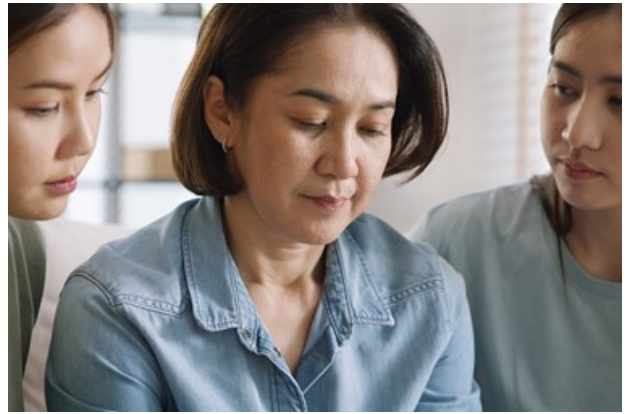




Changes to the Domestic and Family Violence Protection Act August 2023

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On 1 August 2023, the remaining provisions of the [*Domestic and Family Violence Protection \(Combating Coercive Control\) and Other Legislation Amendment Act 2023*](#) were proclaimed. This legislation encompasses the first tranche of legislative response to the [*Hear Her Voice*](#) recommendations resulting from the Women's Safety and Justice Taskforce set up to address coercive control in Queensland.

Overview of changes in domestic violence legislation in Queensland

The legislative changes commencing 1 August 2023 include amendments to the:

- *Criminal Code*
- *Domestic and Family Violence Protection Act 2012 (DFVPA)*
- *Evidence Act 1977*
- *Penalties and Sentences Act 1992*
- *Youth Justice Act 1992*

How do the amendments change the *DFVPA*?

The legislation makes significant changes to Queensland's domestic violence laws. These include the following.

Meaning of domestic violence

The amendments import '*a pattern of behaviour*' into the definition of domestic violence to encompass behaviour that occurs over a period of time and/or via a series of acts.

Cross-applications for domestic violence protection orders

In circumstances where there are cross-applications before the court (that is, where an aggrieved/respondent and respondent/aggrieved have applications on foot against each other and both allege each other has committed domestic violence), the amendments now require the court to identify who is the person "most in need of protection".

The law now provides that only one domestic violence protection order (**DVPO**) should be in place, protecting the person identified as the person most in need of protection, unless in "exceptional circumstances", there is clear evidence that each of the persons in the relationship is in need of protection from the other.

The changes also require the cross-applications to be heard together by the same court at the same hearing.

Domestic violence history

In circumstances where an application for a DVPO is made by the Queensland Police Service (**QPS**), the amendments require the QPS to provide a copy of a respondent's domestic violence history and criminal history to the court before or during the first hearing of the application.

In the case of a private application, the clerk of the court can request that the QPS provide the histories to the court.

The court 'may', but doesn't have to, consider the respondent's domestic violence history and/or criminal history when considering whether to make or vary a DVPO and/or a temporary protection order (**TPO**).

If the proceedings started before the changes to the law came into force, the court can still require the histories if it thinks they are relevant to deciding the application.

Costs in domestic violence matters

The amendments now provide an additional basis for a court to order costs against a party who brings a DVPO application.

This applies if the court hears the application and decides to dismiss it and in so doing, determines that the party making the application "*intentionally engaged in behaviour, or continued a pattern of behaviour, towards the respondent to the application that is domestic violence*". Put another way, if an applicant has brought the application as a way of perpetuating further domestic violence against the respondent to the application (i.e. as a way to control, dominate, torment, intimidate and/or harass the other

person).

You can read more about costs in our earlier article, ["Costs in domestic violence protection order matters"](#).

Changes to procedural matters

The amendments also introduce the [Domestic and Family Violence Protection Amendment Rule 2023](#) and modify [Practice Direction 4 of 2022](#).

In particular, the Rules address practicalities associated with substituted service and the provision of domestic and/or criminal histories.

The amendments to the Practice Direction deal with the changes associated with

- hearing cross-applications;
- review mention procedures;
- draft consent order procedures; and
- non-disclosure orders.

Get help from a lawyer experienced in domestic violence matters

If you are interested in how the above changes may impact your current domestic violence proceedings, please contact us. Our lawyers have expertise and experience in this specialised area and can provide representation for either the aggrieved or the respondent.

Contacting Gilshenan &Luton

[07 3361 0222](tel:0733610222) (24/7)

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Other support resources

If you, your children or someone you know is in imminent danger, you should always call 000 in the first instance.

If you would like further information about domestic violence or would like to seek support, the following services are useful and helpful resources.

1800RESPECT

24/7 National Sexual Assault, Family & Domestic Violence Counselling Line

[1800 737 732](tel:1800737732)

Or visit them online at 1800respect.org.au

LIFELINE

A national number which can help put you in contact with a crisis service

[13 11 14](tel:131114)

DVCONNECT WOMENSLINE (Queensland Service)

A 24/7 free state-wide telephone service that provides confidential counselling and referral to crisis accommodation for women and children affected by domestic or family violence and those who are concerned about a friend or family member.

[1800 811 811](tel:1800811811)

DVCONNECT MENSLINE (Queensland Service)

A free state-wide telephone service that provides counselling and referral for men for a range of issues, especially those who have experienced or use domestic and family violence and those who are concerned about a friend or family member.

[1800 600 636](tel:1800600636)

Always call [000](tel:000) in an emergency

Further reading

If you found this information interesting or useful, you may also like to read:

- [Costs in domestic violence protection order matters](#)
- [Breach of domestic violence orders when encouraged by the aggrieved](#)
- [Are my domestic violence proceedings confidential?](#)

This blog is of a general nature and should not be relied upon as legal advice. If you require further information, advice or assistance for your specific circumstances, please contact us.