

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016

EXPLANATORY NOTES

**For amendments to be moved during consideration in detail by
Ros Bates MP
Member for Mudgeeraba**

Title of the Bill

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2016

Policy objectives and the reasons for them

The amendments to be moved during consideration in detail:

- Deliver greater accountability and certainty for victims of domestic and family violence;
- Align the level of accountability required of courts in making protection orders to that required when considering ouster conditions;
- Ensure courts provide reasons when making protection orders with an operational period of less than five years; and
- Ensure, where a protection order is made, the court must give reasons which are not prescriptive and don't impact on the finalisation of proceedings.

Achievement of policy objectives

The amendments provide certainty and accountability in the making of protection orders.

Specifically, the amendments:

- Require courts to give reason when making protection orders which are less than 5 years; given the requirement is not prescriptive it will not impact on the proceedings

Alternative Ways of Achieving Policy Objectives

The policy objectives can only be achieved by legislative amendment.

Estimated Cost for Government Implementation

There is no anticipated extra costs associated with this amendment being implemented.

Consistency with Fundamental Legislative Principles

The amendments to be moved during consideration in detail are consistent with fundamental legislative principles.

Consultation

Key stakeholders have been consulted and the amendment is supported by the Women's Legal Service Queensland and the Community Legal Centre's Queensland.

NOTES ON PROVISIONS

Amendment 1 amends clause 17 to insert a subsection 4 in the proposed new section 97 to require courts to give reasons when it makes protection orders for a period of time that is less than 5 years. There is no specified manner in which the reasons need to be given.

This amendment provides the same level of accountability on courts as that required of them when considering 'ouster conditions'. There is no reason why this clause would delay proceedings given the general nature in to which the reasons can be given.

The proposed amendment continues to balance the flexibility of the courts in determining the length of protection orders, whilst ensuring victims are afforded adequate reasoning when orders are made that are not for 5 years. This amendment ensures confidence in the court process for victims of domestic and family violence.