Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Explanatory Notes

Short title

The short title of the Bill is the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025.

Policy objectives and the reasons for them

The Queensland Police Service (QPS) is under significant strain due to increasing demand across all crime types, exacerbated by the evolving and complex nature of domestic and family violence (DFV). This Bill progresses legislative amendments to the *Domestic and Family Violence Protection Act 2012* (DFVP Act) that will improve productivity for operational police officers when responding to DFV, give victim survivors immediate protections against respondents, support delivery of DFV related election commitments and make other technical amendments to DFV legislation. The Bill also amends the *Evidence Act 1977* (Evidence Act) to simplify, streamline and expand the video-recorded evidence-in-chief (VREC) framework statewide.

The objectives of the Bill are to:

- establish a framework for police protection directions (PPDs) to improve efficiencies for police responding to 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 consistent with the Government's election commitment;
- simplify, streamline and expand the VREC framework statewide to support victim-survivors of DFV;
- clarify that a VREC statement can be considered in civil proceedings under the DFVP Act.
- make other technical amendments to the DFVP Act to strengthen the maintenance of the Approved Provider List (APL).

Police Protection Directions

Queensland's DFV system has undergone significant reform over the last ten years. While reform prioritising victim-survivor safety continues, on its own it is not sufficient and therefore legislative reforms are required. Increasing demand for service impact the ability of QPS to respond effectively to DFV, to protect victim survivors and hold perpetrators to account. With

additional tools QPS will be able to respond to increasing demand and meet community expectations.

The DFVP Act currently provides protection to people experiencing DFV by empowering police to take action to protect a person from DFV, including by issuing a Police Protection Notice (PPN), and by enabling a court to make protection orders and temporary protection orders (referred to as a domestic violence order (DVO)). PPNs can be taken to be an application for a protection order and provide immediate protection to the aggrieved until the matter can be heard and decided by a court. As the PPN framework requires court oversight, police are required to prepare, file and serve supporting material and appear in court. PPNs must be considered by courts within 14 business days or the next available sitting day if the court is not sitting within this time. A court may then make a DVO or dismiss the application.

There is currently no framework in Queensland empowering police officers to administratively issue immediate long-term protection directions without filing an application for a proceeding before a court. The Bill will enable police officers to issue a 12-month PPD when responding to DFV that does not require further court consideration. This will provide police with a new tool for responding to DFV instances in circumstances where it is appropriate for the matter not to proceed to court. Providing police with the power to issue PPDs will support frontline efficiencies by removing the necessity for operational police officers to prepare for and attend court for the purposes of providing long-term protection.

Electronic Monitoring Pilot

During the 2024 State Election campaign, the Queensland Government publicly committed to a pilot of electronic monitoring devices for high-risk DFV offenders. This Bill facilitates that commitment by establishing a framework to allow courts to impose a monitoring device condition on a respondent in certain circumstances when making a DVO. The Bill also includes regulation making powers to enable certain matters to be prescribed by regulation including further suitability criteria and information sharing frameworks.

The DFVP Act currently provides the court with broad discretion to impose any DVO condition the court considers necessary or desirable to protect the aggrieved or any named person. Courts must apply the principle that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount.

Electronic monitoring of DFV offenders is intended to focus on victim protection and enable police to respond to electronic monitoring alerts. These conditions are not intended to keep victim-survivors safe on their own but complement existing integrated safety planning. Monitoring device conditions are also intended to deter respondents from breaching DVO conditions related to the respondent's proximity to the aggrieved, named persons or particular locations.

It is intended that monitoring devices will operate 24/7 and alerts will be monitored and responded to. Safety devices will also be offered to aggrieved persons and named persons. If the aggrieved or named person choose to use a safety device, they will be linked to the monitoring devices worn by the respondent. It is intended that the movements of the respondent will trigger an alert or notification on the safety device used by the aggrieved or named person.

For example, when the respondent enters into a particular zone or into certain proximity of the aggrieved. It is not intended that a safety device would allow the aggrieved to monitor the respondent.

Monitoring device conditions on DVOs will complement existing frameworks for electronic monitoring in the bail and parole contexts.

The VREC framework

Giving evidence in court can be traumatic to victim-survivors of DFV. Part 6A of the Evidence Act allows adult complainants in domestic violence criminal proceedings to give their evidence-in-chief by way of a video recorded statement taken by a police officer. This framework is, however, currently limited to summary criminal proceedings and committal proceedings in the Magistrates Courts at Ipswich, Southport and Coolangatta.

The VREC framework can benefit victim-survivors of DFV. Obtaining a complainant's evidence-in-chief close to the time of an alleged offence may assist them in recalling more details about the offending, as well as capture their demeanour. This may reduce the number of contested matters and therefore the requirement for a complainant to give evidence in court. The ability to provide a VREC statement in a location such as their home, rather than a formal written statement at a police station, at a time appropriate for the complainant, may alleviate some of the trauma, stress and anxiety for victim-survivors reporting DFV. While victim-survivors may still be required to give evidence in court proceedings under cross-examination or re-examination, the VREC framework may reduce the trauma for victim-survivors in re-telling their experiences in court by minimising the oral evidence they must provide during court proceedings.

The ability to take a VREC statement, rather than a written statement, can reduce the time it takes to obtain statements and thereby improve police capacity to respond to DFV.

The Bill expands the VREC framework to all Magistrates Courts throughout the state.

The Bill also seeks to simplify and streamline the VREC framework, as well as clarify that VREC statements can be considered in civil proceedings under the DFVP Act, in response to operational issues raised by the QPS with the current legislative framework.

These amendments will ensure the VREC framework is more accessible for victim-survivors of DFV while ensuring that important safeguards, such as informed consent, are retained.

Approved Provider List

The Bill seeks to strengthen the maintenance of the Approved Provider List (APL) for delivery of intervention order programs and counselling under the DFVP Act.

The APL is used by courts when making an intervention order that requires a respondent to attend an approved intervention program or counselling facilitated by an approved provider. The APL is to be prepared and maintained by the Chief Executive and provided to the Chief Magistrate for use by the courts.

The current process for managing the APL does not include an application or monitoring

process, or any criteria for providers delivering counselling services. The absence of effective assessment and oversight of approved providers has resulted in inconsistency and a lack of accountability for the service system and quality assurance of service delivery.

Achievement of Policy Objectives

Police Protection Directions

The Bill introduces a PPD framework to provide operational police officers with a new tool for responding to DFV, to be used in circumstances where a police officer considers it is appropriate for a matter not to proceed to court. PPDs are intended to provide immediate, longer-term protection for the aggrieved without requiring the matter to be considered by a court and will be:

- available to police, in addition to existing powers to issue PPNs and release conditions;
- rolled-out statewide from 1 January 2026 and supported by appropriate training to support police to use their discretion to determine the most appropriate response in the circumstances;
- able to include conditions currently available for PPNs, including standard, no-contact, ouster, return and cool-down conditions, noting ouster and no-contact conditions will be subject to approval by a senior sergeant and other conditions will be subject to approval by a sergeant;
- supported by an administrative police review mechanism and an independent court review process.

The PPD framework aims to improve the response to DFV by frontline police officers through reducing the operational impacts of the current DFV legislative framework. By improving the effectiveness of frontline police to respond to DFV, more focus can be placed on victim-survivors.

Issuing a PPD

The Bill provides that a police officer may issue a PPD if they reasonably believe:

- the respondent has committed domestic violence;
- a PPD is necessary or desirable to protect the aggrieved from domestic violence; and
- it would not be more appropriate for the action taken to include an application for a protection order.

The Bill provides circumstances when a police officer must not issue a PPD, inserting new section 100C of the DFVP Act. The circumstances when a police officer must not issue a PPD are outlined in further detail below.

In deciding whether to issue a PPD the police officer will also have to consider:

- the principles for administering the DFVP Act, including the principle that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount;

- the criminal history and domestic violence history of both parties;

- whether it would be more appropriate to take action that involves an application for a protection order;

- any views or wishes expressed by the aggrieved about whether an application for a protection order should be made (this is to ensure the aggrieved's wishes, particularly whether they would prefer to go to court, are taken into account by the police officer); and

- other matters listed in new section 100E of the DFVP Act (discussed further below under the heading 'Other matters for consideration before issuing a PPD').

Prior to issuing a PPD, the police officer will also have to make a reasonable attempt to locate and talk to the respondent, if they are not present at the same location as the police officer when making the PPD, to afford the respondent natural justice.

In addition to the standard conditions (must be of good behaviour and must not commit domestic violence and, consistent with amendments made by the *Criminal Law (Coercive Control and Affirmative Consent) and Other Legislation Amendment Act 2024* (Coercive Control Act), must not organise, encourage, ask, tell, force or engage another person to commit domestic violence), a police officer will be able to impose non-standard conditions to protect the aggrieved or named persons from domestic violence. These conditions can include prohibiting the respondent from contacting or approaching the victim (no contact), and restricting access to certain locations such as the victim's home or workplace (ouster).

A police officer will also be required to seek approval from a supervising officer before issuing a PPD. For a PPD including standard or cool-down conditions, the approving officer must be a rank of sergeant or higher. For a PPD containing ouster or no-contact conditions, the approving officer must be a rank of senior-sergeant or higher. In all instances, the approving officer must be an officer who is authorised by the police commissioner to approve the issuing of PPDs, and who was not involved in investigating the DFV subject of the PPD.

When a PPD cannot be issued (exclusions)

The Bill also outlines circumstances in which a police officer must not issue a PPD (exclusions), including:

- where the respondent or aggrieved is a child. This is to ensure children are enabled access to legal representation, and benefit from the further supports and opportunities provided by the court process.

- where the respondent or aggrieved is a police officer. This is to ensure DFV matters involving police are heard by a court and are not handled internally.

- where the respondent should be taken into custody in relation to the relevant domestic violence. This acknowledges the seriousness of the matter and ensures that a person who is taken into custody goes before a court, and is not released with a PPD.

- where a DVO or recognised interstate order relating to the parties is in force or has previously been in force. This exclusion applies regardless of who was the respondent and who was the aggrieved. This is to ensure that parties who have a history of orders between them proceed to a court to have their relationship as a whole considered.

- where a PPD against the respondent is in force or has previously been in force. A PPD will also not be able to be issued if there is already a PPD in place between the same aggrieved and respondent, listing the respondent as the aggrieved and the aggrieved as the respondent (i.e. a Cross-Direction will not be permitted).

- where the respondent has been convicted of domestic violence offence within the previous two years; or a proceeding for a domestic violence offence against the respondent has started but not been finally disposed of. These safeguards recognise the significance of past domestic violence offending. However, a police officer is not excluded from issuing a PPD at the same time as starting a proceeding against the respondent for a domestic violence offence if the PPD relates to the same domestic violence.

- where the respondent has used, or threatened to use, an offensive weapon or instrument to commit the domestic violence. This safeguard recognises that a perpetrator's access to, or use of weapons, is a lethality indictor. Use of a weapon, particularly if used in the most recent violence incident, indicates a very high-risk of lethal violence. PPDs will also revoke a person's weapons licence and require they surrender their weapons. This is consistent with the effect a DVO currently has on a weapons licence;

- where an application for a protection order (including via a PPN) against the respondent has been made but not finally dealt with. This will ensure that a PPD does not interfere with existing court proceedings;

- where a child is a named person on a PPD and conditions other than standard conditions are needed to provide protection.

Identifying the person most in need of protection

A police officer will also be prevented from issuing a PPD if there are indications that both persons in the relationship are in need of protection, and the person who is most in need of protection cannot be identified. This is a safeguard against misidentification of the primary aggressor. The consequences of misidentification can be severe and potentially fatal. A wrongly issued PPD may leave a person without protection, subject to criminalisation and systems abuse from the perpetrator, restrict freedom of movement or association, damage reputation and create long-lasting stigma which may persist even after the PPD ends.

Restriction on PPDs involving children

Acknowledging that there is a complex intersection between family law, child protection and DFV proceedings, a PPD will not be able to be issued where there is potential for inconsistency with arrangements under the *Family Law Act 1975* (Cth) or the *Child Protection Act 1999* (CPA), noting this can occur whether or not the child is a named person. To determine if this may be an issue, a police officer considering issuing a PPD which includes a condition that would prevent or limit contact between the respondent and a child of the respondent, will be required to ask the respondent and the aggrieved whether there are any orders or agreements in force, or proceedings on foot before issuing a PPD.

If there are any orders or agreements in force, or proceedings on foot, a police officer must not issue a PPD. This recognises that where a court has made an order or is considering a proceeding, it is appropriate that the domestic violence be considered by the court. The court will be able to appropriately consider any existing orders and ensure any conditions imposed do not conflict. The court may also exercise powers under the *Family Law Act 1975* (Cth) in relation to family law orders.

If a PPD is issued and a condition of the PPD is inconsistent with a family law order or an order or agreement under the CPA, the condition is of no effect to the extent of the inconsistency. The inconsistency does not invalidate or otherwise affect the PPD. This safeguards the validity of the PPD and the operation of the order or agreement in the event a respondent or aggrieved do not disclose an order, agreement or proceedings when asked by the police officer.

Other matters for consideration before issuing a PPD

The Bill provides an additional list of matters a police officer must consider when considering issuing a PPD. This includes circumstances in which a PPD may not be appropriate and, where it may be more appropriate for the response to include an action that is an application for a protection order. This is intended to provide guidance to officers and will not stop a PPD from being issued. Including these matters in legislation is intended to provide clarity and transparency about police decision making to parties other than police who may be impacted by the making of PPDs, including the aggrieved, respondent, support services, community legal centres and courts. This guidance is also intended to ensure that PPDs are not issued in high-risk situations.

Matters for consideration by police when assessing the appropriateness of a PPD include:

- whether the respondent may cause serious harm to the aggrieved or a named person if the respondent commits further domestic violence.
- whether additional powers of a court in making a protection order may be necessary or desirable (such as imposing a monitoring device condition).
- whether either party has a conviction for a domestic violence offence.
- whether the respondent is not present at the same location as the police officer.

