Domestic and Family Violence Protection and Other Legislation Amendment Bill 2026

Explanatory Notes

Short title

The short title of the Bill is the Domestic and Family Violence Protection and Other Legislation Bill 2026 (the Bill).

Policy objectives and the reasons for them

The Bill progresses reforms to the *Domestic and Family Violence Protection Act 2012* (DFVP Act) that aim to strengthen justice responses to persons using violence, streamline police responses to domestic and family violence (DFV), and improve the accessibility and safety of court processes for victim-survivors.

In 2025, the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025* (the Amendment Act) delivered significant reforms by establishing the police protection direction (PPD) framework and enabling commencement of the pilot program for electronic monitoring (the EM Pilot) of high-risk persons using DFV.

Following passage of the Amendment Act and release of *Safer Families, Safer Communities: A Domestic and Family Violence Reform Strategy for Queensland* (*Safer Families, Safer Communities*) this Bill is progressed in recognition that strong and effective DFV laws are essential to protect victim-survivors, hold persons using violence accountable, and create a safer community.

The objectives of the Bill are to:

- increase protection for victim-survivors of DFV;
- streamline the legislative framework for police responding to DFV through amendments to the PPD framework, repealing the framework for police protection notices (PPNs) and amending the custody framework in the DFVP Act;
- strengthen justice responses to DFV by establishing new offences for repeated contravention of a PPD or domestic violence order (DVO) and, increasing the maximum penalty for contravention of a PPD;
- enhance protections for victim-survivors in court proceedings by clarifying the process related to restricting cross-examination, and clarifying how sensitive material is viewed, obtained or copied during and after civil DFV court proceedings;

- establish a specific power for police to request and be provided monitoring device information, including for any law enforcement purpose; and
- expand the EM Pilot statewide, and require courts to consider imposing a monitoring device condition (MDC) in particular circumstances.

Strengthening justice responses to DFV

As acknowledged in *Safer Families, Safer Communities,* strong and effective DFV laws are essential to protect victim survivors, hold persons using violence accountable and create a safer community.

The Bill establishes separate new offences for repeated contravention of a DVO or PPD. The new offences recognise short-term repeated contraventions as a distinct and escalating risk to which stronger penalties should apply, aim to support police and prosecutors to respond to harmful patterns of behaviour, provide clearer charging options and strengthen deterrence.

The Bill also aligns the maximum penalty for contravention of a PPD with the maximum penalty for contravention of a DVO, requires a court hearing proceedings for contravention of a PPD to consider whether to make a DVO, and expands the circumstances in which a court may make an own-motion DVO in a criminal proceeding.

Streamlining police responses to DFV

PPDs were implemented statewide from 1 January 2026 as a tool for streamlining the police response to DFV. PPDs enable police to provide an on-the-spot, 12-month direction to a person using violence with similar conditions to a DVO, where the officer reasonably believes it would not be more appropriate to take an action which involves an application to the court for a DVO. A PPD becomes enforceable as soon as it is served on the respondent.

There are currently several legislated circumstances where a PPD cannot be issued and police must take another option, including issuing a PPN or making an application to the court for a protection order. Early frontline feedback from the Queensland Police Service (QPS) indicates the PPD framework has potential to support more efficient use of the capacity of frontline police, while ensuring that immediate protection that supports the safety and wellbeing of victim-survivors can be provided. This may be more desirable for victim-survivors who prefer their matter be dealt with outside of court.

The Bill seeks to address current issues in the DFVP Act which impact speed and immediacy of police responses to DFV by progressing significant amendments to streamline the PPD framework, omit the framework for PPNs and contemporise the custody framework in line with the broader reforms the Bill makes to DFV police responses. The reforms are intended to support police efficiency to respond to DFV incidents by reducing duplication of processes, simplifying the legislative framework, and reducing unnecessary administrative burden for police.

Enhancing protections for victim-survivors in court proceedings

Clarifying and streamlining restrictions on direct cross-examination of a victim-survivor in DFV civil proceedings

Systems abuse is highly prevalent in DFV court proceedings where the person using violence deliberately misuses, fails to comply, delays or manipulates legal processes to control, intimidate or harass the victim-survivor. In some circumstances, the direct cross-examination of a victim-survivor by a person using violence constitutes systems abuse.

The DFVP Act currently protects against this situation by providing that an aggrieved, a child, or a relative or associate of the aggrieved are a protected witness if they are to give, or are giving evidence, in proceedings under the DFVP Act. The court can make orders related to the way a protected witness may give evidence, or restrict a respondent (including a self-represented respondent) from cross-examining a protected witness in person, or at all.

While these protections apply to all proceedings under the DFVP Act, there is an opportunity to provide for the court to make arrangements for the safety, protection and wellbeing of victim-survivors, in related applications and subsequent proceedings where there may be more than one person who could be considered the aggrieved. This may arise where cross-orders are in force between the same individuals and one party makes an application to vary an order, or where a respondent named in a protection order subsequently makes their own application for a protection order against the aggrieved. In these circumstances, there is an aggrieved to the current application and an aggrieved to the protection order already in force (***first aggrieved***). However, as the first aggrieved is now the respondent, they do not fall within the definition of ***protected witness***. This creates an opportunity for systems abuse, as the victim-survivor and person most in need of protection (PMINOP) may be unable to access protections intended to support their protection and safety in court proceedings.

The Bill seeks to provide an additional category of '***protected witness***' to include the aggrieved in a related application involving the same individuals, and the first aggrieved in the case of a subsequent application. This will allow the court to make orders for the safety and protection of the victim-survivor in their capacity as the aggrieved and first aggrieved.

The Bill seeks to clarify that safeguards for protected witnesses are also available in proceedings under section 41F of the DFVP Act, which provides for the court to hear cross-applications, to reduce opportunities for systems abuse in all DFV civil proceedings.

Strengthening protections and clarifying how sensitive material is viewed, obtained or copied

Sensitive evidence and statements may be considered by the court in proceedings for an application for a protection order or an application to vary a protection order (civil proceedings) under the DFVP Act. The DFVP Act currently provides limited clarity on how this type of evidence is handled during civil proceedings, and there is a risk the current provisions may not sufficiently restrict the respondent's viewing or possession of this evidence as a party to a proceeding. In particular, there is a risk that a respondent may share or misuse the evidence in a way that may further victimise or compromise the privacy of the aggrieved. This risk of misuse and potential harm to the victim-survivor may be further heightened when a respondent is self-represented.

The Bill establishes a clear legislative framework for handling of sensitive statements and evidence (defined as '***sensitive material***' under new section 160AA(1) of the DFVP Act) during civil proceedings. The framework will restrict the viewing, obtaining, or copying of such evidence, unless the court makes a direction or order as to how a respondent may view the evidence, if a legitimate purpose is identified.

Expanding police powers to request electronic monitoring information

The *Domestic and Family Violence Protection Regulation 2023* (DFVP Regulation) governs how information gathered as part of the EM Pilot can be shared.

The Bill will allow the Police Commissioner to request monitoring device information from the holder of the information, where the Police Commissioner reasonably suspects the information will assist in assessing or responding to threats of domestic violence, or for any other law enforcement purposes. The holder of the information will be required to provide the information requested by the Police Commissioner where they hold or have access to it.

The amendment will allow the QPS to obtain relevant monitoring information in a timely manner to assess and respond to threats to a person's life, health or safety because of domestic violence, or for any other law enforcement purpose (for example, investigation or prevention of suspected criminal conduct, or enforcement of the law). Monitoring information can be critical to investigating suspected offending, preventing further harm and prosecuting offences.

Expanding the scope of the Electronic Monitoring Pilot

The EM Pilot commenced on 1 October 2025 pursuant to the Queensland Government's election commitment to pilot electronic monitoring of high-risk DFV offenders. The EM Pilot is currently operating in Townsville and Caboolture, and is intended to promote victim-survivor safety, enable police to respond to breaches of DVO conditions in response to electronic monitoring alerts, and deter contraventions of DVOs.

The current framework for electronic monitoring provides discretion to prescribed courts to make an MDC where the court is satisfied the MDC is necessary or desirable for the protection of the aggrieved or a named person, and the respondent is eligible.

The Bill will require that courts consider making an MDC when contemplating applying non-standard conditions on a DVO under section 57 of the DFVP Act. This amendment is intended to encourage Magistrates to make use of the new condition.

The Bill also allows for the expansion of the EM Pilot statewide, subject to the availability of monitoring devices and the existing suitability requirements. This includes considerations under section 66C of the DFVP Act, including consideration of the geographical area where the respondent lives. This allows the court to consider the suitability of the MDC in that particular area.

Achievement of Policy Objectives

Strengthening justice responses to DFV

The Bill aims to strengthen justice responses to DFV by:

- introducing a new offence for repeated contravention of a DVO, and a new offence for repeated contravention of a PPD;
- increasing the maximum penalty for contravention of a PPD;
- requiring a court to consider making a DVO when hearing proceedings for contravention of a PPD; and
- expanding the circumstances in which a court may make or vary a DVO in a criminal proceeding under section 42 of the DFVP Act.

Repeated contravention offences

Repeated contraventions of DVOs and PPDs impact the safety and wellbeing of victim-survivors and place pressure on the justice and broader DFV service systems. DFV contraventions are increasing in Queensland and a clear signal must be sent to offenders that a recurring and escalating pattern of non-compliance is serious and will not be tolerated.

Currently, if a respondent repeatedly contravenes a DVO or PPD, they may be charged under the DFVP Act with a separate offence for each contravention, or a single charge which captures the whole date range for the contraventions. There is no specific offence or higher maximum penalty for committing several contraventions of a DVO or a PPD in a short period of time, and the existing circumstance of aggravation for a contravention of a DVO only applies where a respondent has previously been convicted of a domestic violence offence.

The Bill introduces 2 new offences into Part 7 of the DFVP Act for the repeated contravention of a DVO or a PPD. The new offences respond to the absence of a specific offence or higher maximum penalty in the DFVP Act for repeated contraventions in a short period of time, and address a distinct pattern of offending behaviour separate from the circumstances otherwise captured by the existing circumstance of aggravation.

The key elements of the new offences are:

- the DVO or PPD has been contravened at least 3 times within 28 days;
- the contraventions are against a condition of the same DVO or PPD, or another DVO or PPD for the benefit of the same aggrieved (see below);
- the respondent must be aware of the existence of the DVO or PPD or condition of the DVO or PPD allegedly contravened.

In recognition that the form of orders and directions may change in response to emergent risk or escalating behaviour, the Bill provides that a DVO or PPD that has been varied or replaced but is made against the same respondent for the benefit of the same aggrieved is taken to be the same DVO or PPD for the purpose of the new offences. However, if a PPD and DVO are issued against the same respondent and aggrieved, the 3 contraventions must be against ***either*** the PPD ***or*** DVO. Accordingly, if the respondent breaches both the PPD and DVO, these breaches cannot be cumulated towards the total. As outlined above, a respondent who contravenes a condition which applies under both the PPD and DVO could only be prosecuted under either section 177 or section 177A, not both.

The new offences complement the existing circumstance of aggravation for contravention of a DVO when the offender has a prior conviction within 5 years under section 177(2) of the DFVP Act and amendments under the Bill to introduce a similar circumstance of aggravation for contravention of a PPD. The circumstance of aggravation responds to a longer-term issue of recidivism, signalling an entrenched pattern of defiance after justice system intervention in relation to a previous domestic violence offence. By contrast, the new offences respond to short-term, escalating patterns of behaviour constituting an immediate risk to victim-survivor safety. The existing circumstance of aggravation will not apply to the new offences, noting that both offences have the same maximum penalty.

Where both the new repeated contravention offence or the circumstance of aggravation may be available on the facts, the prosecution may consider whether it is more appropriate to charge the existing offence with a circumstance of aggravation or the new repeated contravention offence. Regardless of the charge, the court may nevertheless take any relevant criminal history into account in determining an appropriate sentence.

3 contraventions within 28 days

The Bill provides that a respondent commits the new offence if the respondent:

- contravenes a DVO or PPD; and
- on at least 2 other occasions within the 28 days immediately before the contravention, the respondent contravened the same DVO or PPD, whether or not in relation to the same protected person under the DVO or PPD.

As noted above, for the purposes of the repeated contravention offence, separate contraventions of a DVO will be considered contraventions of the same DVO if the contravened DVO is made against the same respondent for the benefit for the same aggrieved. Similarly, contraventions of PPDs will be considered contraventions of the same PPD if the contraventions are against PPDs made against the same respondent for the benefit of the same aggrieved. This ensures that, for example, a respondent who contravenes a DVO which is subsequently varied, and then continues to contravene the varied DVO made for the benefit of the same aggrieved would be subject to the same potential penalty as a respondent who commits the same number of contraventions against a single (un-varied) DVO over the same period. Similarly, the offence could apply where a respondent contravenes a DVO and, following its expiry, contravenes a subsequent DVO made for the benefit of the same aggrieved within 28 days. This reflects the policy intent of the offence, which is to recognise rapid, repeated non-compliance with court orders made to protect the same aggrieved as a distinct and serious pattern of offending.

The new offence recognises a pattern of non-compliance with a DVO or PPD as an escalating DFV risk that requires a distinct denunciatory response within the DFVP Act. The number of DFV contraventions is increasing in Queensland. The Queensland Government Statisticians Office reports an 8.6 per cent increase in 'breach of DVO' offences in 2024-25 compared to 2023-24, a total of 71,006 offences in the recorded crime data.[1] Research from the Australian Institute of Criminology also indicates rapid reoffending is common, with cumulative risk increasing with each incident, and individuals with prior breaches significantly more likely to reoffend.[2]

In 2012, the Victorian Government introduced a repeat contravention offence into DFV legislation in response to this risk, followed by New South Wales in 2024. In both jurisdictions, the offence applies where a respondent contravenes a DVO 3 times in a 28-day period. The timeframe for contravention within the new offence is consistent with the approach taken in Victoria and New South Wales.

Respondent must be aware of the order

Section 177 of the DFVP Act provides that, in a proceeding for contravention of a DVO, the prosecution must prove beyond reasonable doubt that the respondent had been made aware of the existence of the DVO or a condition of the DVO alleged to have been contravened. This safeguard will similarly apply to the new repeated contravention offences, ensuring it must be established in all cases that the respondent was told about the order or direction and conditions imposed.

The new offences also recognise that a respondent's lack of knowledge about the legal effect of a recognised interstate order in Queensland is not a defence to an offence involving the order, as in section 177(6) of the DFVP Act. This safeguard recognises that the respondent to a recognised interstate order has a responsibility to understand its legal effect in Queensland.

Maximum penalty of 240 penalty units or 5 years imprisonment

The Bill provides for a maximum penalty of 240 penalty units or 5 years imprisonment to be imposed by the court for the new repeated contravention offences. This maximum penalty recognises the seriousness of the offence, and enables the court to sentence according to the level of harm imposed on the aggrieved and named persons through repeated contravention, the need to deter the respondent and others from engaging in such behaviour, and the importance to community safety of denouncing such risky and harmful behaviour. This

[1] The State of Queensland (Queensland Treasury) Crime report, Queensland, 2024–25.
[2] Morgan A, Boxall H & Brown R 2018. Targeting repeat domestic violence: Assessing short term risk of reoffending. Trends & issues in crime and criminal justice no. 552. Canberra: Australian Institute of Criminology. https://doi.org//10.52922//ti115147.

maximum penalty renders the new offence an indictable offence under section 181 of the DFVP Act.

The maximum penalty for the new offences is consistent with the maximum penalty for aggravated contravention of a DVO under section 177(2)(a). This reflects that both offences address persistent non-compliance with a DVO following justice system intervention, whether through repeated contraventions of DVO within a specified period or a subsequent contravention after a prior conviction.

The maximum penalty of 5 years imprisonment is also consistent with the maximum penalty for equivalent offences in Victoria and New South Wales.

Alternative verdict available if new offence cannot be proven

The Bill provides an alternative verdict provision for the new offence, to ensure that a defendant may still be held accountable for a proven contravention of a DVO or PPD where the prosecution is unable to establish the additional elements required for the new offence. Sections 177AA(5) and 177AB(5) enable a defendant to be convicted of the simpliciter offence under section 177, where satisfied that a singular contravention has occurred and the threshold for the new offence has not been met (i.e. if multiple breaches have not been proven, but a single contravention has).

<u>Strengthening penalties for contravention of a PPD</u>

The existing penalties for contravention of a PPD and contravention of a DVO do not align, as there is currently no circumstance of aggravation for contravention of a PPD. Accordingly, the Bill introduces a circumstance of aggravation for section 177A of the DFVP Act, aligning the maximum penalty for contravention of a PPD with the maximum penalty for contravention of a DVO. This recognises the seriousness of all domestic violence, regardless of the type of protection in place for the aggrieved.

The Bill will also require a court to consider whether to make a DVO when hearing a proceeding for an offence for contravention of a PPD. This is complimentary to the current requirement under section 42(4) of the DFVP Act for a court to consider an existing DVO, including whether it needs to be varied, when convicting an offender of a domestic violence offence.

<u>Expanding the circumstances in which a court may make or vary a DVO in a criminal proceeding</u>

Section 42 of the DFVP Act currently requires the court to convict a person before being able to issue a protection order on its own initiative. However, after the hearing of evidence, a criminal charge may not reach the threshold for conviction, resulting in a finding of not guilty for the relevant offence. These outcomes do not necessarily mean domestic violence did not occur and could not be established to the civil standard, but for reasons relevant to that proceeding the criminal threshold was not met to convict the person of the offence. This approach may leave the victim at risk. The Bill amends section 42 so that a court can make or vary an order either with or without a conviction during a hearing for a domestic violence offence, including on conviction as currently, when a hearing for a domestic violence offence is adjourned or ended without a conviction, or otherwise at the court's discretion. As with current section 42, the court will still need to be satisfied under section 37 of the DFVP Act that a protection order could be made against the offender.

Amendments to the *Bail Act 1980*, Criminal Code and *Evidence Act 1977*

The Bill amends the *Bail Act 1980* (the Bail Act) to reflect the introduction of the new offences for repeated contravention of a DVO or PPD, and the increased maximum penalty for contravention of a PPD. Section 16 (Refusal of bail generally) establishes a framework for considering domestic violence offences in bail decisions, including requirements to consider the risk of further domestic violence and, in prescribed circumstances, refuse bail for certain serious offences unless the defendant shows cause why their detention is not justified. The Bill amends section 16 of the Bail Act to include reference to the offences of repeated contravention of a DVO, repeated contravention of a PPD and contravention of a PPD as domestic violence offences for the purpose of the bail framework, ensuring that these offences are subject to the same bail considerations and show cause requirements that currently apply to contravention of a DVO in prescribed circumstances.

The Bill also makes consequential amendments to the definitions of ***domestic violence offence*** and ***domestic violence order-related offence*** under the Criminal Code and *Evidence Act 1977* (Evidence Act), to ensure the new offences for repeated contravention of a DVO or PPD, and contravention of a PPD under the strengthened penalty framework, are reflected alongside the offence for contravention of a DVO. Consistent with the intent of the Bill and other reforms intended to strengthen justice responses to DFV, these amendments recognise the seriousness of all domestic violence, regardless of the type of protection in place for the aggrieved.

Streamlining police responses to DFV

The Bill progresses significant amendments to the DFVP Act to establish PPDs as the primary response for frontline police responding to DFV where an officer is authorised or required to take action under the DFVP Act. The amendments aim to simplify the legislative framework for police, reduce complexity in operational processes and support the frontline to respond to DFV efficiently.

The Bill aims to achieve this by:

- enabling police to issue PPDs without restriction by removing the circumstances which currently prevent a police officer from issuing a PPD in sections 100C, 100D and 100L of the DFVP Act;
- omitting circumstances in section 100E of the DFVP Act that police are required to consider when issuing a PPD to simplify the legislation and provide flexibility for police;

- clarifying the relationship between an existing DVO where a PPD is issued;
- expanding the conditions available for police to include on a PPD, and enabling police to include exceptions to conditions;
- enabling cross-PPDs to be issued in exceptional circumstances;
- establishing a process for a PPD to be filed with the court, and taken by the court to be an application for a protection order, including providing circumstances where police must file a copy of the PPD;
- extending the duration of a PPD from 12 months to 3 years;
- expanding the circumstances where a senior police officer is able to amend a PPD;
- removing the process for police review of a PPD;
- omitting the framework for PPNs;
- amending and contemporising the custody framework under the DFVP Act by omitting release conditions and allowing a PPD—which may be filed as an application for a protection order at police discretion—to be issued on release of a respondent from custody; and
- extending the timeframe for the statutory review of the PPD provisions.

The Bill also makes significant consequential amendments to remove references to PPNs and release conditions, and to ensure PPDs are re cognised appropriately in other legislative frameworks.

