



Domestic and Family Violence Protection Act 2012

Domestic and Family Violence Protection Regulation 2023

Current as at 1 February 2026

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Queensland

Domestic and Family Violence Protection Regulation 2023

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Domestic and Family Violence Protection Regulation 2023

Part 1 Preliminary

1 Short title

This regulation may be cited as the *Domestic and Family Violence Protection Regulation 2023*.

1A Definitions

In this regulation—

monitoring information, for part 2, division 2, see section 1F.

specialist DFV service provider, for part 2, division 2, see section 169C of the Act.

Part 2 Monitoring device conditions

Division 1 Prescribed matters

1B Courts that can impose monitoring device condition—Act, s 66B

For section 66B(1)(b) of the Act, each of the following courts is a court that can impose a monitoring device condition on a respondent—

- (a) a Magistrates Court held in Caboolture in the Caboolture Magistrates Courts District;
- (b) a Magistrates Court held in Townsville in the Townsville Magistrates Courts District.

1C Requirement relating to residential addresses of respondent and aggrieved—Act, s 66B

- (1) Subsection (2) applies if the court imposing a monitoring device condition on the respondent is a Magistrates Court held in Caboolture in the Caboolture Magistrates Courts District.
- (2) A requirement for section 66B(1)(c) of the Act is that when the monitoring device condition is imposed on the respondent—
 - (a) the postcode for the respondent’s residential address is 4504, 4505, 4506, 4507, 4510, 4511, 4512, 4514, 4515, 4516, 4519 or 4521; and
 - (b) the postcode for the aggrieved’s residential address is a postcode mentioned in paragraph (a).
- (3) Subsection (4) applies if the court imposing a monitoring device condition on the respondent is a Magistrates Court held in Townsville in the Townsville Magistrates Courts District.
- (4) A requirement for section 66B(1)(c) of the Act is that when the monitoring device condition is imposed on the respondent—
 - (a) the postcode for the respondent’s residential address is 4810, 4811, 4812, 4814, 4815, 4816, 4817 or 4818; and
 - (b) the postcode for the aggrieved’s residential address is a postcode mentioned in paragraph (a).
- (5) In this section—

residential address, for a person, includes the person’s last known residential address.

Division 2 Information relating to monitoring device condition—Act, section 66F

1E Application of division

This division prescribes matters for section 66F of the Act.

1F Definitions for division

(1) In this division—

monitoring information means 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.

specialist DFV service provider see section 169C of the Act.

(2) In this division, a reference to domestic violence includes a reference to associated domestic violence.

1G Purposes for sharing monitoring information

(1) Monitoring information in relation to a monitoring device condition imposed on a respondent may be shared for the following purposes—

- (a) performing a function necessary for the imposition of the monitoring device condition;
- (b) assisting the respondent to comply with the monitoring device condition;
- (c) supporting or assisting the aggrieved or named person, including assisting the aggrieved or named person to use a safety device;
- (d) assessing whether there is a serious threat to the life, health or safety of the aggrieved or named person because of domestic violence;
- (e) responding to serious threats to the life, health or safety of the aggrieved or named person because of domestic violence.

(2) Without limiting subsection (1), monitoring information may 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.

1H Principles for sharing monitoring information

Monitoring information may be shared having regard to the same principles for sharing information that are mentioned in section 169B(a), (b) and (c) of the Act.

1I Sharing monitoring information to ensure compliance with monitoring device condition

- (1) A prescribed entity or specialist DFV service provider may give monitoring information to another prescribed entity or specialist DFV service provider to facilitate compliance with a request made by the chief executive under section 66E(2) of the Act.
- (2) Without limiting subsection (1), the prescribed entity or specialist DFV service provider may give monitoring information to another prescribed entity or specialist DFV service provider to the extent necessary—
 - (a) to enable the fitting of the monitoring device to, or the removal of the monitoring device from, the respondent; and
 - (b) to enable the doing of any of the following—
 - (i) remotely monitoring the monitoring device;
 - (ii) giving a safety device to the aggrieved or named person;
 - (iii) remotely monitoring the safety device;
 - (iv) contacting the respondent in relation to the monitoring device;
 - (v) contacting the aggrieved or named person in relation to the safety device;
 - (vi) giving information relating to alerts or notifications from the monitoring device to the chief executive, a prescribed entity or a specialist DFV service provider; and
 - (c) otherwise to facilitate the prescribed entity's compliance with the request.

1J Sharing monitoring information for assessing domestic violence threat

- (1) A prescribed entity or specialist DFV service provider (each the *holder*) may give monitoring information to another prescribed entity or specialist DFV service provider if the holder reasonably believes the information may help the entity receiving the information to assess whether there is a serious threat to a person's life, health or safety because of domestic violence.
- (2) This section does not limit section 1I.

1K Sharing monitoring information for responding to serious domestic violence threat

- (1) A prescribed entity or specialist DFV service provider (each the *holder*) may give monitoring information to another prescribed entity or specialist DFV service provider if the holder reasonably believes the information may help the entity receiving the information to lessen or prevent a serious threat to a person's life, health or safety because of domestic violence.
- (2) This section does not limit section 1I.

1L Sharing monitoring information with respondent, aggrieved or named person

- (1) A prescribed entity or specialist DFV service provider may share monitoring information relating to a monitoring device with the respondent who is fitted with the device.
- (2) A prescribed entity or specialist DFV service provider may share all the following monitoring information in relation to a monitoring device condition with the aggrieved or named person (each a *relevant person*) if the relevant person consents to being given the information—
 - (a) information relating to the monitoring device;
 - (b) if the relevant person is given a safety device—information relating to the safety device.

