

## Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

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30 May 2025

Mr Nigel Hutton  
Chair  
Education, Arts and Communities Committee  
Queensland Parliament

By email: [eacc@parliament.qld.gov.au](mailto:eacc@parliament.qld.gov.au)

Dear Chair

### **Inquiry into the Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025**

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The Office of the Information Commissioner (**OIC**) welcomes the opportunity to make a submission to the Education, Arts and Communities Committee's inquiry into the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025 (Bill)*.

The Bill proposes amendments to the *Domestic and Family Violence Protection Act 2012 (DFVP Act)* to establish a framework for police protection directions (PPDs), support a two-year electronic monitoring pilot for high-risk DFV perpetrators, expand the video-recorded evidence-in-chief (VREC) framework as well as other technical amendments.

OIC notes the inherent privacy risks associated with the amendments however the right to privacy is not absolute and an appropriate balance must be struck with other competing rights including the safety of domestic and family violence victims and survivors.

OIC's comments are confined to clause 15, 37 and 46 of the Bill.

### **About the OIC**

OIC is an independent statutory body that reports to the Queensland Parliament. The Information Commissioner is an Officer of Parliament and is charged with functions under the *Right to Information Act 2009 (RTI Act)* and the *Information Privacy Act 2009 (IP Act)* to, respectively, facilitate greater access to government-held information and oversee safeguarding of personal information collected, used and held by Queensland public sector agencies.

### **Information Privacy Act 2009**

Queensland's IP Act recognises the importance of protecting the personal information of individuals. It creates a right for individuals to access and amend their own personal information and provides Information Privacy Principles (IPPs) and National Privacy Principles (NPPs) that govern how Queensland government agencies collect, store, use and disclose personal information.

The IP Act operates subject to the provisions of other Acts and does not override confidentiality provisions contained in Queensland statutes which may prohibit the sharing of personal information.

Upon commencement of the main provisions of the *Information Privacy and Other Legislation Amendment Act 2023 (IPOLA Act)* on 1 July 2025, there will be key changes to the IP Act of relevance to the Bill including:

- replacement of the Information Privacy Principles and the National Privacy Principles with the Queensland Privacy Principles
- introduction of a Mandatory notification of data breach (MNDB) scheme; and
- updated definitions of personal information, sensitive information and data breach.

### **Electronic monitoring pilot**

Clause 15 of the Bill inserts a new part 3, division 5, subdivision 3 into the DFVP Act (new sections 66A to 66H) to establish a framework to allow courts to impose a monitoring device condition on a respondent in certain circumstances when making a domestic violence order (DVO). OIC notes the Bill also includes regulation making powers to enable certain matters to be prescribed by regulation including further suitability criteria and information sharing frameworks.

An aggrieved person and named person can choose to use a safety device which will be linked to the monitoring device worn by the respondent. The movements of the respondent will trigger an alert or notification on the safety device used by the aggrieved or named person.

Section 66E authorises the chief executive to ask a prescribed entity to, inter alia: remotely monitor the monitoring device and safety device; contact the respondent, aggrieved or named person in relation to an alert or notification from the monitoring device or safety device; and give information relating to alerts and notifications from the monitoring device to the chief executive and another prescribed entity.

The definition of a prescribed entity includes, inter alia, an entity prescribed by regulation (section 66A(d)). According to the Explanatory Notes, this has been included to ensure the definition remains adaptive to changes in agency roles, responsibilities, abilities and capacity.

### **Sharing, recording and storage of information**

Under section 66F, the sharing, recording and storage of information relating to a monitoring or safety device will be prescribed by regulation. OIC notes it will be an offence to use information relating to alerts or notifications from a monitoring device or safety device for a purpose other than the purpose for which the information was obtained unless authorised or permitted under an Act.

OIC further notes in the Statement of Compatibility that setting out the requirements for the sharing, recording and storing information in the legislation rather than a regulation was considered however a regulation would allow the flexibility needed to adapt the requirements as the pilot proceeds.