Relationship between PPD and DVO

As the Bill enables a PPD to be issued without restriction, a PPD may be issued where a court order is already in-force between an aggrieved and respondent. A court order may include a DVO, family law order made under the *Family Law Act 1975* (Cth) (Family Law Act) or an order made under the *Child Protection Act 1999* (Child Protection Act).

The State cannot validly confer on police officers the power to make PPDs that are inconsistent with existing court orders. The Bill makes clear that, while a PPD can be issued in any circumstance, if a PPD is issued in relation to a person subject to a DVO, the respondent to the PPD must (to the extent possible) comply with both the PPD and the DVO. Where it is not possible to comply with both the PPD and the DVO, the DVO prevails. This reiterates that a PPD is not intended to override or displace a court order. The Bill also provides that where a PPD is inconsistent with an order made under the Family Law Act or an order made under the Child Protection Act, the PPD has no effect to the extent of the inconsistency.

Operationally, where there is already a DVO in place and police consider additional action is required to respond to emerging risk, police may exercise discretion to take another response option instead of issuing a PPD. This may include charging the respondent with a criminal offence for contravention of a DVO, seeking an urgent variation of the DVO, or making an application for a temporary protection order.

If a respondent is subject to both a PPD and DVO and engages in conduct that contravenes a condition which applies under both the PPD and DVO (such as a standard condition), section

16 of the *Criminal Code Act 1899* (Criminal Code) and section 45 of the *Acts Interpretation Act 1954* (AIA) would prevent the respondent from being prosecuted for both offences arising from the same conduct. In these circumstances, an appropriate person deciding to prosecute the respondent would need to elect whether to prosecute the conduct as a contravention of the PPD or as a contravention of the DVO, but could not prosecute both.

Conditions available on a PPD

Police officers are currently required to include standard conditions on PPDs and may consider other conditions to protect the aggrieved or named persons, including no-contact conditions, ouster conditions, return conditions and cool-down conditions.

The Bill will enable police to also make a condition on a PPD related to the recovery of personal property by the aggrieved ('recovery condition'). This condition is currently only able to be imposed by a court. For return conditions, the Bill provides that police have discretion to consider the extent as to which allowing the condition to take effect should be supervised by police.

The Bill will also enable police to include exceptions to conditions, to accommodate varying circumstances that police officers may encounter, including in remote or less-serviced areas. PPD condition exceptions are to be outlined in operational policy for police officers, rather than prescribed in the DFVP Act.

Cross PPDs

The Bill also enables cross-PPDs to be issued in exceptional circumstances. This may include where PPDs are issued to the same parties at the same time, or a new PPD is issued while another PPD is already in force. It is a key principle of the DFVP Act that, in circumstances where there are conflicting allegations of domestic violence, or indications that both persons in a relationship are committing acts of violence, the PMINOP in the relationship should be identified (section 4(2)(e) DFVP Act). This principle is further extended to establish that only one DVO protecting the PMINOP should be in force unless, in exceptional circumstances, there is clear evidence that both parties in the relationship are in need of protection from each other.

Consistent with this principle, the Bill provides that a police officer may only issue a cross-PPD if the police officer reasonably believes that both parties are in need of protection, and it is not possible for the officer to determine whether one person's need for protection is greater than the other. This is also consistent with the ability of courts to make a cross-order under existing section 41G of the DFVP Act.

PPD issued and filed as an application for a protection order

Under the Bill, police will be required to file a copy of a PPD with the court as an application for a protection order (or application to vary an existing protection order) in specified circumstances. This ensures police can provide immediate protection to victim-survivors through a PPD, but also ensures courts have oversight of matters that may be higher risk, have complex intersections with other systems, may interact or be inconsistent with an existing court order, or intersect with proceedings that are on-foot.

For example, it is important that courts retain decision-making power, apply expertise and oversee DFV matters where the parties are already engaged with the child protection or family law system. If a PPD is issued in such a circumstance, it is crucial for the DFV to not be considered as an isolated event, but as part of a pattern of behaviour occurring within broader family dynamics and alongside other system responses or court orders.

The Bill introduces new section 100EA, which provides that a police officer will be required to file a PPD as an application for a protection order, or application to vary a protection order, where:

(a) a protection order, temporary protection order or recognised interstate order relating to the respondent and the aggrieved is in force and the officer determines additional conditions are desirable to protect the aggrieved (regardless of who is or was the respondent and who is or was the aggrieved);

(b) a proceeding relating to an application for a protection order or application to vary a protection order is already before a court;

(c) the police officer knows, or reasonably believes, the PPD would interact with or be inconsistent with a family law order, or an order or agreement made under the Child Protection Act;

(d) a condition would prevent or limit contact between the respondent and a child of the respondent, regardless of whether any family law order or child protection order or agreement is in place;

(e) additional conditions are necessary or desirable to protect the aggrieved, that only a court may impose, including a monitoring device condition; or

(f) cross-directions are issued, whether the PPDs are issued at the same time or a new PPD is issued while another is in force. In these circumstances, both PPDs will be filed with the court to be considered as a cross-application under existing pt 3, div 1A of the DFVP Act.

As the Bill omits the circumstances from the DFVP Act which currently prevent a PPD from being issued (section 100C (Circumstances when police officer must not issue direction), and section 100E (Other matters for consideration before issuing direction)), guidance as to when an officer may decide to issue a PPD and file it with the court to be taken as an application for a protection order (under new section 100QA) will be included in QPS operational policy.

This is intended to ensure the safety, protection and wellbeing of the aggrieved and any named person remains the primary consideration in any police decision-making.

Supported by operational guidance, these amendments to the DFVP Act aim to support police officers to apply discretion and tailor DFV police responses according to the seriousness, level of apparent or potential risk, and complexity involved on a case-by-case basis.

Process for filing a PPD

The Bill subsumes the PPN filing provisions previously within the DFVP Act into the amended PPD framework. Once a PPD is issued and filed with the court, it will be taken by the court to be an application for a protection order (or to vary a protection order if there is already one in place).

To remain consistent with current timeframes provided for filing and court consideration of PPNs, the mention date must be within 14 days after the PPD is issued, or at the court's next available sitting date.

The amendments to section 100N of the DFVP Act (Form of direction) provide that the police officer filing the PPD with the court will be required to advise:

(a) the respondent, the aggrieved and any named person that the PPD is taken to be an application for a protection order, or an application to vary a protection order; and
(b) state the date and time for the hearing of the application for the protection order for the respondent; and
(c) state that, if the respondent fails to appear before the court, the court may:
  (i) make a DVO against the respondent in the respondent's absence; or
  (ii) adjourn the matter and make a temporary protection order (TPO) in the meantime; or
  (iii) order the issue of a warrant for the respondent to be taken into custody by a police officer and brought before the court; and
(d) if the date advised is more than 28 days after the PPD is issued, advise the respondent that:
  (i) the matter may be mentioned in another Magistrates Court within 28 days after the PPD is issued;
  (ii) the other court will notify the respondent of the date, time and place of the mention;
  (iii) the respondent may participate in the mention by appearing by video-link or audio-link, or attend in person; and
  (iv) the other court may make a TPO whether or not the respondent participates in the mention.

The documents to be filed with the court are the PPD and a signed written notice stating the grounds for issuing the PPD and the nature of the protection sought. The statement must be served on the respondent. Service may be effected either personally by a police officer, or in any way if the PPD was personally served on the respondent and an address for service is known.

Extending the duration of a PPD from 12 months to 3 years

A PPD takes effect when it is served, or when a police officer tells the respondent about the direction and its conditions. The current 12-month duration may not provide sufficient protection for the safety of victim-survivors or reflect the often recurring nature of DFV and need for longer-term conditions between parties.

The Bill will allow PPDs to be issued for a duration of 3 years. A 3-year duration enables longer-term protection for the aggrieved and named persons, without the parties having to proceed to court. DVOs are typically issued for a duration of 5 years (with the court having the ability to make a shorter order) and will remain available, either through a private application to the court or a police application, where protection may be required for longer than 3 years.

To ensure an appropriate balance between administrative expediency of longer PPDs and court oversight in appropriate circumstances, the Bill retains existing pathways under the DFVP Act into court processes. If circumstances change while a 3-year PPD is in force and the parties later determine that court consideration of the matter is necessary, the respondent, aggrieved, an authorised person for the aggrieved and a person acting under another Act for the aggrieved retain the ability to apply for a court review of the PPD (existing section 100Z(1) DFVP Act). A court review of the PPD enables the court to consider the protective needs of the parties at the time of the review. Following the court review of the PPD, the court may issue a 5-year protection order under Part 3 of the DFVP Act, if necessary in the circumstances. Alternatively, if the court considers the protection provided by the PPD is no longer necessary at the time of the review, the court may make an order to end or set aside the PPD (existing section 100ZD(2) DFVP Act).

If further police involvement occurs within the 3-year duration of a PPD and charging the respondent with a PPD contravention under section 177A of the DFVP Act is not appropriate, police may decide to issue a further PPD and file the PPD as an application for a protection order to initiate a court process.

Where a PPD has expired, and no PPD is in force, and further DFV occurs between the parties, a new PPD may be issued if the statutory threshold is met. The new PPD may have a duration of 3 years from the date it takes effect.

It is intended that, between the *same* respondent and aggrieved, any PPD could not provide longer than 3 years continuous protection. This is achieved by ensuring that, if a further direction is issued between the parties, the further direction has the same end date as the original direction. However, if the aggrieved person is different to the aggrieved on the previous PPD, a further PPD may be issued with the same respondent for a duration of 3 years from the date it takes effect.

Amendments to section 100R of the DFVP Act will provide that, a PPD will remain in force for 3 years, or until any of the following occurs:

- the court makes an order that the PPD should end after a court review (existing section 100ZD) or after the PPD is filed with the court as an application for a protection order (new section 100QC), or the court otherwise makes an order that the PPD should end; or
- a DVO (including a DVO made on the court's own motion under section 42) or recognised interstate order is made in relation to the parties, as long as the court identifies the PMINOP in the same way (i.e. the aggrieved to the DVO is the same as the aggrieved to the PPD); or
- a proceeding for an application for a DVO in relation to the same parties is dismissed, or adjourned without a TPO being made, unless the proceeding was initiated by a court review (dismissal of the application for which would continue the PPD).

Expanded power to amend a PPD

The Bill omits the PPD police review process from the DFVP Act. This responds to police feedback regarding the administratively onerous nature of the Police Review process, and reflects that courts are the most appropriate forum for resolving contested issues or complexities between parties.

As courts cannot amend a PPD, the Bill expands the ability for the police commissioner to amend a PPD to:

- remove a named person included in error; or
- remove a condition imposed in error; or
- reflect a change to the name of the respondent, or their contact details or address for service; or
- reflect a change to the name of the aggrieved or a named person; or
- to correct a minor error.

The police commissioner may also revoke a PPD if it was issued in error. The power to amend or revoke a PPD in the DFVP Act is intended to complement existing frameworks and not override, for example, the general power under section 24AA of the AIA to amend or repeal a decision. The police commissioner must also tell the parties if they revoke or amend the PPD.

If a PPD is revoked by police after the PPD was filed as an application for a protection order or a court proceeding is already underway in relation to the PPD, police will notify the court of the revocation operationally to ensure the court process ceases. This will support administrative efficiency between police and the courts and ensure PPDs do not proceed to court that are no longer in force.

Omission of release conditions from the custody framework

The Bill omits release conditions from the DFVP Act and ensures a police officer is able to issue a PPD to a person who is taken into custody under part 4, division 3.

Upon issuing a PPD, a police officer must make an application for a protection order if a mandatory filing circumstance under new section 100EA applies. If none of the mandatory filing circumstances in new section 100EA apply, a police officer retains discretion to file the PPD as an application for a protection order, if they consider this is appropriate in the circumstances.

If a PPD or DVO is already in-force that names the person in custody as the respondent, the Bill provides an exception to the requirement to issue a PPD unless the officer considers that it would be necessary or desirable to impose additional or different conditions to protect the aggrieved. If an officer decides to issue a further PPD where there is an existing order in place, police will be required to file the PPD as an application for a protection order, or application to vary a protection order (new section 100EA). These requirements aim to ensure that more complex matters proceed to court for consideration.

There may be circumstances where a victim-survivor is brought into custody if they used retaliatory violence or were heightened at the time the police were called out to respond. While the police officer may have considered it appropriate to bring the victim-survivor into custody in the circumstances, it may nevertheless not be appropriate for them to be named as the respondent on a PPD or an application for a protection order upon release from custody.

The Bill provides a safeguard against misidentification by providing an exception to the requirement to issue a PPD, if the police officer identifies the person in custody as the PMINOP. The officer will still be required to, consistent with the existing section 100 of the DFVP Act, investigate a reasonable suspicion of DFV, and consider whether it is necessary or desirable to take any action to protect a person from DFV. This may include issuing a PPD naming the person in custody as the aggrieved, if they are identified as the PMINOP. If an officer decides it is not necessary to take action, section 100(4) of the DFVP Act requires the officer to make a written record of the decision not to take any action.

This ensures a PMINOP is not automatically named as the respondent on the PPD issued or filed as an application for a protection order (clause 34(3), amendment to section 118 of the DFVP Act), and allows flexibility to ensure police are able to investigate and provide appropriate protections based on individual circumstances. If an officer reasonably believes the person in custody is the PMINOP, they must release the person from custody when the police officer forms the reasonable belief.

The Bill also provides flexibility to ensure that, where a police officer is unsure if the person in custody is the PMINOP, and the officer considers that both parties need protection from each other, police will have discretion to issue cross-PPDs (see new section 100JA). The Bill requires cross-PPDs to be filed as an application for a protection order (see new section 100EA). This is intended to manage potential risk of misidentification by providing police sufficient flexibility and discretion to take an appropriate action relevant to the parties.

To ensure the person in custody is not released until effective protection is in place, unless one of the exceptions to the requirement to issue a PPD applies (under amended section 118(2)), the Bill provides that a person may be held in custody until:

(a) a PPD is issued and takes effect, and the officer is not required to file the PPD under section 100EA, and has decided it is not necessary to otherwise file the PPD under section 100QA (amended section 119(1)(a)); or
(b) if a TPO was sought—that TPO takes effect, or the application is adjourned or dismissed (amended section 119(1)(b)); or
(c) the person is otherwise brought before the court and the court makes a decision about an application for a protection order (amended section 119(1)(c)); or
(d) if the PPD is filed, and it is not practicable to bring the person before a court for the hearing of an application for a protection order while the person is still in custody, when the PPD takes effect (amended section 119(1)(d)).

Statutory review of PPDs

The current PPD provisions are required to be reviewed as soon as practicable 2 years after commencement (section 192A of the DFVP Act). This must include a review of whether the PPD provisions have been effective in improving the safety, protection and wellbeing of people who fear or experience DFV; whether PPDs have had any impact on courts in relation to civil or criminal proceedings about domestic violence; and whether the PPD provisions have improved the efficiency of the exercise of police powers under the DFVP Act, and remain appropriate.

To support a fulsome evaluation of the amended PPD framework, the Bill amends the PPD statutory review provision to enable the statutory review to commence as soon as practicable 1 year after commencement of the amended PPD provisions. This will ensure the amended framework is operational for a full year before the review is due, providing a more comprehensive basis on which to assess operation of the amended framework.

Enhancing protections for victim-survivors in court proceedings

The Bill seeks to enhance protections for victim-survivors in civil proceedings under the DFVP Act by:

- clarifying and streamlining restrictions on direct cross-examination of a victim-survivors and
- strengthening protections and clarifying how sensitive statements and evidence may be viewed, obtained or copied.

Clarifying restrictions on direct cross-examination of a victim-survivor in DFV civil proceedings

The Bill seeks to clarify the court's ability to make arrangements for the safety, protection and wellbeing of parties to an application for a protection order or application to vary a protection order and prevent against systems abuse in all civil proceedings under the DFVP Act.

Expanding the scope of a protected witness under the DFVP Act

The Bill amends the DFVP Act to expand the scope of '***protected witness***' to include the person named as the aggrieved in a protection order (***first aggrieved***), or a relative or associate of the first aggrieved, in a subsequent proceeding where the first aggrieved is the respondent to the application. It will also apply where two protection orders (cross-orders) are made between the same individuals and an application to vary either order is made. This amendment is intended to ensure the first aggrieved may continue to access the protections available to a protected witness in a subsequent proceeding despite being named as respondent in that subsequent proceeding.

Section 150 of the DFVP Act currently provides that an aggrieved, a child, or a relative or associate of the aggrieved who is named in the application that relates to the proceeding is a 'protected witness' if they are to give, or are giving, evidence in any proceeding under the DFVP Act.

The court must consider whether to make an order to provide alternative arrangements to protect a protected witness when giving evidence in a proceeding under the DFVP Act. This includes, for example, ordering that the protected witness give evidence outside the courtroom with transmission to the courtroom via audio visual link, or that the protected witness be accompanied by a support person approved by the court.

Section 151 of the DFVP Act currently enables a court to order that an unrepresented respondent cannot cross-examine a protected witness in person if the court is satisfied the cross-examination is likely to cause the protected witness to suffer emotional harm or distress, or be so intimidated as to be disadvantaged as a witness. The court can also make an order restricting a respondent from cross-examining a protected person, except through a lawyer.

Section 150 as amended by the Bill enables the court to make orders for the safety and protection of the first aggrieved or person named as the aggrieved in a cross-order, or their relative or associates, in a related application involving the same parties. Amended section 150 will allow the court to make an order under section 151 that the first aggrieved or person named as the aggrieved in a cross-order are not to be cross-examined in person by the other party, or an order that the first aggrieved or person named as aggrieved in a cross-order may not be cross-examined in person, except through a lawyer. The intent of these amendments is to prevent potential harm in court and reduce opportunities for systems abuse.

Clarify protections available in subsequent proceedings under section 41F

The Bill amends section 41F of the DFVP Act to enable the court, when hearing a subsequent application, to consider:

- the principle in section 4(2)(e) of the DFVP Act, which provides that, in circumstances in which there are conflicting allegations of domestic violence or indications that both persons in a relationship are committing acts of violence, including for their self-protection:
  - the person who is most in need of protection in the relationship should be identified; and
  - only one DVO protecting that person should be in force unless, in exceptional circumstances, there is clear evidence that each of the persons in the relationship is in need of protection from the other); and
- whether it is necessary to make arrangements for the safety, protection or wellbeing of the PMINOP in the relevant relationship that exists between the persons who are the parties to the application.

Section 41F of the DFVP Act deals with proceedings where a subsequent application involving the same individuals are before the court and there is an existing order in place. Two circumstances are provided for in section 41F. The first being, a protection order has been made, and an application for another protection order has been made and is before the court, where:

- the person named as a respondent in the protection order is named as the aggrieved in the application; and
- the person named as the aggrieved in the protection order is named as a respondent in the application.

The second being, two protection orders have been made and an application to vary either of the protection orders is before the court, where:

- the person named as a respondent in one of the protection orders (the first protection order) is named as the aggrieved in the other protection order (the second protection order); and
- the person named as the aggrieved in the first protection order is named as a respondent in the second protection order.

In these circumstances, the court is required to take into account the court records relating to the making of the original protection order. However, as there is only one live application in these circumstances, there is no cross-application.

For cross-applications (sections 41C and 41D of the DFVP Act), the court must consider whether it is necessary to make arrangements for the safety, protection and wellbeing of the

PMINOP, including making an order under sections 150 or 151. This discretion is not explicitly available to the court for subsequent proceedings under section 41F.

The Bill will enable the court to consider making an order that prevents potential harm to the victim-survivor in a subsequent proceeding and reduce opportunities for systems abuse while a person is giving evidence or being cross-examined, by including the first aggrieved, or relative or associate of the first aggrieved, as a protected witness.

Defining sensitive material within the DFVP Act

Sensitive evidence and statements (within the definition of ***sensitive material*** under new section 160AA(1) of the DFVP Act) are commonly relied on in criminal proceedings, where processes surrounding this type of evidence are well-established. However, in civil DFV proceedings, there is limited clarity on how sensitive material is handled, and there is a risk the current provisions may not sufficiently restrict viewing or possession of this evidence by the respondent.

The Bill inserts the term 'sensitive material' into the DFVP Act for the purpose of restricting the disclosure of this evidence in a proceeding for an application to make or vary a DVO.

Sensitive material is defined under new section 160AA(1) as:

- sensitive evidence within the meaning of the Criminal Code, section 590AF;
- a recording within the meaning of the Evidence Act, section 21AY;
- a recorded statement within the meaning of the Evidence Act, section 103A (VREC statement);
- a section 93A criminal statement or a section 93A transcript within the meaning of the Evidence Act, schedule 3; and
- transcript of a recorded statement.

