



Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025



Queensland

Domestic and Family Violence Protection and Other Legislation Amendment Bill 2025

Contents

| | | Page |
|---------------|--|------|
| Part 1 | Preliminary | |
| 1 | Short title | 8 |
| 2 | Commencement | 8 |
| Part 2 | Amendment of Domestic and Family Violence Protection Act 2012 | |
| 3 | Act amended | 8 |
| 4 | Amendment of s 3 (Main objects) | 8 |
| 5 | Amendment of s 21 (Who is an aggrieved and who is a respondent) | 9 |
| 6 | Amendment of s 22 (Child as aggrieved or respondent) | 9 |
| 7 | Amendment of s 22A (Who is the person most in need of protection in a relevant relationship) | 10 |
| 8 | Amendment of s 25 (Who can apply for a protection order) | 10 |
| 9 | Amendment of s 32 (Application for protection order) | 10 |
| 10 | Amendment of s 36A (Court must be given respondent's criminal history and domestic violence history) | 10 |
| 11 | Amendment of s 37 (When court may make protection order) | 11 |
| 12 | Amendment of s 44 (When court may make temporary protection order) | 11 |
| 13 | Insertion of new pt 3, div 5, sdiv 1, hdg | 12 |
| 14 | Insertion of new pt 3, div 5, sdiv 2, hdg | 13 |
| 15 | Insertion of new pt 3, div 5, sdiv 3 and sdiv 4, hdg | 13 |
| | Subdivision 3 Monitoring device conditions | |
| | 66A Definitions for subdivision | 13 |
| | 66B Court may impose monitoring device condition | 14 |
| | 66C Considerations for imposing monitoring device condition | 15 |
| | 66D Request for information | 16 |

Contents

| | | | |
|----|---------------|--|----|
| | 66E | Other conditions and arrangements if monitoring device condition imposed | 16 |
| | 66F | Information relating to monitoring device condition . . | 18 |
| | 66G | Restriction on disclosure in proceedings | 19 |
| | 66H | Expiry of subdivision | 19 |
| 16 | | Amendment of s 75 (Approval of providers and intervention programs) | 19 |
| 17 | | Amendment of s 83 (No exemption under Weapons Act) | 20 |
| 18 | | Amendment of s 100 (Police officer must investigate domestic violence) | 20 |
| 19 | | Insertion of new pt 4, div 1A | 21 |
| | Division 1A | Power to issue police protection direction | |
| | Subdivision 1 | Preliminary | |
| | 100A | Purpose of police protection directions | 21 |
| | Subdivision 2 | Issue of police protection direction | |
| | 100B | Police officer may issue direction | 21 |
| | 100C | Circumstances when police officer must not issue direction | 22 |
| | 100D | Restriction on issuing direction involving child of respondent | 24 |
| | 100E | Other matters for consideration before issuing direction | 25 |
| | 100F | Naming persons in direction | 27 |
| | 100G | Standard conditions must be included | 27 |
| | 100H | Other conditions may be included | 28 |
| | 100I | Condition for protection of unborn child | 30 |
| | 100J | Police officer must consider accommodation needs . | 30 |
| | 100K | Approval of supervising police officer required | 31 |
| | 100L | Cross-direction not permitted | 33 |
| | 100M | Contact details and address for service | 33 |
| | 100N | Form of direction | 34 |
| | 100O | Service of direction and grounds on respondent | 36 |
| | 100P | Giving copy of direction and grounds to aggrieved and named persons | 36 |
| | 100Q | Explanation | 37 |
| | 100R | Duration | 39 |
| | Subdivision 3 | Amendment of direction | |