As the monitoring and safety devices will capture highly sensitive personal information, OIC considers any regulations prescribing information sharing frameworks will need to clearly define the scope of what data can be shared, who can receive the data and the purposes for which the receiving entity can use the information.

### **Privacy Impact Assessment**

OIC recommends that the Queensland Police Service undertake a [Privacy Impact Assessment](#) (PIA) to identify and address any privacy risks, especially those that may lead to unauthorised

access or misuse of personal information collected from monitoring or safety devices. OIC is available to provide guidance during the development of the PIA, if required.

### Data security

Agencies must comply with their obligations under the IP Act to ensure personal information is protected from loss, unauthorised access, use, modification or disclosure or any other misuse. When handling extremely sensitive information, agencies should take maximum care in protecting the information.

Unauthorised access or misuse of highly sensitive personal information collected from a monitoring or safety device could result in serious harm to domestic and family violence victims and survivors.

From 1 July 2025, the Mandatory Notification of Data Breach Scheme (**MNDB**) will commence for all agencies (other than local government which will commence on 1 July 2026). The MNDB will require agencies to notify the OIC and affected individuals of eligible data breaches unless one of the exemptions applies.<sup>1</sup> It will also require agencies to take proactive steps to contain, assess and mitigate data breaches and to keep a data breach register and publish a data breach policy.

### **Police Protection Directions**

Clause 37 of the Bill provides that the police commissioner must keep a register containing the particulars of all PPDs issued by police officers. The particulars in the register must be made available if requested by the respondent, aggrieved or a named person to which the PPD relates. The Explanatory Notes provide that access to information regarding PPDs beyond the parties will be governed under existing information sharing provisions in Part 5A of the DFVP Act.

Part 5A of the DFVP Act refers to a receiver's use, disclosure or giving access to information to someone else in compliance with the Information Privacy Principles (section 169K(4)(b)). OIC advises that this section will need to be updated to refer to the Queensland Privacy Principles from 1 July 2025. The Queensland Privacy Principles relate to the collection, use, disclosure, access, quality and security of personal information.

### **Video-recorded evidence-in-chief**

The Bill expands the VREC framework to all summary criminal proceedings and committal proceedings for a domestic violence offence in Magistrates Court throughout Queensland. Clause 46 of the Bill provides that a police officer must explain certain matters to the complainant, including its use and disclosure, the possibility of still being required to give evidence in court and the option to refuse to consent to the making of a VREC statement. Disclosure of a VREC statement is limited under section 590AOB of the Criminal Code, with unauthorised possession, supply, copy, or publication of a VREC statement a criminal offence.

OIC is supportive of the safeguards embedded in the VREC framework, including informed consent and limitations on disclosure, which seek to strike a balance between the complainant's right to privacy and the need for a person accused of perpetrating domestic and family violence to still be made aware of the adverse evidence against them.

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<sup>1</sup> Sections 55-60 of the IP Act outline the exemptions from notification which are available under the scheme. Three of these exemptions only exempt agencies from the requirement to notify individuals – under these exemptions, agencies must still notify the Information Commissioner. The remaining three exemptions exempt agencies from the requirement to notify both the Information Commissioner and individuals.

### **Other - Digital video recordings**

Digital video recording is increasingly being used as a tool by Queensland government agencies. If agencies create digital video recordings they have an obligation to take the steps necessary to ensure people are able to exercise their right of access under the IP and RTI Act. Accordingly, OIC recommends that agencies take a 'Transparency by Design' approach when considering creating these recordings. This requires agencies to consider how they will ensure that digital recordings are easily able to be accessed, edited and released as required by the law without placing additional cost burdens on members of the community to do so.

Thank you for the opportunity to provide a submission on the Bill and we trust our comments will assist the Committee in its work.

Should you require further information regarding the above matters, please contact us at [REDACTED] or on 07 [REDACTED]

Yours sincerely



Joanne Kummrow  
**Information Commissioner**