The Bill provides a framework for how sensitive materials are to be viewed, obtained or copied during and after civil proceedings under the DFVP Act. That framework will restrict a party to the proceeding, or a person named in an order made in the proceeding, from viewing or possessing a copy of sensitive material, unless the court makes directions as to how the sensitive material is to be viewed. This restriction intends to prevent the misuse of evidence containing or displaying an image of a person, such as photographs which are intimate or depict injuries, and video, or audio, recordings of vulnerable victim-survivors describing their experiences of DFV.

Restricting persons viewing or possessing sensitive material, unless the court directs how sensitive material is to be viewed

Despite the restriction introduced, the Bill provides that the court may make directions as to how sensitive material is to be viewed by, or a copy is to be provided to, persons if the court is satisfied that the copy will only be viewed for a legitimate purpose connected with the relevant proceeding and subject to the conditions the court considers appropriate.

Where the party is legally represented, the court may make an order for the representing lawyer to view or obtain a copy of the sensitive material. Where a party is not represented, the court may make a direction to allow the non-represented party to view the sensitive material for the purposes of the relevant proceeding at a stated place and facilitated by an appropriate person, subject to the conditions the court considers appropriate. An appropriate person is defined in the Bill as a police officer, the clerk of the court or the lawyer representing a party who filed the sensitive material in the proceeding.

The Bill also clarifies that a document or record under section 160 of the DFVP Act does not include sensitive material. This is intended to have the effect of providing for the viewing and possession of sensitive material to be governed by the specific provisions under the Bill, rather than the existing provisions governing obtaining access to documents generally.

As a result of the amendments, obtaining, examining or viewing sensitive materials outside the direction of the court, or not in accordance with the conditions provided by the court, will be subject to offences under section 103Q (Unauthorised possession of, or dealing in, recorded statements or transcripts of recorded statements), and section 103S (Publishing recorded statements or transcripts of recorded statements prohibited) of the Evidence Act and section 590AX (Unauthorised copying of sensitive evidence), of the Criminal Code.

Expanding police powers to request electronic monitoring information

The Bill inserts an enabling provision into the DFVP Regulation to allow the Police Commissioner to request monitoring information where the Police Commissioner reasonably suspects that the monitoring information would assist in assessing whether there is a threat to a person's life, health or safety because of domestic violence, or lessening or preventing such a threat. The holder of that information (currently QCS) will be required to provide the information if it holds or has access to it.

The DFVP Regulation provides for the sharing of information relating to MDCs, to enable the necessary sharing of information to equip agencies involved in delivering the EM Pilot (currently QCS and QPS) to undertake their functions related to the EM Pilot. Outside of receiving information for functions related to the EM Pilot, there are circumstances where the QPS may require monitoring information for other policing purposes related to DFV or general law enforcement purposes.

This provision is limited to information related to a monitoring device worn by a respondent, on the basis that broader information sharing provisions applying to safety device information may impact victim-survivor willingness to take up safety devices.

The enabling provision will also allow the Police Commissioner to request monitoring information for both DFV and any other law enforcement purposes, regardless of whether the purpose for which the information is requested is directly relevant to the EM Pilot. This reflects the significant public interest in monitoring information held by the Government being able to be used to support community safety generally, including in the investigation of serious violent offences. These purposes may include investigation, enforcement, or the prevention of offences.

Expanding the scope of the Electronic Monitoring Pilot

The Bill will expand the EM Pilot and support its operation by:

- allowing all Magistrates Courts in Queensland to impose a MDC;
- mandating circumstances in which courts must consider imposing an MDC; and
- extending the sunset review of the EM Pilot provisions.

EM Pilot statewide expansion

The Bill expands the EM Pilot to all Magistrates Courts in Queensland. Expanding statewide will allow the EM Pilot to have greater reach across Queensland and increase the number of MDCs issued to eligible respondents.

To facilitate statewide expansion and avoid circumstances where Magistrates courts may impose a MDC on a DVO where there is no monitoring device available to be fitted to the respondent, the Bill includes provisions that require Magistrates courts to be satisfied a device is available before imposing the condition. This will ensure respondents are not issued with a condition they are unable to comply with. The existing requirements under section 66C will also continue to apply, including the requirement that the court consider the suitability of imposing the device condition with respect to the geographical location and circumstances of the respondent.

Mandate courts to consider imposing an MDC

Currently, prescribed courts have discretion to impose an MDC on a DVO if satisfied that:

(a) the wearing of a monitoring device by the respondent is necessary or desirable to protect the aggrieved or a named person from DFV, or a named person who is a child from being exposed to DFV;
(b) either:
    (i) the respondent has been convicted of, or is charged with, a domestic violence offence or an indictable offence involving violence against another person; or
    (ii) there is a history of charges for domestic violence offences made against the respondent; and
(c) the respondent is not required by a court or other entity to wear an electronic device for another purpose.

The Bill mandates that all courts, when issuing a DVO with non-standard conditions, must consider making an MDC.

Mandating this consideration is intended to encourage courts to make full use of MDCs, while preserving judicial discretion to impose conditions that are necessary or desirable to protect the aggrieved in the particular circumstances. Courts will retain their discretion to not make an MDC where satisfied there are reasons not to impose one. This amendment to the EM Pilot strongly signals the legislative intent that courts should consider imposing an MDC, where a respondent has satisfied the eligibility criteria.

In deciding whether to impose an MDC, the Bill also allows the court to no longer consider views or wishes expressed by the aggrieved or named person regarding imposing an MDC on the respondent, or any other matter prescribed by regulation for the purpose of section 66C. This will allow the court greater discretion to determine on the facts whether imposing an MDC on the respondent is appropriate and necessary to prioritise the safety of the victim-survivor, without having to consider further subjective considerations.

There are currently no matters prescribed by regulation for the purpose of section 66C.

Extending the sunset review

As all provisions within the DFVP Act and DFVP Regulation related to the EM Pilot are currently scheduled to automatically expire on 1 October 2027, the Bill extends the sunset provision such that the EM Pilot concludes on 31 January 2028. This is to ensure a thorough review and fulsome evaluation of the EM Pilot is able to occur, including by allowing sufficient time for operation of the expanded pilot and monitoring and data collection following commencement of the expanded EM Pilot provisions.

Alternative ways of achieving policy objectives

Strengthening justice responses to DFV

Repeated contravention offences

There is no reasonably available alternative approach to creation of a repeated contravention offence that sufficiently holds a respondent accountable for the repeated non-compliance with a DVO or PPD. As repeated contravention of a DVO or PPD in a short timeframe indicates an escalating risk to the safety of the victim-survivor, a standalone offence that recognises the severity of this behaviour is necessary.

Continuing to allow DVO or PPD respondents to be charged according to singular contraventions fails to consider the overall severity of multiple contraventions in a short timeframe. The current approach may lead to a contravention being treated as an isolated incident, rather than as part of an escalating pattern of risk and dangerous non-compliance with conditions.

Consideration was also given to different maximum penalties for the new offence. It was determined that a lower maximum penalty for the new offence would not enable courts to impose a penalty proportionate to the safety risk or harm inflicted on the aggrieved, or any named persons on the DVO or PPD. A lower maximum penalty would fail to provide courts discretion to sentence according to the severity of the offending and may not encourage the level of personal and community deterrence desired for this nature of offending.

A higher maximum penalty for the new offence would be inconsistent with the maximum penalty currently imposed in section 177(2) for the aggravated contravention of a DVO, where the respondent has previously been convicted of a domestic violence offence within 5 years. The maximum penalty for the new offence is considered proportionate to the offending and ensures consistency with the existing sentencing framework for singular contraventions.

Alternative approaches to the elements of the offence, including the requirement for the DVO to be contravened 3 times or more in 28 days, were considered. The frequency and timeframe established by the Bill is consistent with the equivalent offences in New South Wales and Victoria. The '3 times or more' frequency effectively establishes a pattern of DFV behaviour and non-compliance with conditions of the DVO imposed. The 28-day timeframe also effectively captures a short-term window of high-risk, escalating behaviour. Continual repeated contravention beyond this timeframe or ongoing DFV may warrant an alternative charge and sentence that is proportionate to the offending.

Streamlining police responses to DFV

Alternative ways of streamlining the legislative framework for police responding to DFV through the PPD framework were considered and were deemed insufficient to achieve the policy objectives of the Bill.

Consideration was given to continuing the original PPD framework, where police are restricted from issuing a PPD in certain circumstances, according to the legislated exclusions. The exclusions were originally designed to uphold victim-survivor safety and to ensure high-risk persons using violence have their matters properly considered and overseen by the court. The exclusions recognised that courts have the ability to issue a DVO, which can last up to 5 years and include a greater range of conditions, including an MDC (in prescribed locations under the DFVP Regulation). Specialist DFV courts also facilitate high-risk aggrieved persons and respondents' access to wraparound supports, such as legal advice and referrals to accommodation services, behaviour change services and mental health support.

While PPDs only commenced statewide on 1 January 2026, it is understood that early police experience and feedback indicates frontline police responses to DFV could be streamlined and improved by the adjustments the Bill makes to the PPD framework. While the Bill enables PPDs to be issued without restriction, the Bill ensures that specified high-risk and complex matters will still proceed to court, by requiring police to file a PPD with the court as an application for a protection order. Replacing the current choice police are required to make between issuing a PPN and a PPD, with a single pathway of issuing a PPD with an option to file the PPD as an application for a protection order, aims for a more streamlined approach for police that still recognises complex circumstances where court oversight is necessary.

Consideration was given to alternative approaches to extending the duration of a PPD from 12 months to 3 years, including extending the duration for a shorter timeframe (i.e. 2 years). A shorter timeframe may be appropriate in some circumstances and would more closely reflect the original PPD framework. However, a 3-year duration intends to strike a balance between

PPDs and DVOs (typically issued for 5 years), which provide longer-term protection to the aggrieved and named persons, while also acknowledging the need for court oversight and involvement in more complex DFV matters. A duration longer than 3 years is not considered appropriate as a matter that requires longer-term protection is likely to require court consideration.

Enhancing protections for victim-survivors in court proceedings

Clarifying restrictions on direct cross-examination of a victim-survivor in DFV civil proceedings

There are no effective alternative approaches to clarifying the court's ability to make arrangements for the safety of victim-survivors during civil proceedings where there is an existing protection order in place and a subsequent application between the same individuals has been made, specifically during cross-examination.

Changes to operational court procedures, updating practice directions or relying on courts to make discretionary orders according to the *Domestic and Family Violence Protection Rules 2014* may not support more consistent practice and interpretation of current protections available to victim-survivors during court proceedings in the DFVP Act.

Clarify how sensitive material is viewed, obtained or copied

There are no alternative ways of achieving the policy objectives with respect to clarifying how sensitive material may be viewed or obtained other than by legislative amendment.

Expanding police powers to request electronic monitoring information

There are no alternative ways of achieving the policy objectives of allowing the Police Commissioner to request and receive monitoring information to assess and respond to threats of domestic violence and for any other law enforcement purposes, other than by legislative amendment. As the EM Pilot is a time-limited measure subject to future evaluation, details of the pilot must be clearly prescribed by regulation to provide sufficient certainty for operational agencies and to enable the provisions to be removed cleanly from the statute book on its completion.

Expansion of the Electronic Monitoring Pilot

There are no alternative ways of achieving the policy objectives of expanding the EM Pilot.

Estimated cost for government implementation

Amendments to the PPD framework will have operational impacts for police, courts, DFV and legal service providers. Government will monitor the impacts of the legislative amendments, and any cost impacts will be considered as part of normal budget processes.

Funding has been allocated to support operation of the current EM Pilot. Any additional funding required to facilitate statewide expansion 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.

Strengthening justice responses to DFV

Repeated contravention offence

Section 4(2)(a) of the LSA provides that legislation should have sufficient regard to the rights and liberties of individuals.

The proposed repeated contravention offence will impact the rights and liberties of individuals by creating a more serious criminal offence where a person commits 3 or more contraventions of a DVO or PPD within a 28-day period. The offence attaches additional criminal consequences to a pattern of offending behaviour and exposes a person to a higher maximum term of imprisonment than applies to a single contravention offence. This increases the potential restriction on an individual's liberty through the imposition of more serious criminal penalties.

The new offence also engages the principles of natural justice under section 4(3)(b) of the LSA. The offence requires the court to consider multiple alleged contraventions as constituent elements of a single offence. In doing so, a defendant will be required to respond not only to the individual allegations but also to the allegation that the requisite number of contraventions occurred within the prescribed period. This may impact an individual's rights to procedural fairness by broadening the factual matters that must be determined in a single proceeding and increasing the legal consequences arising from the alleged conduct.

The new offence may also engage the principle that legislation have sufficient regard to Aboriginal tradition and Island custom (section 4(3)(j) of the LSA). Aboriginal and Torres Strait Islander peoples are disproportionately represented among respondents in DFV proceedings and within Queensland's criminal justice system more broadly. The introduction of a repeated contravention offence, with a higher maximum term of imprisonment than applies to a standard contravention offence may have a disproportionate impact on Aboriginal and Torres Strait Islander peoples through increased exposure to criminal justice interventions and custodial penalties.

However, creation of a new offence is a proportionate response to the risk of harm to aggrieved and named persons through repeated contravention of a lawful direction or order, and the need to deter respondents from engaging in behaviour creating such unacceptable risk and the importance to community safety of denouncing such risky and harmful behaviour.

Increased maximum penalty for contravention of a PPD

Section 4(2)(a) of the *Legislative Standards Act 1992* provides that legislation should have sufficient regard to the rights and liberties of individuals.

The proposal to increase the maximum penalty for contravention of a PPD engages this principle by exposing a person to a higher maximum penalty for conduct constituting a contravention of a PPD. The amendment increases the potential restriction on an individual's liberty through the imposition of more serious criminal penalties, including imprisonment.

The proposal also engages the principles of natural justice, as under section 4(3)(b). A PPD is issued by a police officer as an immediate protective measure and is not subject to prior judicial determination. Unlike a DVO, which is made by a court, a PPD may impose obligations and restrictions on a person without the benefit of a prior court hearing. By increasing the maximum penalty for contravention of a PPD, the proposal increases the criminal consequences attaching to non-compliance with a direction that is imposed through an administrative rather than judicial process.

The proposed increased maximum may also engage the principle that legislation have sufficient regard to Aboriginal tradition and Island custom. Aboriginal and Torres Strait Islander peoples are disproportionately represented among respondents in DFV proceedings and within Queensland's criminal justice system more broadly. Increasing the maximum penalty for contravention of a PPD may have a disproportionate impact on Aboriginal and Torres Strait Islander peoples through increased exposure to criminal justice interventions and custodial penalties.

However, the amendment recognises the seriousness of conduct that breaches a domestic violence protection mechanism, regardless of whether that mechanism is a PPD or a DVO. The amendment does not expose respondents to additional criminal liability in new or changed circumstances, but instead aligns the maximum penalty for contravention of a PPD with the penalty that already applies for contravention of a DVO.

Requiring a court to consider making a DVO when dealing with a PPD contravention

Section 4(2)(a) of the LSA provides that legislation should have sufficient regard to the rights and liberties of individuals. Requiring a court to consider whether a respondent should become subject to a DVO when finalising or adjourning proceedings for a PPD contravention engages this principle. As a DVO may impose ongoing restrictions on a respondent's conduct, movement and communication, the proposal may affect individual rights and liberties. However, the amendment requires only that the court consider whether a DVO should be made. Any decision to make an order remains subject to judicial discretion and the existing statutory framework, and accordingly the impact is expected to be minor and proportionate in the circumstances.

Expanding the circumstances in which a court may make or vary a DVO in a criminal proceeding

Expanding the circumstances in which a court may make or vary a TPO or DVO may engage the principle that legislation should have sufficient regard to the rights and liberties of individuals (section 2(a) LSA), as these orders may impose significant restrictions on a respondent's conduct.

The amendment also engages the principles of natural justice under section 4(3)(b) of the LSA. The amendment will permit a court to make or vary a protection order at any time during or following a hearing for a domestic violence offence, regardless of whether the proceeding results in a conviction. As a result, a person may become subject to a protection order notwithstanding that the criminal offence has not been proved beyond reasonable doubt. However, the proposal reflects the distinction between the criminal standard required to establish guilt, and the assessment of risk and protection needs underpinning the protection order framework. The power may only be exercised by a court following consideration of the evidence and remains subject to ordinary judicial processes and safeguards.

As with the current section 42, the court will still need to be satisfied under section 37 of the DFVP Act that a protection order could be made against the offender. This includes ensuring the court is satisfied the civil standard of proof that a relevant relationship exists between the parties, the respondent has committed domestic violence against the aggrieved, and the protection order is necessary or desirable to protect the aggrieved from domestic violence, has been met.

The proposal may also engage section 4(3)(j) of the LSA, as Aboriginal and Torres Strait Islander peoples are disproportionately represented among respondents in DFV proceedings and may therefore be disproportionately affected by expanded pathways to protection orders.

Requiring courts to consider imposing monitoring device conditions

The amendment requiring courts in EM Pilot locations to consider whether to impose an MDC when making a DVO with non-standard conditions may engage the principle that legislation should have sufficient regard to the rights and liberties of individuals under section 4(2)(a) of the LSA. It does this by increasing the likelihood of eligible respondents becoming subject to a condition which may significantly impact their freedom of movement and their potential exposure to future penalties for breach of the condition.

However, this potential impact is considered justified and proportionate in the circumstances. The Bill does not otherwise adjust the eligibility criteria for an MDC under section 66B of the DFVP Act and, the court will still retain its existing discretion as to whether imposition of the MDC is appropriate in the particular circumstances.

Streamlining police responses to DFV

Amendments to the PPD framework engage 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 broader authority to impose restrictions without judicial consideration. This engages the principles of natural justice (s4(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 is 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 3-year PPD and removing the framework for PPNs, rather than having the matter automatically 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, through the court review process.

While the absence of automatic judicial consideration (as per the current PPN process) 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 is not automatic reconsideration of police officers' decisions by a judicial officer. However, the DFVP Act includes a requirement that an officer proposing to issue a PPD must seek approval by an independent senior officer (s100K DFVP Act); this safeguard will not be removed by the Bill.

The Bill will additionally include circumstances where the officer issuing the PPD must make an application for a protection order by filing the PPD with the court. This will include high-risk and complex circumstances where police will be required to initiate an application for a protection order (or application to vary an existing protection order) by filing the PPD with the court. While the Bill provides that police must issue a PPD and consider whether to make an application for a protection order when a person is taken into custody under section 116 of the DFVP Act, police must still comply with the mandatory filing circumstances (if applicable) and also consider the need to urgently seek a temporary protection order while the person is still in custody.

Parties (aggrieved, respondent or authorised person for the aggrieved) will also retain the right to seek a court review (pt 4, div 1A, sub-div 5 DFVP Act). It is noted that this ability does not extend to named persons, who may be relatives, associates or children of the aggrieved included on a PPD whom the issuing officer considers it necessary or desirable to protect from associated domestic violence (or a child from being exposed to domestic violence). However, the Bill will provide a power for the police commissioner to remove a named person included on a PPD if the named person was included in error (under amended section 100S). In absence of being able to apply for a court review, a named person will be able to ask the police commissioner to exercise their power to remove the named person from the PPD.

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 engaged as police are able to arrest a person without a warrant under their power under section 365 of the *Police Powers and Responsibilities Act 2000* where a police officer reasonably suspects a person has committed or is committing an offence of contravening a PPD (section 177A of the DFVP Act). As PPDs will become the primary response to DFV, and be issued in a much larger range of circumstances, there may be a high number of circumstances where a person is issued with a PPD, contravenes the PPD and is arrested without having ever been before a court. There may also be circumstances where a person is brought into custody under section 116 of the Act, issued a PPD upon release and not brought before the court at all, as police were either not required or considered it was not necessary to make an application for a protection order. This will impact 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 using violence, rather than the PMINOP. This risk is mitigated by the requirement for a court hearing proceedings for contravention of a 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 (s177A DFVP Act). Section 4(3)(c) of the LSA provides for the delegation of administrative power only in appropriate cases and to appropriate persons. The delegation of power to police to issue PPDs is currently accompanied by a number of legislated circumstances where police are unable to issue a PPD, which the Bill omits to achieve the policy objective of streaming police responses to DFV and simplifying the legislative framework.

However, there will be circumstances where police will be required to file a PPD with the court as an application for a protection order (new section 100EA), as well as a general discretion for an officer to file a PPD with the court as an application for a protection order if considered necessary. Guidance as to when police may consider that it would be appropriate to file a PPD, outside of the mandatory circumstances, will also be provided in operational policy. There is also a requirement for a supervising police officer (authorised by the Police Commissioner) to approve the issuing of a PPD (section 100K).

