

Domestic and Family Violence Protection Amendment Rule 2025

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 Deb Frecklington MP, Attorney-General and Minister for Justice and Minister for Integrity provide this human rights certificate with respect to the *Domestic and Family Violence Protection Amendment Rule 2025* (Amendment Rule) made under the *Magistrates Courts Act 1921* (Magistrates Courts 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) are stand-alone rules of court for proceedings under the *Domestic and Family Violence Protection Act 2012*. The Amendment Rule makes consequential changes to the DFVP Rules to facilitate amendments made to the *Corrective Services Act 2006* (CS Act). The amendments provide for corrective services to serve domestic and family violence (DFV) related documents to persons in approved corrections facilities. The Amendment Rule facilitates service by providing for a corrective services statement of service to be filed with the registry of a DFVP court.

These reforms are aimed at creating administrative efficiencies for the Queensland Police Service (QPS) in the context of DFV and other proceedings.

The new provisions in the CS Act require the chief executive of Queensland Corrective Services (QCS) to serve DFV documents upon a detainee where:

- the documents are required or permitted to be served personally upon a person by a police officer,
- the person is detained in a specified corrective services facility, and
- the chief executive has agreed to receive the documents under an arrangement with the Police Commissioner.

Existing section 271 of the CS Act will enable this function to be delegated to an appropriately qualified person (the delegate), including delegation to corrective services officers.

To support the amendments to the CS Act to allow service by corrective services officers and consistent with current provisions in the DFPV Rules for service by police officers, the Amendment Rule provides:

- for a corrective services statement of service to be filed in the registry of a DFVP court;
- that a statement of service can be filed electronically; and
- that when the document is being served, the corrective services officer must explain to the person to be served the nature and effect of the document.

Human Rights Issues

Human rights relevant to the subordinate legislation (Part 2, Division 2 and 3 HR Act)

As noted in the Human Rights Statement of Compatibility (HRSC) which was tabled with the Bill which included the amendments to the CS Act, personal information of prisoners may be shared between QPS and QCS in order to facilitate the service of DFV documents.

In operationalising the amendment to the CS Act, the amendment to the DFVP Rules will also impose a small limitation on the right to privacy. As outlined in the HRSC, although there is an existing alternative which is less restrictive on rights, this alternative is causing delays and is therefore not equally as effective at achieving the purpose of creating administrative efficiencies in DFV proceedings.

Furthermore, safeguards have been built into the framework to ensure that the limitation on rights is the least restrictive means necessary to facilitate the timely progression of DFV matters.

For the reasons outlined here and in the HRSC, the limitation is considered reasonable and justified.

Conclusion

I consider that the Amendment Rule is compatible with the HR Act because it limits human rights only to the extent it is reasonable and demonstrably justified in a free and democratic society based on human dignity, equality and freedom.

DEB FRECKLINGTON MP
Attorney-General and Minister for Justice
Minister for Integrity