If any of these matters exist, the police officer should consider whether it would be more appropriate to take action that involves an application for a protection order.

It is anticipated that police officers considering these matters will be guided by operational procedures, internal guidelines and other assessment tools, including the *Domestic Violence Protective Assessment Framework* (DV-PAF) within the QPS Operational Procedures Manual. Of note, the DV-PAF sets out several 'Category 1' and 'Category 2' risk factors for police to use to assess risk and determine the protective needs of the aggrieved in DFV situations. Police may also be informed by other sources such as the parties' criminal and DFV histories or, a person's past compliance with bail for un-related offences.

Commencement of the PPD framework will be by proclamation to ensure that police are supported and trained to exercise their discretion appropriately.

Duration of a PPD

A PPD takes effect when it is served or, when a police officer tells the respondent about the direction and its conditions. The PPD will continue in force for 12-months from the day it takes effect, or until another type of order or notice is made, and takes effect, in relation to the parties. This includes a DVO, a recognised interstate order, a PPN, release conditions, or the dismissal or adjournment of a proceeding for an application for a DVO.

However, a PPD will remain in effect while a court review is on foot, even if the matter is adjourned.

The making of another type of order or notice effectively 'ends' a PPD to ensure parties are not required or expected to comply with multiple orders, possibly with differing conditions, at one time.

Service and explanation

The Bill mostly replicates service and explanation requirements of PPNs for PPDs. This includes that an officer making a PPD must personally serve the direction on the respondent and prepare a signed written notice stating the grounds for issuing the direction. A police officer must also give a copy of the direction to the aggrieved and each named person.

The police officer must explain the PPD, the grounds on which the police officer reasonably believes that domestic violence has been committed, and the reasons the police officer who issued the direction imposed the conditions. The police officer must also take reasonable steps to ensure the person understands the nature and consequences of the direction, including its duration, conditions, the type of behaviour that constitutes domestic violence and the consequences of the respondent contravening the direction.

Police review process

The Bill includes a number of provisions for review of a PPD, including an internal police-initiated review and, an administrative review process where the respondent, the aggrieved, an authorised person for the aggrieved or a named person will be provided with the ability to apply to the police commissioner for a review of the direction within 28 days after it takes effect (noting the review period may be extended by the police commissioner).

The police-initiated review will require the QPS to review a PPD if an officer:

- becomes aware of circumstances, or reasonably believes there are circumstances, that were not, or may not have been known or considered by the issuing police officer when the PPD was issued; and

- reasonably believes that the circumstances may have affected the decision to issue the PPD or the conditions imposed.

The police review may be undertaken by a reviewing officer who is a rank higher than the officer who supervised the issue of the direction, and who is authorised by the police commissioner to conduct reviews of PPDs. The reviewing officer must also not be involved in investigating the domestic violence that led to the PPD being issued. The reviewing officer may ask the parties, including any named persons, for any information they consider necessary to decide the review. This includes inviting the parties to make submissions about the review, although the parties cannot be compelled to provide this information.

Following a police review, the reviewing officer may decide to:

- confirm the PPD;

- revoke the PPD and issue a new PPD against the same respondent and aggrieved with the same or different named persons and the same or different conditions;

- revoke the PPD and take no other action; or

- revoke the PPD and:

  (a) make an application for a protection order for the parties;

  (b) issue a PPN (which can be taken to be an application for a protection order under section 112 of the DFVP Act); or

  (c) take other action under section 100(3) as appropriate.

Commencement of a police review does not otherwise affect the operation of the PPD or prevent the taking of any action to implement the direction.

If the reviewing officer revokes the PPD, the direction is taken never to have been issued and will not form part of the respondent's domestic violence history. A proceeding may, however, be started or continued for an offence against new section 177A (Contravention of PPD), committed before the PPD was set aside. If the PPD is confirmed, the PPD will continue in force, unaffected.

A decentralised model will be implemented for the police review process, whereby the review process will be delegated to the police districts with a central co-ordination function located in the Domestic Family Violence and Vulnerable Persons Command (DFV&VPC). The central coordination function at the DFV&VPC will support authorised officers to undertake police reviews and assist in maintaining consistency across the State in the conduct and outcomes of police reviews. The central co-ordination function will ensure that policies, procedures and practices are uniformly applied across all districts to maintain a consistent, effective response across the State. The central co-ordination function will support police districts through the

provision of the benefit of the subject matter expertise within the DFV&VPC and will promote consistency across the State in relation to police reviews.

The Bill also provides, independent from the police review process, the ability for the police commissioner, or a delegate of the police commissioner, to amend a direction to correct a minor error or reflect a change in the name, contact details or address for service for the respondent, the aggrieved or a named person.

Court review process overview

Independent of the police review, the respondent, aggrieved, an authorised person for the aggrieved or a person acting under another Act for the aggrieved may apply to the Magistrates Court for a court review of a PPD. The court review is not an appeal against the police review and, an applicant can seek court review whether or not they have applied for police review. An application for court review may also be filed while a police review is still on-foot. If this occurs, the Bill provides that the police review must be discontinued.

While the applicant will initiate the review and seek their own outcome, filing an application for review will also trigger filing of the PPD with the court, which will then be deemed to be an application for DVO, with the police officer who issued the direction as the applicant. This is similar to the current process for a PPN, although a PPD review may be sought at any time during the life of the PPD (i.e. up to 12 months after the PPD takes effect).

Where an application for review of a PPD is made by the respondent to the direction, the respondent can seek a protection order against the aggrieved. If this occurs, the application for review will be deemed to be an application for a protection order against the aggrieved. Cross-application provisions under the DFVP Act will then apply as if the application for review was a cross-application under s41A(1)(b) of the DFVP Act. This will ensure that the court considers the whole circumstances and, the person most in need of protection.

Upon hearing the review, the Magistrates Court will be required to consider whether a protection order is necessary or desirable at the time of review (not at the time the PPD was issued) and may make any order available under Part 3 of the DFVP Act in relation to hearing an application for a DVO. In addition to the orders available under Part 3, the court may also make (a) an order setting aside the PPD or (b) a decision to dismiss the application. If the court makes an order setting aside the PPD, the direction is taken never to have been issued and will not form part of the respondent's domestic violence history. A proceeding may, however, be started or continued for an offence against new section 177A (Contravention of PPD), committed before the PPD was set aside. If the Magistrate dismisses the application for review, the PPD will continue in force, unaffected.

An application for court review relating to a PPD does not affect the operation of the direction or prevent the taking of any action to implement the direction.

Contravention of a PPD

The Bill creates a new offence for contravening a PPD (new section 177A of the DFVP Act), which carries a maximum penalty of 120 penalty units or 3 years imprisonment. The maximum penalty under new section 177A is the same as the maximum penalty for a contravention of

DVO, simpliciter and, contravention of a PPN. Domestic violence is to be treated seriously in all contexts, whether a PPD, PPN or DVO has been issued. The new court-based perpetrator diversion scheme to be inserted by the Coercive Control Act will also be available following a breach of PPD.

Similar to PPNs, safeguards are included to provide that: (a) a court hearing proceedings for an offence against new section 177A must consider whether the PPD was issued in substantial compliance with new Part 4, Division 1A of the DFVP Act and, (b) the prosecution bears the onus of proving beyond a reasonable doubt that the respondent was told by a police officer about the PPD.

PPD register

The Bill provides that the police commissioner must keep a register of PPDs, including PPDs that have been revoked.

Information from the register must be made available if requested by a respondent, aggrieved or named person about a PPD which relates to them. Access to information regarding PPDs beyond the parties, will be governed under existing information sharing provisions in Part 5A of the DFVP Act.

Review of provisions

The Bill includes a requirement that the Minister ensure the operation of the PPD provisions are reviewed 2 years after commencement.

Although not limiting the terms of the statutory review, new section 192A provides that the review is to include consideration of:

- whether PPDs have been effective in improving the safety, protection and wellbeing of people who fear or experience domestic violence;
- whether the issuing of PPDs has had any impact on courts in relation to civil or criminal proceedings about domestic violence (for example, whether there has been an increase or decrease in applications for DVO or, proceedings for offences under Part 7 of the DFVP Act); and
- whether the PPD provisions (a) have improved the efficiency of the exercise of police powers under the DFVP Act, and (b) remain appropriate.

Electronic monitoring pilot

To facilitate the Government's election commitment, the Bill inserts a new monitoring device condition available to judicial officers to impose on a respondent to a DVO in certain circumstances, with discretion to specify the duration of the condition for a period of time the court considers reasonably necessary. Monitoring device conditions will only be available on DVOs where the respondent is an adult.

Imposing a monitoring device condition

The court may only make a monitoring device condition if satisfied that the condition is necessary or desirable to protect the aggrieved from domestic violence, or a named person from associated domestic violence, or a named person who is a child from being exposed to domestic violence. This is consistent with considerations of the court when making all other conditions currently available on a DVO.

When making a monitoring device condition, courts will be required to consider making an ouster condition (under section 63) or a condition that prohibits the respondent from approaching, or attempting to approach, the aggrieved or a named person (under section 58(c)). A monitoring device condition is intended to complement each of these conditions. For example, where a respondent is subject to an ouster condition, the monitoring device may be programmed to alert the monitoring entity when the respondent comes within a certain distance of the residence from which they have been ousted.

To enable the pilot to capture 'high-risk' perpetrators of DFV, monitoring device conditions will only be available where the court is satisfied 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.

For the purpose of this pilot, a respondent who has previous charges for DFV offences, whether or not the charges resulted in a conviction or were withdrawn, may be considered suitable for a monitoring device condition. A respondent who has a current charge, or previous conviction, for an indictable offence involving violence against another person will also be suitable for a monitoring device condition. Including offences of this kind, in addition to DFV offences, recognises that a person may have committed violent offences outside of a relevant relationship, therefore indicating the person may be suitable for electronic monitoring.

The court must also be satisfied that the respondent is not already subject to a monitoring device condition for another purpose, such as for bail or parole. This is to ensure a person is not required to comply with two monitoring device conditions at one time.

In deciding whether to make a monitoring device condition, courts will also be required to consider the personal circumstances of the respondent, including their geographical location and living arrangements, as well as their ability to charge and maintain the monitoring device. This is to ensure a respondent is not expected to comply with a condition when they are unable to, for example in circumstances where a respondent may be homeless and unable to charge a monitoring device. Further, courts will be required to consider any view or wishes expressed by the aggrieved or named persons related to the monitoring device condition. Further matters for court consideration may also be prescribed by regulation.

In making a determination of whether it is necessary or desirable to impose a monitoring device condition, courts will be able to ask a prescribed entity, including an entity prescribed by regulation for this purpose, to provide information that the court considers may help them reach this determination. For example, this may include information relating to the parties' living circumstances, or the views and wishes of the aggrieved or named persons.

The pilot will be limited to select courts, which will be prescribed by regulation. Court locations will be determined ahead of the relevant part of this Bill commencing. Further requirements

for courts to be satisfied of before making a monitoring device may also be included in regulation.

Facilitating a monitoring device condition

When making a monitoring device condition, the court will be able to make any other condition they consider necessary to facilitate the operation of the monitoring device. This may include a condition requiring the respondent to attend a stated place to be fitted with a monitoring device or take reasonable steps to ensure the device remains in working order.

To facilitate a monitoring device condition, the chief executive of the agency responsible for the administration of the DFVP Act may ask a prescribed entity that the chief executive considers has capacity to comply, to fit or remove a monitoring device from the respondent; remotely monitor a monitoring device or safety device; provide a safety device to an aggrieved or a named person; contact the parties in relation to alerts or notifications from their devices; give information relating to alerts and notifications from the monitoring device to another prescribed entity; and anything else the chief executive considers relevant to the imposition of the conditions. A prescribed entity must comply with a request of the chief executive to do any of these things.

Information obtained from a monitoring device

The Bill provides that a person who obtains information related to alerts or notifications from a monitoring device or a safety device, or information relating to a person's geographical location, must not use the information for a purpose other than the purpose for which the information was obtained. A regulation may prescribe how this information may be shared, and with whom, as well as the purpose for which information may be shared.

Further, a regulation may prescribe an entity responsible for recording or storing information, as well as how it is to be recorded or stored.

The Bill also provides that information obtained from a monitoring device, or the fact that a respondent is subject to a monitoring device condition, cannot be used as evidence in any proceeding other than a proceeding for a domestic violence offence.

Sunset review

The provisions related to monitoring device conditions are subject to a sunset clause and will expire two years after commencement. This is to ensure a thorough review and fulsome evaluation of the pilot before consideration is given to expanding it further or making the provisions permanent.

The VREC framework

The Bill amends section 103C of the Evidence Act to expand the application of the VREC framework to summary criminal proceedings and committal proceedings for a domestic violence offence in Magistrates Courts statewide. A regulation-making power to prescribe further criminal proceedings is retained.

The Bill amends a number of requirements under Part 6A of the Evidence Act to simplify and streamline the VREC framework. The Bill removes the requirement for a VREC statement to be taken 'as soon as practicable' to allow for a victim-centric approach to be taken in circumstances where a complainant is in a heightened emotional state and may require time before providing a detailed account to police. Reflecting that a complainant may make multiple reports to police over a period of time, the Bill clarifies that multiple VREC statements can be taken.

The Bill also removes the requirement for a trained police officer to take a VREC statement; the requirement for a police officer to take a VREC statement is retained. A trained police officer is currently defined as an officer who has successfully completed a DFV training course, approved by the police commissioner, for the purpose of taking recorded statements. This provision is not required to facilitate the quality of VREC statements; rather, similar to the taking of recorded statements of children under section 93A of the Evidence Act, this can be addressed by the QPS through relevant internal policy and guiding principles. This approach enables QPS to be flexible to expanding workforce capabilities while still meeting the needs of victim-survivors in an appropriate manner. For example, removing this requirement will remove any perceived barrier that an available police officer who has completed other relevant training cannot take a VREC statement where a complainant is willing to provide their evidence.