Section 4(2)(b) of the LSA requires that legislation have 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 safeguards are in place to prevent misuse. While amendments to the PPD framework will enable police to issue PPDs without restriction, the Bill includes a number of safeguards to prevent misuse of power. These include the requirement for a PPD to be filed as an application for a protection order in specified high-risk and complex circumstances, clarification of the interaction between PPDs and court orders in the amended provisions, and ensuring a cross-PPD can only be issued in exceptional circumstances. The amendments do not alter a police officer's consideration of the principles in section 4 of the DFVP Act and other matters under section 100B of the DFVP Act.

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 wider 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 being issued in more circumstances 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 PPDs are seen as a further form of external control.

Clarifying restrictions on direct cross-examination of a victim-survivor in DFV civil proceedings

Section 4(2)(a) of the LSA provides that legislation should have sufficient regard to the rights and liberties of individuals and be consistent with principles of natural justice (4(2)(b)).

The amendments will enable the court to make orders for the safety and protection of persons named as the first aggrieved or aggrieved in a related application involving the same parties, to prevent potential harm in court and reduce opportunities for systems abuse when giving evidence during a proceeding The court would retain the discretion to restrict cross-examination of a protected witness during a proceeding under the DFVP Act under section 151 of the DFVP Act.

The amendments are intended to prevent a respondent to an existing protection order from cross-examining the first aggrieved in a subsequent proceeding where the respondent has made an application for a protection order against the aggrieved, or a party to a cross-order from examining the other party in an application to vary an order. This is potentially inconsistent with section 4(2)(a) and (b) of the LSA, as the amendments will limit a person's ability to represent themselves during cross-examination of the other party in these circumstances.

However, section 150 and 151 already provide the court the ability to restrict a respondent from personally cross-examining an aggrieved during proceedings under the DFVP Act. The amendments enable the first aggrieved or the aggrieved in a cross-order, or their relative or associate , in a related application involving the same parties as a protected witness for the purposes of giving evidence. The court will have the ability to consider making an order regarding personal cross-examination against the protected witness, if the court is satisfied the threshold in section 151(2)—that cross-examination is likely to cause the protected witness to suffer emotional harm or distress, or be so intimidated as to be disadvantaged as a witness—is met.

This intended effect recognises the potential for subsequent proceedings and cross-examination to be used as forms of systems abuse, potentially exposing victim-survivors to further trauma, victimisation and harm. As such, the impact is considered reasonable and justifiable, as it is proportionate to the risk and appropriately targeted to ensuring victim-survivors are protected during proceedings.

Clarify how sensitive material is viewed, obtained or copied

Section 4(2)(a) of the LSA provides that legislation should have sufficient regard to the rights and liberties of individuals and be consistent with principles of natural justice (4(2)(b)).

The amendments with respect to accessing sensitive material may affect the right of a respondent to be made aware of adverse evidence against them by restricting named parties and parties to a proceeding from viewing or obtaining copies of sensitive evidence, statements (within the definition of sensitive material under new section 160AA(1) of the DFVP Act) and VREC statements filed, for example, in a Brief of Evidence or affidavit relevant to the proceeding.

The reform is considered reasonable and justifiable having regard to the object and principles for administering the DFVP Act, namely that the safety, protection and wellbeing of people who fear or experience domestic violence, including children, are paramount. This is because the purpose of the amendments is to ensure the safety of the victim-survivors and prevent the misuse of sensitive material in a way that may further victimise or compromise their safety.

To balance the safety and protection of the victim-survivor with the parties right to natural justice, the court will have discretion to make an order allowing a party to view sensitive evidence or statements if it is in the interest of justice, subject to certain conditions. As such, the court will be able to fashion orders governing access to sensitive material which enable parties to DFV proceedings to appropriately understand and respond to allegations and evidence against them. It should also be noted that the amendments are intended to align with the framework for handling this type of evidence during criminal proceedings.

Expanding police powers to request monitoring information

Section 66F of the DFVP Act provides that a regulation may prescribe various matters regarding information relating to a monitoring device condition, including the purpose for which the information may be shared. This allows flexibility in information sharing and storage for the purpose of the EM Pilot.

Section 4(2)(a) of the LSA provides that legislation should have sufficient regard to the rights and liberties of individuals. The proposed amendment to allow QPS to request monitoring device information may impact the rights and liberties of individuals who are currently wearing, or have previously worn, a monitoring device as a condition imposed by a court.

The amendment may be inconsistent with section 4(3)(g) of the LSA because it enables monitoring information already held by QCS to be requested by the Police Commissioner for law enforcement purposes outside of the EM Pilot. As the provision may apply to monitoring information collected and held before commencement, affected individuals may have had an expectation that the information would only be shared and used for purposes connected with the EM Pilot. The amendment therefore expands the circumstances in which existing information may be disclosed and used, which may adversely affect individual privacy interests.

Further, the amendment may have insufficient regard to section 4(3)(k) of the LSA because the phrase "law enforcement purposes" is broad and may permit monitoring information to be requested and disclosed for purposes beyond those originally contemplated by the EM Pilot. The breadth of the power may reduce certainty for affected individuals regarding the circumstances in which their information may be shared.

The amendment may also be inconsistent with 4(3)(a) of the LSA, which requires that rights and liberties, or obligations, are made dependent on administrative power only if the power is sufficiently defined and subject to appropriate review. The amendment confers a significant administrative power on the Police Commissioner to request monitoring information held by the holder of the information (currently QCS) for law enforcement purposes beyond those directly connected with the EM Pilot. The breadth of the power is further expanded by permitting the request to be made on the basis of a reasonable suspicion, rather than a reasonable belief. As reasonable suspicion is a lower threshold than reasonable belief, the amendment may enable access to sensitive monitoring information in a broader range of circumstances and on a lesser degree of objective justification. This may adversely affect the privacy interests of individuals whose information may be disclosed and raises questions about whether the exercise of the power is sufficiently constrained.

The amendment may also raise issues in relation to section 4(5)(c) of the LSA, which requires that subordinate legislation contain only matters appropriate to subordinate legislation. The provision facilitates the exercise of a significant information-access and information-sharing power that affects individual privacy interests and broadens the circumstances in which monitoring information may be requested and disclosed. Given the significance of the power, and the fact that its exercise is subject to a lower threshold of reasonable suspicion, it may be argued that the matters addressed by the amendment are more appropriately dealt with in primary legislation.

However, inclusion of the provision in the DFVP Regulation may be considered appropriate as it operates within an existing regulatory framework governing the collection, use and disclosure of monitoring information for the EM Pilot. The inclusion of information sharing provisions in the DFVP Regulation is also necessary to ensure flexibility in the operation of the EM Pilot.

Expansion of the Electronic Monitoring Pilot statewide

Expansion of the EM Pilot engages the principle under section 4(3)(c) of the LSA that a Bill should only allow the sub-delegation of a power delegated by an Act in appropriate cases.

Section 66B of the DFVP Act provides that a regulation may prescribe additional eligibility criteria for the EM Pilot. This is intended to allow flexibility in designing the pilot and establishing an appropriate eligible cohort for the purposes of the pilot. The DFVP Regulation currently relies on this regulation-making head of power to prescribe pilot locations, respondent and aggrieved eligibility and an information sharing framework.

The potential inconsistency with the FLP under section 4(3)(c) of the LSA due to eligibility and other key elements of the EM Pilot being delegated to subordinate legislation was considered by the Education, Arts and Communities Committee in 2025. The Committee determined that “it is appropriate for greater latitude than usual to be provided for prescribing matters in regulation” for a pilot initiative of this nature; but recommended that if the decision were taken by Government to extend the EM Pilot, the Minister should consider the benefit of including the details related to the EM Pilot in primary legislation.

In the Government Response to the Committee’s Report, Government supported the Committee’s recommendation, highlighting that the provisions enabling the EM Pilot will automatically expire 2 years after commencement, at which point it will be a matter for government consideration whether to extend the life of the pilot or make the scheme permanent. This would include consideration of whether details of the pilot should be set out in more detail within the primary legislation.

The Bill extends the EM Pilot sunset provision under section 66H, which will impact timeframes for evaluating the pilot and any process for amending the DFVP Act to discontinue the pilot or make it permanent. It is still intended that the program be evaluated. Consideration can then be given to amending the DFVP Act and, moving any provisions in the DFVP Regulation in the Act.

Following the commencement of provisions within the Domestic and Family Violence Protection Amendment Regulation 2025 related to the pilot, the Committee examined the Amendment Regulation and sought a public briefing from DFSDSCS to obtain more information. Following the Committee’s consideration of the Amendment Regulation, the Committee was satisfied that it was, on balance, consistent with FLPs, lawful and compatible with human rights.

The rationale for continuing to include the information sharing framework for the EM Pilot in subordinate legislation remains relevant, notwithstanding the expansion of the pilot and adjustments with respect to information sharing. Retaining the current approach ensures the legislation remains flexible enough to accommodate emergent changes in pilot design, including with respect to agency functions, and avoids pre-emptively including substantive provisions in principal legislation before the pilot has been evaluated and decisions made about its longer-term future. Further, the inclusion of the regulatory amendments in the Bill maximises parliamentary scrutiny of the EM Pilot measures.

Consultation

Targeted consultation occurred with the DFV Reform Advisory Panel on key policy proposals informing the reforms progressed through the Bill.

Consistency with legislation of other jurisdictions

Repeated contravention offence

The new offence is constructed similarly to the specific offences in New South Wales and Victoria that target short-term repeated contraventions of protection orders issued in DFV matters.

In Victoria, the *Family Violence Protection Act 2008* (Vic) (FVP Act) provides that it is an offence to contravene a family violence safety notice (FVSN) (section 37) or family violence intervention order (FVIO) (section 123). The maximum penalty applicable for both offences is 2 years imprisonment or 240 penalty units.

In 2012, the *Justice Legislation Amendment (Family Violence and Other Matters) Act 2012* (Vic) amended the FVP Act to include a new indictable offence relating to the persistent contravention of an FVSN or FVIO. The criteria for the persistent contravention offence are that a person engaged in conduct that would constitute a contravention on at least 3 occasions within a period of 28 days, with the knowledge that this conduct constituted a contravention.

The intent of the offence is to target cases where the respondent has persistently flouted the law and showed complete disregard for the conditions of DFV notices or orders; allow police to target recidivist DFV offenders; and ensure that, when the courts sentence those offenders, the court is aware of the context and persistent nature of their offending.

In New South Wales (NSW), the *Crimes (Domestic and Personal Violence) Act 2007* (NSW) (CDPV Act) provides that it is an offence to contravene an apprehended domestic violence order (ADVO), with an applicable maximum penalty of 50 penalty units or 2 years imprisonment.

In 2024, the *Crimes (Domestic and Personal Violence) and Other Legislation Amendment Act 2024* (NSW) amended the CDPV Act to include a new offence specifically for repeated contraventions of an ADVO. Similar to the persistent contravention offence in Victoria, the criteria for the repeated contravention offence are that a person engaged in conduct that would constitute a contravention on at least 3 occasions within a period of 28 days, with the knowledge that this conduct constituted a contravention.

Additionally, in NSW, it is a specific criterion for the repeated contravention offence that the conduct would be reasonably expected to cause the protected person harm or cause them to fear for their safety.

The intent of the repeated contravention offence, outlined in the explanatory speech[3], is to acknowledge that rapid, frequent and ongoing breaches of an ADVO comprise a course of abusive conduct which represents a heightened level of risk, and it is therefore appropriate for the criminal law to recognise this by imposing a higher maximum penalty than the penalty for the existing standard, basic breach offence.

Streamlining police responses to DFV

The PPD framework shares some similarities to the Police Family Violence Orders (PFVOs) in the *Family Violence Act 2004* (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 DFV.

Expansion of the Electronic Monitoring Pilot

The EM Pilot is unique in that it is trialling MDCs in the civil context. There are existing electronic monitoring frameworks in Queensland for monitoring in a criminal context, under the *Bail Act 1980*, *Youth Justice Act 1992* (YJ Act)*, Corrective Services Act 2006* and the *Dangerous Prisoners (Sexual Offences) Act 2003.*

It is noted that, when initially drafted, the provisions of the DFVP Act and DFVP Regulation were similar to the framework under the YJ Act. However, recent amendments to the YJ Act, made by the *Youth Justice (Electronic Monitoring) Amendment Act 2026*:

- made the scheme permanent by removing expiry provisions;
- expanded the scheme statewide, by removing parts 2A and schedule 1AA of the *Youth Justice Regulation 2016*;
- removed the eligibility criteria that a child must be 15 years or older, charged with a prescribed indictable offence and previously charged with certain offences; and
- simplified the matters a court must consider when determining if an MDC is appropriate.

[3] NSW Legislative Assembly Hansard, 22 May 2024, *Crimes (Domestic and Personal Violence) and Other Legislation Amendment Bill 2024*, Second Reading Speech. https://www.parliament.nsw.gov.au/parliamentary-business/hansard/hansard-full-details?id=HANSARD-1323879322-144583&section=HANSARD-1323879322-144613

Notes on provisions

Part 1 Preliminary matters

Clause 1 provides that the short title of the Act is the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026.*

Clause 2 states that 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 that this part amends the *Domestic and Family Violence Protection Act 2012* (DFVP Act), with a note to reference consequential amendments in Schedule 1.

Clause 4 amends section 22 (Child as aggrieved or respondent) to allow a child to be named as the aggrieved or respondent on a Police Protection Direction (PPD).

Subclause (1) omits references to ‘notice’ and inserts ‘direction’ in subsections (1), (2) and (5).

Subclause (2) omits the declaration in subsection (4) that a child cannot be named as the aggrieved or respondent in a PPD.

Subclause (3) renumbers current subsection (5) as subsection (4).

Clause 5 amends section 41F (Hearing of application—existing protection order) to provide that, when the court is hearing an application for a protection order in the circumstances mentioned in section 41F(1)(a) to (d), or an application to vary a protection order in the circumstances mentioned in section 41F(5)(a) to (d), the court must consider:

(a) the principle under section 4(2)(e) of the DFVP Act, and

(b) whether it is necessary to make arrangements for the safety, protection or wellbeing of the PMINOP in the relevant relationship that exists between the persons who are the parties to the application.

A legislative note is inserted to invite consideration of, for example, sections 150 and 151 for the power of the court to make orders in relation to a person giving evidence or being cross-examined as a protected witness.

Clause 6 amends section 42 (When court on its own initiative can make or vary order against offender) to allow a court to make or vary a domestic violence order against a defendant at any point during a proceeding for a domestic violence offence, or upon adjourning the proceeding.

The clause also omits the term ‘offender’ from the heading and the body of the section and replaces it with ‘charged person’ to recognise that, under the amendments, the respondent to an own motion domestic violence order (DVO) may not have been convicted of an offence at the time the DVO is made.

Clause 7 amends section 66B (Court may impose monitoring device condition) by inserting a new subsection (iv) in subsection (1)(a) which provides that the court may impose a monitoring device condition on the respondent if the court is satisfied that a monitoring device is available for the period for which the court intends to impose the condition.

Clause 8 inserts new section 66BA (Court must consider whether monitoring device condition could be imposed), which applies if a prescribed court is considering whether to impose a condition on a DVO under section 57 of the DFVP Act. Subsection (2) requires a prescribed court to consider whether a monitoring device condition could be made if the court is considering applying (additional) non-standard conditions, as outlined under section 57, to a DVO.

Subsection (3) requires the court to give reasons for not imposing the monitoring device condition.

Clause 9 amends section 66C (Considerations for imposing monitoring device condition) to remove the requirement for courts to consider the views and wishes of the aggrieved in deciding whether to impose a monitoring device condition, and the requirement and associated regulation-making power to prescribe further considerations by regulation. This is achieved by omitting subsections (1)(c) and (d).

Clause 10 amends section 66D (Request for information) by omitting ‘deciding whether it is necessary or desirable to impose the monitoring device condition on the respondent’ from subsection (1)(b) and providing that the court may ask a prescribed entity or another entity prescribed by regulation for this section to provide information that the court reasonably considers is likely to be in the entity’s possession and may help the court in deciding—

(i) whether it is necessary or desirable to impose the monitoring device condition on the respondent; or

(ii) whether a monitoring device is available for the respondent to be fitted with the monitoring device for the period the court intends to impose a monitoring device condition on the respondent.

This is intended to ensure the court is able to seek information from a prescribed entity to satisfy the new requirement under amendment section 66B(1)(a)(iv).

Clause 11 amends section 66H (Expiry of subdivision) to extend the expiry date of the EM Pilot to 31 January 2028 (currently 1 October 2027).

Clause 12 amends section 100 (Police officer must investigate domestic violence).

Subclause (1) omits subsection (3)(d) to remove the issue of a PPN as an option available to an officer investigating domestic violence.

Subclause (2) amends subsection (3)(e) to remove reference to the requirement for a police officer to make an application for a protection order when taking a person into custody under part 4, division 3, and instead refers to the requirement to issue a PPD. Subsection 118, as amended by clause 34 of the Bill, includes exceptions to this requirement.

Subclause (3) amends subsection (7) to omit ‘or (4)’, which is a cross reference to current section 22 (Child as aggrieved or respondent) which provides that a child cannot be named as the aggrieved or respondent in a PPD.

Clause 13 amends section 100A (Purpose of police protection directions) to remove reference to a PPD only being able to be issued in circumstances when it would be appropriate not to bring the matter before a court. The amended section 100A reflects the policy intent of the Bill, to effectively provide that PPDs are the primary tool for police responding to DFV under the DFVP Act.

Clause 14 amends section 100B (Police officer may issue direction).

Subclause (1) omits subsections (1)(c) and (d) to remove the requirement for a police officer to reasonably believe that none of the circumstances in section 100C or 100D(2) apply and it would not be more appropriate to take action that involves an application for a protection order, to ensure there is no restriction on a police officer issuing a PPD. This is consequential to the omission of section 100C (clause 15) and, the restriction on issuing a direction contained in section 100D(2) (clause 16).

Subclause (2) inserts a note under subsection (1) to cross-refer to the requirement under amended section 118 for a police officer to issue a PPD where a person is taken into custody under part 4, division 3 of the DFVP Act.

Subclause (3) omits subsection (2)(c) to remove the requirement for a police officer to consider, when deciding whether to issue a PPD, whether any circumstances mentioned in section 100E(1)(a) apply and, if so, whether the circumstances indicate it would be more appropriate to take action that involves an application for a protection order. This is consequential to the omission of section 100E (clause 17).

Subclause (4) renumbers subsection 100B(2)(d) as section 100B(2)(c).

Subclause (5) inserts new subsection (2A), which provides that, after deciding to issue a PPD, a police officer must consider whether they are required to file the PPD with the court under section 100EA (which provides for circumstances where a police officer ***must*** file a PPD), or whether it would be appropriate to also make an application for a protection order by filing the PPD with the court under section 100QA. This is intended to provide police with discretion to file a PPD with the court, regardless of whether any of the circumstances in section 100EA exist.

Subclause (6) omits the reference to section 100L, which is being omitted from the DFVP Act (clause 24).

Subclause (7) renumbers the subsections in 100B(2A) to (4) as subsections 100B(3) to (5).

Clause 15 omits section 100C (Circumstances when police officer must not issue direction) to remove circumstances which currently prevent a police officer from issuing a PPD.

Clause 16 amends section 100D (Restriction on issuing direction involving child of respondent).

Subclause (1) renames the heading to ‘Issuing direction involving child of respondent’, removing reference to the ‘restriction’.

Subclause (2) omits subsections (2) and (3) and inserts a new subsection (2) that will require a police officer, before issuing a PPD that includes a child of the respondent as a named person, or includes a condition that would prevent or limit contact between the respondent and a child of the respondent, to ask the respondent and the aggrieved whether a family law order or an order under the *Child Protection Act 1999* (Child Protection Act) relating to the child is in force. Subclause (2) also includes a new subsection (3) to clarify that failure to comply with subsection (2) does not invalidate or otherwise affect the PPD.

A legislative note is included in relation to new subsection (2) which includes a cross-reference to new section 100EA (When application for protection order or variation of protection order must be made).

Subclause (3) omits the reference to an agreement made under the Child Protection Act. It is intended that, where an agreement under the Child Protection Act is in force, and a PPD is issued, the PPD would prevail to the extent of any inconsistency between the agreement and the PPD. Where a PPD is issued and an order under the Child Protection Act is in place, or a family law order is in place, amended section 100D ensures that the court order prevails to the extent of any inconsistency.

