

# Family Violence Amendment Regulation 2026 (No 1)

Subordinate law SL2026-14

made under the

Family Violence Act 2016

## EXPLANATORY STATEMENT

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### OVERVIEW

The National Domestic Violence Order Scheme (NDVO Scheme) is a national scheme that ensures that all family violence orders (FVOs) issued in any Australian state or territory on or after 25 November 2017 are automatically recognised and enforceable. The NDVO Scheme removed the need for a person protected by a FVO to register their FVO when they move or travel interstate.

Part 9 of *Family Violence Act 2016* (FV Act) provides a legislative framework to give effect to the NDVO Scheme and recognise FVOs issued in other Australian states and territories within the ACT. The *Family Violence Regulation 2017* (the Regulation) prescribes the types of FVOs that are eligible to be recognised in the ACT under Part 9 of the FV Act. This is intended to include all FVOs made in Australia, regardless of the jurisdiction they are made in.

On 4 September 2025, the Queensland Government passed the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025*. This introduced Police Protection Directions (PPDs) as a new type of FVO which can be issued under the *Domestic and Family Violence Protection Act 2012* (Qld). A PPD is a 12-month direction which can be issued by a police officer if the officer reasonably believes the respondent has committed domestic violence and a PPD is necessary or desirable to protect the aggrieved from domestic violence.<sup>1</sup> A PPD must not be issued in certain circumstances, including if the police officer considers it would not be more appropriate for the matter to go to court.<sup>2</sup> A PPD can impose conditions upon the respondent, including conditions requiring the respondent to not commit domestic violence against the aggrieved.<sup>3</sup> Contravening a PPD is a criminal offence.<sup>4</sup> The provisions introducing PPDs commenced on 1 January 2026.

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<sup>1</sup> *Domestic and Family Violence Protection Act 2012* (Qld) s 100B.

<sup>2</sup> Ibid ss 100C, 100D.

<sup>3</sup> Ibid ss 100G, 100H.

<sup>4</sup> Ibid s 177A.

Given PPDs are a type of FVO, it is appropriate they be recognised under the NDVO Scheme. An amendment to the Regulation is required to facilitate this in the ACT. In response, the *Family Violence Amendment Regulation 2026 (No 1)* (Amendment Regulation) makes a minor amendment to the Regulation to prescribe PPDs under section 5 (c), enabling PPDs issued in Queensland to be recognised and enforced in the ACT under the NDVO Scheme.

The Amendment Regulation will commence on the day after its notification on the Legislation Register.

### **Human rights compatibility**

The Amendment Regulation engages several human rights protected under the Human Rights Act 2004 (HR Act)

The Amendment Regulation promotes the right to protection of the family and children (section 11 of the HR Act) by strengthening continuity of protection for individuals affected by family violence under the NDVO Scheme. Recognising Queensland PPDs in the ACT as interstate FVOs ensures that people protected by PPDs, including children, continue to receive the same protection when they travel to or relocate in the ACT. This supports the safety of the family and children by reducing the risk due to jurisdictional boundaries.

Recognition of Queensland PPDs in the ACT under the NDVO Scheme may nevertheless limit certain rights of the respondents, including freedom of movement (section 13 of the HR Act) and right to a fair trial (section 21 of the HR Act) for respondents subject to a Queensland PPD as this may result in restrictions being enforceable in the ACT.

A recognised PPD may impose restrictions on a respondent's ability to enter particular places, approach or contact a protected person, which may limit their right to freedom of movement. This is akin to the conditions and restrictions which can be imposed on a respondent under other FVOs recognised in the NDVO Scheme, including FVOs issued under the FV Act in the ACT.

Further, PPDs are issued by Queensland police as a protective response in circumstances where immediate judicial determination is not considered necessary. As a result, a respondent may be subject to enforceable restrictions in the ACT without a prior court hearing for a limited period (up to 12 months). This may limit the respondent's right to a fair trial.

The legitimate purpose of the Amendment Regulation is to support the effective functioning of the NDVO Scheme by ensuring all FVOs made in any Australian jurisdictions, including PPDs, can be recognised and enforced in the ACT. The NDVO Scheme is intended to address the safety risk created by jurisdictional boundaries, ensuring that protected persons can continue to receive protection when they cross borders. In most circumstances, interstate recognition of FVOs is essential to ensure that protections operate continuously and effectively to reduce the risk of harm. The NDVO Scheme was established in 2017 by the Commonwealth Government to

provide automatic recognition and enforcement of FVOs made in any Australian jurisdiction.

Recognising PPDs in the ACT under the NDVO Scheme through the Amendment Regulation is rationally connected to achieving this purpose, to ensure all FVOs which can be made in Australian states and territories can be recognised in the ACT under the NDVO Scheme. The practical purpose of upholding the effectiveness of this scheme is that people at risk of experiencing domestic and family violence continue to receive the protections provided by an FVO irrespective of where in Australia it was issued. These limitations arise from the operation of the NDVO Scheme itself, which gives recognition and enforceability to any eligible FVOs.

Any limitation on these rights is reasonable and justifiable under section 28 of the HR Act. The Amendment Regulation provides for PPDs issued in Queensland to be recognised and enforced in the ACT in accordance with the NDVO Scheme. The NDVO Scheme already recognises FVOs of a similar character to PPDs, which can impose similar conditions and restrictions on respondents. Relevantly, the conditions which can be included in a PPD are the same as the conditions which can be included in other FVOs issued in Queensland under the *Domestic and Family Violence Protection Act 2012*.<sup>5</sup> These FVOs are already recognised under the NDVO Scheme and in the ACT.<sup>6</sup>

There are also a range of safeguards built into the PPD framework in Queensland. Further detail is provided in the statement of compatibility for the *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025*.<sup>7</sup>

The limitations are therefore rationally connected to the objective of protecting individuals from family violence, proportionate to the risks addressed, and represent the least restrictive means reasonably available to achieve the objective of the NDVO Scheme.

## **Clause notes**

### **Clause 1 – Name of regulation**

This clause provides that the name of the Amendment Regulation as the *Family Violence Amendment Regulation 2026 (No 1)*.

### **Clause 2 – Commencement**

This clause provides that the Amendment Regulation will commence on the day after its notification day.

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<sup>5</sup> Ibid ss 28, 106, 106A.

<sup>6</sup> *Family Violence Regulation 2017* (ACT) s 5(c).

<sup>7</sup> *Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025* (Qld), [Statement of Compatibility](#).

### **Clause 3 – Legislation amended**

This clause provides that the Amendment Regulation amends the *Family Violence Regulation 2017*.

### **Clause 4 – Section 5 (c)**

Section 5 (c) of the Regulation currently prescribes domestic violence orders, police protection notices, and release conditions made under the *Domestic and Family Violence Protection Act 2012* (Qld) as interstate FVOs.

The clause amends section 5 (c) to additionally prescribe PPDs as interstate FVOs for the purposes of section 115 of the FV Act, enabling recognition of Queensland PPDs in the ACT.