If any part of a VREC statement is in a language other than English, the Bill adds a provision to allow for either a written or oral translation.

The Bill simplifies the requirement for the complainant to declare, during the recording, that their statement is true to the best of their knowledge and belief and that they are aware that they may be prosecuted for stating anything they know is false. The intent is not to diminish the importance of swearing evidence but rather to simplify the language used by police officers to explain the requirement and by a complainant to declare the truthfulness of their VREC statement. If the complainant makes this declaration, but knowingly provides false information in their VREC statement, the complainant may be liable for prosecution for a criminal offence, such as section 193 (False verified statements) of the Criminal Code.

The Bill also clarifies that informed consent need only be obtained once, either before or at the commencement of the VREC statement. This is intended to streamline the process for complainants whose consent does not need to be obtained more times than necessary.

Currently, an audio recorded statement can only be admitted as evidence-in-chief in exceptional circumstances and where the defendant is not unfairly prejudiced. Currently, there is no legislative guidance about what might amount to an exceptional circumstance. An example of an exceptional circumstance is provided in the Bill to include technological failure or error.

Victim-survivors can be required to give evidence in criminal proceedings as well as civil proceedings under the DFVP Act, such as proceedings relating to an application to obtain or vary a domestic violence order. Where a victim-survivor has made a VREC statement in relation to a domestic violence offence related to a domestic violence order application, use of this VREC statement in the DFVP Act proceeding can assist in reducing a victim-survivor's trauma from engaging in and giving evidence in court proceedings. The Bill clarifies that a

court may have regard to a VREC statement in proceedings under the DFVP Act and that the Evidence Act does not prevent this.

The amendments in the Bill relating to the use and making of a VREC statement will apply to VREC statements made wholly after commencement. The amendments in the Bill will apply to all domestic violence criminal proceedings before a Magistrates Court that are started after commencement.

Approved Provider List

The Bill seeks to strengthen the maintenance of the APL by providing an ability for the Chief Executive to consider matters prescribed by regulation when considering the approval of a provider for approved program or counselling. This provision includes a regulation-making power, in addition to the existing requirements for the approval of providers on the APL.

Matters for inclusion in the regulation will be developed in consultation with the DFV sector.

To ensure consistency, the Bill also includes a similar amendment to provide a regulation making power for approval of providers and diversion programs for the diversion orders scheme established by the Coercive Control Act.

Alternative ways of achieving policy objectives

Police Protection Directions

Alternative ways of reducing the operational impacts of the current DFV legislative framework were considered, however, were deemed insufficient to improve efficiencies and police responses to DFV.

For example, consideration was given to maintaining the status quo of police officers issuing PPNs and courts making DVOs and, restricting the issue of PPDs to standard conditions only. However, this would not improve efficiencies for frontline police officers as court processes would continue to be required for PPNs and, where conditions other than standard conditions are necessary or desirable to protect a person from domestic violence.

Consideration was also given to the responses to DFV in other States and Territories. In Victoria, Western Australia, South Australia and the Northern Territory, police officers can issue short term protection orders or notices which may include some or all of the conditions available under a court issued protection order. However, those models do not provide long term protection for victims. Application to a court for a protection order is required. Those alternatives do not achieve the purpose of the PPDs and are therefore not true alternatives.

In Tasmania, police officers can issue police family violence orders for up to 12 months and include conditions such as no contact and ouster conditions, in addition to standard conditions requiring the person not engage in family and domestic violence. Tasmania is currently the only jurisdiction in Australia to empower police officers to issue 12-month protection orders without requiring court application. The PPD framework shares similarities with the Tasmanian model, however additional safeguards are built into the PPD framework to avoid some of the issues that have arisen in Tasmania (such as misidentification of the person most in need of protection) and to narrow any restrictions on human rights.

Electronic Monitoring

Electronic monitoring of respondents to DVOs is not explicitly provided for by the DFVP Act. Courts have broad discretion to impose necessary or desirable conditions and could issue a condition for electronic monitoring currently. However, judicial officers may be reluctant to impose a condition without a clear legislative power to do so. It is therefore considered necessary to provide an explicit legislative power to facilitate the delivery of Government's election commitment.

The VREC framework

There are no alternate ways of achieving the policy objectives other than by legislative amendment.

Approved Provider List

The DFVP Act does not provide for an application, approval or monitoring process for providers from the APL. The legislation does not provide any criteria for providers delivering counselling services, only for approved programs. There are no alternate ways of achieving the policy objectives other than by legislative amendment.

Estimated cost for government implementation

Expansion of the VREC framework to all Magistrates Courts statewide and introduction of the PPD Framework will have impacts on courts and service providers, which will likely result in additional costs for government. Government will monitor the impacts of the legislative amendments, including demand impacts on courts. Any cost impacts will be dealt with as part of normal budget processes.

Funding has been allocated for the monitoring devices pilot, however, as entities may be prescribed by regulation, future funding may be required. Any future funding will be sought through normal budget processes.

Consistency with fundamental legislative principles

The Bill has been drafted having regard to the fundamental legislative principles (FLPs) in the *Legislative Standards Act 1992* (LSA) and is generally consistent with FLPs. Potential breaches of FLPs are considered justified and are addressed below.

The proposed legislation is potentially inconsistent with the following FLPs as set out in section 4 of the LSA that sufficient regard be given to: (a) an individual's rights and liberties; and (b) the institution of Parliament.

Police Protection Directions

PPDs could impact the principle under section 4(2)(a) of the LSA that legislation should have sufficient regard to the rights and liberties of individuals by granting police the authority to impose restrictions without immediate judicial oversight. This engages the principles of natural justice (s 4(3)(b) of the LSA) as it may impact the individual's right to a fair hearing, which ensures the individual has an opportunity to present their case and respond to any evidence against them.

Currently, a PPN can be taken to be an application to the court for a protection order, meaning that temporary conditions imposed by police are reconsidered by a court as soon as possible. Enabling police officers to make a final 12-month PPD, rather than having the matter dealt with through the judicial process, means that the respondent's right to have the matter heard by a court will depend on the respondent initiating a review by the Magistrates Court.

However, a respondent (and the aggrieved person) will have the right to seek review of the decision by the police commissioner and by the Magistrates Court. While the absence of automatic judicial oversight means that the right to a fair hearing is engaged, the ability of the respondent and aggrieved to access a court to review a PPD means that the right is not limited.

By vesting decision making power in a police officer rather than a judicial officer, the rights of the individual are arguably less secure as there may be a perception that a police officer is more prone to bias in decision making than a judicial officer. However, the Bill includes a requirement that an officer proposing to issue a PPD seek approval by an independent senior officer, and provides the ability for parties (aggrieved, respondent, named person, authorised person) to seek a police or court review.

The principle that legislation should have sufficient regard to the rights and liberties of individuals (section 4(2)(a) of the LSA) will also be impacted by allowing police to arrest a person without a warrant where a police officer reasonably suspects a person has committed or is committing an offence of contravening a PPD (new section 177A of the DFVP Act). In the absence of court oversight of a PPD, this means that there may be circumstances where a person is issued with a PPD, contravenes the PPD and is arrested without having ever been before a court. This impedes on a person's right to natural justice and procedural fairness, exacerbated in instances where the person may not understand the PPD, or may have been misidentified as the person most in need of protection. This risk is mitigated by the requirement for a court hearing proceedings for a breach of PPD to consider (a) whether the PPD was issued in substantial compliance with part 4, division 1A of the DFVP Act and, (b) whether the respondent was told about the existence of the PPD or about the condition the respondent is alleged to have contravened.

Precluding the issuing of a PPD if a previous PPD has been in force against the respondent, creates a possible FLP inconsistency because it assumes that the person has not been rehabilitated. This also fails to acknowledge that the previous PPD could have been mistakenly issued and revoked or set aside on review. This inconsistency is justified due to the need to ensure victim-survivor safety and, acknowledging that if police take alternative action and issue a PPN, then the person will have the opportunity to appear and make submissions before a court.

Section 4(3)(c) of the LSA necessitates the delegation of administrative power only in appropriate cases and to appropriate persons. The delegation of power to police to issue PPDs is accompanied by significant safeguards, including detailed guidelines regarding circumstances in which a PPD may (new section 100B) and must not be issued (new sections 100C and 100D(2)), and the inclusion of further guidance under new section 100E. Commencement of the PPD Framework will also be delayed to 1 January 2026 to allow police to undergo training to support the exercise of their discretion. A further safeguard is the requirement for a supervising police officer (authorised by the police commissioner) to approve the issue of the PPD. All parties to a PPD will also be able to apply to the police or courts for a review of the PPD.

Section 4(2)(b) of the LSA requires that legislation has sufficient regard to the institution of Parliament. This also requires careful consideration of the delegation of power to police officers to ensure its appropriateness and that appropriate safeguards are in place to prevent misuse. As noted above, this is achieved by providing clear guidelines through legislation and internal QPS policy to support police officers in exercising these powers. The exercise of these powers will also be subject to judicial scrutiny, which is available through the court review process.

Section 4(3)(j) of the LSA requires that legislation have sufficient regard to Aboriginal tradition and Island custom. Aboriginal and Torres Strait Islander communities have unique cultural practices and traditions that may be affected by the imposition of PPDs.

PPDs may restrict an individual's movements, potentially preventing them from participating in important cultural ceremonies and community gatherings or transferring cultural knowledge and language. This can disrupt the transmission of cultural knowledge and practices. Restrictions on movement could also affect access to culturally significant sites, which are essential for maintaining cultural heritage and practices. The imposition of conditions impacting contact with a child could interfere with kinship ties, which are central to the social structure and cultural identity of Aboriginal and Torres Strait Islander communities. This could lead to social fragmentation and loss of cultural cohesion.

PPDs may also lead to tensions or conflicts within communities, especially if the directions are perceived as unjust or culturally insensitive. Historical tensions between Aboriginal and Torres Strait Islander communities and law enforcement could be exacerbated if the directions are seen as another form of external control. The QPS provides training regarding Aboriginal and Torres Strait Islander history, tradition and customs, which enables appropriate consideration of Aboriginal or Torres Strait Islander customs and family dynamics. Police officers are also well supported to engage with First Nations communities through Police Liaison Officers and Torres Strait Islander Police Liaison Officers.

Electronic monitoring pilot

The proposed electronic monitoring pilot may impact the principle that sufficient regard be given to an individual's rights and liberties, which includes their privacy and confidentiality.

The amendments are necessary to provide an appropriate level of monitoring of high-risk perpetrators of DFV. Only a court will be able to order a monitoring device condition.

The impact on the perpetrator's privacy is considered necessary in light of the objective of enhancing victim-survivor safety. This right will be further protected by safeguards incorporated into the framework, such that the court must have regard to the respondent's living situation and ability to charge and maintain the device. As a further safeguard, the pilot will be subject to a review and a sunset clause.

There are various safeguards built into the amendments, such that they have sufficient regard to the rights and liberties of individuals. It is considered that any departures from the principles are justified, as they are intended to protect people experiencing DFV and include procedural safeguards for respondents to DVOs and PPDs.

The extent to which details of the electronic monitoring pilot will be prescribed by regulation, may be inconsistent with the FLP that sufficient regard be given to the institution of Parliament.

This may be seen as allowing for the delegation of legislative power inappropriately (section 4(4)(a) of the LSA), or an unduly wide power to fill in legislative gaps by subordinate legislation. This approach is required to ensure flexibility throughout the pilot. For example, in relation to the courts that can impose a monitoring device condition or the criteria for eligibility for a respondent.

Approved provider list

The extent to which criteria for the approval of providers for intervention programs can be prescribed by regulation may be inconsistent with the FLP that sufficient regard be given to the institution of Parliament. This may be seen as allowing for the delegation of legislative power inappropriately (section 4(4)(a) of the LSA), or an unduly wide power to fill in legislative gaps by subordinate legislation. This approach is required to ensure flexibility in relation to the approval of providers.

The VREC framework

Legislation must have sufficient regard to the rights and liberties of individuals and to the institution of Parliament, as well as be consistent with the principles of natural justice under sections 4(2)(a), (2)(b) and (3)(b) of the Legislative Standards Act.

Right to a fair trial and principles of natural justice

The VREC framework removes the hearsay rule of evidence which means that statements made outside a courtroom can be used as evidence of the existence of a fact contained in them. This departure from the ordinary rules of evidence may impact the right of a defendant to a fair trial.

The VREC framework also limits the disclosure of VREC statements to a defendant and their lawyers under section 590AOB of the Criminal Code. These provisions seek to maintain the privacy of the complainant and ensure a defendant is unable to share or misuse a VREC statement in a way that may further victimise or compromise a complainant's privacy. This may be inconsistent with the principles of natural justice and procedural fairness as it limits the right of a defendant to know the case against them.

The VREC framework includes a number of safeguards to protect a defendant's right to a fair trial and for consistency with procedural fairness.

Firstly, the prosecution must give a defendant or a defendant's lawyer a written notice advising of a VREC statement and how its conditional disclosure may occur. If the defendant has a lawyer, the lawyer will be given a copy of the VREC statement. If the defendant is self-represented, they will be allowed to view the VREC statement in certain circumstances if the prosecution or court considers it is appropriate. A transcript of the VREC statement can also be disclosed to a self-represented defendant on request. These provisions ensure that a defendant can still be made aware of the adverse evidence against them.

Secondly, the complainant is required to be available for cross-examination and re-examination (unless parties agree otherwise). This provision ensures that a defendant still has the right to challenge the prosecution's evidence.

Thirdly, the court retains a specific power to rule any or all of the VREC statement inadmissible, as well as a general overriding power to exclude evidence.

These safeguards ensure that while the VREC framework seeks to minimise a victim-survivor's trauma, a person accused of a domestic violence offence can know and test the prosecution's case and the court retains their discretion to exclude evidence.