Clause 17 omits and replaces section 100E (Other matters for consideration before issuing direction), by inserting new section 100DA (Issuing direction when domestic violence order is in force) and new section 100EA (When application for protection order or variation of protection order must be made). While section 100E is omitted, these matters are to be provided in QPS operational policy to ensure the safety, protection and wellbeing of the aggrieved and any named person remains the primary consideration in any police decision-making. This operational policy may also be used to support the requirement under new section 100B(3) for a police officer to consider whether to make an application for a protection order by filing the PPD with the court.

New section 100DA provides that, if a PPD is issued against a respondent and a DVO is in force against the respondent naming the same aggrieved, the respondent must comply with both the PPD and DVO. However, if it is not possible to comply with both the PPD and the DVO because they are inconsistent, subclause (3) provides the DVO prevails to the extent of the inconsistency.

New section 100EA (When application for protection order or variation of protection order must be made) requires a police officer who issues a PPD to make an application for a protection order in certain circumstances. It is expected that this will be by filing the PPD with the court under new section 100QA of the DFVP Act.

These circumstances where police will be required to apply for a protection order include where:

(a) a protection order, temporary protection order or recognised interstate order relating to the respondent and aggrieved is in force and the police officer considers additional conditions are necessary or desirable to protect the aggrieved; or

(b) a proceeding relating to an application for a protection order or to vary a protection order relating to the respondent and the aggrieved is already before a court; or

(c) the police officer knows, or reasonably believes, the PPD would interact with or be inconsistent with—

(i) a family law order; or

(ii) an order or care agreement under the *Child Protection Act 1999*; or

(d) a condition would prevent or limit contact between the respondent and a child of the respondent, regardless of whether an order or agreement mentioned in paragraph (c)(i) or (ii) is in force for the child; or

(e) the police officer considers that to protect the aggrieved from further domestic violence by the respondent it is necessary or desirable for conditions to be imposed on the respondent that only a court may impose; or

(f) another PPD (a ***second direction***) is in force, or is issued, that—

(i) names the person who is the respondent in the PPD as the aggrieved in the second direction; and

(ii) names the person who is the aggrieved in the PPD as the respondent in the second direction.

The following examples of conditions that only a court may impose are provided for new section 100EA(e):

- making an intervention order;
- imposing conditions on a protection order that may not be imposed on a PPD, such as a monitoring device condition under section 66B or a condition about possessing a thing used as a weapon under section 81.

Where one of the circumstances under section 100EA applies, police will file the PPD under new section 100QA, and will file a copy of the respondent's criminal history and domestic violence history in the court as required by section 36A(2)(a) of the DFVP Act.

Clause 18 amends section 100G (Standard conditions must be included) to correct a minor existing error by providing in subsection (c)(iii) that, if the direction includes a named person who is an adult, the respondent must not organise, encourage, ask, tell, force or engage another person to do something that, if done by the respondent, would be <u>associated</u> domestic violence against the named person. The word <u>associated</u> was previously omitted from the provision unintentionally.

Clause 19 amends section 100H (Other conditions may be included) to provide for conditions, other than standard conditions, that are available for police to include on a PPD if the police officer reasonably believes the condition is necessary or desirable to:

(i) protect the aggrieved from domestic violence;

(ii) protect a named person from associated domestic violence; or (iii)protect a named person who is a child from being exposed to domestic violence committed by the respondent.

Subclause (1) omits subsections (1) (which currently prevents additional conditions being included on a PPD naming a child) and (2) (referencing PPNs), and inserts a new subsection (1) that provides a PPD may include any or all of the following conditions: a cool-down condition; a no-contact condition; an ouster condition; a return condition (if the direction includes an ouster condition); or a recovery condition.

Subclause (2) amends subsection (3) by replacing the reference to subsection (2) with subsection (1).

Subclause (3) inserts subsection (3)(a)(iii), which provides that the police officer issuing a PPD may impose a condition mentioned in subsection (2) if the police officer reasonably believes the condition is necessary or desirable to protect a named person who is a child from being exposed to domestic violence committed by the respondent. This is consistent with the existing provision for PPNs (section 106A, to be omitted).

Subclause (4) amends subsection (3)(d)(ii) to provide that a new recovery condition, or a return condition, must be approved under section 100K by an approving officer of at least the rank of senior sergeant. This is consistent with the requirement for an approving officer for a no-contact or ouster condition to be at the rank of at least the rank of senior sergeant, as set out in existing subsection (3)(d)(ii). This is because the Bill also includes, consistent with the discretion for courts, an ability for police to make a return or recovery condition without the supervision of a police officer (set out in clause 20, new sections 100HD and 100HE) by providing that a police officer must consider the extent to which a matter relating to the condition must be supervised by a police officer. As this may lead to instances where the respondent is able to return, unsupervised, to the aggrieved's residence, it is appropriate that a senior officer approve a return or recovery condition.

Subclause (5) inserts a new subsection (3A), to be internally renumbered to (4), which provides an ability for a police officer to include an exception to any condition provided under section 100H(1) that the issuing officer considers necessary or desirable. It is expected that examples of conditions will be provided in operational policy to assist police imposition of exceptions.

Subclause (6) renumbers subsections (3) to (4) (including subsection (3A) as inserted by subclause (5)) as subsections (2) to (4) .

Clause 20 inserts new sections 100HA to 100HE, which are necessary as the conditions currently available on a PPD are those available on a PPN (under sections 107 to 107C, to be omitted by clause 33).

New section 100HA (Cool-down condition) defines a cool down condition as a condition that is in force for no longer than 24 hours after the direction is issued and that prohibits the respondent from entering, attempting to enter or remaining at a stated premise, approaching or attempting to approach withing a stated distance of the aggrieved or a named person, or contacting or attempting to contact, or asking someone else to contact, the aggrieved or a named person. New section 100HA is consistent with existing section 107.

New section 100HB (No-contact condition) defines a no-contact condition as a condition restricting the respondent from approaching within a stated distance, contacting or attempting to contact, or locating or attempting to locate the aggrieved or a named person. New section 100HB is consistent with existing section 107A.

New section 100HC (Ouster condition) defines an ouster condition, consistent with existing section 107B, as a condition that prohibits a respondent from entering, attempting to enter or remaining at a stated premises, or approaching within a stated distance of a stated premises. The requirements of a court when considering whether to make an ouster condition under existing section 64 apply to a police officer making an ouster condition on a PPD (see also section 100H(3)(b). Police making an ouster condition are also required to consider imposing a return condition (see current section 100H(3)(c)).

New section 100HD (Return condition) defines a return condition as a condition that allows a respondent to return to a premises from which they were ousted to recover stated personal property or remain at the premises to remove stated personal property. New section 100HD is consistent with existing section 107C, except to the extent that it enables a police officer to issue a return condition without police supervision by including subsection (3).

New section 100HE (Recovery condition) inserts a new type of condition available to police that is not currently available on a PPD or a PPN, however may be imposed by courts (see existing section 59 (Conditions relating to recovery of personal property). As set out in subsection (1), a recovery condition may require the respondent to:

(a) return stated personal property to the aggrieved;
(b) allow the aggrieved access to stated personal property, or to recover stated personal property;
(c) allow the aggrieved to enter stated premises to facilitate one of those actions; or
(d) do any act necessary or desirable to facilitate one of those actions.

Subsection (2) requires police to consider the extent to which a recovery condition must be supervised by a police officer, and the need to impose a condition that the respondent must not approach within a stated distance of the stated premises. Subsection (3) provides that the condition must state the time at which the respondent must leave the stated premises, and the time at which they may return.

Clause 21 amends section 100I (Condition for protection of unborn child) to remove reference to the current restriction on a PPD including any condition other than a standard condition where it names a child (section 100C(3), omitted by clause 15). This ensures a police officer is able to include on a PPD, standard conditions related to an unborn child that take effect when the child is born.

Clause 22 inserts new section 100JA (Cross-direction in exceptional circumstances) to deal with cross-directions (cross-PPDs). This clause applies if a police officer issues a PPD that names a person (the ***first person***) as the respondent and another person (the ***second person***) as the aggrieved. A cross-direction arises where a further PPD names the second person as respondent and the first person as aggrieved. Cross-directions are only to be issued in exceptional circumstances, provided in subsection (2), where:

(a) the police officer reasonably believes that each of the persons is in need of protection from the other person; and
(b) it is not possible for the officer to determine whether one person's need for protection is greater than the other person's need for protection.

Where a cross-PPD is issued, or two PPDs are issued at one time, a police officer is also required to file the PPD or PPDs with the court under new section 100EA. If the police officer is not satisfied that exceptional circumstances apply, they may take another action under the DFVP Act including making an application for a protection order, seeking an urgent temporary protection order or seeking a variation of a DVO.

Clause 23 amends section 100K (Approval of supervising police officer required).

Subclause (1) omits ‘or no-contact condition’ from subsection (2)(a)(i) and inserts ‘a no-contact condition or a recovery condition’ to provide that senior sergeant approval is also required before issuing a recovery condition.

Subclause (2) inserts subsection (2)(a)(ia), which provides if the PPD is a cross-direction issued under new section 100JA, the supervising police officer must be a senior sergeant (or, no person of at least that rank is stationed at the police station of the issuing officer – a sergeant).

The amendment made by subclause (1) will mean that where a police officer is issuing a PPD with an ouster, no-contact or recovery condition (non-standard conditions), approval will need to be sought from a senior sergeant; and where a police officer is issuing a cross-PPD, the direction can be approved by a senior sergeant, or a sergeant if a senior sergeant is not stationed at the same police station as the issuing officer. While it is acknowledged that circumstances requiring cross-PPDs or non-standard conditions are highly complex and require oversight, the flexibility in level of approval provided for cross-PPDs is appropriate as new section 100EA requires cross-PPDs to be filed with the court and taken to be applications for protection orders. As such, cross-PPDs will still receive an appropriate level of oversight.

Subclause (3) internally renumbers subsection (2).

Subclause (4) omits subsection (4), which references PPNs.

Subclause (5) amends subsection (5)(a) to provide that the police officer must make a written record of the supervising police officer’s decision to give or refuse the approval.

Subclause (6) renumbers subsections (5) to (7) as section 100K(4) to (6).

Clause 24 omits section 100L (Cross-direction not permitted) to remove the restriction on the issue of cross-PPDs. As above, new section 100JA will permit cross-PPDs in exceptional circumstances.

Clause 25 amends section 100N (Form of direction).

Subclause (1) inserts subsection (1)(ha), which provides that a PPD issued by a police officer must state any exception to a condition imposed under section 100H.

Subclause (2) omits ’12 months’ from subsection (1)(i) and inserts ‘3 years’, to reflect the new duration of PPDs under section 100R as amended.

Subclause (3) renumbers subsections under subsection (1)(ha) to (j) as section 100N(1)(i) to (k).

Subclause (4) inserts new subsection (3) which provides that, if a police officer is required to make an application for a protection order, or considers that an application for a protection order should be made, a PPD issued by a police officer must also:

(a) advise the respondent that, under section 100QB, the PPD is taken to be an application for a protection order, or to vary a protection order, made by a police officer; and

(b) state the date and time for the hearing of the application for the protection order, or to vary the protection order, at the local Magistrates Court for the respondent; and

(c) state that, if the respondent fails to appear before the court, the local Magistrates Court for the respondent may make a domestic violence order against the respondent in the respondent's absence; or adjourn the matter and may, in the meantime, make a temporary protection order under part 3, division 2; or order the issue of a warrant for the respondent to be taken into custody by a police officer and brought before the court; and

(d) if the date mentioned in paragraph (b) is more than 28 days after the day the PPD is issued, advise the respondent that:

(i) the matter of the application for the protection order, or to vary the protection order, will be mentioned in another Magistrates Court within 28 days after the day the PPD is issued; and

(ii) the other Magistrates Court will notify the respondent of the date, time and place of the mention; and the respondent may participate in the mention by attending the other Magistrates Court in person or by audio visual link or audio link; and

(iii) the other Magistrates Court may, under part 3, division 2, make a temporary protection order at the mention whether or not the respondent participates in the mention.

Subclause (4) also inserts new subsection (4) which provides that for subsection (3)(b), the date must be within 14 business days after the PPD is issued; or if the local Magistrates Court for the respondent does not sit during the time mentioned in paragraph (a)—the court's next sitting date.

Clause 26 amends section 100Q (Explanation).

Subclause (1) inserts subsection (3)(a)(iv) to require a police officer to explain the effect of a PPD issued where new section 100DA (Issuing direction when domestic violence order is in force) applies – namely that, if the DVO prevails over the PPD to the extent of any inconsistency.

Subclause (2) inserts subsection (3)(aa) to require a police officer to explain, if the direction is required to be filed with the court under new section 100QA, the effect of the direction being filed, including:

(i) that the direction is taken to be an application for a protection order, or for the variation of a protection order, made by a police officer; and

(ii) that the hearing of the application for the protection order or variation will be heard at the local Magistrates Court for the respondent at the date and time stated in the direction; and

(iii) the right of the respondent or aggrieved to obtain legal advice before attending court.

Subclause (3) renumbers subsection (3)(aa) to (i) as section 100Q(3)(b) to (j).

Clause 27 inserts new sections 100QA to 100QC to provide for how PPDs are to be filed with the court, and the effect of filing a PPD with the court.

New section 100QA (Filing of police protection direction) outlines the process for how a police officer may file a PPD for the respondent in the local Magistrates Court, timeframes for filing and how the statement must be served on the respondent. Section 100QA replicates the former section 111, which provided the filing process for PPNs.

A legislative note is included in new section 100QA(2)(b)(ii) to cross-reference new section 100QB, which provides that a PPD that is filed with the court is taken to be an application for a protection order, or an application to vary a protection order.

A legislative note is included in new section 100QA(3)(b) to cross-reference section 153 of the DFVP Act, which provides that a police officer may electronically file a document in a proceeding under the DFVP Act.

New section 100QB (Police protection direction taken to be application for protection order or variation of protection order) provides that a PPD filed under new section 100QA is taken to be an application for a protection order or an application to vary a protection order (if there is an existing DVO in place). The application in these circumstances is taken to be an application made by a police officer.

New section 100QC (Effect of decision by court about police protection direction on police protection direction) provides that, when hearing an application for a protection order or to vary a protection order in relation to a PPD, in addition to the orders available to the court under part 3 of the DFVP Act, the court may also make an order setting aside the PPD, an order that the PPD ends on a stated day or a decision to dismiss the application.

Subsection (3) provides that if the court makes an order setting aside the PPD, (a) the direction is taken never to have been issued; (b) the direction does not form part of the respondent's domestic violence history; and (c) despite paragraphs (a) and (b), a proceeding may be started or continued against the respondent for an offence, committed before the direction was set aside, against section 177A (Contravention of a police protection direction) or section 177AB (Repeated contravention of police protection direction).

A note is included to cross-refer to the effect of a set aside PPD on the forfeiture of a weapon to the state, which is dealt with under the *Police Powers and Responsibilities Act 2000,* section 714(4).

Subsection (4) provides that, if the court makes an order that the PPD ends on a stated day, (a) the direction ends on the stated day; and (b) the part of the respondent's domestic violence history relating to the direction must include the court's order; and the day the direction ends under paragraph (a).

Subsection (5) provides that if the court decides to dismiss the application, (a) the PPD continues unaffected by the application under section 100QA.

Subsection (6) provides that, if the court makes a DVO or a recognised interstate order in relation to the respondent and aggrieved the PPD ends. This only applies when the DVO or interstate order becomes enforceable (section 100R(3)(b)).

Clause 28 amends section 100R (Duration).

Subclause (1) omits the previous 12 month duration for PPDs from subsection (3)(a) and inserts a new 3-year duration. There is no flexibility on the duration of a PPD.

Subclause (2) replaces the current reference to 'section 100ZD(3A)(a)' with an updated reference to '[new] section 100QC(4) or 100ZD(3A)(a) or the court otherwise makes an order that the direction ends on a stated day'.

Subclause (3) omits 'regardless of who is the respondent and who is the aggrieved in relation to that order' from subsection (3)(b).

Subclause (4) omits subsection (3)(c).

Subclause (5) renumbers subsections under subsection (3).

Subclause (6) inserts subsection (3)(f), which provides that a subsequent PPD issued in relation to the same respondent and same aggrieved takes effect and identifies the same person in both PPDs as the PMINOP in the relevant relationship.

Subclause (7) amends the note provision in subsection (3) to remove reference to the outcome of a police review (section 100Y) and instead refer to a PPD set aside under section 100C(3) or revoked under section 100S(3).

Subclause (8) inserts subsection (3A) which provides that, despite subsection (3)(a), if a PPD (the ***further direction***) is issued when another PPD (the ***first direction***) is in force naming the same persons a respondent and aggrieved, the further direction continues in force until the end of 3 years from the day the first direction takes effect; or an event mentioned in subsection (3)(b) to (f) occurs. This is to ensure that a further direction does not extend the effect of the first direction for more than the 3-year duration of a PPD (unless the PPD is ended earlier in appropriate circumstances).

Subclause (9) renumbers subsections (3A) and (4) as subsections 100R(4) and (5).

The effect of this provision is that a PPD will continue in force 3 years from the day it takes effect, or until one of the following events occurs:

- a court makes a decision that the PPD should end, after considering a court review (section 100ZD) or an application for a protection order initiated by a filed PPD (section 100QC), or otherwise makes an order that the PPD should end (section 100R(3)(b));
- a DVO, or recognised interstate order, is made with the same respondent and aggrieved, identifying the same PMINOP (section 100R(3)(c)); or

- a proceeding for an application for a DVO in relation to the parties is dismissed or adjourned (unless it is dismissed under section 100QC or 100ZD, whereby the PPD continues) (section 100R(3)(e)); or
- a subsequent PPD is issued in relation to the parties, naming the same respondent and aggrieved and the same person as the PMINOP (section 100R(3)(f)).

Clause 29 replaces section 100S (Amendment of police protection direction) with a new section 100S (Amendment or revocation of police protection direction). New section 100S includes some of the options previously available to the police commissioner on decision of a police review (current section 100Y (Decision on review)), which the Bill omits, to ensure there is still a mechanism for a PPD to be amended or revoked if necessary. This is also necessary because courts do not have the ability to amend a PPD.

Subsection (1) provides that the police commissioner may amend a PPD to:

(a) to remove a named person included in error; or

(b) to remove a condition imposed in error; or

(c) to reflect a change in any of the following details that has been notified to the police commissioner—

(i) the name, contact details or address for service of the respondent;

(ii) the name of the aggrieved or a named person; or

(d) on request of a named person, remove the named person or remove a condition imposed in error in relation to the named person; or

(e) to correct a minor error.

Subsection (2) provides that the police commissioner may revoke a PPD if satisfied the PPD was issued in error.

Subsection (3) provides that a revoked PPD is taken to have never been issued and does not form part of the respondent's domestic violence history. Subsection (3)(c) provides that any proceeding against the respondent for an offence against section 177A in relation to the PPD that was revoked, is discontinued; and (d) provides that, for the purpose of section 177AB (Repeated contravention of a police protection direction) an offence committed before the PPD was revoked must be disregarded if there is a proceeding that was started but not finished before the PPD was revoked. This recognises that the PPD was issued in error.

A note is included to cross-refer to the effect of revocation of a PPD on the forfeiture of a weapon to the state, which is dealt with under the *Police Powers and Responsibilities Act 2000,* section 714(4).

Subsection (4) requires the police commissioner to inform the parties of any change or revocation of a PPD under this section.

Subsection (5) provides that the police commissioner may delegate their powers under this section only to a police officer of at least the rank of senior sergeant; or who is the officer in charge of the police station or police establishment from which the direction was issued.

Subsection (6) clarifies that the power to revoke or amend a PPD under section 100S is not intended to limit the AIA, section 24AA.

Clause 30 omits Part 4, Division 1A, subdivision 4 (Police review of direction). This removes the police review framework from the DFVP Act.

Clause 31 amends section 100ZA (Filing and service of documents).

Subclause (1) inserts subsection (4A), which provides that a police officer is not required to comply with subsection (4)(b)(ii) if the police officer reasonably believes the named person is a child; and a copy of the application and a copy of each of the documents filed under subsection (1) has already been given to a parent of the child because the parent is the aggrieved or a named person.

Subclause (2) corrects subsection references and subclause (3) internally renumbers the subsections.

Clause 32 amends section 100ZD (Decision of court about police protection direction).

Subclause (1) inserts a reference to section 177AB (Repeated contravention of a police protection direction) to clarify that, despite a PPD being set aside and taken to have never been issued, a proceeding for an offence related to the contravention of the PPD may be started or continued.

Subclause (2) includes a note to cross-refer to the effect of a set aside PPD on the forfeiture of a weapon to the state, which is dealt with under the *Police Powers and Responsibilities Act 2000,* section 714(4).

Clause 33 omits Part 4, Division 2 (Power to issue a police protection notice). This removes the PPN framework from the DFVP Act.

