



Queensland

Domestic and Family Violence Protection Amendment Rule 2017

Subordinate Legislation 2017 No. 192

made under the

Magistrates Courts Act 1921

Contents

		Page
1	Short title	2
2	Rules amended	2
3	Amendment of r 13 (Proof of personal service)	2
4	Amendment of r 14 (Statement of police service)	2
5	Insertion of new r 14A	3
	14A Affirming statement of police service	3
6	Amendment of r 50 (Withdrawal of DFVP application)	3
7	Insertion of new r 50A	4
	50A Notice DFVP application has been withdrawn	4
8	Amendment of r 52 (Assessing costs in a proceeding)	5
9	Amendment of sch 1, s 1 (Costs allowed for counsel and solicitor or clerk of the DFVP court)	5
10	Amendment of sch 2 (Dictionary)	6

[s 1]

1 Short title

This rule may be cited as the *Domestic and Family Violence Protection Amendment Rule 2017*.

2 Rules amended

This rule amends the *Domestic and Family Violence Protection Rules 2014*.

3 Amendment of r 13 (Proof of personal service)

Rule 13(1)—

omit, insert—

- (1) This rule applies to a person, other than a police officer, who must personally serve a document under the DFVP Act or these rules.

4 Amendment of r 14 (Statement of police service)

- (1) Rule 14(1)(b), ‘that is not a court order’—

omit.

- (2) Rule 14(3), ‘, or these rules provide,’—

omit.

- (3) Rule 14(4)—

insert—

- (c) include a statement that either—

- (i) the contents of the statement are true; or

- (ii) if the contents of the statement are stated on the basis of information and belief—the contents are true to the best of the knowledge of the officer; and

- (d) include a statement that the officer understands that a police officer who

provides a false matter in the statement
commits an offence.

Example of offence—

misleading declaration under the Criminal Code, section
194

5 Insertion of new r 14A

After rule 14—

insert—

14A Affirming statement of police service

- (1) A police officer making a statement of police service must affirm the statement before—
 - (a) the officer in charge of a police station, police establishment or watch-house; or
 - (b) if an officer mentioned paragraph (a) is not practicably available—a police officer of or above the rank of sergeant; or
 - (c) if an officer mentioned in paragraph (a) or (b) is not practicably available—a police officer who is more senior in rank to the officer making the statement.
- (2) The statement of police service must be signed by the police officer before whom it was affirmed (the *witnessing officer*) above a statement of the witnessing officer's name and rank.

6 Amendment of r 50 (Withdrawal of DFVP application)

- (1) Rule 50(1), 'An applicant may withdraw a'—

omit, insert—

The applicant for a domestic violence order or the variation of a domestic violence order may withdraw the applicant's

- (2) Rule 50(2)(a), 'person withdrawing the DFVP application'—

[s 7]

omit, insert—

applicant

- (3) Rule 50(3), from ‘nearby police officer’—

omit, insert—

officer in charge of the nearest police station for service on each person who—

- (a) is a party in the proceeding, other than the applicant; and
- (b) has been served with a copy of the DFVP application.

- (4) Rule 50(4)—

omit, insert—

- (4) A police officer must personally serve a copy of the application to withdraw on each person mentioned in subrule (3).

- (5) Rule 50(6)—

omit.

7 Insertion of new r 50A

Part 6—

insert—

50A Notice DFVP application has been withdrawn

- (1) This rule applies if a DFVP application is withdrawn under rule 50 during a proceeding in a DFVP court—
- (a) either—
 - (i) orally by the applicant; or
 - (ii) because a DFVP court grants an application to withdraw; and
 - (b) in the absence of—

-
- (i) for an application withdrawn under paragraph (a)(ii)—the applicant; or
 - (ii) the aggrieved; or
 - (iii) another party to the proceeding who has been served with a copy of the DFVP application.
- (2) The clerk of the DFVP court must give written notice that the DFVP application has been withdrawn to the officer in charge of the nearest police station for service on the party mentioned in subrule (1)(b).
 - (3) A police officer must tell the party that the DFVP application has been withdrawn.
 - (4) For subrule (3), a police officer may tell a party that the DFVP application has been withdrawn in any way, including, for example, by written notice, telephone, email, SMS message, a social networking site or other electronic means.

8 Amendment of r 52 (Assessing costs in a proceeding)

Rule 52—

insert—

- (4) In this rule—

costs assessor means a costs assessor appointed under the *Uniform Civil Procedure Rules 1999*, rule 743L.

9 Amendment of sch 1, s 1 (Costs allowed for counsel and solicitor or clerk of the DFVP court)

Schedule 1, section 1, ‘of the DFVP court’—

omit.

[s 10]

10 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

nearest police station, in relation to a DFVP application, means the police station nearest the place where the respondent lives or was last known to live.

ENDNOTES

- 1 Made by the Governor in Council on 21 September 2017.
- 2 Notified on the Queensland legislation website on 22 September 2017.
- 3 The administering agency is the Department of Justice and Attorney-General.

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