Right to privacy

The VREC framework requires a video recording of a statement of a complainant in relation to a domestic violence offence. The taking of this statement can occur in close proximity to a DFV incident and can be subsequently disclosed and used in a domestic violence proceeding. This impacts on the complainant's right to privacy. This is justified by a number of safeguards embedded into the VREC framework.

Firstly, the VREC framework requires a police officer to explain these matters and the complainant to indicate that they understand and consent to a VREC statement being made. A complainant can withdraw consent at any point.

Secondly, as above, disclosure of VREC statements is limited under section 590AOB of the Criminal Code. Unauthorised possession, supply, copy, or publication of a VREC statement is a criminal offence.

Thirdly, the court retains the power to close the court when a VREC statement is played during court proceedings.

These safeguards ensure that while the VREC framework may impact a complainant's right to privacy, a complainant is informed and given agency in relation to the choice to make a VREC statement and a person accused of a domestic violence offence is given limited access to a complainant's VREC statement. Closed court provisions can also be used to exclude members of the public from viewing a VREC statement played during court proceedings.

Sufficient regard to the institution of Parliament

Currently, the VREC framework applies in limited Magistrates Court locations prescribed by regulation. The Bill will expand the VREC framework to Magistrates Courts statewide. Implementation and expansion of the VREC framework will be monitored.

The Bill retains a power to expand the framework to further criminal proceedings prescribed by regulation. This delegation of legislative power provides necessary flexibility if expansion to other courts is considered appropriate at a future date.

Any regulation prescribing further criminal proceedings will be subject to scrutiny of the Legislative Assembly in accordance with the usual notification, tabling and disallowance provisions of the *Statutory Instruments Act 1992*. It will also be subject to examination by the relevant portfolio committee under section 93 of the *Parliament of Queensland Act 2001*.

Consultation

During the 2024 State Election campaign, the Queensland Government publicly committed to a pilot of electronic monitoring devices for high-risk DFV offenders.

PPDs and electronic monitoring were discussed with DFV sector representatives on 4 April 2025 at a stakeholder forum. Over 65 representatives were in attendance. It is also intended that matters for inclusion in the APL regulation will be developed in consultation with the DFV sector.

The amendments to the VREC framework and the introduction of PPDs were informed by the Queensland Police Service and the Queensland Police Union's Blueprint for Action.

Legal and DFV stakeholders were consulted on draft amendments to simplify, streamline and expand the VREC framework.

Consistency with legislation of other jurisdictions

Police Protection Directions

The PPD framework shares some similarities to the Police Family Violence Orders (PFVOs) in the *Family Violence Act 2004* (Tas) (FV Act (Tas)), which has been in operation since 2004. In Tasmania, police officers can issue PFVOs for up to 12 months and include conditions such as no contact and ouster conditions, in addition to standard conditions requiring the person not engage in family and domestic violence. Tasmania is currently the only jurisdiction in Australia to empower police officers to issue final 12-month protection orders without requiring court application.

In 2010 the Australian Law Reform Commission (ALRC) released its report *Family Violence – A National Legal Response* which considered the concept of police-issued protection orders. It recommended that police-issued orders should act as an application to the court for a protection order and a summons for the person against whom the notice is issued, with the notice expiring when the person appears in court.

The Tasmanian model does not require any judicial oversight for the PFVO to be considered a final 12-month order, contrary to the recommendation of the ALRC. In 2008 the Tasmanian Department of Justice completed a review of the FV Act (Tas) and reported '[t]he safety of adult victims of family violence has seen improvement, particularly at first point of contact with police, as a result of the new police powers and changed practices.'

The Tasmanian model for PFVOs has been subject to public scrutiny and received feedback regarding concerns in relation to the potential for misidentification of the primary aggressor. This misidentification can occur in situations where a victim may have displayed aggression in self-defence or retaliation or appears 'hysterical' or angry as a result of the abuse they have experienced, leading to the issuance of a PFVO against them instead of the actual abuser. Tasmanian domestic violence workers have reportedly warned of a 'misidentification crisis', with applications to revoke PFVOs allegedly increasing by 102 per cent in the six years to June 2023, and with applications by female respondents jumping 154 per cent.

A person can appeal a PFVO by applying to police at any time in its duration. Police can only change a PFVO if the aggrieved agrees and police agree it is safe to do so. A police officer of the rank of Inspector or above may vary a PFVO where the aggrieved and the respondent agree

to the variation; and the variation will not adversely affect the safety and interests of the affected person or any affected child. If police refuse to change or remove the PFVO, a person can apply to the court. Police can defend the PFVO staying in place.

A court may vary, extend or revoke a PFVO on the application of a police officer, an aggrieved, a respondent or any other person to whom leave is granted. There is no time limitation for when the application can be made. A PFVO which has been varied or extended by a court is taken to be an FVO. If an application is made to vary, extend or revoke a PFVO, the court may make an interim FVO.

In Victoria, Western Australia (WA), South Australia (SA) and the Northern Territory (NT), police officers can issue short term protection orders or notices which may include some or all of the conditions available under a court issued protection order.

In WA police issued protection orders can last for 24 hours (without the consent of the aggrieved or relevant person) or 72 hours (with consent). The order cannot be extended or renewed, and a police officer cannot issue another order in relation to the same facts.

In NT, the order is considered a summons for the person to appear before court to show cause why the court should not confirm the making of a protection order. The matter must be brought before the court as soon as practicable after the order is made.

In Victoria, a family violence safety notice issued by a police officer is considered an application for a protection order and the first mention date must be within 72 hours of the notice being issued.

In SA, a police officer can issue an interim protection order which is deemed to be an application to the court as well as a summons against the respondent. The matter must be heard within eight days of the interim order being issued, or if the court is not sitting within that time, within two days after the court next commences siting. Meaning the duration of the police-issued interim protection order is limited to around 10 days.

In New South Wales, a police officer can make an application for an apprehended domestic violence order (ADVO). A police officer can apply for an ADVO by issuing a provisional ADVO or by listing an application for an ADVO at court. A provisional ADVO takes effect immediately, whereas a future application will only come into effect once the matter is determined by a court.

Electronic Monitoring Pilot

Most other jurisdictions allow electronic monitoring at certain stages of criminal proceedings, such as bail, home detention or other community orders.

New South Wales has an electronic monitoring framework, with eligible higher risk domestic violence offenders under the supervision of Community Corrections electronically monitored to ensure compliance with exclusion zones in their ADVOs. Electronic monitoring is used as a case management tool to assist in managing offender behaviour, in conjunction with other behaviour change interventions and strategies. When an offender is monitored under the Domestic Violence Electronic Monitoring program, victim-survivors (the primary protected person on the ADVO) are also offered support from specialist domestic violence services. Where suitable, victim-survivors may also be offered a matched electronic monitoring device.

Tasmania has a legislative framework enabling electronic monitoring of DFV offenders in a civil context. Under the FV Act (Tas), a court can make a family violence order (FVO) if satisfied on that a person has committed family violence and that person may again commit family violence.

A FVO may include conditions the court considers are necessary or desirable to prevent the commission of family violence against an affected person or to protect any other person named in the order, including requiring a respondent to submit to being electronically monitored by the police commissioner. A victim-survivor can also use an electronic monitoring device with an alert functionality (by consent) to enhance monitoring capability.

An electronic monitoring condition can only be made on the application of a police officer who is presenting the case for the applicant for the FVO, or the Commissioner of Police.

Tasmanian police also have broader powers in responding to DFV. Police have the power to enter and remain at a premises for as long as reasonably necessary to prevent family violence, without a warrant. This includes the power to use reasonable force and search the premises. It also provides the police officer the power to arrest a person without a warrant.

In practice, a Monitoring and Compliance Unit (MCU) within Community Corrections in Tasmania is responsible for monitoring all offenders subject to electronic monitoring and is the central hub for all compliance activities including residence assessments, drug and alcohol testing, home visits, responding to alerts and fitting and replacing equipment.

An external evaluation of the Tasmanian system found there was an overall reduction in violent DFV incidents, including an 82% reduction in high-risk incidents. Victim-survivors reported an increased sense of safety. However, concerns were raised about respondent's actions once or if the device was removed. Other than Tasmania, no other Australian jurisdiction provides for electronic monitoring of DFV offenders in a civil context.

VREC Framework

Most other Australian jurisdictions enable the use of a complainant's recorded statement as their evidence-in-chief in criminal proceedings for domestic violence offences.

The VREC framework, as amended by the Bill, broadly aligns with the frameworks in other jurisdictions in that it provides an option for complainants of domestic and family violence to provide their evidence-in-chief as an exception to the hearsay rule of evidence. Other similarities include obtaining a complainant's informed consent and limitations on the disclosure of a recorded statement. Some other jurisdictions specifically allow, in certain circumstances, for a recorded statement to be used in proceedings for an application for their equivalent domestic violence order.

Notes on provisions

Part 1 Preliminary

Clause 1 provides that the short title of the Act is the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025.*

Clause 2 states the Act is to commence on a day to be fixed by proclamation.

Part 2 Amendment of Domestic and Family Violence Protection Act 2012

Clause 3 provides this part amends the *Domestic and Family Violence Protection Act 2012*.

Clause 4 amends section 3 (Main objects) to provide that the main objects of the Act will also be achieved by giving police the power to issue a PPD and imposing consequences for contravention of a PPD.

Clause 5 amends section 21 (Who is an *aggrieved* and who is a *respondent*) by expanding the definition of who is an aggrieved to include a person for whose benefit a PPD is made. Section 21 (3) is also amended to provide that a respondent includes a person against whom a PPD is made. Consistent with the limitation for PPNs, section 21(5) is also amended to provide that a PPD can only be made against one respondent.

Clause 6 amends section 22 (Child as aggrieved or respondent) to ensure consistency with new section 100C(1)(a) by confirming that a child cannot be named as the aggrieved or the respondent in a PPD.

Clause 7 amends section 22A (Who is the person most in need of protection in a relevant relationship) to ensure that consideration of which person in a relevant relationship is most in need of protection is not limited to the courts and, therefore applies to a police officer deciding whether to issue a PPD. This is consistent with new section 100C(1)(i), which provides that a police officer must not issue a PPD if there are indications that both persons in the relationship are in need of protection and, the person most in need of protection cannot be identified.

Clause 8 amends section 25(1)(c) (Who can apply for a protection order) to widen the scope of who may apply for a protection order to include a police officer under part 4 of the DFVP Act. Currently, section 25(1)(c) is limited to a police officer under section 100(2)(a). Expansion of the provision to include a police officer under part 4, acknowledges the operation of the new PPD framework.

Clause 9 amends section 32(1)(c) (Application for protection order) to widen the scope of who may make an application for a protection order to the Magistrates Court to include a police officer under part 4 of the DFVP Act. Currently, section 32(1)(c) is limited to a police officer under section 100(2)(a). Expansion of the provision to include a police officer under part 4, acknowledges the operation of the new PPD framework.

Clause 10 amends section 36A (Court must be given respondent's criminal history and domestic violence history) to require the police commissioner to provide a respondent's criminal history and domestic violence history to the court upon filing of a copy of a police

protection direction under new section 100ZA or, where an application for a review of a PPD under new section 100Z is taken to be an application for a protection order, under new section 100ZB(2).

Clause 11 amends section 37(3) (When court may make protection order) to include that the court must not refuse to make a protection order merely because a PPD has been issued against the respondent and is still in force.

Clause 12 amends section 44 (When court may make temporary protection order) to include reference to a PPD. This is to ensure the court can make a temporary protection order when hearing a matter related to a PPD (such as a court review).

This clause enables the court to make a temporary protection order if adjourning an application for a protection order when a PPD is in place. This applies whether or not the nature of the protection order sought and the grounds on which the order is sought are stated in the PPD or have otherwise been made known to the court. Subsection 2(c) mirrors the existing provision in relation to a PPN.

Clause 13 inserts a new heading for part 3, division 5, subdivision 1 (Standard and general conditions). This amendment is consequential to the new monitoring device conditions and, divides part 3, division 5 into a number of subdivisions. New subdivision 1 contains the existing provisions (ss 56-62) related to standard and general conditions.

Clause 14 inserts a new heading for part 3, division 5, subdivision 2 (Ouster and return conditions). This amendment is consequential to the new monitoring device conditions and, divides part 3, division 5 into a number of subdivisions. New subdivision 2 contains the existing provisions (ss 63-66) related to ouster and return conditions.

Monitoring device conditions

Clause 15 inserts new part 3, division 5, subdivision 3 (Monitoring device conditions) to provide a framework which will enable particular courts to impose a monitoring device condition when making a domestic violence order.

Definitions for subsection

New section 66A provides definitions for subdivision 3.

The definition of *monitoring device,* means an electronic device capable of being worn, and not removed, by a person for the purpose of a prescribed entity finding or monitoring the geographical location of the person. This is consistent with the definition of *monitoring device* used in the *Youth Justice Act 1992* and the *Bail Act 1980*.

Monitoring device condition is defined with reference to new section 66B(1) which outlines the circumstances in which a court may impose a monitoring device condition.

The definition for *prescribed entity* includes:

(a) the chief executive of a department that is mainly responsible for adult corrective services, child protection services or community services;

(b) the chief executive of another department that provides services to persons who fear or experience domestic violence or who commit domestic violence;

(c) the police commissioner; or

(d) an entity prescribed by regulation.

The inclusion of the ability to prescribe an entity by regulation ensures that the definition remains adaptive to changes in agency roles, responsibilities, abilities and capacity.

The definition for *safety device* means an electronic device given to a person by a prescribed entity for the purpose of identifying risks to the safety of the person in relation to another person on whom a monitoring device condition is imposed. It is intended that the movements of the respondent will trigger an alert or notification on a safety device used by the aggrieved or named person. For example, when the respondent enters into a particular zone or into certain proximity of the aggrieved. It is not intended that a safety device would allow the aggrieved to monitor the respondent.