Clause 34 amends section 118 (Police officer must apply for protection order).

Subclause (1) amends the heading to 'Police officer must issue police protection direction and may apply for a protection order'. This ensures that, after taking a person into custody under section 116 of the DFVP Act, a police officer must issue a PPD and may apply for a protection order by filing the PPD with the court. There are exceptions to this requirement, provided under subclause (3).

Subclause (2) amends subsection (1) to require that, as soon as reasonably practicable after a person is taken into custody under section 116, a police officer must:

(a) issue a PPD against the person; and
(b) consider whether the officer is required under new section 100EA, or whether it would be appropriate, to make an application for a protection order, or to vary a protection order, by filing the PPD with the court under new section 100QA; and
(c) if making an application for a protection order or to vary a protection order - consider whether it is necessary or desirable to apply for a temporary protection order against the person under section 129.

Subclause (3) inserts subsection (1A), which provides that the requirement to issue a PPD under subsection (1) does not apply if:

(a) the person in custody is the respondent to an existing PPD or an existing DVO, and the police officer reasonably believes no further variation of the conditions of the direction or order, or any other measure, is necessary or desirable for the protection of the aggrieved; or
(b) the police officer reasonably believes the person in custody is the PMINOP in the relevant relationship. In these circumstances, part 4, division 1 and 1A continue to apply to the police officer, meaning that the officer must investigate or cause to be investigated any reasonable suspicion of domestic violence occurring (section 100 DFVP Act). This will require an officer to consider whether protection is necessary or desirable for the person upon their release from custody, for example, by making a PPD naming the person as the aggrieved.

Subclause (3) also inserts subsection (1B) (renumbered by subclause (6) as subsection (3)), which provides that subsections (4) and (5) apply if an application for a protection order or to vary a protection order is made under subsection (1)(b) (where the PPD is filed).

Subclause (4) omits ‘for the protection order’ from subsection (2), so the provision refers only to an ‘application’, being a PPD filed under new section 100QA of the DFVP Act.

Subclause (5) omits subsections (3) and (4) and inserts a new subsection (3) to provide that, despite section 100N(4) as inserted by the Bill—which provides that the mention date for a hearing related to a PPD filed under section 100QA must be within 14 days—if it is not reasonably practicable for the person to be brought before the court for the hearing of the application, the date and time stated in the PPD for the hearing of the application for the protection order, or to vary the protection order, must be:

(a) if the local Magistrates Court for the respondent sits at least once a week—within 5 business days after the person is taken into custody under section 116; or
(b) otherwise—the next sitting date of the local Magistrates Court for the respondent.

Subclause (6) internally renumber subsections 118(1A) to (3) as subsections 118(2) to (5).

Clause 35 amends section 119 (Detention period limited).

Subclause (1) omits subsection (1) and inserts a new subsection (1) which provides that the person may be held in custody until the later of the following:

(a) if a police officer decides it is not necessary under section 100EA and is not appropriate to make an application for a protection order, or to vary a protection order, by filing the police protection direction with the court under section 100QA—when the officer makes the decision;

(b) if a police officer obtains a temporary protection order while the person is still in lawful custody—when the temporary protection order is made and a police officer is able to comply with section 124(1)(c);

(c) if an application for a protection order or to vary a protection order is made under section 100QA and it is reasonably practicable to bring the person before a court for the hearing of the application while the person is still in lawful custody—
   (i) if the court decides to make a domestic violence order—when the domestic violence order is made and a police officer is able to comply with section 124(1)(b); or
   (ii) if the court adjourns the application and does not make a domestic violence order when the proceeding is adjourned; or
   (iii) if the court dismisses the application—when the application is dismissed;

(d) if an application for a protection order, or to vary a protection order, is made under section 100QA and it is not reasonably practicable to bring the person before court for the hearing of the application while the person is still in lawful custody—when the application is made and a police officer is able to comply with section 124(1)(d) or (e); or

(e) if a circumstance mentioned in section 118(2) applies – when the police officer forms the reasonable belief mentioned in subsection 118(2)(a) or (b).

Subclause (2) amends subsection (2) to omit '(1)(a)(i) or (c), or an application is prepared under subsection (1)(b)' and insert '(1)(b) or (c)(i), or an application is made as mentioned in subsection (1)(d)'.

Clause 36 amends section 124 (Release of person from custody).

Subclause (1) omits subsection (1)(a) and inserts a new (a) that provides that when a person taken into custody under section 116 is released from custody, a police officer must, in relation to the police protection direction issued under section 118(1)(a)—serve a copy of the direction on the person in compliance with section 100O. This changes the current requirement, for an officer to make an application for a protection order as soon as reasonably practicable where a person is taken into custody. The intention of requiring that an officer issue a PPD instead supports the intent of the Bill, to streamline police responses to DFV.

Subclause (2) omits subsections (1)(d) and (e), as these subsections refer to service requirements for PPNs and release conditions, which have been omitted from the DFVP Act.

Subclause (3) omits 'and sections 101A, 118 and 125 do' from subsection (2) and inserts 'does' to provide that service requirements for police in subsection (1) do not apply if the person is named as a respondent in a domestic violence order made or PPD issued, before the person was taken into custody; and the person named as the aggrieved in the order or direction is also another person involved in the domestic violence for which the person was taken into custody. This both reflects the removal of PPNs and release conditions from the DFVP Act, and refers to the relevant provision for PPDs.

Subclause (4) omits 'notice from subsection (2)(a) and (b) and inserts 'direction', to remove references to a PPN, and cross-refer to the exception to the requirement for police to issue a PPD where the person in custody is named as the respondent to an existing DVO or PPD (see clause 34(3), section 118(2)).

Clause 37 omits section 125 (When police officer must release person on conditions), effectively removing release conditions as a police response available under the DFVP Act.

Clause 38 amends section 129 (When police officer may apply for temporary protection order).

Subclause (1) inserts 'or made' after 'prepared' in subsection (1)(a), to clarify that a police officer may apply for a temporary protection order against a person if an application for a protection order against the person has been prepared or made.

Subclause (2) omits subsection (2) which is currently a requirement for a police officer to apply for a TPO in certain circumstances. This is replaced by amended section 118(1)(c), which leaves the decision to apply for a TPO as a discretionary matter for police.

Clause 39 amends section 131 (When magistrate may make temporary protection order).

Subclause (1) omits the reference to section 129(1) in subsection (1)(b), and replaces it with reference to 'section 129'. This is because subsection (2) is removed from section 129 (see clause 38).

Subclause (2) omits subsection (1)(c) to remove a cross reference to section 129(2) (omitted by clause 38).

Clause 40 amends section 150 (Protected witnesses) to insert a new subsection (1A) to provide that this section also applies in relation to a proceeding under the DFVP Act if:

(a) there is a protection order in force; and
(b) the aggrieved to the application is named as the respondent in the protection order; and
(c) the respondent to the application is named as the aggrieved in the protection order (the **first aggrieved**); and
(d) the first aggrieved, or relative or associate of the first aggrieved, is to give, or is giving evidence in the proceeding.

The new subsection creates an additional category of a ***protected witness*** to address circumstances where there may be more than one person who could be considered the aggrieved. For example, where two protection orders are made between the same individuals and an application to vary either order is made, both persons are the aggrieved under different orders. Similarly, where a person named as respondent in a protection order makes a subsequent application for protection against a person named as the aggrieved in the protection order (**first aggrieved**), there is both an aggrieved to the application and an aggrieved to the order.

This amendment will provide that the aggrieved in a related application involving the same parties, and the first aggrieved in the case of a subsequent application, are a ***protected witness*** for the purposes of providing evidence. This will allow the court to make an order for the wellbeing and protection of either party for the purposes of providing evidence. This would be particularly relevant in proceedings captured by section 41F, where the court is considering multiple protection orders or cross-orders.

It is intended that this provision will prevent persons using violence from using court proceedings as mechanism for systems abuse to further harm or traumatise the victim-survivor by subverting the protections available to victim-survivors as protected witnesses, for example via direct cross-examination.

Subclause (2) inserts reference to new subsection (2) to reflect internal renumbering.

Subclause (3) replaces references to subsections (2)(a), (b), (c) or (d) with references to subsections (3)(a),(b),(c) or (d) to reflect internal renumbering.

Subclause (4) renumbers subsections 150(1A) to (4) as sections 150(2) to (5).

Clause 41 amends section 151 (Restriction on cross-examination in person).

Subclause (1) amends subsection (1) to provide that subsections (2) to (4) apply to the circumstances detailed in this subsection. Those circumstances are that:

(a) a ***protected witness*** gives evidence in a proceeding under the DFVP Act;
(b) the respondent wishes to cross-examine the protected witness; and
(c) the respondent is not represented by a lawyer.

Subclause (2) amends subsection (4) to replace the reference to 'this section' with a reference to subsections (2) or (3). This amendment clarifies the procedural steps the court must take once an order is made under subsections (2) or (3). This has the effect that the procedural steps the court must take under subsection (4) apply where the court makes an order under subsection (2) (restriction on cross-examination of a protected witness generally) or (3) (restriction on cross-examination of a protected witness who is a child).

Subclause (3) inserts new subsections (5) and (6). New subsection (5) provides that new subsection (6) applies in relation to a proceeding for an application for a protection order mentioned in section 41F(1)(a) to (d), or a proceeding for an application to vary a protection order mentioned in section 41F(5)(a) to (d), where:

(a) a protected witness gives evidence;
(b) the aggrieved in the proceeding wishes to cross-examine the protected witness; and
(c) the aggrieved is not represented by a lawyer.

A proceeding mentioned in section 41F(1)(a) to (d) is one in which a protection order is in effect and a subsequent application for a protection order has been made naming the respondent to the protection order (the ***first respondent***) as the aggrieved, and the aggrieved to the protection order (the ***first aggrieved***) as the respondent. A proceeding mentioned in section 41F(5)(a) to (d) is one in which two protection orders have been made—the former of which names one person (the ***first person***) as the aggrieved and another person (the ***second person***) as the respondent, and the latter of which names the first person as the respondent and the second person as the aggrieved—and an application to vary either order has been made.

New subsection (6) provides that, in relation to either of the categories of proceedings referred to under new subsection (5), subsections 151(2) to (4) apply as if a reference in the subsection to the respondent was a reference to the aggrieved. This means that the restrictions a court may place on direct cross-examination of a protected witness by an unrepresented respondent under section 151 may be similarly applied to cross-examination of:

- the first aggrieved in a proceeding pursuant to a subsequent application by the first respondent, despite the first aggrieved being the respondent to that subsequent application; or
- the first or second person in the variation application.

This provides the court the power to prevent a self-represented party from personally cross-examining not only the aggrieved in the current application, but also a person who is an aggrieved under a related or existing protection order. In proceedings involving cross-orders or a subsequent related application under section 41F, the result could be that both parties become eligible for protection from direct personal cross-examination.

The intention is to enable courts to prevent persons using violence exploiting subsequent court proceedings as a means to retraumatise victim-survivors through their direct cross-examination. This ensures cross-examination cannot be used as mechanism for systems abuse by persons using violence in these circumstances.

Clause 42 amends the title of section 160 (Prohibition on obtaining copies of documents for proceeding) to provide that this section applies *generally* to obtaining copies of documents for proceedings under the DFVP Act.

Subclause (2) amends section 160(2)(a) to provide that subsection (1) does not apply to a party to the proceeding, subject to new section 160AA. This prevents a party to the proceeding from being entitled under section 160 to any part of the record of a proceeding under the DFVP Act as it relates to sensitive materials or any document used or tendered in a proceeding under the DFVP Act that is sensitive material, subject to new section 160AA inserted by clause 43 below.

Subclause (3) amends section 160(2)(b) to provide that subsection (1) does not apply to a person named in an order made in the proceeding, subject to new section 160AA. This prevents a person named in an order made in the proceeding from being entitled under section 160 to any part of the record of a proceeding under the DFVP Act as it relates to sensitive materials or any document used or tendered in a proceeding under the DFVP Act that is sensitive material, subject to new section 160AA.

Subclause (4) amends section 160(2)(f) to provide that subsection (1) does not apply to an accredited media entity authorised by a judicial officer under section 161A, subject to new subsection 161A(2). This prevents an accredited media entity from obtaining copies of any part of the record of a proceeding under the DFVP Act as it relates to sensitive material, or any document used or tendered in a proceeding under the DFVP Act that is sensitive material, subject to new section 160AA.

Clause 43 inserts a new section 160AA (Restriction on disclosure of sensitive material for proceeding).

Subsection (1) creates a definition of ***sensitive material*** and provides that, in a proceeding for an application to make or vary a domestic violence order, ***sensitive material*** includes ***sensitive evidence*** within the meaning of section 590AF of the Criminal Code, a ***recording*** within the meaning of the section 21AY of the Evidence Act a recorded statement, a transcript of a recorded statement, or a ***section 93A criminal statement*** or a ***section 93A transcript*** within the meaning of schedule 3 (Dictionary) of the Evidence Act

Subsection (2) provides that a party to a proceeding and a person named in an order made in the proceeding are not entitled to view, examine or obtain a copy of sensitive material other than as provided for under this section.

Subsection (3) provides the court the ability to make directions as to how a person may view and examine, or obtain a copy of, sensitive material for the purposes of the proceeding subject to the conditions the court considers appropriate.

Subsection (4) provides that, where a party to the proceeding is represented by a lawyer, the court may make an order for the lawyer to view and examine, or obtain a copy of, the sensitive material.

Subsection (5) provides that, where a party is not represented by a lawyer, the court may make an order for that non-represented party to view and examine sensitive materials for the purposes of the proceeding at a stated place, under the supervision of an appropriate person and subject to any other conditions the court considers appropriate to ensure:

(i) the viewing and examining of the sensitive materials is for a legitimate purpose connected with the proceeding;

(ii) there is no unauthorised reproduction or circulation of the sensitive material; and

(iii)the integrity of the sensitive material is protected.

Subsection (6) provides that, where a party is not represented by a lawyer, the court may make an order for the party to be provided with a transcript of a recorded statement.

Subsections (2) to (6) provide the court the ability to make an order that the respondent or a ***appropriate person*** be allowed to inspect the evidence, or in some cases receive a copy of it, if there is a legitimate need for that access and adequate safeguards can be put in place. The overall purpose of these subsections is to balance the respondent's right to prepare and present a defence with the need to protect sensitive material from misuse or inappropriate dissemination.

Subsection (7) provides that subsections (4) to (6) do not limit the court's ability to direct how a person may view and examine, or obtain a copy of, sensitive material for the purposes of the proceeding subject to the conditions the court considers appropriate. Obtaining, examining or viewing sensitive materials without the direction of the court, or not in accordance with the conditions provided by the court, is not a legitimate purpose and is subject to offences under section 103Q (Unauthorised possession of, or dealing in, recorded statements or transcripts of recorded statements), and section 103S (Publishing recorded statements or transcripts of recorded statements prohibited) of the Evidence Act and section 590AX (Unauthorised copying of sensitive evidence), of the Criminal Code.

Subsection (8) provides definitions under new section 160AA.

An ***appropriate person***, for a proceeding, includes a police officer, the clerk of the court, or a lawyer representing a party who filed the sensitive material in the proceeding.

A ***recorded statement*** in this section means a recorded statement within the meaning of section 103A of the Evidence Act.

Clause 44 amends section 161A (Accredited media entity may apply for copy of transcript of proceeding for application) to insert a new subsection (1A) to provide that an accredited media entity is not entitled to a copy of a transcript if it contains information that is considered sensitive material under the new section 160AA (1).

Subclause (2) internally renumbers subsections (1A) to (4) as section 161(2) to (5).

Clause 45 amends section 175 (Meaning of ***properly notified***) to omit subsections (c) and (d) which refer to PPNs and release conditions, from subsection (1).

Clause 46 inserts new section 177AA (Repeated contravention of domestic violence order) to establish a new offence for the repeated contravention of a DVO.

Subsection (1) provides that a respondent commits an offence, being the repeated contravention of a DVO, if the respondent contravenes a DVO on 3 or more occasions within a 28-day period.

The offence carries a maximum penalty of 240 penalty units or 5 years imprisonment. This maximum penalty is higher than the non-aggravated maximum penalty of 120 penalty units or 3 years imprisonment for the existing contravention of a DVO offence under section 177. The higher maximum penalty is appropriate as the offence is intended to address escalating patterns of repeated and rapid contraventions as a more serious form of offending, and also aligns with the aggravated maximum penalty that applies where, within 5 years before the contravention of a DVO, the respondent has been convicted of a domestic violence offence.

By linking to section 177, subclause (1) also requires that the DVO be enforceable before an offence under the new section 177AA may be established. This means the respondent must have been present in court when the DVO was made, served with a copy of the DVO, or informed of its existence by a police officer. This ensures a respondent cannot be held criminally responsible for contravening an order unless the order is enforceable against them.

Subsections (1)(a) and (1)(b), operating together, require that each of the 3 or more contraventions relied upon to establish the offence must be contraventions of conditions imposed under a DVO made for the benefit of the same aggrieved. This ensures that, where a DVO is varied, extended or replaced by a subsequent DVO for the protection of the same aggrieved, contraventions of those orders may be aggregated for the purpose of establishing the offence. This gives effect to the intent of the offence, which is directed at addressing rapid, repeated non-compliance with protections made for the benefit of the same aggrieved as a distinct and serious pattern of offending.

Subsection (2) provides that a proceeding may be started against a respondent for both an offence under section 177 and an offence under section 177AA where the conduct constituting the offence against section 177 is also relied upon for one of the contraventions forming the offence against the new section 177AA. This allows a proceeding for the repeated contravention offence to be commenced where additional contraventions are identified while a proceeding relating to an initial contravention is already on foot.

Subsection (3) provides that a respondent cannot be convicted of an offence against section 177AA to the extent that the charge relies on conduct for which the respondent has already been convicted or acquitted under section 177. This provision ensures consistency with section 17 (Former conviction or acquittal) of the Criminal Code and provides a safeguard against double punishment consistent with section 34 of the *Human Rights Act 2019*.

Subsection (4)(a) provides that each DVO mentioned in subclause (1) must have been enforceable against section 177.

Subsection (4)(b) applies subsections 177(4) and (5) to an offence under new section 177AA. This provides that a court cannot find that a respondent contravened an order merely because they were informed of its existence. The court must also be satisfied that the respondent was informed of the specific condition alleged to have been breached. The prosecution bears the onus of proving beyond reasonable doubt that the respondent was notified of the order and, where relevant, the condition alleged to have been contravened. The provision recognises that a person can only reasonably be expected to comply with an order if they have been informed of its terms, and preserves an important safeguard against conviction where the respondent has not been properly notified of the order or the condition alleged to have been contravened. Applying these provisions also ensures consistency between the operation of the new section 177AA and the existing contravention offence under section 177.

Subsection (5) provides that, in a proceeding for an offence against new section 177AA, the respondent may alternatively be convicted of an offence against section 177 if established by the evidence. For example, a respondent may be charged with an offence against section 177AA on the basis that they are alleged to have committed 3 contraventions of a DVO within a 28-day period. However, the evidence may ultimately be able to establish only two contraventions, meaning the elements of section 177AA are not proven. In these circumstances, subclause (5) allows the respondent to be convicted of one or more offences against section 177 in the alternative, on the basis of contraventions established on the evidence.

Subsection (6) clarifies that it is not a defence that the respondent was unaware that a recognised interstate order, including a registered New Zealand order, could be enforced as if it were a DVO under the DFVP Act. This is consistent with the equivalent provision in section 177(6) and recognises that recognised interstate orders are given legal effect under part 6 of the DFVP Act. The provision ensures that a respondent cannot avoid criminal responsibility for conduct that contravenes an enforceable recognised interstate order on the basis that they did not understand the order's status and enforceability in Queensland.

Subsection (7) clarifies that the contraventions relied upon for subclause (1) can relate to any named persons under a DVO. This reflects the intent of the offence, which is directed at repeated contraventions of the DVO, rather than necessarily repeated contraventions towards the same individual. Contraventions involving different named persons under the same order still demonstrate a continuing disregard for the protections imposed by the order and a pattern of persistent, high-risk offending. As a named person under a DVO may be a relative, child or associate of the aggrieved, conduct contravening the order in relation to different named persons may still arise within the same DFV context and undermine the protective purpose of the order. Accordingly, contraventions against different named persons under the same DVO or a DVO made for the benefit of the same aggrieved may be aggregated for the purpose of establishing the offence.

Clause 47 amends section 177A (Contravention of a police protection direction).

Subclause (1) amends the heading of section 177A for the purpose of drafting consistency.