| | | | |
|----|--|--|----|
| | 100S | Amendment of police protection direction | 41 |
| | Subdivision 4 Police review of direction | | |
| | 100T | Starting review on police officer's initiative | 42 |
| | 100U | Starting review on application | 42 |
| | 100V | Effect of starting review | 43 |
| | 100W | Submissions and information | 43 |
| | 100X | Conduct of review | 44 |
| | 100Y | Decision on review | 45 |
| | Subdivision 5 Court review of direction | | |
| | 100Z | Application for review | 48 |
| | 100ZA | Filing and service of documents | 48 |
| | 100ZB | Police protection direction taken to be application for protection order | 50 |
| | 100ZC | Effect of application | 51 |
| | 100ZD | Decision of court about police protection direction . . | 52 |
| 20 | | Amendment of s 134 (Application of division) | 53 |
| 21 | | Amendment of s 134A (Power to give direction) | 53 |
| 22 | | Amendment of s 134E (Responsibilities of police officer in relation to direction) | 53 |
| 23 | | Amendment of s 134F (Offence to contravene direction) | 54 |
| 24 | | Amendment of s 135B (Diversion orders scheme) | 54 |
| 25 | | Amendment of s 135C (Eligibility criteria for participation in scheme) | 54 |
| 26 | | Amendment of s 135T (Approval of providers and diversion programs) | 54 |
| 27 | | Amendment of s 145 (Evidence) | 54 |
| 28 | | Amendment of s 164 (Who may appeal) | 55 |
| 29 | | Amendment of s 172 (Meaning of local order) | 55 |
| 30 | | Amendment of s 175 (Meaning of properly notified) | 55 |
| 31 | | Insertion of new s 177A | 56 |
| | 177A | Contravention of a police protection direction | 56 |
| 32 | | Amendment of s 179A (Engaging in domestic violence or associated domestic violence to aid respondent) | 57 |
| 33 | | Amendment of s 180 (Aggrieved or named person not guilty of offence) | 57 |
| 34 | | Amendment of s 184 (Service of order on respondent) | 58 |
| 35 | | Amendment of s 188 (Giving of document to child) | 58 |
| 36 | | Amendment of s 189 (Evidentiary provision) | 58 |

Contents

| | | |
|---------------|---|----|
| 37 | Insertion of new s 189C | 59 |
| | 189C Police protection directions register | 59 |
| 38 | Insertion of new s 192A | 60 |
| | 192A Review of police protection directions provisions . . . | 60 |
| 39 | Insertion of new pt 10, div 7 | 61 |
| | Division 7 Transitional provisions for Domestic and Family Violence Protection and Other Legislation Amendment Act 2025 | |
| | 243 Effectiveness of monitoring device condition after court stops being prescribed or pt 3, div 5, sdiv 3 expires | 61 |
| | 244 Application of pt 3, div 5, sdiv 3 to proceeding to vary domestic violence order | 62 |
| 40 | Amendment of schedule (Dictionary) | 62 |
| Part 3 | Amendment of Evidence Act 1977 | |
| 41 | Act amended | 64 |
| 42 | Replacement of s 103C (Meaning of domestic violence proceeding) | 64 |
| | 103C Meaning of domestic violence proceeding | 64 |
| 43 | Amendment of pt 6A, div 2, sdiv 1, hdg (Use of recorded statements) | 65 |
| 44 | Amendment of s 103D (Use of recorded statement as complainant's evidence-in-chief) | 65 |
| 45 | Amendment of s 103E (Requirements for making recorded statements) | 65 |
| 46 | Amendment of s 103F (When recorded statement is made with informed consent) | 66 |
| 47 | Amendment of s 103H (Admissibility of recorded statements generally) | 68 |
| 48 | Amendment of s 103I (Admissibility of recorded statements in particular committal proceedings) | 68 |
| 49 | Amendment of s 103IA (Admissibility of transcripts of recorded statements in particular registry committal proceedings) | 69 |
| 50 | Amendment of s 103Q (Unauthorised possession of, or dealing in, recorded statements or transcripts of recorded statements) | 69 |
| 51 | Insertion of new pt 6A, div 2, sdiv 5 | 69 |
| | Subdivision 5 Miscellaneous | |
| | 103SAA Operation of particular provision not affected in relation to use of recorded statements | 69 |
| 52 | Insertion of new pt 9, div 18 | 70 |
| | Division 18 Transitional provisions for Domestic and Family | |