Court may impose monitoring device condition

New section 66B outlines the circumstances in which a court may impose a monitoring device condition.

Subsection (1) provides that the court may impose a monitoring device condition that requires the respondent to wear a monitoring device for a stated period of time. A monitoring device condition will only be able to be imposed where the respondent is an adult.

Subsection (1)(a) provides that the court must be satisfied of certain matters listed in following subsections (i) to (iii) before imposing a monitoring device condition. These restrictions are intended to limit the pilot to 'high-risk' respondents.

Subsection (1)(a)(i) requires the court to be satisfied that the wearing of a monitoring device by the respondent is necessary or desirable to protect the aggrieved from domestic violence, a named person from associated domestic violence or a named person who is a child from being exposed to domestic violence.

Subsection (1)(a)(ii) provides that the court must be satisfied that either (A) the respondent has been convicted of, or is charged with, a domestic violence offence or an indictable offence involving violence against another person; or (B) that there is a history of charges for domestic violence offences made against the respondent. This allows the court discretion to impose a monitoring device condition while remaining consistent with the policy intent that a monitoring device condition should be limited to high-risk DFV perpetrators. This also acknowledges that there are several factors that may mean charges do not lead to a conviction. For example, an aggrieved may be coerced into withdrawing a complaint.

Domestic violence offence is to have the same meaning as the existing definition in schedule 1 (Dictionary).

Subsection (1)(a)(iii) provides that the court must be satisfied that the respondent is not required by a court or other entity to wear an electronic device for monitoring purposes to ensure they are not required to comply with multiple monitoring conditions at one time.

Subsection (1)(b) provides that the court must be prescribed by regulation as a court that can impose a monitoring device condition. This is to acknowledge that electronic monitoring will be conducted as a pilot in limited locations and, will avoid courts imposing a monitoring device condition in circumstances where a monitoring device is not available (e.g. in remote/regional locations).

Subsection (1)(c) provides that the court must be satisfied of any other requirement prescribed by a regulation for this section.

Subsection (2) provides that a monitoring device condition may be imposed only for the period the court considers reasonably necessary in all the circumstances of the case. This ensures that monitoring device conditions will not automatically be imposed for five years, which is commonly how long a DVO is in force for.

Subsection (3) provides the court must give reasons for imposing the monitoring device condition. This is consistent with the requirement for a court to give reasons for imposing a condition relating to ousting a person from their usual place of residence (section 64(3) DFVP Act) and, is considered appropriate given the significance of a monitoring device condition.

Considerations for imposing monitoring device condition

New section 66C outlines the matters the court must consider when deciding whether it is appropriate to impose a monitoring device condition.

Subsection (1) provides that deciding whether to impose a monitoring device condition, in addition to section 57 (Court may impose other conditions) and information provided under new section 66D (Request for information), the court must consider:

(a) the personal circumstances of the respondent, including the geographical area where the respondent lives and the respondent's living arrangements. This ensures that monitoring device conditions are not imposed where they are unable to be complied with, for example where there is insufficient satellite coverage for the device to work, or a respondent is homeless and unable to charge a monitoring device (section 66C(1)(a)).

(b) the respondent's ability to charge and maintain the monitoring device. This reduces the likelihood of accidental breaches due to a lack of ability to comply with conditions (section 66C(1)(b)).

(c) any views or wishes expressed by the aggrieved or named person regarding imposing the monitoring device condition on the respondent. This allows aggrieved or named persons to have their concerns heard and considered. Named persons are included in this consideration because the respondent may have no-contact conditions imposed relating to named persons (section 66C(1)(c)).

(d) any other matter prescribed by regulation for this section. This provides flexibility to allow further considerations to be prescribed by regulation (section 66C(1)(d)).

Subsection (2) provides that a court imposing a monitoring device condition on the respondent must consider whether to impose on the respondent (a) an ouster condition; or (b) a condition under section 58(c) (Conditions relating to behaviour of respondent) that prohibits the

respondent from approaching, or attempting to approach, the aggrieved or named person. This is to ensure that courts consider imposing a condition for which the monitoring device may identify a contravention. This is because a monitoring device condition imposed without a condition relating to the proximity of the respondent to a location, aggrieved or named person may be ineffective.

New section 66D empowers the court to compel prescribed entities to provide information that the court reasonably considers may help the court in deciding whether it is necessary or desirable to impose a monitoring device condition on the respondent. This is to ensure the court can request information from prescribed entities to enable fulsome consideration of the appropriateness of making a monitoring device condition.

Facilitating monitoring device condition

New section 66E ensures the court and chief executive consider necessary conditions and arrangements required to practically impose a monitoring device condition.

Subsection (1)(a) outlines other conditions and arrangements that may be imposed by the court, if a monitoring device condition is imposed, including imposing any other condition the court considers necessary to facilitate the operation of the monitoring device condition. To provide guidance, section 66E(1)(a) includes examples of conditions a court may consider, including a condition that requires the respondent to attend at a stated place to be fitted with a monitoring device and, a condition that requires the respondent to take stated and other reasonable steps to ensure the monitoring device remains in good working order.

If the court imposes a monitoring device condition, section 66E(1)(b) provides that the chief executive must make all necessary and convenient arrangements to ensure compliance with the condition and any other condition the court imposes.

Subsection (2) provides that the chief executive may ask a prescribed entity to:

- fit or remove a monitoring device from the respondent;
- provide a safety device to an aggrieved or a named person;
- remotely monitor a monitoring device or safety device;
- contact the parties in relation to alerts or notifications from their devices;
- give information relating to alerts and notifications from the monitoring device to another prescribed entity; or
- do anything else the chief executive considers relevant to the imposition of the conditions.

These provisions outline roles prescribed entities may be asked to undertake to facilitate monitoring device conditions. Particular entities can be prescribed by regulation as the pilot is further developed.

Subsection (3) provides that the chief executive may have regard to a prescribed entity's ability to comply with a request to undertake a function under subsection (2). This may include, for example, considering whether the entity is appropriately resourced or funded to undertake the function.

Subsection (4) requires a prescribed entity to comply with a request under subsection (2).

Subsection (5) provides that prescribed entity may delegate a function requested under subsection (2) to an appropriately qualified person.

Information relating to monitoring device condition

New section 66F provides for the use of information relating to a monitoring device condition.

Subsection (1) provides that a regulation may prescribe how information relating to a monitoring device or safety device, including information relating to alerts and notifications from a monitoring device or safety device may be shared and with whom, and how the information will be recorded or stored. A regulation may also prescribe the entity responsible for recording or storing the information. This is to allow flexibility in information sharing and storage for the purpose of the pilot as it commences.

Subsection (2) creates a criminal offence provision which prohibits the use of information relating to alerts and notifications from a monitoring device or safety device for a purpose other than:

- the purpose for which the information was obtained; or
- a purpose that is authorised or permitted under an Act.

The maximum penalty under section 66F(2) for non-compliance is 100 penalty units or 2 years imprisonment.

Restriction on disclosure in proceedings

New section 66G provides that evidence of the imposition of a monitoring device condition or the use of a monitoring device or safety device, and other evidence directly or indirectly derived from the imposition or use, is not admissible in any proceeding other than a proceeding for a domestic violence offence. This ensures that the existence of a monitoring device condition and any information related to or obtained from a monitoring device is not used in proceedings that are not related to DFV (i.e. other than a proceeding for a domestic violence offence). This also recognises that monitoring device conditions are being used in a civil context, and that information gathered in the civil context should not be used to pursue unrelated criminal proceedings.

Domestic violence offence is to have the same meaning as the existing definition in schedule 1 (Dictionary).

Expiry of provisions

New section 66H provides that new part 3, division 5, subdivision 3 (Monitoring device conditions) expires on the day that is 2 years after the day the section commences. This ensures that monitoring device conditions operate as a pilot only and ‘sunset’ after 2 years. Further legislative amendments would be required if the pilot were to be extended.

Consequential to the new monitoring device conditions, clause 15 also inserts a new heading for part 3, division 5, subdivision 4 (Condition for protection of an unborn child), to reflect the division of part 3, division 5 into 4 subdivisions.

Approval of providers and intervention programs

Clause 16 amends section 75 (Approval of providers and intervention programs) to provide a regulation-making power to enable criteria for the approval of providers for the Approved Provider List to be prescribed by regulation. This is in addition to the existing requirements that approved providers have appropriate experience and qualifications to provide an approved intervention program or counselling. Clause 26 makes an equivalent amendment for the approval of providers for diversion programs.

Consequential amendments for police protection directions

Clause 17 amends section 83 (No exemption under Weapons Act) to provide that the *Weapons Act 1990* (Weapons Act) applies to a respondent to a PPD. Subsection 83(3) is amended to clarify that the respondent cannot be convicted of an offence under the Weapons Act unless the PPD has been served on the respondent. However, subsection 83(3) does not apply if the respondent is present when the police officer issues and explains the PPD.

Clause 18 amends section 100 (Police officer must investigate domestic violence) to provide that a police officer investigating domestic violence may, amongst other actions, issue a PPD.

Division 1A Power to issue police protection direction

Clause 19 inserts the new part 4, division 1A (Power to issue PPD).

Subdivision 1 Preliminary

New section 100A sets out the purpose of PPDs to clarify, from the outset, that PPDs should not be the default tool in DFV situations and, should only be issued if a police officer considers it is appropriate for a matter not to proceed to court. To this end, section 100A provides that the purpose of PPDs is to provide a way for police to respond to acts of domestic violence, to achieve the main objects of this DFVP Act, in circumstances when it would be appropriate not to bring the matter before a court.

Subdivision 2 Issue of police protection direction

Section 100B (Police officer may issue direction) sets out the circumstances when a police officer **may** issue a PPD. Section 100B(1) provides that a police officer may issue a PPD if they reasonably believe:

(a) the respondent has committed domestic violence; and

(b) a PPD is necessary or desirable to protect the aggrieved from domestic violence;

(c) none of the circumstances in sections 100C (Circumstances when a police officer must not issue a direction) or 100D(2) (Restriction on issuing direction involving child of respondent) apply; and

(d) it would not be more appropriate to take action that involves an application for a protection order.

New Section 100B(2), provides that, when deciding whether to issue a PPD the police officer will also have to consider:

(a) the principles for administering the DFVP Act, including the principle that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount;

(b) the criminal history and domestic violence history of the respondent and the aggrieved; and

(c) whether any circumstances mentioned in s100E(1)(a) (Other matters for consideration before issuing a direction) apply and, if so, whether the circumstances indicate it would be more appropriate to take action that involves an application for a protection order; and

(d) any views or wishes expressed by the aggrieved about whether an application for protection order should be made.

Prior to issuing a PPD, section 100B(3) requires the officer to make a reasonable attempt to locate and talk to the respondent, if they are not present at the same location as the police officer when making the PPD, to afford the respondent natural justice.

Section 100B is also subject to sections 100K (Approval of supervising police officer required) and 100L (Cross-direction not permitted).

Section 100C sets out the circumstances when a police officer **must not** issue a PPD. Consistent with the policy intent, matters involving these circumstances should go to court and are not appropriate circumstances for a PPD. Accordingly, a police officer will not be able to issue a PPD if they reasonably believe:

- the respondent or aggrieved is a child (section 100C(1)(a)(i));
- the respondent or aggrieved is a police officer (section 100C(1)(a)(ii));
- the respondent should be taken into custody in relation to the relevant domestic violence (section 100C(1)(b));
- a DVO or recognised interstate order relating to the parties is in force or has previously been in force (section 100C(1)(c));
- a PPD against the respondent is in force or has previously been in force (section 100C(1)(d));
- the respondent has been convicted of domestic violence offence within the previous two years (section 100C(1)(e));
- a proceeding for a domestic violence offence against the respondent has started but not been finally disposed of (section 100C(1)(f)). However, new section 100C(2) clarifies that this exclusion does not prevent a police officer issuing a PPD at the same time as starting a proceeding against the respondent for a domestic violence offence for the relevant domestic violence to which the PPD relates;
- where an application for a protection order against the respondent has been made but not finally dealt with (section 100C(1)(g));

- where the respondent has used, or threatened to use, an offensive weapon or instrument to commit the domestic violence (section 100C(1)(h));

- there are indications that both persons in the relationship are in need of protection and, the person most in need of protection cannot be identified (section 100C(1)(i)); and

- it is necessary or desirable to protect a child and, conditions other than standard conditions are needed to provide protection (section 100C(3)).

An *offensive weapon or instrument* is defined in new section 100C(4) with reference to the relevant definition in schedule 6 of the *Police Powers and Responsibilities Act 2000*.

A definition of *relevant domestic violence* is to be inserted into schedule 1 (Dictionary), for the purposes of section 100C, to mean the domestic violence in section 100B(1)(a) for which the police officer is deciding whether to issue a PPD or, in relation to which the PPD was issued.

To remove doubt, as the provisions are drafted, a police officer will not be able to issue a PPD if a proceeding is started against a respondent for a domestic violence offence (section 100(1)(f)), unless the PPD relates to the same domestic violence and is issued at the same time as the proceeding is commenced (section 100C(2)). However, a PPD will not be able to be issued if the person is taken into custody in relation to the relevant domestic violence (section 100C(1)(b)).

Domestic violence offence and *domestic violence history* in new division 1A of the DFVP Act are to have the same meaning as the existing definitions in schedule 1 (Dictionary).

New section 100D (Restrictions on issuing direction involving child of respondent) sets out additional restrictions on issuing a PPD, which apply if the PPD includes a child of the respondent as a named person or, includes a condition that would prevent or limit contact between the respondent and their child. Section 100D(2) provides that a police officer must not issue a PPD if the officer knows or reasonably believes there is a family law order or, an order or care agreement under the *Child Protection Act 1999* (CP Act) or, a family law proceeding or proceeding under the CP Act have been started but not finally dealt with.

