



*Domestic and Family Violence Protection Act 1989*

# **Domestic and Family Violence Protection Regulation 2003**

**Reprinted as in force on 27 January 2012**

**Reprint No. 1B**

This reprint is prepared by  
the Office of the Queensland Parliamentary Counsel  
Warning—This reprint is not an authorised copy

# Information about this reprint

This regulation is reprinted as at 27 January 2012. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## Spelling

The spelling of certain words or phrases may be inconsistent in this reprint or with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, ‘lodgement’ has replaced ‘lodgment’). Variations of spelling will be updated in the next authorised reprint.

## Dates shown on reprints

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, authorised (that is, hard copy) and unauthorised (that is, electronic), are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If an authorised reprint is dated earlier than an unauthorised version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of an authorised reprint is the same as the date shown for an unauthorised version previously published, it merely means that the unauthorised version was published before the authorised version. Also, any revised edition of the previously published unauthorised version will have the same date as that version.

**Replacement reprint date** If the date of an authorised reprint is the same as the date shown on another authorised reprint it means that one is the replacement of the other.



Queensland

# Domestic and Family Violence Protection Regulation 2003

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# Domestic and Family Violence Protection Regulation 2003

[as amended by all amendments that commenced on or before 27 January 2012]

## 1 Short title

This regulation may be cited as the *Domestic and Family Violence Protection Regulation 2003*.

## 2 Commencement

This regulation commences on 10 March 2003.

## 3 Registration of interstate order—Act, s 42(7)

- (1) For section 42(7) of the Act, a clerk of a Magistrates Court registers an interstate order by entering details of the order in a register kept by the clerk for registration of interstate orders.
- (2) The clerk must keep the register in a physical or electronic form.

## 4 Entry in register relating to person in custody—Act, s 70(2)

For section 70(2) of the Act, the following are the particulars that must be entered in the register kept by the watch-house manager for a person taken into custody under section 69(1) of the Act—

- (a) the name and address of the person;
- (b) the date and time the person was taken into custody;
- (c) the name, rank, station and number in the police service of the police officer who took the person into custody;
- (d) the grounds the police officer has for suspecting the matters mentioned in section 69(1) of the Act.

**5 Prescribed conditions for release—Act, s 71(3)(d)**

- (1) For section 71(3)(d) of the Act, the following are the prescribed conditions on which a person may be released from custody—
  - (a) the person must not possess a weapon;
  - (b) the person must be of good behaviour towards the aggrieved;
  - (c) the person must not commit an act that would constitute domestic violence against the aggrieved;
  - (d) the person must be of good behaviour towards a named relative or associate;
  - (e) the person must not commit an act that would constitute associated domestic violence against a named relative or associate.
- (2) The conditions mentioned in subsection (1)(d) and (e) apply only if a relative or associate of the aggrieved is named in the conditions on which the person is released.

**6 Publication of proceedings—Act, s 82(1)**

- (1) For section 82(1) of the Act, publication of a notification or an account of proceedings is permitted if—
  - (a) the proceedings relate to a matter in the public domain; or
  - (b) the community has a legitimate interest in the proceedings.
- (2) For subsection (1)(a), the proceedings relate to a matter in the public domain if—
  - (a) a domestic violence order was made in the proceedings—
    - (i) against a person as a respondent; or
    - (ii) for the benefit of a person as the aggrieved, or a relative or associate of the aggrieved; and

- 
- (b) the person has subsequently been convicted in proceedings under another Act that were factually related to the domestic violence order.
- (3) For subsection (1)(b), the community has a legitimate interest in the proceedings if an incident happens in which—
- (a) a respondent in the proceedings causes the death of, or injury to, the aggrieved or a named person in the proceedings and the incident results in the death of the respondent; or
  - (b) the aggrieved or a named person in the proceedings causes the death of, or injury to, a respondent in the proceedings and the incident results in the death of the aggrieved or the named person.

## **7 Prescribed laws—Act, schedule, definition *interstate order***

For the definition *interstate order* in the schedule of the Act, each of the following is a prescribed law—

- (a) the *Crimes (Domestic and Personal Violence) Act 2007* (NSW);
- (b) the *Domestic and Family Violence Act* (NT);
- (c) the *Domestic Violence Act 1995* (NZ);
- (d) the *Domestic Violence and Protection Orders Act 2008* (ACT);
- (e) the *Family Violence Act 2004* (Tas);
- (f) the *Family Violence Protection Act 2008* (Vic);
- (g) the *Intervention Orders (Prevention of Abuse) Act 2009* (SA);
- (h) the *Justices Act 1959* (Tas);
- (i) the *Restraining Orders Act 1997* (WA);
- (j) the *Summary Procedure Act 1921* (SA).

## **8 Provision of statistical summaries**

- (1) This section applies to a clerk of—
  - (a) a Magistrates Court; or
  - (b) another court that makes a domestic violence order.
- (2) The clerk must, for each month, give the chief executive a summary, in statistical form, about matters relating to domestic violence dealt with by the court under the Act.
- (3) The clerk must give the summary to the chief executive within 10 business days of the end of the month to which the summary relates.

## **9 Repeal**

The Domestic Violence (Family Protection) Regulation 1993 SL No. 152 is repealed.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 27 January 2012. Future amendments of the Domestic and Family Violence Protection Regulation 2003 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	10 March 2003	
1A	2009 SL No. 124	26 June 2009	
1B	2012 SL No. 13	27 January 2012	

### 5 Tables in earlier reprints

Name of table	Reprint No.
Corrected minor errors	1

## 6 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

### **Domestic and Family Violence Protection Regulation 2003 SL No. 20**

made by the Governor in Council on 20 February 2003

notfd gaz 21 February 2003 pp 622–3

ss 1–2 commenced on date of notification

remaining provisions commenced 10 March 2003 (see s 2)

exp 1 September 2013 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

### **Domestic and Family Violence Protection Amendment Regulation (No. 1) 2009 SL No. 124**

notfd gaz 26 June 2009 pp 831–7

commenced on date of notification

### **Domestic and Family Violence Protection Amendment Regulation (No. 1) 2012 SL No. 13**

notfd gaz 27 January 2012 pp 139–40

commenced on date of notification

## 7 List of annotations

### **Prescribed laws—Act, schedule, definition “interstate order”**

s 7 sub 2009 SL No. 124 s 3

amd 2012 SL No. 13 s 3