| | | |
|---------------|---|----|
| | Violence Protection and Other Legislation Amendment Act 2025 | |
| 178 | Definitions for division | 70 |
| 179 | Recorded statements not completed before commencement | 70 |
| 180 | Recorded statements made under former s 103E .. | 71 |
| 181 | Application of former pt 6A, divs 1 and 2 to particular existing domestic violence proceedings | 71 |
| 182 | Application of new pt 6A, divs 1 and 2 | 72 |
| Part 4 | Amendment of Explosives Act 1999 | |
| 53 | Act amended | 73 |
| 54 | Amendment of s 12B (Criteria for deciding applications) | 73 |
| 55 | Amendment of s 12G (Reports about criminal history and other matters) | 73 |
| 56 | Amendment of s 12H (Commissioner must give notice of particular matters) | 73 |
| 57 | Amendment of s 25B (Immediate cancellation if protection order made) | 74 |
| 58 | Amendment of s 126AA (Effect of appeals against domestic violence orders) | 74 |
| | 126AA Effect of setting aside or revoking domestic violence order or police protection direction | 74 |
| 59 | Amendment of sch 2 (Dictionary) | 75 |
| Part 5 | Amendment of Penalties and Sentences Act 1992 | |
| 60 | Act amended | 75 |
| 61 | Amendment of s 11 (Matters to be considered in determining offender's character) | 76 |
| Part 6 | Amendment of Police Powers and Responsibilities Act 2000 | |
| 62 | Act amended | 76 |
| 63 | Amendment of s 365 (Arrest without warrant) | 76 |
| 64 | Amendment of s 604 (Dealing with persons affected by potentially harmful things) | 76 |
| 65 | Amendment of s 610 (Police actions after domestic violence order, police protection notice or release conditions are made) | 77 |
| 66 | Amendment of s 715 (What is the appointed day for disposal of weapons under s 714) | 77 |
| 67 | Amendment of sch 5A (Prescribed documents for service by electronic communication) | 78 |
| 68 | Amendment of sch 6 (Dictionary) | 78 |

Contents

| | | |
|-------------------|---|----|
| Part 7 | Amendment of Residential Tenancies and Rooming Accommodation Act 2008 | |
| 69 | Act amended | 78 |
| 70 | Amendment of s 245 (Injury to domestic associate) | 78 |
| 71 | Amendment of s 344 (Damage or injury) | 79 |
| 72 | Amendment of sch 2 (Dictionary) | 79 |
| Part 8 | Amendment of Weapons Act 1990 | |
| 73 | Act amended | 79 |
| 74 | Amendment of s 10B (Fit and proper person—licensees) | 80 |
| 75 | Amendment of s 10C (Fit and proper person—licensed dealer’s associate) | 80 |
| 76 | Amendment of s 24 (Change in licensee’s circumstances) | 80 |
| 77 | Amendment of s 28A (Revocation or suspension of licence and related matters after protection order is made) | 80 |
| 78 | Amendment of s 29A (Action by court if respondent has access to weapons through employment) | 81 |
| 79 | Amendment of s 29B (Arrangements for surrender of suspended or revoked licences and weapons) | 81 |
| 80 | Amendment of s 34AA (Effect of an appeal against a domestic violence order) | 82 |
| | 34AA Effect of discharging domestic violence order or revoking or setting aside police protection direction | 83 |
| 81 | Amendment of s 53 (An unlicensed person may use a weapon at an approved range) | 83 |
| 82 | Amendment of sch 2 (Dictionary) | 83 |
| Part 9 | Other amendments | |
| 83 | Legislation amended | 84 |
| Schedule 1 | Other amendments | 85 |
| | Child Protection Act 1999 | 85 |
| | Corrective Services Act 2006 | 85 |
| | Criminal Code | 86 |
| | Disability Services Act 2006 | 86 |
| | Domestic and Family Violence Protection Act 2012 | 87 |
| | Industrial Relations Act 2016 | 87 |
| | Working with Children (Risk Management and Screening) Act 2000 | 88 |

2025

A Bill

for

An Act to amend the *Domestic and Family Violence Protection Act 2012*, the *Evidence Act 1977*, the *Explosives Act 1999*, the *Penalties and Sentences Act 1992*, the *Police Powers and Responsibilities Act 2000*, the *Residential Tenancies and Rooming Accommodation Act 2008*, the *Weapons Act 1990* and the legislation mentioned in schedule 1 for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Domestic and Family Violence Protection and Other Legislation Amendment Act 2025*. 4
5