This exclusion acknowledges the difficulty in police in obtaining accurate information regarding the existence and subject of relevant orders or ongoing proceedings in a timely manner. In order to satisfy the reasonable belief test in section 100D(2), the officer is required to ask the respondent and the aggrieved if there are any orders in place or, proceedings on foot (section 100D(3)).

New section 100D(4) provides that if a condition included in a PPD is inconsistent with certain orders or agreements relating to the child, the condition is of no effect to the extent of the inconsistency, and that the inconsistency does not invalidate or otherwise affect the PPD. This ensures that a PPD issued by a police officer does not override or affect the operation of a court order.

Section 100E (Other matters for consideration before issuing direction) outlines additional circumstances in which a PPD **may not** be appropriate and, lists additional matters a police officer must consider when deciding whether or not to issue a PPD. These considerations are intended to provide guidance to officers, and will not stop a PPD from being issued. These

matters have been included in the legislation to provide transparency, clarity and to assist police in reaching a decision regarding the appropriateness of issuing a PPD.

Matters for consideration by police when assessing the appropriateness of a PPD under s100E include:

- whether the respondent may cause serious harm to the aggrieved or a named person if the respondent commits further domestic violence (section 100E(1)(a)(i));

- whether additional powers of a court in making a protection order may be necessary or desirable (to provide additional guidance, examples of additional powers that can only be imposed by a court have been included in the provision, such as imposing a monitoring device condition) (section 100E(1)(a)(ii));

- whether either party has a conviction for a domestic violence offence (section 100E(1)(a)(iii);

- whether the respondent is not present at the same location as the police officer (section 100E(1)(a)(iv)).

If any of these matters exist, the police officer should consider whether it would be more appropriate to take action that involves an application for a protection order (section 100E(1)(b)).

New section 100F (Naming persons in direction) provides that a police officer may name a child, relative or associate of the aggrieved in the PPD, to protect them from associated domestic violence or being exposed to domestic violence committed by the respondent. Section 100F is subject to section 100D(2), which provides that a PPD should not be issued if there are any family law orders, CP Act orders or care agreements or relevant proceedings on foot. Section 100C(3) also precludes a PPD being issued naming a child if the police officer considers that additional conditions under section 100H are necessary to protect the child, in which case, the matter should be considered by court.

Section 100G (Standard conditions must be included) outlines the standard conditions that must be included in a PPD. This provision is consistent with standard conditions for PPNs (section 106 of the DFVP Act).

Section 100H (Other conditions may be included) outlines additional conditions that may be included in a PPD, including no-contact, cool down and ouster conditions. This provision is consistent with the other conditions that may be included in a PPN (section 106A of the DFVP Act). The imposition of additional conditions is, however, precluded if the PPD names a child (section 100H(1)). If the PPD names a child and, the police officer considers that additional conditions are necessary to protect the child, section 100C(3) provides that the matter should be considered by court.

Section 100I (Condition for protection of unborn child) provides that a PPD may include a condition for protection of an unborn child, if the aggrieved is pregnant. This provision is consistent with the availability of these conditions for DVOs (see section 67 of the DFVP Act). This section will only apply if the PPD does not include any additional conditions mentioned in section 100H (section 100I(1)(b)).

Section 100J (Police officer must consider accommodation needs) provides that the police officer issuing a PPD must consider the accommodation needs of the respondent if the direction includes a cool-down or ouster condition. This provision is consistent with the requirements for PPNs (see section 108 of the DFVP Act).

Section 100K (Approval of supervising police officer required) outlines the approval process for a PPD. This provision is consistent with the requirements for PPNs (see section 102 of the DFVP Act). If the supervising police officer reasonably believes that a PPN would be more appropriate, the supervising officer may approve the issue of a PPN as if the request for approval of the PPD were a request for approval to issue a PPN (section 100K(4)).

Section 100L (Cross-direction not permitted) provides that a cross-direction (cross-PPD) is not permitted. This provision is consistent with the restrictions for PPNs (see section 103 of the DFVP Act). This provision addresses concerns with misidentification and, is consistent with new section 100C(1)(j) which precludes the issue of a PPD if there are indications that both persons in the relationship are in need of protection and, the person most in need of protection cannot be identified.

Section 100M (Contact details and address for service) sets out requirements for asking about the respondent's contact details and address for service in relation to a PPD. This provision is consistent with the requirements for PPNs (see section 104 of the DFVP Act).

New section 100N (Form of direction) sets out the requirements for a PPD, noting the form itself will ultimately be approved by the police commissioner prior to use. The section outlines which details must be included in the PPD, including the name and registered number of the issuing officer, the respondent's details and address for service, the name of the aggrieved and any named person and the relevant relationship between the parties. The PPD is also required to state the issuing officer is satisfied the grounds for issuing the PPD have been met and indicate that the respondent will be given a written notice stating the grounds as soon as practicable after the PPD takes effect. The PPD is required to include the conditions of the PPD and provide details regarding the expiry of the direction (i.e. that the direction expires 12 months after the day it takes effect). It may also include information relevant to any future court review process (noting that the officer is required to explain the respondent's rights of review when they provide them with the PPD and grounds under section 100Q(3)(g)).

Section 100O (Service of direction and grounds on respondent) outlines the service requirements for a PPD and the grounds on the respondent. Section 100O(1) provides that the PPD must be personally served on the respondent. Section 100O(3) provides that the grounds for the PPD may be served on the respondent in any way if an address for service is known, however, if an address for service is not known, the grounds must be personally served.

New section 100P (Giving copy of direction and grounds to aggrieved and named persons) sets out the requirements for giving of a copy of the PPD and grounds to the aggrieved and named persons. The provision is consistent with the approach for PPNs (see section 109A of the DFVP Act).

Section 100Q (Explanation) outlines the matters a police officer must undertake when explaining a PPD to the respondent, aggrieved or parent of a named child. Section 100Q(2)(a) requires the police officer to explain the PPD, the grounds on which the PPD was issued and the reasons why the police officer imposed the conditions on the direction. Section 100Q(2)(b)

also requires the police officer to take reasonable steps to ensure the person understands the nature and consequences of the PPD.

Under section 100Q(3) the police officer must explain:

- the purpose and effect of the PPD (including any interstate operation of the PPD and, any impact on the person's weapon's licence) (section 100Q(3)(a));
- the duration of the direction (section 100Q(3)(b));
- the conditions of the direction, including the behaviour the respondent is prohibited from engaging in under the conditions (section 100Q(3)(c));
- the type of behaviour that constitutes domestic violence (section 100Q(3)(d));
- the consequences of the respondent contravening the direction (section 100Q(3)(e));
- that the aggrieved cannot consent to the respondent contravening the direction (section 100Q(3)(f));
- the right of respondent or the aggrieved to seek a review of the direction by the police commissioner or the Magistrates Court and how to seek the review and the possible decisions that could be made on review (section 100Q(3)(g));
- that the issue of the direction does not prevent the respondent or the aggrieved from applying for a protection order (section 100Q(3)(h)); and
- any other matter that is prescribed under a regulation (section 100Q(3)(i)).

As noted above, new section 100Q(3)(a)(i) requires the police officer to explain the purpose and effect of the direction, including, for example, that the direction may be enforceable in other States and New Zealand without further notice to the respondent. This recognises that other States and New Zealand may recognise PPDs as part of the National Domestic Violence Order Scheme (NDVOS). Whether PPDs are enforceable interstate and in New Zealand will be a matter for those jurisdictions.

While failure to comply with section 100Q does not invalidate or otherwise affect a PPD (section 100Q(4), a court hearing proceedings for the prosecution of an offence against new section 177A (Contravention of a police protection direction) of the DFVP Act will have to be satisfied beyond a reasonable doubt that the respondent was told by a police officer about the existence of the PPD and, the condition of the PPD the respondent is alleged to have contravened.

Section 100R (Duration) provides that a PPD takes effect when the direction is served on the respondent personally or in a way stated in a substituted service order or, when the police officer tells the respondent about the existence of the direction and the conditions imposed. New section 100R(2) provides that the police officer may tell the respondent about the existence of the PPD in any way, including by telephone, email, SMS message, a social networking site or other electronic means.

A PPD will continue in force until:

(a) the end of 12-months from the day the direction takes effect (section 100R(3)(a)); or

(b) a DVO, recognised interstate order or protection order under section 42 of the DFVP Act becomes enforceable in relation to the respondent and aggrieved (regardless of who is the respondent and who is the aggrieved). This means that a subsequent order made by a court naming the respondent to the PPD as the aggrieved and, the aggrieved in the PPD as the respondent will override the making of the PPD (section 100R(3)(b));

(c) a PPN takes effect in relation to the respondent and aggrieved (regardless of who is the respondent and who is the aggrieved) (section 100R(3)(c));

(d) release conditions are imposed in relation to the respondent and aggrieved (regardless of who is the respondent and who is the aggrieved) (section 100R(3)(d));

(e) a proceeding for an application for DVO in relation to the respondent and aggrieved is dismissed or, adjourned without a temporary protection order being made (section 100R(3)(e)). Unless, a proceeding for an application under subdivision 5 (Court review of direction) is adjourned (section 100R(4)).

(f) the direction is revoked by the police commissioner under new section 100Y(1)(b) or (c); or

(g) the court makes an order setting aside the direction is under section 100ZD(2)(a).

To avoid confusion, the intention is for a PPD to end if subsequent court proceedings are on foot (section 100R(3)(e)), unless those court proceedings are for a review of a PPD under part 4, division 1A, subdivision 5 (Court review of direction). If a court review is adjourned, the PPD will remain in force until a decision is made by the court under section 100ZD.

Subdivision 3 Amendment of police protection direction

New section 100S (Amendment of police protection direction) provides that the police commissioner may amend a PPD to correct a minor error; or to reflect a change of the name, contact details or address for service of the respondent or the name of the aggrieved or a named person that has been notified to the police commissioner. The police commissioner may delegate the powers under this section only to a police officer of a rank higher than the supervising officer who approved the issue of the direction; and who was not involved in the initial investigation.

Subdivision 4 Police review of police protection direction

Subdivision 4 sets up a process for a police review to be conducted in relation to the issue of a PPD.

Section 100T (Starting a review on police officer's initiative) allows for an internal police review on a police officer's own initiative. This provision requires a police officer to ask the police commissioner to review a PPD if the officer:

(a) becomes aware of circumstances, or reasonably believes there are circumstances, that were not, or may not have been, known or considered by the issuing police officer when the direction was issued; and

(b) reasonably believes that the circumstances may have affected the decision to issue, or the conditions imposed on, the direction, if the circumstances had been known or considered by the issuing police officer.

Issuing police officer is defined in new section 100T(3) as the officer who issued the PPD.

New section 100U (Starting review on application) provides a process for the respondent, aggrieved, an authorised person for the aggrieved or a named person to apply to the police commissioner for a review of a PPD. An applicant may apply for a police review within 28 days after the grounds for issuing the PPD are served on the respondent, or within a longer period agreed to by the police commissioner. Under section 100U(2) a named person can only seek a review of the naming of the person in the PPD or a condition included on the PPD relating to the named person.

An application under section 100U must be made in the form approved by the police commissioner.

An *authorised person*, for an aggrieved, is defined in section 100U(4) as an adult authorised in writing by the aggrieved to represent the aggrieved in relation to the application for review.

Section 100V (Effect of starting review) provides that a request for internal review under section 100T, or an application for review under section 100U, does not affect the operation of the PPD or prevent the taking of any action to implement the direction. It is intended that the taking of any action to implement a PPD under this section includes enforcing the direction.

Section 100W (Submissions and information) provides that the police commissioner must give the respondent and aggrieved a written notice notifying them of the review; and invite them to make submissions within a stated period of at least 7 days. The police commissioner may also give a named person written notice notifying them of the review and invite them to make submissions within a stated period of at least 7 days. Section 100W(3) allows the commissioner to ask the respondent, aggrieved or a named person for any information the commissioner considers necessary to decide the review. However, the respondent, aggrieved or named person cannot be compelled to make a submission or give information in response to this request (s100W(4)).

New section 100X (Conduct of review) provides that a police review of PPD must consider all relevant information available, including any submissions made or information given. The reviewing officer must decide the review on the basis of the circumstances that existed when the PPD was issued, including any circumstances that existed at the time but were not known or considered by the issuing police officer. Section 100X(1) provides that the review may only be conducted only by a police officer of a rank higher than the supervising officer who approved the issue of the direction; who is authorised by the police commissioner to conduct reviews of PPDs; and who was not involved in investigating the relevant domestic violence that led to the issue of the direction.

Section 100Y (Decision on review) outlines the options available to the reviewing officer upon hearing the review. The provision requires a decision be made within 28 days after the request under section 100T, or an application under section 100U is made. In making their decision, the reviewing officer may:

(a) confirm the PPD (section 100Y(1)(a));

(b) revoke the PPD and issue a new direction against the same respondent in favour of the same aggrieved, with the same or different named persons, or, with the same or different conditions (section 100Y(1)(b));

(c) revoke the PPD and take no further action (section 100Y(1)(c));

(d) revoke the direction and apply to the court for a protection order in relation the respondent and aggrieved (section 100Y(1)(d)(i));

(e) revoke the direction and issue a PPN in relation to the respondent and the aggrieved (section 100Y(1)(d)(ii)); or

(f) take any other action mentioned in section 100(3) (Police officer must investigate domestic violence), that is appropriate in the circumstances (section 100Y(1)(d)(iii)).

Under section 100Y(2) a protection order that is sought under subsection 100Y(1)(d)(i) may be sought against the respondent in favour of the aggrieved or, against the aggrieved in favour of the respondent and ,may be subject to the same or different conditions as the revoked PPD.

Under section 100Y(3) a PPN issued under subsection 100Y(1)(d)(ii) may be issued against the respondent in favour of the aggrieved or, against the aggrieved in favour of the respondent and may be subject to the same or different conditions as the revoked PPD.