Subclause (2) inserts a new circumstance of aggravation for contravention of a PPD, by providing that the maximum penalty is:

(a) if, within 5 years before the commission of an offence against this subsection, the respondent has been previously convicted of a domestic violence offence—240 penalty units or 5 years imprisonment; or

(b) otherwise—120 penalty units or 3 years imprisonment.

The penalty under subsection (2)(b) is consistent with the current penalty for contravention of a PPD. Introducing the higher penalty under subsection (2)(a) brings the maximum penalty for contravention of a PPD in line with the maximum penalty for contravention of a DVO. The amendments to section 177A will apply to new contraventions of a PPD committed after commencement, however, may make a person liable to a circumstance of aggravation relating to previous convictions where those previous convictions occurred before commencement.

Subclause (3) inserts a requirement for a court hearing proceedings for the prosecution of an offence against subsection (2) to consider whether to make a protection order or to vary a protection order under section 42 of the DFVP Act.

Clause 48 inserts new section 177AB (Repeated contravention of police protection direction) to establish a new offence for the repeated contravention of a PPD.

Subsection (1) provides that a respondent commits an offence, being the repeated contravention of a PPD, if the respondent contravenes a PPD on 3 or more occasions within a 28-day period.

Consistent with the new repeated contravention of a DVO offence, a maximum penalty of 240 penalty units or 5 years imprisonment will apply for repeated contravention of a PPD. This maximum penalty is higher than the existing maximum penalty for the existing contravention of a PPD offence under section 177A, being 120 penalty units or 3 years imprisonment. This is appropriate as the offence is intended to address patterns of repeated, rapid contraventions as a more serious form of offending.

Subsections (1)(a) and (1)(b), operating together, require that each of the 3 or more contraventions relied upon to establish the offence must be contraventions of a PPD issued for the benefit of the same aggrieved. This ensures that, for example, where a PPD is replaced by a subsequent PPD, both made against the same respondent and for the protection of the same aggrieved, contraventions of those directions may be aggregated for the purpose of establishing the offence. This gives effect to the intent of the offence, which is directed at addressing rapid, repeated non-compliance with protections made for the benefit of the same aggrieved as a distinct and serious pattern of offending.

Subsection (2) provides that a proceeding may be started against a respondent for both an offence under section 177A and an offence under section 177AB where the conduct constituting the offence against section 177A is also relied upon for one of the contraventions forming the offence under the new section 177AB. This allows a proceeding for the repeated contravention offence to be commenced where additional contraventions are identified while a proceeding relating to an initial contravention is already on foot.

Subsection (3) provides that a respondent cannot be convicted of an offence against section 177AB to the extent that the charge relies on conduct for which the respondent has already been convicted or acquitted under section 177A. This provision ensures consistency with section 17 (Former conviction or acquittal) of the Criminal Code and provides a safeguard against double punishment consistent with section 34 of the *Human Rights Act 2019*.

Subsection (4)(a) requires that a court must consider whether each PPD mentioned in subclause (1) was issued in substantial compliance with part 4, division 1A (Power to issue police protection direction). Subclause (4)(b) applies subsection 177A(4) to an offence under section

177AB. This provision requires the prosecution to prove, beyond reasonable doubt, that the respondent was told by a police officer about the existence of the PPD, or about the condition of the PPD alleged to have been contravened. Together, subclauses (4)(a) and (4)(b) ensure that the same requirements and procedural safeguards that apply in proceedings for an offence under section 177A also apply in proceedings for an offence under the new section 177AB.

Subsection (5) provides that in a proceeding for an offence against the new section 177AB, the respondent may alternatively be convicted of an offence against section 177A if established by the evidence. For example, a respondent may be charged with an offence against section 177AB on the basis that they are alleged to have committed 3 contraventions of a PPD within a 28-day period and therefore satisfied the elements of the offence. However, the evidence may ultimately establish only two contraventions, meaning the elements of the section 177AB offence are not proven. In these circumstances, subclause (5) allows the respondent to be convicted of one or more offences against section 177A in the alternative, on the basis of the contraventions established by the evidence.

Subsection (6) clarifies that the contraventions relied upon for subclause (1) can relate to any named persons under a PPD. This reflects the intent of the offence, which is directed at repeated contraventions of the PPD, rather than necessarily repeated contraventions towards the same individual. Contraventions involving different named persons under the same order still demonstrate a continuing disregard for the protections imposed by the order and a pattern of persistent, high-risk offending. As a named person under a PPD may be a relative, child or associate of the aggrieved, conduct contravening the order in relation to different named persons may still arise within the same DFV context and undermine the protective purpose of the order. Accordingly, contraventions against different named persons under the same PPD or a PPD made for the benefit of the same aggrieved may be aggregated for the purpose of establishing the offence.

Clause 49 omits section 178 (Contravention of a police protection notice) to remove the offence for contravention of a PPN, pursuant to omission of the PPN framework; and section 179 (Contravention of release conditions) pursuant to the removal of release conditions.

Clause 50 amends section 180 (Aggrieved or named person not guilty of offence) to omit reference to a police protection notice or release conditions, and the related offence provisions (section 178 and 179), and insert reference to repeated contravention of a DVO (section 177AA) and repeated contravention of a PPD (section 177AB).

Clause 51 amends section 189 (Evidentiary provision) to omit 'or stated police protection notice' in subsection (3)(a) and (c)

Subclause (2) omits subsections 189(3)(d) and (e).

Clause 52 amends section 192A (Review of police protection direction provisions) to extend the statutory review period for the PPD provisions by inserting a new subsection (1), which provides the responsible Minister must ensure the operation of the police protection direction provisions is reviewed as soon as practicable after the day that is one year after commencement.

Clause 53 inserts new part 10, division 8 (Transitional provisions for the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026*).

New section 245 (Definitions for division) provides the following definitions for part 10, division 8 of the DFVP Act:

- ***amendment Act***, means the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026.*
- ***former***, in relation to a provision of the [DFVP] Act, means the provision as in force immediately before the commencement [of the ***amendment Act***].
- ***new***, in relation to the provisions of the [DFVP] Act, means the provision as in force from the commencement [of the ***amendment Act***].

New section 246 (Application of new s 41F to particular proceedings) provides that section 41F (as amended) applies to a proceeding for an application for a protection order, or to vary a protection order whether the application was made before or after the commencement. This means that the court hearing an application for a subsequent protection order must consider whether it is necessary to make arrangements for the safety, protection or wellbeing of particular parties to proceedings from the date of commencement of the amendment Act, whether the application to which the proceeding relates was made before or after commencement.

New section 247 (Duration of police protection directions) clarifies that a PPD that took effect before commencement of the amendment Act continues to apply for 12 months, and is not automatically extended to the 3 year duration.

New section 248 (Police review of police protection direction on police initiative) provides that any police review that was started under former section 100T (Starting review on police officer's initiative) is discontinued.

New section 249 (Police review of police protection direction on application) provides that a police review initiated by the respondent, aggrieved or named person continues as though the police review provisions were not omitted.

New section 250 (Protected witnesses) provides that sections 150 and 151 as amended apply to a proceeding whether the application was made before or after commencement. This means that the protections available under sections 150 and 151 of the DFVP Act will be available to parties in proceedings under the DFVP Act from the date of commencement of the amendment Act, whether the application was made before or after commencement.

New section 251 (Sensitive material) provides that sections 160 and 161 as amended and new section 160AA apply in relation to the proceeding whether the application was made before or after commencement. This means that the restriction on access to sensitive material applies to proceedings under the DFVP Act from the date of commencement of the amendment Act, whether the application was made before or after commencement.

New section 252 (Application of ss 177AA and 177AB) provides that new sections 177AA (Repeated contravention of domestic violence order) and 177AB (Repeated contravention of police protection direction) apply in relation to a DVO or PPD that was in force immediately before commencement. However, subsection (2) provides that a contravention may be relied on for the purposes of the repeated contravention of a DVO offence or the repeated contravention of a PPD offence only if the contravention occurred after commencement. This means that a person cannot be charged with or convicted of the new repeated contravention offences unless all 3 breaches occur after commencement. This provides a safeguard against the retrospective operation of the new offences.

New section 253 (Police protection notice continues) applies in relation to a PPN in force immediately before commencement of the amendment Act, and an offence committed against former section 178 (Contravention of a police protection notice) committed by a person before the commencement in relation to the notice. Subsection (2) provides that the PPN continues in force and remains enforceable, and the former provisions of the DFVP Act continue to apply in relation to the notice and to the respondent against whom the PPN is in force, as if the amendment Act had not commenced. Subsection (3) provides that, to remove doubt, and without limiting the *Acts Interpretation Act 1954* (AIA), section 20, a proceeding for an offence for contravention of a PPN may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act had not commenced. Subsection (4) further provides that subsection (3) applies despite the Criminal Code, section 11 (Effect of changes in law).

New section 254 (Release conditions continue) applies to release conditions imposed on a person under former section 125 (When police officer must release person on conditions) that are in force immediately before commencement of the amendment Act, and an offence against former section 179 (Contravention of release conditions) committed by a person before the commencement. Subsection (2) provides that the release conditions continue in force and remain enforceable, and the former provisions of the DFVP Act continue to apply in relation to the release conditions and to the person against whom the release conditions are in force, as if the amendment Act had not commenced. Subsection (3) provides that, to remove doubt, and without limiting the AIA, section 20, a proceeding for an offence for contravention of release conditions may be continued or started, and the person may be convicted of and punished for the offence, as if the amendment Act had not commenced. Subsection (4) further provides that subsection (3) applies despite the Criminal Code, section 11 (Effect of changes in law).

Clause 54 amends the schedule (Dictionary).

Subclause (1) omits definitions of ***cool-down condition*** and ***no-contact condition.***

Subclause (2) inserts new definitions in the schedule.

cool-down condition, cross-references the definition in [new] section 100HA(1).

no-contact condition, cross references the definition in [new] section 100HB(1).

recovery condition, cross references the definition in [new] section 100HE(1).

Subclause (3) omits paragraph (a) (referencing PPNs) in the definition of ***local Magistrates Court***, and inserts a new paragraph (a) which provides 'for a respondent named in a PPD – the magistrates Court at which the PPD was filed under section 100QA; or', noting that a PPD will be filed in the respondent's local Magistrates Court (new section 100QA).

Subclause (4) omits paragraph (b) in the definition of ***ouster condition*** and inserts a new paragraph (b) which provides 'in relation to a PPD, see [new] section 100HC'. The amendment removes reference to PPNs in the definition, and instead cross-references new section 100HC (Ouster condition).

Subclause (5) omits the current definition of ***police protection notice*** and inserts a new definition of ***police protection notice*** as a notice issued under sections 101 and 101A as in force immediately before the commencement of the amendment Act, section 33.

Subclause (6) updates the cross references for ***protected witness*** to include reference to both sections 150(1) and (2) of the DFVP Act.

Subclause (7) omits the definition of ***release conditions*** and inserts a new definition of ***release conditions*** as conditions imposed under section 125 as in force from time to time before the commencement of the amendment Act, section 37.

Subclause (8) omits paragraph (b) (referencing PPNs) in the definition of ***return condition***, and inserts a new paragraph (b) which cross-references [new] section 100HD(1).

Subclause (9) omits paragraph (b) (referencing PPNs) in the definition of ***standard conditions***, and inserts a new paragraph (b) which cross-references section 100G.

Part 3 Amendment of Domestic and Family Violence Protection Regulation 2023

Clause 55 provides that this part amends the *Domestic and Family Violence Protection Regulation 2023.*

Clause 56 amends the heading of pt 2, division 1 (Prescribed matters) to refer to a prescribed matter, as other matters prescribed by Regulation are omitted by the Bill.

Clause 57 amends section 1B (Courts that can impose monitoring device condition—Act, s 66B) to prescribe a Magistrates Court in each Magistrates Court district as a court that can impose a monitoring device condition on a respondent. This enables statewide expansion of the EM Pilot.

Clause 58 amends section 1C (Requirement related to residential addresses of respondent and aggrieved—Act, s66B) as there will no longer be any limitation on the respondent or aggrieved person's address for the purpose of the EM Pilot. This is because all Magistrates Courts in Queensland will be able to impose a monitoring device condition.

Clause 59 amends section 1G (Purposes for sharing monitoring information) to include reference to assisting a police officer to perform a function related to a purpose mentioned in paragraphs (a) to (e) of section 1G, or another function for a law enforcement purpose (in reference to new section 1KA).

Clause 60 inserts new section 1KA (Sharing monitoring information at request of police commissioner) which enables the Police Commissioner to request monitoring device information from a monitoring device [a device worn by a respondent] if the commissioner reasonably suspects the information would assist a police officer with—

(f) assessing whether there is a serious threat to the aggrieved or a named person's life, health or safety because of domestic violence;
(g) lessening or preventing a serious threat to the aggrieved or a named person's life, health or safety because of domestic violence; or

(h) performing a function for any other law enforcement purpose under the DFVP Act or another law.

New section 1KA intentionally limits information that can be requested to information gathered from a respondent's monitoring device. The new section does not enable the sharing of information gathered from a safety device.

Subsection (2) requires the prescribed entity to give the police commissioner the information requested unless the entity does not possess or have access to the information.

Clause 61 amends section 1O (Limits on monitoring information that may be shared) to include a reference to new section 1KA.

Clause 62 amends section 1P (Police use of monitoring information) to include a reference to new section 1KA.

Part 4 Other amendments

Division 1 Amendment of Bail Act 1980

Clause 63 provides that this part amends the *Bail Act 1980*

Clause 64 amends section 16(2)(f) to insert references to sections 177AA(1) (repeated contravention of a DVO), 177A(2) (contravention of a PPD) and 177AB(1) (repeated contravention of a PPD) of the DFVP Act, alongside the existing reference to section 177(2) (contravention of a DVO) of the DFVP Act. This amendment provides that, where a defendant is charged with an offence involving the contravention or repeated contravention of a DVO or PPD, the court or authorised police officer determining whether to grant bail must have regard to the risk of further domestic violence or associated domestic violence being committed by the defendant when assessing whether there is an unacceptable risk under section 16(1)(a).

Clause 64 also amends section 16(6)(d) to provide that the offences under the DFVP Act for the repeated contravention of a DVO, repeated contravention of a PPD, and the offence for contravention of a PPD are included as relevant offences, if one or more of the conditions in subsection 6(6)(d)(i)-(iii) is satisfied. This means that where a defendant is charged with one of those offences, and satisfies one or more of the conditions at subsection (6)(d)(i)-(iii), the court or police officer shall refuse to grant bail unless the defendant shows cause why the defendant's detention in custody is not justified, as provided by section 16(3).

Clause 64 further amends section 16 to insert a reference at subsection (6)(d)(iii) to include the circumstance that the defendant, within 2 years before the commission of the offence, was convicted of the offences of repeated contravention of a DVO, repeated contravention of a PPD, or the offence for contravention of a PPD, alongside the existing circumstance of a conviction of a contravention of a DVO.

The amendments to section 16 of the *Bail Act 1980* operate together to ensure that the new repeated contravention offences and the offence of contravening a PPD are subject to the same bail considerations and show cause requirements that currently apply to contravention of a DVO. Including references to contravention of a PPD (and repeated contravention of a PPD) recognises the seriousness of contraventions regardless of the protective measure in place, and reflects that a contravention of a PPD may involve the same level of criminality and risk as a contravention of a DVO, consistent with the amendments to increase the maximum penalty for contravention of a PPD. Including reference to the offences under new sections 177AA and 177AB of the DFVP Act, which target repeated contraventions of a DVO or PPD, also promotes consistency within the bail refusal framework by ensuring that the requirement to consider risk applies not only to a single alleged contravention of a DVO or PPD, but also to the more serious offences of repeatedly contravening those protections. Given that sections 177AA and 177AB are directed at a series of repeated contraventions, it is appropriate that they attract the same bail considerations as the underlying contravention offences from which they are constituted. The amendments also avoid potential arbitrary outcomes, whereby identical offending conduct in the context of a DFV matter gives rise to a show cause position in one case but not another based on whether the aggrieved is protected by a PPD or a DVO.

Clause 65 inserts a new section 54 as a transitional provision for the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026*.

Subclause (1) provides that section 16, as amended by the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026*, applies in relation to the release of a person on bail on or after commencement.

Subclause (2) clarifies that the amended section 16 applies regardless of when the alleged offending in relation to which the bail decision is made happened or when criminal proceedings were initiated.

This ensures, from commencement, the amendments to section 16 will apply consistently to all bail decisions relevant to the amendments, regardless of when the alleged offending to which the bail decision relates took place. This promotes the consistent application of the bail refusal framework and ensures that courts or police officers determining whether a person should be released on bail apply the same statutory requirements, regardless of when the alleged offending occurred. This supports the effective assessment of all risks relevant to a bail determination, including risks to the safety of affected persons and the community.

Division 2 Amendment of Criminal Code

Clause 66 provides that this part amends the Criminal Code.

Clause 67 amends the definition of ***domestic violence offence*** under section 1 (Definitions) of the Criminal Code.

Subclause (1) amends the definition of ***domestic violence offence*** to clarify that the conduct constituting an offence, that also satisfies the circumstances under paragraphs (a) or (b), may comprise a series of acts or omissions or a single act or omission. The amendment is clarifying in nature and is not intended to change the operation of the definition. Prior to commencement of this amendment, the definition captures an offence comprised of a series of acts or omissions, for example a course of conduct offence such as coercive control, noting section 32C of the AIA provides that words in the singular include the plural. The amendment is made for clarity and to align with the amendment in subclause (2) that includes the new offences for repeated contravention of a DVO (new section 177AA of the DFVP Act) or PPD (new section 177AB of the DFVP Act).

Subclause (2) inserts reference to sections 177AA(1), 177A(2) or 177AB(1) of the DFVP Act at paragraph (b), alongside the existing reference to a contravention of a DVO under section

177(2) of the DFVP Act. Including contravention of a PPD (section 177A(2) of the DFVP Act) recognises the significance of contraventions regardless of the protective measure in place, and the intent of the other amendments in the Bill which amend the PPD framework to be the primary frontline police response to DFV. Operating together with subclause (1), subclause (2) is also intended to ensure the definition clearly captures circumstances where in the commission of an offence against another Act, a person engages in a series of acts that would also constitute repeated contravention of a DVO or PPD, which would be an offence against new sections 177AA and 177AB of the DFVP Act.

Subclause (3) amends the note under the definition of ***domestic violence offence*** to provide additional clarifying information on sections 177AA(1), 177A(2) or 177AB(1) of the DFVP Act, in addition to the existing information relating to section 177(2) of the DFVP Act, consistent with the amendments to paragraph (b).

Division 3 Amendment of Evidence Act 1977

Clause 68 provides that this part amends the *Evidence Act 1977.*

Clause 69 amends section 21M (Meaning of protected witness) to reflect proceedings related to additional contravention offences under the DFVP Act as circumstances when a person may be considered a ***protected witness*** under part 2, division 6.

Subclause (1) amends section 21M(1)(e) to replace the term '***domestic violence order-related offence***' with a newdefinition of '***domestic violence-related offence***', giving effect to the new definition provided for by subclauses (3) and (4).

Subclause (2) amends section 21M(1)(e)(i) to also refer to a PPD, to ensure that persons named as the aggrieved, or a relative or associate of the aggrieved, on a PPD can also be considered a ***protected witness***.

Subclauses (3) and (4), operating together, replace the current definition of '***domestic violence-order-related offence***' at section 21M(3) with a new definition of a '***domestic violence-related offence***'. This new definition, enlivened in section 21M(1)(e) as amended by subclause (1), expands the circumstances in which a person may be treated as a protected witness to include proceedings for an offence involving the contravention of a PPD (section 177A(2) of the DFVP Act) and the new offences for repeated contravention of a DVO or PPD (new sections 177AA(1) and 177AB(1) of the DFVP Act). These amendments are intended to ensure that persons giving evidence in proceedings for these offences have access to the same safeguards currently available to protected witnesses in a proceeding for an offence of contravening a DVO under section 177(2) of the DFVP Act, or other domestic and family violence-related proceedings.

The new definition also specifically broadens the language at paragraph (b) under the definition to clarify that the conduct constituting an offence against another Act that also constitutes an offence under paragraph (a) may comprise a single act or omission or a series of acts or omissions. This amendment is made for clarity and to align with the new definition of ***domestic violence-related offence*** that includes the new offences for repeated contravention of a DVO (new section 177AA of the DFVP Act) or PPD (new section 177AB of the DFVP Act).

It is intended that the amendments to section 21M apply to any proceedings on foot or started after commencement of the Bill, regardless of whether the conduct constituting a ***domestic***

violence-related offence occurred before or after commencement. This ensures the ***protected witness*** safeguards are available, as expanded, in all proceedings from commencement where the offence falls within the amended definition.

Clause 70 amends the definition of ***domestic violence offence*** under section 103B (Meaning of domestic violence offence).