Clause 2 Commencement 6

This Act commences on a day to be fixed by proclamation. 7

Part 2 Amendment of Domestic and Family Violence Protection Act 2012 8
9
10

Clause 3 Act amended 11

This part amends the *Domestic and Family Violence Protection Act 2012*. 12
13

Note— 14

See also the amendments in schedule 1. 15

Clause 4 Amendment of s 3 (Main objects) 16

(1) Section 3(2)(b), after ‘issue a’— 17

insert— 18

police protection direction or 19

(2) Section 3(2)(c), after ‘order’— 20

insert— 21

| | | |
|-----------------|--|----------------|
| | , police protection direction | 1 |
| Clause 5 | Amendment of s 21 (Who is an <i>aggrieved</i> and who is a <i>respondent</i>) | 2 3 |
| (1) | Section 21(1), ‘or a police protection notice,’— | 4 |
| | <i>omit, insert—</i> | 5 |
| | police protection direction or police protection notice | 6 7 |
| (2) | Section 21(2), ‘order or’— | 8 |
| | <i>omit, insert—</i> | 9 |
| | order, police protection direction or | 10 |
| (3) | Section 21(3), ‘or a police protection notice,’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | police protection direction or police protection notice | 13 14 |
| (4) | Section 21(5), after ‘in a’— | 15 |
| | <i>insert—</i> | 16 |
| | police protection direction or | 17 |
| Clause 6 | Amendment of s 22 (Child as aggrieved or respondent) | 18 |
| (1) | Section 22— | 19 |
| | <i>insert—</i> | 20 |
| (3A) | To remove any doubt, it is declared that a child can not be named as the aggrieved or respondent in a police protection direction. | 21 22 23 |
| | <i>Note—</i> | 24 |
| | See section 100C(1)(a). | 25 |
| (2) | Section 22(3A) and (4)— | 26 |
| | <i>renumber</i> as section 22(4) and (5). | 27 |

[s 7]

| | | |
|------------------|---|----------------------|
| Clause 7 | Amendment of s 22A (Who is the <i>person most in need of protection</i> in a relevant relationship) | 1 2 |
| | (1) Section 22A(2), ‘a court must consider’— | 3 |
| | <i>omit, insert—</i> | 4 |
| | the following matters must be considered | 5 |
| | (2) Section 22A(2)(a), (b), (c) and (d), ‘; and’— | 6 |
| | <i>omit, insert—</i> | 7 |
| | ; | 8 |
| Clause 8 | Amendment of s 25 (Who can apply for a protection order) | 9 10 |
| | Section 25(1)(c), ‘section 100(2)(a)’— | 11 |
| | <i>omit, insert—</i> | 12 |
| | part 4 | 13 |
| Clause 9 | Amendment of s 32 (Application for protection order) | 14 |
| | Section 32(1)(c), ‘section 100(2)(a)’— | 15 |
| | <i>omit, insert—</i> | 16 |
| | part 4 | 17 |
| Clause 10 | Amendment of s 36A (Court must be given respondent’s criminal history and domestic violence history) | 18 19 |
| | (1) Section 36A(1)— | 20 |
| | <i>insert—</i> | 21 |
| | (d) a copy of a police protection direction issued by a police officer is filed in the court, under section 100ZA, to be heard as an application for a protection order; or | 22 23 24 25 |
| | (e) an application for a review of a police protection direction under section 100Z is | 26 27 |

| | | |
|------------------|---|----------------------------------|
| | taken to be an application for a protection order under section 100ZB(2). | 1 2 |
| (2) | Section 36A(2)(a)(i)— | 3 |
| | <i>omit, insert—</i> | 4 |
| | (i) with an application, notice or direction mentioned in subsection (1)(a), (c) or (d); or | 5 6 |
| Clause 11 | Amendment of s 37 (When court may make protection order) | 7 8 |
| | Section 37(3)— | 9 |
| | <i>omit, insert—</i> | 10 |
| | (3) However, the court must not refuse to make a protection order merely because— | 11 12 |
| | (a) the respondent has complied with an intervention order or a diversion order previously made against the respondent; or | 13 14 15 |
| | (b) a police protection direction has been issued against the respondent and is still in force. | 16 17 |
| Clause 12 | Amendment of s 44 (When court may make temporary protection order) | 18 19 |
| | Section 44(2)— | 20 |
| | <i>omit, insert—</i> | 21 |
| | (2) For subsection (1)(a)— | 22 |
| | (a) if the application is a police protection direction taken to be an application for a protection order under section 100ZB(1), it does not matter whether or not the nature of the protection order sought and the grounds on which the order is sought— | 23 24 25 26 27 28 |
| | (i) are stated in a statement mentioned in section 100ZA(1)(c); or | 29 30 |

