

Queensland



Subordinate Legislation 2003 No. 20

Domestic and Family Violence Protection Act 1989

**DOMESTIC AND FAMILY VIOLENCE
PROTECTION REGULATION 2003**

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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)¹ 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)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)³ of the Act, the following are the prescribed conditions on which a person may be released from custody—

1 Section 42 (Registration of interstate order) of the Act
2 Section 70 (Duty of police officer who has taken a person into custody under s 69) of the Act
3 Section 71 (Police officer must apply for protection order etc.) of the Act

- (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)⁴ 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—

4 Section 82 (Restriction on publication of proceedings) of the Act

- (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”⁵ in the schedule of the Act, each of the following is a prescribed law—

- (a) the *Crimes Act 1900* (NSW);
- (b) the *Crimes (Family Violence) Act 1987* (Vic);
- (c) the *Domestic Violence Act* (NT);
- (d) the *Domestic Violence Act 1994* (SA);
- (e) the *Domestic Violence Act 1995* (NZ);
- (f) the *Justices Act 1959* (Tas);
- (g) the *Protection Orders Act 2001* (ACT);
- (h) the *Restraining Orders Act 1997* (WA);
- (i) 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.

⁵ Schedule (Dictionary) of the Act.

9 Repeal

The Domestic Violence (Family Protection) Regulation 1993 No. 152 is repealed.

ENDNOTES

1. Made by the Governor in Council on 20 February 2003.
2. Notified in the gazette on 21 February 2003.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Families.