Subclause (1) amends section 103B(b) to clarify that the conduct constituting an offence against another Act, that also satisfies the circumstances under section 103B(b)(i)-(ii), may comprise a series of acts or omissions or a single act or omission. As with the amendments progressed by clause 67 to the definition of ***domestic violence offence*** in the Criminal Code, this amendment is clarifying in nature and is not intended to change the operation of the definition. Prior to commencement of this amendment, the definition captures an offence comprised of a series of acts or omissions, for example a course of conduct offence such as coercive control, noting section 32C of the AIA provides that words in the singular include the plural. The amendment is made for clarity and to align with the amendment in subclause (2) that includes the new offences for repeated contravention of a DVO (new section 177AA of the DFVP Act) or PPD (new section 177AB of the DFVP Act).

Subclause (2) inserts reference to sections 177AA(1), 177A(2) or 177AB(1) of the DFVP Act at section 103B(b)(ii) to go alongside the existing reference to a contravention of a DVO under section 177(2) of the DFVP Act. Including contravention of a PPD (section 177A(2) of the DFVP Act) recognises the significance of contraventions regardless of the protective measure in place, and the intent of the other amendments in the Bill which amend the PPD framework to be the primary frontline police response to DFV. Operating together with subclause (1), subclause (2) is also intended to ensure the definition clearly captures circumstances where in the commission of an offence against another Act, a person engages in a series of acts that would also constitute repeated contravention of a DVO or PPD, which would be an offence against new sections 177AA and 177AB of the DFVP Act.

Subclause (3) replaces the note at section 103B to provide additional clarifying information on sections 177AA(1), 177A(2) or 177AB(1) of the DFVP Act, in addition to the existing information relating to section 177(2) of the DFVP Act, consistent with the amendments to section 103B(b)(ii).

It is intended that the amendments to section 103B apply to all proceedings on foot or started after commencement of the Bill, regardless of whether the conduct constituting a ***domestic violence offence*** occurred before or after commencement.

Division 4 Amendment of Explosives Act 1999

Clause 71 provides that this division amends the *Explosives Act 1999.* A note is included to refer to schedule 1, which makes other minor consequential amendments.

Clause 72 amends section 12B (Criteria for deciding applications) to replace subsection (3) to remove reference to a PPN or release conditions, and instead provide that an applicant is not a suitable person to hold a security clearance if the applicant is named as the respondent in a DVO, PPD or interstate police DVO that is in force.

Clause 73 amends section 25A (Immediate suspension in particular circumstances) to replace subsection (3) to remove reference to a PPN or release conditions, and instead provide that the section applies to the holder of an authority or security clearance if the holder is named as the respondent in a TPO or interstate police DVO.

Clause 74 amends Schedule 2 (Dictionary).

Subclause (1) inserts a definition of ***interstate police domestic violence order*** which means an interstate DVO given by a police officer.

Subclause (2) omits the current definition of ***police protection notice*** and replaces it with a reference to a PPN as defined under the DFVP Act (schedule) or an interstate police DVO. The schedule of the DFVP Act provides that a ***police protection notice*** means a notice issued under sections 101 and 101A as in force immediately before the commencement of the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026*, section 33.

Subclause (3) amends the definition of ***release conditions*** to refer to the schedule of the DFVP Act.

Division 5 Amendment of Family Responsibilities Commission Act 2008

Clause 75 provides that this division amends the *Family Responsibilities Commission Act 2008*.

Clause 76 amends section 43A (Notice about police protection direction) to include an additional circumstance where the police commissioner is required to provide a notice to the Family Responsibilities Commission following the issuing of a police protection direction.

Subclause (2) inserts new subsection 43A(1)(b)(iii) to identify this additional circumstance as the circumstance where a police protection direction is issued and the respondent is a child, and the police commissioner becomes aware that the child or parent of the child lives, or lived at any time after the start day, in a welfare reform community area.

Providing the FRC with notice of PPDs issued in these circumstances will enable the FRC to assess whether the respondent to the PPD is a ‘community member’ under section 7 of the FRC Act and to consider opportunities for early intervention. It is expected that police will act on information that is presented or becomes apparent during inquiries related to the issuing of the PPD, for example through speaking to the parties involved.

Clause 77 amends the definition of ***relevant person*** in the Schedule (Dictionary) to refer to, for a PPD notice, (i) if the respondent for the PPD is a child—any parent of the child, or the child; or (ii) otherwise—the respondent for the police protection direction the subject of the PPD notice.

Division 6 Amendment of Penalties and Sentences Act 1992

Clause 78 provides that this division amends the *Penalties and Sentences Act 1992*.

Clause 79 amends section 9 (Sentencing guidelines) to insert new subsection (10D)(b)(i)(F) related to a police protection direction. This requires a court determining the appropriate sentence for an offender convicted of a domestic violence offence to treat the fact that the offence committed was also contravention of a PPD as an aggravating factor. This is consistent with the treatment of DVOs and other interstate orders. An offence that is also contravention of a PPN or of release conditions will continue to be treated as an aggravating factor.

Clause 80 inserts a new Division 29 (Transitional provision for the Domestic and Family Violence Protection and Other Legislation Amendment Act 2026) and new section 268 (Application of s 9 to sentencing offenders after commencement).

Subclause (1) provides that section 9, as amended by the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2026*, applies to the sentencing of an offender after the commencement whether the offence of conviction happened before or after the commencement.

This ensures, from commencement, the amendment to section 9(10D) will apply consistently to sentencing considerations, regardless of when the relevant contravention of a PPD took place. This promotes the consistent application of the sentencing framework and ensures that courts determining the appropriate sentence for an offender consider the aggravating factor, regardless of when the offending occurred.

Division 7 Amendment of Police Powers and Responsibilities Act 2000

Clause 81 provides that this division amends the *Police Powers and Responsibilities Act 2000* (PPRA). The schedule also makes other minor amendments related to the PPRA, as reflected in the note.

Clause 82 amends section 714 (Disposal of weapon) to insert subsection (4) which provides that, to remove any doubt it is declared that the forfeiture of a weapon seized from, or surrendered, by a respondent under section 610(2) of the PPRA, is not affected by:

(a) a court order setting aside a PPD against the respondent under section 100QC or section 100ZD of the DFVP Act; or
(b) revocation of a PPD under section 100S of the DFVP Act.

Clause 83 amends section 721 (Dealing with forfeited things) to insert a note to cross-refer to amended section 714(3) and (4) in relation to the forfeiture of a weapon. This ensures it is clear that, despite revocation or setting aside of a PPD, the forfeited thing may be dealt with in accordance section 721.

Clause 84 inserts new Part 31 (Transitional Provisions for Domestic and Family Violence Protection and Other Legislation Amendment Act 2026) into Chapter 24 of the PPRA.

New section 909 (Definition for part) defines ***amendment Act*** as meaning the *Domestic and Family Violence Protection and Other Legislation Amendment Act* 2026, and ***former,*** in relation to a provision of the PPRA, meaning the provision as in force immediately before commencement.

New section 910 (Application of part) provides that the part applies in relation to a PPN or release conditions continued in force under the DFVP Act, section 253 or 254.

New section 911 (Arrest without warrant and contravention of police protection notice or release conditions) provides that, former section 365 [of the PPRA] continues to apply in relation to an arrest, without a warrant, for an offence against the DFVP Act section 178 (contravention of PPN) or section 179 (contravention of release conditions) as continued in force under section 253 or 254 of the DFVP Act, as if the amendment Act had not commenced.

New section 912 (Seizure and surrender of weapon from respondent named in police protection notice or release conditions) provides that former section 610 (Police actions after domestic violence order, police protection direction, police protection notice or release conditions are made) continues to apply to the seizure and surrender of a weapon that a person named as a respondent in a PPD is to be given to a police officer under the *Weapons Act 1990* (Weapons Act), section 29B as continued under section 208(2) of that Act as if the Amendment Act had not commenced. This ensures the process around forfeiture and surrender of weapons, and proceeding police processes, continue to apply where a PPN or release conditions are in force at the time of commencement.

New section 913 (Service of police protection notice or release conditions by electronic communication) provides that, from commencement, a PPN, a statement of matters relating to the PPN under the DFVP Act section 111 (continued under section 250 of the DFVP Act), and a copy of release conditions under the DFVP Act section 125 (continued under section 250 of the DFVP Act), continue to be a ***prescribed document*** for the purpose of chapter 23, part 2 (Electronic service of documents) of the PPRA. This ensures that PPNs and release conditions, and their related documents, that are in force at the time the Amendment Act commences can continue to be electronically served.

Clause 85 amends schedule 5A (Prescribed documents for service by electronic communication) to omit items 4, 5 and 6, and internally renumber the items.

Clause 86 amends schedule 6 (Dictionary) to omit the definitions of ***police protection notice*** and ***release conditions***.

Division 8 Amendment of Victims Commissioner and Sexual Violence Review Board Act 2024

Clause 87 provides that this division amends the *Victims Commissioner and Sexual Violence Review Board Act 2024* (VCSVRB Act).

Clause 88 amends section 39 (Meaning of relevant offence) to remove references to the offence for contravention of a police protection notice (section 178(2)); and to the offence for contravention of release conditions (section 179(2)). References to section 177A(2) (Contravention of a PPD); section 177AA(1) (Repeated contravention of a domestic violence order); section 177AB(1) (Repeated contravention of a police protection direction); and section 179A(1) or (2) (Engaging in domestic violence or associated domestic violence to aid respondent) are added.

Insertion of the new repeated contravention offences, the offence for contravention of a PPD, and the offence of engaging in domestic violence or associated domestic violence to aid a respondent is intended to ensure that a victim who suffers personal harm because of these offences has rights under the Charter of Victims' Rights under the VCSVRB Act.

Division 9 Amendment of Weapons Act 1990

Clause 89 provides that this division amends the Weapons Act. The schedule also makes additional consequential amendments, as reflected in the note.

Clause 90 amends section 10B (Fit and proper person—licensees) to update the wording of the provision by omitting current subsection (1)(d) and replacing it with a reference to whether the person has, at any time, been a respondent to a DVO, PPD, PPN or release conditions. The intent of the provision is not changed.

Clause 91 amends section 34AA (Effect of discharging domestic violence order or revoking or setting aside police protection direction) to omit the reference to section 100Y (which relates to the omitted police review) and replace it with a reference to section 100S, and insert reference to new section 100QC. This ensures that a PPD revoked or set aside is taken not to have been made or issued for the purpose of the Weapons Act.

Clause 92 amends section 141E (Matters to consider for making firearm prohibition orders–adults) to include whether a person is or has been subject to a PPD as a matter the commissioner may have regard to in considering whether it is in the public interest to make a firearm prohibition order in relation to an adult.

Clause 93 inserts a new part 8, division 11 (Transitional provision for Domestic and Family Violence Protection and Other Legislation Amendment Act 2026) to include a new section 208 (Continuing effect of police protection notices and release conditions). This ensures that any suspension or revocation of a weapons licence based on a PPN or release conditions, or surrender of weapons or restricted access to weapons for employment, that is related to a PPN or release conditions continues to apply.

Subsection (1) provides that new section 208 applies in relation to a PPN or release conditions continued in force under the DFVP Act, section 253 or 254.

Subsection (2) provides that former sections 27A, 28A, 29A and 29B continue to apply in relation to a person who is named as a respondent in the PPN or release conditions.

Subsection (3) provides that the person who is named as a respondent in the PPN or release conditions is taken to be an excluded person under new section 53(8)(f) of the Weapons Act.

Subsection (4) provides that, in relation to a provision of the Weapons Act, ***former*** means the provision as in force immediately before the commencement [of the Amendment Act]; and ***new*** in relation to a provision of the Weapons Act, means the provision as in force from the commencement [of the Amendment Act].

Clause 94 amends schedule 1AA (Class B serious offences) to include the new circumstance of aggravation for the offence of contravention of a PPD (section 177A, if paragraph (a) of the penalty applies of the offence); new offence for repeated contravention of a domestic violence order (section 177AA(1)); and the new offence for repeated contravention of a PPD (section 177AB(1)).

The definition of Class B serious offence is relied upon throughout the Weapons Act, as to when a person may be disqualified from particular things. This includes section 10B (Fit and proper person – licensees); section 10C (Fit and proper person – licensed dealer's associate) and section 53 (An unlicensed person may use a weapon at an approved range).

Clause 95 amends schedule 2 (Dictionary) to amend the definition of ***police protection notice*** to refer to the definition of ***police protection notice*** under the DFVP Act schedule. The definition under the DFVP Act is '"a notice issued under sections 101 and 101A as in force immediately before the commencement of the amendment Act, section 33.'

Division 10

Clause 96 provides that Schedule 1 amends the legislation it mentions, to commence by proclamation.

Schedule 1 Other amendments

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

Explosives Act 1999

The *Explosives Act 1999* is amended to:

- omit references to police protection notices and release conditions from section 12H (Commissioner must give notice of particular matters) to remove the requirement for the commissioner to give notice to the chief inspector where an applicant for, or holder of, a security clearance is named as the respondent in a PPN (subsection (1)(b)(ii), or release conditions are imposed on the person (subsection (1)(b)(iii)); as well as omit the related requirements for the contents of the notice (subsection (3)(c)).
- amend section 25A to omit subsection (2)(b) and remove reference to PPN and release conditions from subsection (c).
- amend section 126AA (Effect of setting aside or revoking domestic violence order or police protection direction) to remove reference to a decision on police review of a PPD (section 100Y) and instead include reference to the new ability for the police commissioner to revoke a PPD under section 100S of the DFVP Act; and to include reference to a court's decision to set aside a PPD (under new section 100QC) that is filed with the court by a police officer (under new section 100QA).

Explosives Regulation 2017

The *Explosives Regulation 2017* is amended to:

- omit references to a PPN and release conditions from:
  - o section 18B (Notification requirements for security clearance holders) subsection (1)(b) for PPNs; and subsection (c) for release conditions to remove the requirement for a security clearance holder to notify the chief inspector if

the person is named as a respondent to a PPN or released on release conditions. Section 18B(1) is also internally renumbered.

- section 43A (Notification requirements for holders of security sensitive authorities) from subsection (1)(a)(iii) for PPNs, and subsection (1)(a)(iv) for release conditions, to remove the relevant notification requirement for the respondent person for a listed corporation who is named as the respondent on a PPN, or is released on release conditions, to notify the chief inspector about an event of the kind.

Domestic and Family Violence Protection Act 2012

The *Domestic and Family Violence Protection Act 2012* is amended to:

- omit ‘or police protection notice’ from section 3 (Main objects), subsection (2)(b) and section 21 (Who is an aggrieved and who is a respondent) subsection (5).
- omit references to ‘police protection notices’ and insert ‘police protection directions’ in section 3 (Main objects) subsection (2)(c) and section 21 (Who is an aggrieved and who is a respondent) subsections (1), (2) and (3).
- amend section 36A (Court must be given respondent’s criminal history and domestic violence history and other information) to omit subsection (1)(c), and the relevant cross-reference to subsection (c) in subsection (2)(a)(i) as it relates to a PPN being filed by a police officer and heard as an application for a protection order.
- omit the reference to ‘notice’ in section 36A (Court must be given respondent’s criminal history and domestic violence history and other information) subsection (2)(a)(i).
- omit the note in section 39 (Hearing of application – non-appearance of respondent), subsection (1).
- omit subsection (2)(c) from section 44 (When court may make temporary protection order).
- omit the note from subsection (1) of section 47B (When court must consider making temporary protection order on adjournment).
- omit ‘police protection notice or release conditions’ from the note under the heading of Part 3, Division 8 (Weapons) and retains reference to a police protection direction.
- omit ‘police protection notice or release conditions’ and to ‘notice’ and ‘conditions’ from section 83 (No exemption under Weapons Act) subsections (2), (4)(b) and (3) and retain reference to a police protection direction and a ‘direction’.
- omit the note from section 100F (Naming persons in direction) subsection (2).
- omit the reference to ‘section 100B(3)’ in section 100M (Contact details and address for service) subsection (1)(b) and replaces it with a reference to section 100B(4).
- omit ‘or police protection notice’ from section 134 (Application of division 5 [Power to direct person to remain, or move to and remain, at place]) subsections (a)(iii) and (b).
- omit ‘or notice’ and ‘or police protection notice’ from section 134A (Power to give direction) from subsection (1)(d), (e) and (f).
- omit ‘or police protection notice’ from section 134F (Offence to contravene direction) from subsection (2)(a) and retain ‘or police protection direction’.
- omit ‘police protection notice’ and retain ‘police protection direction’ in section 135B (Diversion orders scheme) subsection (1) and section 135C (Eligibility criteria for participation in scheme) subsections (1)(a), (b); (2)(a); (1)(f); and (1)(g)(i).
- omit ‘police protection notice’ and retain ‘or police protection direction’ in section 135F (Assessment of suitability of defendant) subsection (h).

- omit 'police protection notice' and retain 'or police protection direction' in section 135F (Assessment of suitability of defendant) subsection (h), section 135I (When court may make diversion order) subsections (1)(d)(i), (2)(c) and (3) and section 135M (Matters court must consider) subsection (1)(a)(i).
- omit 'or police protection notice' from subsection (1)(a)(iii) of section 135M (Matters court must consider).
- omit paragraph (b)(ii) [referring to a police protection notice] and paragraph (b)(iii) [referring to release conditions] from the definition of ***interim order*** under section 171 (Definitions for part); and internally renumber paragraphs in the definition of ***interim order.***
- omit 'police protection notice or release conditions' from section 172 (Meaning of ***local order***).
- amend the note in section 176A (Special provisions for registered foreign orders) subsection (1)(b) to omit 'and police protection notices and release conditions'.
- amend section 179A (Engaging in domestic violence or associated domestic violence to aid respondent) to omit reference to police protection notices and release conditions from subsection (1)(a) and (3), and refer only to police protection directions.
- omit 'notice' and 'conditions' from subsection (1)(b) and (c), and subsection (3), of section 179A (Engaging in domestic violence or associated domestic violence to aid respondent).
- omit 'police protection notice or release conditions' from the definition of ***domestic violence behaviour*** from subsection (5) of section 179A (Engaging in domestic violence or associated domestic violence to aid respondent), retaining reference to direction and PPD.
- amend section 184 (Service of order on respondent or defendant) to omit 'or police protection notice that is, or release conditions that are' in subsection (5)(b)(i); 'notice or conditions' from subsection (5)(b)(ii); and PPN or notice from subsection (7).
- amend section 188 (Giving of document to child) to omit reference to a PPN and release conditions from subsection (6).
- amend section 189 (
- amend the definition of ***named person*** in the Schedule (Dictionary) to omit paragraph (c) which defines named person in relation to a police protection notice.

Industrial Relations Act 2016

The *Industrial Relations Act 2016* is amended to remove reference to a police protection notice in section 296 (Domestic violence), as this will become a redundant reference due to the omission of PPN's from the DFVP Act. There is no impact on the effect of the provision as the intent of the provision is to ensure a person does not need a particular document or instrument to engage the protection against adverse action at work.

Police Powers and Responsibilities Act 2000

The *Police Powers and Responsibilities Act 2000* is amended to:

- omit references in section 365 (Arrest without warrant), subsection (j) to the offence for contravention of a PPN (section 178) and contravention of release condition (section 179); and insert references to repeated contravention of a DVO (section 177AA), and repeated contravention of a PPD (section 177AB). 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, committing an offence for repeated contravention of a DVO or PPD.

- omit references to PPNs and release conditions from:
  - section 604 (Dealing with persons affected by potentially harmful things), retaining reference to PPD.
  - section 610 (Police actions after domestic violence order, police protection direction, police protection notice or release conditions are made, from subsection (1), (2), (4)(a), (2)(b) note, and (3) example.
  - section 715 (What is the appointed day for disposal of weapons under s 714) from (b).

<u>*Weapons Act 1990*</u>

The *Weapons Act 1990* is amended to:

- omit references to PPNs and release conditions from:
  - the heading of section 27A (Effect of temporary protection order, police protection notice or release conditions on licence)
  - section 27A, subsections (1), (2), (2)(a), (2)(b), (3)(b), (4)(b) and (5)(b) as a person will no longer be named as the respondent to a PPN or become subject to release conditions, therefore there is no longer an effect on a person's weapons licence.
  - section 29A (Action by court if respondent has access to weapons through employment), subsections (1)(a), (2)(c), (2)(d), (3), and (4).
  - section 29B (Arrangements for surrender of suspended or revoked licences and weapons) subsections (1), (2)(a)(ii), (2)(b), (2)(c), (3)(b)(i) and (ii) and (3)(c)(i) and (ii), (4) and (7).
  - section 53 (An unlicenced person may use a weapon at an approved range) subsection (8).