1M Permitted uses of shared monitoring information

- (1) A prescribed entity or specialist DFV service provider may use information given to the entity or provider under this division to the extent necessary to do the following—
 - (a) comply with a request made by the chief executive under section 66E(2) of the Act;
 - (b) assess whether there is a serious threat to a person’s life, health or safety because of domestic violence;
 - (c) lessen or prevent a serious threat to a person’s life, health or safety because of domestic violence, including by—
 - (i) contacting, or attempting to contact, the person or another person involved in the domestic violence; or
 - (ii) offering to provide assistance or a service to the person or another person involved in the domestic violence.
- (2) Without limiting subsection (1), the chief executive may use monitoring information given to the chief executive under this division to the extent necessary to evaluate 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.

1N Who may give or receive monitoring information on behalf of relevant entity

- (1) This section applies if a prescribed entity or specialist DFV service provider (each a *relevant entity*) may give, receive or use monitoring information under this division.
- (2) Section 169H(2) and (3) of the Act apply in relation to the relevant entity as if a reference to the entity in the subsections were a reference to the relevant entity.

1O Limits on monitoring information that may be shared

Despite sections 1I, 1J and 1K, monitoring information may not be given to an entity under this division if the monitoring information is information to which section 169J(a) to (e) of the Act applies.

1P Police use of monitoring information

- (1) This section applies if a police officer receives monitoring information from a prescribed entity or specialist DFV service provider under section 1I, 1J or 1K.
- (2) Section 169L(2) to (5) of the Act (the *operative provision*) applies in relation to the police officer as if a reference to information disclosed under this section in the operative provision were a reference to monitoring information disclosed under subsection (1).

1Q Recording and storing monitoring information

A prescribed entity or specialist DFV service provider that is given monitoring information under this division in relation to a monitoring device condition may record and store the information to the extent necessary to ensure compliance with a request made by the chief executive under section 66E(2) of the Act.

Part 3 Other prescribed matters

2 Publication of certain information—Act, s 159

- (1) This section provides for the publication of information mentioned in section 159(1) of the Act for section 159(2)(h) of the Act.
- (2) The publication of the information is permitted if the information relates to—

[s 3]

- (a) a proceeding that relates to a matter in the public domain; or
 - (b) a proceeding in which the community has a legitimate interest.
- (3) For subsection (2)(a), a proceeding relates to a matter in the public domain if—
- (a) a domestic violence order was made in the proceeding—
 - (i) against a person as a respondent; or
 - (ii) for the benefit of a person as the aggrieved, or a relative or associate of the aggrieved; and
 - (b) the person has later been convicted of an offence under the Act or another Act that was factually related to the domestic violence order.
- (4) For subsection (2)(b), the community has a legitimate interest in a proceeding if an incident happens in which—
- (a) a respondent in the proceeding causes the death of, or injury to, the aggrieved or a named person in the proceeding and the incident results in the death of the respondent; or
 - (b) the aggrieved or a named person in the proceeding causes the death of, or injury to, a respondent in the proceeding and the incident results in the death of the aggrieved or the named person.
- (5) However, the publication is not permitted if the publication is of information that identifies, or is likely to lead to the identification of, a child.

3 Declared interstate orders—Act, s 173

For section 173 of the Act, each of the following orders is declared to be an interstate order—

- (a) an apprehended domestic violence order or interim apprehended domestic violence order under the *Crimes (Domestic and Personal Violence) Act 2007* (NSW);

- (b) a domestic violence order within the meaning of the *Domestic and Family Violence Act 2007* (NT), section 4, definition *domestic violence order*, paragraph (a);
- (c) an FVO, interim FVO or PFVO under the *Family Violence Act 2004* (Tas);
- (d) a protection order or after-hours order under the *Family Violence Act 2016* (ACT);
- (e) a family violence intervention order or family violence safety notice under the *Family Violence Protection Act 2008* (Vic);
- (f) an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) that includes a declaration under section 15A of that Act that the order addresses a domestic violence concern;
- (g) a family violence restraining order or police order under the *Restraining Orders Act 1997* (WA);
- (h) a violence restraining order under the *Restraining Orders Act 1997* (WA) made before 1 July 2017 that addresses a domestic violence concern within the meaning of the *Domestic Violence Orders (National Recognition) Act 2017* (WA), section 9(1).

4 Declared registered foreign orders—Act, s 174

For section 174(b) of the Act, a New Zealand order that is also 1 of the following is declared to be a registered foreign order—

- (a) an external protection order—
 - (i) within the meaning of the *Crimes (Domestic and Personal Violence) Act 2007* (NSW), section 94, definition *external protection order*, paragraph (a); and
 - (ii) that is registered under that Act;
- (b) an external order—

[s 5]

- (i) within the meaning of the *Domestic and Family Violence Act 2007* (NT), section 4, definition *external order*, paragraph (a); and
- (ii) that is registered under that Act;
- (c) an external family violence order under the *Family Violence Act 2004* (Tas) that is registered under that Act;
- (d) a New Zealand FVO under the *Family Violence Act 2016* (ACT) that is registered under that Act;
- (e) a corresponding New Zealand order under the *Family Violence Protection Act 2008* (Vic) that is registered under that Act;
- (f) a foreign intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009* (SA) that is registered under that Act;
- (g) a foreign restraining order under the *Restraining Orders Act 1997* (WA) that corresponds with an order under part 1B of that Act and is registered under that Act.

5 Registration of New Zealand order—Act, s 176N

For section 176N(6) of the Act, the clerk of the court must register a New Zealand order by entering details of the order in a register kept by the clerk for registering New Zealand orders.

Part 4 Transitional provision

7 Transitional provision for Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024

The reference in section 2(3)(b) to a conviction of an offence under the Act, is a reference to a conviction of an offence under the Act if the charge for the offence was laid after the commencement.