legislation is potentially inconsistent with section 4(2(b) of the LS Act which requires legislation to have sufficient regard to the institution of Parliament.

The LS Act provides that a Bill should only allow the sub-delegation of a power delegated by an Act in appropriate cases.

New section 66B of the DFVP Act provides that a regulation may prescribe additional eligibility criteria for the pilot. This is to allow flexibility in designing the pilot and establishing an appropriate eligible cohort for the purposes of the pilot.

New section 66F of the DFVP Act provides that a regulation may prescribe various matters regarding information relating to a monitoring device condition, including the purpose for which the information may be shared. This is to allow flexibility in information sharing and storage for the purpose of the pilot as it commences.

When considering the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025, the Education, Arts and Communities Committee (the Committee) determined that *“it is appropriate for greater latitude than usual to be provided for prescribing matters in regulation”* in order to facilitate the operation of the pilot. However, the Committee recommended that if the pilot is extended, the Minister consider setting out the details of any extending or permanent scheme in the primary legislation (Recommendation 6).

The Government response to the Committee’s Report, tabled on 27 August 2025, supported this recommendation. Monitoring and evaluation will be ongoing throughout the pilot and, any decision by Government to expand the pilot will include consideration of whether details of the pilot should be set out in more detail in the primary legislation.

Consultation

The President of the Childrens Court consented to amendments to the *Childrens Court Rules 2016*. The Chief Magistrate consented to amendments to the *Domestic and Family Violence Protection Rules 2014*.

A Summary Impact Analysis Statement (Summary IAS) has been prepared for the Amendment Regulation in compliance with the Queensland Government Better Regulation Policy. The Summary IAS indicates that no further regulatory impact analysis is required as the Amendment Regulation: relates to police powers and administration, general criminal laws, the administration of courts and tribunals and corrective services; and makes consequential amendments that are minor or machinery in nature.