Under section 100Y(4) the reviewing officer must, as soon as practicable after deciding the review, give the respondent, aggrieved and each named person written notice of the decision. The decision must state the reasons for the decision, that the respondent or aggrieved may seek a court review of the PPD (not the police decision on review), how to seek that review and the possible decisions that could be made on review, and that the respondent or aggrieved may apply for a protection order.

Under section 100Y(5) if the decision on the review is or includes a decision, that the PPD is revoked, the revoked direction is taken never to have been issued and will not form part of the respondent's domestic violence history. A respondent, may, however be proceeded against for an offence under new section 177A (Contravention of police protection direction), committed before the PPD was revoked. This reflects the position that an offence of contravening a PPD is still committed, regardless of whether the PPD is revoked (i.e. the person was aware of the conditions of the PPD and contravened the PPD, thus committing the offence).

There are, however, a number of safeguards included in new section 177A to provide that (a) a court hearing proceedings for an offence against new section 177A must consider whether the PPD was issued in substantial compliance with new part 4, division 1A of the DFVP Act and, (b) the prosecution bears the onus of proving beyond a reasonable doubt that the respondent was told by a police officer about the PPD and any condition they are alleged to have contravened.

Subdivision 5 Court review of police protection direction

Subdivision 5 sets up an independent process for court review. The court review is not intended to be an appeal against the police review and, an applicant can seek court review whether or not they have applied for police review.

New section 100Z (Application for review) outlines how a court review of a PPD may be initiated, when, and by whom.

The respondent, aggrieved, an authorised person for the aggrieved or person acting under another Act for the aggrieved, may apply to a Magistrates Court at any time the PPD is in force, for a review of the direction. This includes when a police review is already on foot.

Section 100Z(2) provides that the application must be in the approved form, state the nature of the outcome sought and the grounds on which the outcome is sought, and be filed in the court. A copy of the application must then be given to the police commissioner by the clerk of the court as soon as practicable after it's filed.

An *authorised person*, for an aggrieved, is defined in section 100Z(4) as an adult authorised in writing by the aggrieved to represent the aggrieved in relation to an application for review.

Section 100ZA (Filing and service of documents) provides how, when and by whom documents must be filed for a court review of a PPD.

Within 1 business day after receiving a copy of an application for the review of a PPD, the police commissioner must file in court several documents relating to the direction. These include (a) a copy of the direction, (b) the signed written notice stating the grounds for issuing the direction, (c) a signed statement about the nature of the protection order sought by the application and the grounds (unless this information was included in the original PPD under section 100N(2)), and (d) a notice, to be served on the applicant, aggrieved and each named person in the PPD, stating that the person will be notified of the date, time and place for the hearing of the application for the review.

Section 100ZA(2) clarifies that the application for a protection order in section 100ZA(1)(c) is a reference to the application for a protection order that the PPD is taken to be under section 100ZB(1).

New section 100ZA(3) provides that the clerk of the court must make arrangements for (a) the application for the review to be listed for hearing at the earliest opportunity and not later than 14 business days after the day the documents are filed and for (b) the applicant, aggrieved and each named person in the PPD, and the police officer or service legal officer responsible for the matter, to be notified of the date, time and place of the hearing.

Section 100ZA(4) requires a police officer to serve a copy of each of the documents filed under subsection (1) on the applicant and, a copy of the application of review, in addition to the documents filed under subsection (1) on the aggrieved and any named person. Under section 100ZA(5) the police officer may serve the documents in any way if an address for service is known, otherwise, the documents must be personally served.

The application for review of a PPD will not be invalidated or affected by a failure to comply with the service requirements under s100ZA (4) or (5).

Upon filing of documents under section 100ZA, new section 100ZB (Police protection direction taken to be application for protection order) deems the original PPD to be an application for protection order and, provides that the issuing police officer is the applicant in proceedings.

Section 100ZB(2) provides that if the respondent to a PPD makes an application for court review, and the application seeks a protection order against the aggrieved in favour of the respondent, the application is taken to be an application for a protection order against the aggrieved. New section 100ZB(2)(b) then provides that for applying part 3, division 1A (Cross applications) of the DFVP Act, the application is taken to be an original application under section 41A(1)(a) and is taken to be a cross application under section 41A(1)(b). The effect of this provision is that a respondent who is alleging that they were misidentified as the perpetrator in relation to the PPD and, are in need of protection themselves, can lodge an application for

protection order at the same time as seeking the court review. This will then be deemed a cross-application for the purposes of part 3, division 1A of the DFVP Act.

100ZC (Effect of application) provides that the making of an application for a court review under section 100Z, or the filing of documents relating to a PPD under section 100ZA, does not affect the operation of the PPD or prevent the taking of any action to implement the direction. It is intended that the taking of any action to implement a PPD under this section includes enforcing the direction.

Sections 100ZC(2) and (3) operate to discontinue any police review upon an application for court review being given to the police commissioner under section 100Z(3), if the review has been started but not finally dealt with. This acknowledges that a court review is not a review of the police review and, reflects the position that a decision by a court will override any police decision in relation to a PPD. This also avoids unnecessary duplication and resource expenditure that would occur if both the police review and court review continued at the same time.

Section 100ZD (Decision of court about police protection direction) outlines the decisions a court may make upon hearing a review of PPD.

As the PPD is taken to be an application for protection order upon filing of documents by the police commissioner (see section 100ZB(1)), part 3 (Domestic violence orders) of the DFVP Act applies to the court hearing and decision.

In addition to the orders the court may make under part 3 of the DFVP Act, the court may also make an order to set aside a PPD, or a decision to dismiss the application. If the court makes an order setting aside a PPD, the direction ends. This subsection allows the court to make orders consistent with an application for a protection order in part 3, while including the ability to make a decision regarding the protection direction.

Under section 100ZD(3) if the decision on the review is or includes a decision, that the PPD is set aside, the set aside direction is taken never to have been issued and will not form part of the respondent's domestic violence history. A respondent, may, however be proceeded against for an offence under new section 177A (Contravention of police protection direction), committed before the PPD was set aside. This reflects the position that an offence of contravening a PPD is still committed, regardless of whether the PPD is set aside (i.e. the person was aware of the conditions of the PPD and contravened the PPD, thus committing the offence). This also recognises that a court review of a PPD is a hearing de novo and not a judicial review of the QPS decision to issue the PPD.

There are, however, a number of safeguards included in new section 177A to provide that (a) a court hearing proceedings for an offence against new section 177A must consider whether the PPD was issued in substantial compliance with new part 4, division 1A of the DFVP Act and, (b) the prosecution bears the onus of proving beyond a reasonable doubt that the respondent was told by a police officer about the PPD and any condition they are alleged to have contravened.

New section 100ZD(4) provides that if the court decides to dismiss the application, the PPD continues unaffected and another application under section 100Z by the same applicant may only be made in relation to the PPD with the leave of the court. This provision aims to prevent any abuse of process that could arise from an applicant submitting multiple applications for review in relation to a PPD that the court has already made a decision about.

Clause 20 amends section 134 (Application of division) to enable part 4, division 5 (Power to direct person to remain, or move to and remain, at place) to apply to a PPD.

Clause 21 amends section 134A (Power to give direction) to empower a police officer to give a direction to a person to enable the issue and service of a PPD.

Clause 22 amends section 134E (Responsibilities of police officer in relation to direction) to include reference to a PPD. Section 134E supports the operation of section 134A (Power to give direction).

Clause 23 amends section 134F (Offence to contravene direction) to clarify that a person does not commit an offence against the section if the person is not proved to be named as a respondent in a PPD that has not been served on the respondent.

Clause 24 amends new section 135B (Diversion orders scheme) to be inserted by the Coercive Control Act, to apply to a defendant who is an adult appearing before a Magistrates Court charged with an offence of contravening a PPD.

Clause 25 amends new section 135C (Eligibility criteria for participation in scheme) to be inserted by the Coercive Control Act to ensure a respondent charged with a contravention of a PPD is eligible to participate in the diversion scheme.

Clause 26 amends new section 135T (Approval of providers and diversion programs) to be inserted by the Coercive Control Act, to ensure consistency with amended section 75 (Approval of providers and intervention programs). These amendments will provide a regulation-making power to enable any future requirements identified as necessary for approvals under this section to be prescribed by regulation.

Clause 27 amends section 145(1)(b) (Evidence) to include an example of a way a court may consider it appropriate to inform itself. The example is the court having regard to a recorded statement, within the meaning of section 103A of the *Evidence Act 1977*, that is made for, and may be used in, a related domestic violence proceeding, within the meaning of section 103C of the *Evidence Act 1997*. This example clarifies that a court may consider a person's video recorded statement as evidence for civil proceedings under this Act.

Clause 28 amends section 164 (Who may appeal) to provide that a person who is aggrieved by a court's decision to set aside a PPD or, dismiss an application for review under new section 100ZD(2), may appeal the decision.

Clause 29 amends section 172 (Meaning of *local order*) to include a PPD. This is to include PPDs as *local orders* under the NDVOS.

Clause 30 amends section 175 (Meaning of *properly notified)* to include a PPD in relation to the NDVOS.

Clause 31 inserts new section 177A (Contravention of a PPD). This provision creates a criminal offence which prohibits the contravention of a PPD. The maximum penalty for non-compliance under section 177A(2) is 120 penalty units or 3 years imprisonment.

New section 177A(3) provides that a court hearing proceedings for the offence must consider whether the PPD was issued in substantial compliance with new part 4, division 1A of the DFVP Act. Under new section 177A(4) the prosecution bears the onus of proving beyond a

reasonable doubt that the respondent was told by a police officer about the PPD and any condition they are alleged to have contravened.

Clause 32 amends section 179A (Engaging in domestic violence or associated domestic violence to aid respondent) to be inserted by the Coercive Control Act to include references to a PPD.

Clause 33 amends section 180 (Aggrieved or named person not guilty of offence) to provide that an aggrieved or named person in a PPD does not commit an offence because they encourage, permit or authorise conduct by the respondent that contravenes the PPD.

Clause 34 amends section 184 (Service of order on respondent) to extend police service requirements to include PPDs.

Clause 35 amends section 188 (Giving of document to child) to provide for how a PPD may be given to a child.

Clause 36 amends section 189 (Evidentiary provision) to expand its application to the issue of PPDs.

Clause 37 inserts new section 189C (Police protection directions register) to require the police commissioner to keep a register of PPDs. The register must contain particulars of all PPDs including:

- particulars of the respondent, aggrieved and each named person (section 189C(2)(a));
- the date of issue and expiry of the PPD (section 189C(2)(b));
- if the PPD ceased to have effect (section 189C(2)(c));
- any amendments to the PPD to correct minor errors under section 100S (section 189C(2)(d));
- any applications for police or court review of the PPD and the outcome (section 189C(2)(e) and (f));

Under section 189C(4), the register must also include the particulars of any PPDs that have been revoked by a reviewing police officer under section 100Y or set aside by a court under section100ZD.

The particulars of the PPD must be made available for inspection by the respondent, aggrieved or a named person to the PPD on request.

Clause 38 inserts new section 192A (Review of PPDs provisions) which requires the Minister responsible for the administration of the DFVP Act to ensure the operation of the PPD provisions are reviewed as soon as practicable after the day that is two years after the commencement.

Without limiting the terms of the review, new section 192A provides that the review is to include consideration of:

- whether PPDs have been effective in improving the safety, protection and wellbeing of people who fear or experience domestic violence (section 192A(2)(a));

- whether the issuing of PPDs has had any impact on courts in relation to civil or criminal proceedings about domestic violence (for example, whether there has been an increase or decrease in applications for DVO or, proceedings for offences under Part 7 of the DFVP Act) (section 192A(2)(b)); and

- whether the PPD provisions have improved the efficiency of the exercise of police powers under the DFVP Act and remain appropriate (section 192A(2)(c)).

The Minister responsible for the administration of the DFVP Act must table a copy of the review as soon as practicable after the review is finished.

Clause 39 inserts new part 10, division 7 (Transitional provisions for Domestic and Family Violence Protection and Other Legislation Amendment Act 2025), which provides transitional provisions relevant to the operation of the electronic monitoring device condition pilot.

New section 243 provides for a monitoring device condition to remain effective even after a court stops being prescribed or part 3, division 5, subdivision 3 expires (sunsets). If a court imposes a monitoring device condition for a stated period; and the court stops being prescribed under section 66B(1)(b) as a court that can impose a monitoring device condition, or the subdivision expires, the monitoring device condition is taken to be effective until the end of the stated period.

This section ensures that monitoring device conditions made during the pilot continue if the pilot is not made permanent and expires after 2 years, or if the court that imposed the condition stops being a prescribed court for the purposes of section 66B(1)(b).

New section 244 is intended to remove any doubt that a monitoring device condition may be made in a proceeding to vary a domestic violence order whether the domestic violence order was made before or after the commencement of the relevant provisions (part 3, division 5, subdivision 3 of the DFVP Act). This ensures a prescribed court can make a monitoring device condition when varying a domestic violence order, even if the order was made before the commencement of the amendments.

Clause 40 amends the schedule (Dictionary) to:

- insert a new definition of *monitoring device*, for part 3, division 5, subdivision 3, see section 66A.

- insert a new definition of *monitoring device condition*, for part 3, division 5, subdivision 3, see section 66B(1).

- insert a new definition of *police protection direction*, which means a police protection direction issued under section 100B.

- omit the current definition of *prescribed entity* and, insert a new definition of *prescribed entity* –

(a) for part 3, division 5, subdivision 3, see section 66A;

(b) for part 5A, see section 169C.

- insert a new definition of *relevant domestic violence offence* for new part 4, division 1A, to provide guidance for the issue of PPDs. Relevant domestic violence means the domestic violence mentioned in section 100B(1)(a) because of which –

  (a) the police officer is deciding whether to issue a PPD; or,

  (b) the PPD was issued.

- insert a new definition of *safety device*, for part 3, division 5, subdivision 3, see section 66A.

Subclauses (3)-(10) make consequential amendments to various definitions in the schedule to include reference to PPDs.

Part 3 Amendment of Evidence Act 1977

Clause 41 provides that this part amends the *Evidence Act 1977*.

Clause 42 omits and replaces section 103C (Meaning of domestic violence proceeding) to provide the meaning of a *domestic violence proceeding*.

Subsection (1) provides that a domestic violence proceeding means:
a) a committal proceeding in relation to a charge of a domestic violence offence;
b) a summary proceeding under the *Justices Act 1886* in relation to a charge of a domestic violence offence; or
c) another criminal proceeding in relation to a charge of a domestic violence offence that is of a type prescribed by regulation and is held before a court at a place prescribed by regulation.

Subsection (2) provides that a proceeding listed under subsection (1) is a domestic violence proceeding whether or not the proceeding also relates to a charge of an offence other than a domestic violence offence.

Subsection (3) provides that a reference to a committal proceeding in subsection (1)(a) includes a registry committal.

This clause expands the VREC framework to all summary proceedings and committal proceedings, including registry committals, relating to a domestic violence offence as well as other criminal proceedings relating to a domestic violence offence prescribed by regulation.

Clause 43 amends the heading for part 6A, division 2, subdivision 1 to 'Use and making of recorded statements'.

Clause 44 amends section 103D (Use of recorded statements) to insert a new subsection (3) which clarifies that a complainant's evidence-in-chief may consist of more than one recorded statement made under part 6A.

Clause 45 amends section 103E (Requirements for making recorded statements).

Subclause 1 omits subsections (1) and (2), removing the requirements for a recorded statement to be made as soon as practicable and to be taken by a trained police officer.

Subclause 2 makes a minor consequential amendment to subsection (3).

Subclause 3 inserts new subsection (3)(aa) which provides that a recorded statement must be taken by a police officer.

Subclause 4 amends subsection (3)(b) to remove reference to the complainant's acknowledgement or declaration under the *Oaths Act 1867*, and instead provide that a recorded statement must include, at the end of the recorded statement, a declaration by the complainant of matters listed in subsections (3)(b)(i) and (ii).

Subclause 5 omits subsection (3)(c) relating to the requirement for a recorded statement that is in a language other than English to contain an oral translation.

Subclause 6 renumbers the subsections.

Subclause 7 reinserts the translation requirement in subsection (4) and provides that if any part of a recorded statement is in a language other than English the recorded statement must contain an oral translation of the part in English, or a separate written English translation of the part must accompany the statement.

Subclause 8 renumbers the subsections.

Clause 46 amends section 103F (When recorded statement is made with informed consent).

Subclause 1 omits subsection (2) and replaces it with a list of matters a police officer must explain to the complainant, before or at the time of starting to take the recorded statement. These matters are:

a) that the recorded statement may be presented as the complainant's evidence-in-chief in a court;
b) that the recorded statement may be disclosed to, and used by, the accused person and other persons regardless of whether the recorded statement is presented as the complainant's evidence-in-chief;
c) that, if the recorded statement is presented as the complainant's evidence-in-chief, the complainant may be required to confirm or testify about the truthfulness of the recorded statement in the court and give further evidence in the court;
d) that the complainant may refuse to consent to the making of the recorded statement;
e) that, if the complainant consents to the making of the recorded statement, the complainant may withdraw their consent at any time while the recorded statement being taken by the police officer; and
f) any other matter the police officer considers relevant and necessary.

Examples of other matters that may be considered relevant and necessary are contained in subsection (2)(f).

Subclause 2 amends subsection (3) to replace reference to 'informed' with 'given an explanation'.

These amendments simplify the language used to explain certain matters and obtain informed consent and streamlines the process to obtaining informed consent by providing that informed consent can be obtained once, either before or at the commencement of starting to take the recorded statement.

Clause 47 amends section 103H (Admissibility of recorded statements generally).

Subclause 1 makes a consequential amendment to subclause (1)(a) to replace reference to former section 103E(3) with section 103E.

Subclause 2 amends subsection (1)(d)(i) by inserting the words 'or otherwise confirms'. This allows for a complainant at the hearing of the proceeding to attest to, or otherwise confirm, the truthfulness of the contents of the recorded statement.

Subclause 3 makes a consequential amendment to subclause (3)(a) to replace reference to former section 103E(3) with section 103E.

Subclause 4 amends subsection (3)(b)(i) to include an example of 'exceptional circumstances' in relation to the admissibility of an audio recording, as opposed to video recording. The example is where moving images from the recorded statement cannot be produced because of technological error or failure.

Clause 48 amends section 103I (Admissibility of recorded statements in particular committal proceedings).

Subclause 1 amends subsection (1) to provide that section 103I does not apply to a registry committal.

Subclause 2 amends subsection (5)(a) by inserting the words 'or otherwise confirm'. This allows a complainant, if required by the court, to attest to, or otherwise confirm, the truthfulness of the contents of the transcript or the recorded statement.

Clause 49 amends section 103IA (Admissibility of transcripts of recorded statements in particular registry committal proceedings).

Subclause 1 amends the heading to 'Admissibility of transcripts of recorded statements in registry committals'.

Subclause 2 omits existing subsection (1) and replaces it with a provision that provides that section 103IA applies in relation to a domestic violence proceeding that is a registry committal.

Clause 50 amends section 103Q(2)(a) to provide an example of another proceeding where a person may possess, supply or copy a recorded statement or a transcript of a recorded statement for a legitimate purpose. The example is a proceeding under the *Domestic and Family Violence Act 2012.*

Clause 51 inserts a new part 6A, division 2, subdivision 5 (Miscellaneous).

New section 103SAA is inserted to provide that, to remove any doubt, it is declared that nothing in part 6A limits or otherwise affects the operation of section 145 of the *Domestic and Family Violence Act 2012.*

This new section clarifies that the *Evidence Act 1977* does not limit a court from considering a recorded statement in a proceeding under the *Domestic and Family Violence Act 2012.*

Clause 52 inserts a new part 9, division 18 relating to transitional provisions for the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025*.

New section 178 provides definitions of *amendment Act, former, new* and *transitional provision.*

New section 179 provides that if, prior to commencement, a complainant had consented to and started to make a recorded statement, but the recorded statement had not been completed, former section 103E continues to apply to the making of the recorded statement.

New section 180 provides that if a recorded statement was made prior to commencement or made under section 179, new part 6A applies to the recorded statement as if a reference in new section 103H to section 103E included a reference to former section 103E(3).

New section 181 provides that if, immediately before commencement, former part 6A, divisions 1 and 2 applied in relation to a domestic violence proceeding and the domestic violence proceeding had not been finalised, former part 6A, divisions 1 and 2 continue to apply.

New section 182 provides that new part 6A, divisions 1 and 2 apply to a domestic violence proceeding only where an originating step for the proceeding is taken on or after the commencement. This applies regardless of whether the act or omission constituting the domestic violence offence occurred, or a recorded statement was made, prior to commencement. A definition for an *originating step* is provided.

Part 4 Amendment of *Explosives Act 1999*

Clause 53 provides that this part amends the *Explosives Act 1999.*

Clause 54 amends section 12B (Criteria for deciding applications) to include reference to a PPD to provide that a person being named as a respondent to a PPD is relevant to the chief inspector's consideration of whether an application is a suitable person to hold a security clearance.

Clause 55 amends section 12G (Reports about criminal history and other matters) to include reference to a PPD to provide that the chief inspector may ask the commissioner for a written report about whether a person has been named as a respondent on a PPD.

Clause 56 amends section 12H (Commissioner must give notice of particular matters) to include reference to a PPD to provide that the commissioner must give the chief inspector a written notice if the commissioner reasonably suspects a person is an applicant for a security clearance, or the holder of a security clearance, and the person is named as the respondent in a PPD.

Clause 57 amends section 25B (Immediate cancellation if protection order made) to include reference to a PPD to provide that a PPD would immediately cancel the security clearance of a person named as the respondent in a PPD.

Clause 58 amends section 126AA (Effect of appeals against domestic violence orders) to include reference to a PPD to provide that if revoked or set aside, a PPD will be taken not to have been issued. This ensures that a PPD that is revoked or set aside will not be used to deny a person's security clearance.

Clause 59 amends schedule 2 (Dictionary) to insert a definition of *police protection direction*, to mean a PPD under the DFVP Act.

Part 5 Amendment of *Penalties and Sentences Act 1992*

Clause 60 provides that this part amends the *Penalties and Sentences Act 1992.*

Clause 61 amends section 11 (Matters to be considered in determining offender's character) to include a PPD as a type of 'domestic violence order' for the purpose of the court determining the character of an offender, in the context of the history of domestic violence orders made against the offender. This clause also renumbers existing subsections to accommodate insertion of the new subsection.

Part 6 Amendment of *Police Powers and Responsibilities Act 2000*

Clause 62 provides that this part amends the *Police Powers and Responsibilities Act 2000* (PPRA).

Clause 63 amends section 365 (Arrest without warrant) of the PPRA to include reference to new section 177A (Contravention of a police protection direction). The effect of this amendment will be that a police officer will be empowered to arrest a person without warrant where the police officer reasonably suspects a person has or is, contravening a PPD under section 177A of the DFVP Act.

Clause 64 amends section 604 (Dealing with persons affected by potentially harmful things) to include reference to a PPD in a provision related to examples of a place of safety.

Clause 65 amends section 610 (Police actions after domestic violence order police protection notice or release conditions are made) to include references to a PPD to provide police with the ability to take necessary steps to seize a respondent's weapons and weapons licence where appropriate.

Clause 66 amends section 715 (What is the appointed day for disposal of weapons under section 714) to include reference to a PPD.

Clause 67 amends schedule 5A (Prescribed documents for service by electronic communication) to include a PPD.

Clause 68 amends schedule 6 (Dictionary) to insert a definition of *police protection direction*, to mean a PPD under the DFVP Act.

Part 7 Amendment of *Residential Tenancies and Rooming Accommodation Act 2008*

Clause 69 provides that this part amends the *Residential Tenancies and Rooming Accommodation Act 2008.*

Clause 70 amends section 245 (Injury to domestic associate) to insert reference to whether a person's domestic associate is named as the respondent in a PPD and whether it is still in force. However, the PPD will not be able to be used if it has been revoked or set aside.

Clause 71 amends section 344 (Damage or injury) to include whether the applicant's domestic associate is named as the respondent in a PPD and whether it is still in force. However, the PPD will not be able to be used if it has been revoked or set aside.

Clause 72 amends schedule 2 (Dictionary) to insert a definition of *police protection direction*, to mean a PPD under the DFVP Act.

Part 8 Amendment of *Weapons Act 1990*

Clause 73 provides that this part amends the *Weapons Act 1990.*

Clause 74 amends section 10B (Fit and proper person – licensees) to include reference to a PPD to provide that a person is not a fit and proper person to hold a weapons licence if a PPD has been made against the person.

Clause 75 amends section 10C (Fit and proper person – licensed dealer's associate) to include reference to a PPD to provide that a person is not a fit and proper person to be a licensed dealer's associate if a PPD has been issued against the person.

Clause 76 amends section 24 (Change in licensee's circumstances) to require a person to advice an officer in charge of police of the issue of a PPD against them.

Clause 77 amends section 28A (Revocation or suspension of licence and related matters after protection order is made) to revoke a weapons licence held by a respondent to a PPD once the PPD takes effect.

Clause 78 amends section 29A (Action by court if respondent has access to weapons through employment) to include reference to a PPD. This will ensure that a person named as a respondent in a PPD will not be able to access weapons through employment.

Clause 79 amends section 29B (Arrangements for surrender of suspended or revoked licences and weapons) to include references to a PPD. This section imposes obligations on a PPD respondent whose weapons license has been revoked under section 28A.

Clause 80 amends section 34AA (Effect of an appeal against a domestic violence order) to insert a new heading (Effect of discharging domestic violence order or revoking or setting aside a police protection direction).

Subclause (2) inserts new sections (2) and (3) to provide that a PPD revoked by the police commissioner or set aside by a court is taken never to have been made for the purposes of the

Weapons Act. This ensures that a respondent is not penalised for a PPD that has been revoked or set aside.

Clause 81 amends section 53 (An unlicenced person may use a weapon at an approved range) to include reference to a PPD and provide that a person who is subject to a PPD is an excluded person for the purpose of this section and cannot physically possess and use a weapon at an approved range.

Clause 82 amends schedule 2 (Dictionary) to insert a definition of *police protection direction* to mean a PPD under the DFVP Act.

Part 9 Other amendments

Clause 83 provides that Schedule 1 amends the legislation it mentions.

Schedule 1

Schedule 1 makes consequential amendments to the following Acts, to commence by proclamation:

- the *Child Protection Act 1999* to update the definition of *domestic violence history* in schedule 3 to include PPDs issued.

- the *Corrective Services Act 2006* to include references to a PPD in section 322 (Domestic violence as ground for registration), and insert definitions of *domestic violence* and *domestic violence order, direction or notice* for the section. The clause also omits those definitions from schedule 4.

- the *Criminal Code* to amend the meaning of 'domestic violence history' 590AH to include a PPD.

- the *Disability Services Act 2006* to include references to a PPD in section 138D and in schedule 8 to enable the chief executive to request information about a PPD as part of obtaining police information and related information about a person from the police commissioner. A definition of PPD is also included.

- the *Domestic and Family Violence Protection Act 2012* to insert reference to a PPD in the note after the heading for part 3, division 8 (Weapons) and, sections 135F(h), 135I(d)(i), (2)(c) and (3), 135M(1)(a)(i), (d) and (e) and (2), and 135Q(2).

- the *Industrial Relations Act 2016* to include reference to a PPD in section 296(2) and insert a definition of police protection direction in s296(3).

- the *Working with Children (Risk Management and Screening) Act 2000* to include references to a PPD. This is to ensure a PPD is included as domestic violence information considered by the chief executive. A definition of PPD is also inserted.