[s 13]

| | | |
|------------------|--|----------------------------------|
| | (ii) have otherwise been made known to the court; and | 1 2 |
| | (b) if the application is an application for a review of a police protection direction taken to be an application for a protection order under section 100ZB(2), it does not matter whether or not the nature of the protection order sought and the grounds on which the order is sought— | 3 4 5 6 7 8 9 |
| | (i) are stated in the application for the review; or | 10 11 |
| | (ii) have otherwise been made known to the court; and | 12 13 |
| | (c) if the application is a police protection notice taken to be an application for a protection order under section 112, it does not matter whether or not the nature of the protection order sought and the grounds on which the order is sought— | 14 15 16 17 18 19 |
| | (i) are stated in the police protection notice; or | 20 21 |
| | (ii) are stated in a statement mentioned in section 111(3) that has been filed under that section; or | 22 23 24 |
| | (iii) have otherwise been made known to the court. | 25 26 |
| Clause 13 | Insertion of new pt 3, div 5, sdiv 1, hdg | 27 |
| | Part 3, division 5— | 28 |
| | <i>insert—</i> | 29 |
| | Subdivision 1 Standard and general conditions | 30 31 |

| | | |
|------------------|---|----------------------------|
| Clause 14 | Insertion of new pt 3, div 5, sdiv 2, hdg | 1 |
| | After section 62— | 2 |
| | <i>insert—</i> | 3 |
| | Subdivision 2 Ouster and return conditions | 4 |
| | | 5 |
| Clause 15 | Insertion of new pt 3, div 5, sdiv 3 and sdiv 4, hdg | 6 |
| | After section 66— | 7 |
| | <i>insert—</i> | 8 |
| | Subdivision 3 Monitoring device conditions | 9 |
| | | 10 |
| | 66A Definitions for subdivision | 11 |
| | In this subdivision— | 12 |
| | <i>monitoring device</i> means an electronic device capable of being worn, and not removed, by a person for the purpose of a prescribed entity finding or monitoring the geographical location of the person. | 13 14 15 16 17 |
| | <i>monitoring device condition</i> see section 66B(1). | 18 |
| | <i>prescribed entity</i> means each of the following entities— | 19 20 |
| | (a) the chief executive of a department that is mainly responsible for any of the following matters— | 21 22 23 |
| | (i) adult corrective services; | 24 |
| | (ii) child protection services; | 25 |
| | (iii) community services; | 26 |
| | (b) the chief executive of another department that provides services to persons who fear or | 27 28 |

[s 15]

- experience domestic violence or who
commit domestic violence; 1
2
- (c) the police commissioner; 3
- (d) an entity prescribed by regulation for this
definition. 4
5
- safety device* means an electronic device given to 6
a person by a prescribed entity for the purpose of 7
identifying risks to the safety of the person in 8
relation to another person on whom a monitoring 9
device condition is imposed. 10

**66B Court may impose monitoring device
condition** 11
12

- (1) Without limiting section 57, if the respondent is 13
an adult, the court may impose a condition (a 14
monitoring device condition) on the respondent 15
that requires the respondent to wear a monitoring 16
device for a stated period if— 17
- (a) the court is satisfied that— 18
- (i) the wearing of a monitoring device by 19
the respondent is necessary or desirable 20
to protect the aggrieved from domestic 21
violence, a named person from 22
associated domestic violence or a 23
named person who is a child from 24
being exposed to domestic violence; 25
and 26
- (ii) either— 27
- (A) the respondent has been convicted 28
of, or is charged with, a domestic 29
violence offence or an indictable 30
offence involving violence against 31
another person; or 32

-
- (B) there is a history of charges for domestic violence offences made against the respondent; and
- (iii) the respondent is not required by a court or other entity to wear an electronic device for the purpose of an entity finding or monitoring the respondent's geographical location; and
- (b) the court is prescribed by regulation for this paragraph as a court that can impose a monitoring device condition; and
- (c) any other requirement prescribed by regulation for this section is satisfied.
- (2) The monitoring device condition may be imposed only for the period the court considers reasonably necessary in all the circumstances of the case.
- (3) The court must give reasons for imposing the monitoring device condition.

66C Considerations for imposing monitoring device condition

- (1) In deciding whether to impose a monitoring device condition on the respondent, the court must consider, in addition to the matters mentioned in section 57 and the information given under section 66D, the following matters—
- (a) the personal circumstances of the respondent, including the geographical area where the respondent lives and the respondent's living arrangements;
- (b) the respondent's ability to charge and maintain the monitoring device;
- (c) any views or wishes expressed by the aggrieved or named person regarding

[s 15]

| | |
|---|----------------------------------|
| imposing the monitoring device condition on the respondent; | 1 2 |
| (d) any other matter prescribed by regulation for this section. | 3 4 |
| (2) Without limiting subsection (1), a court imposing a monitoring device condition on the respondent must consider whether to impose on the respondent— | 5 6 7 8 |
| (a) an ouster condition; or | 9 |
| (b) a condition under section 58(c) that prohibits the respondent from approaching, or attempting to approach, the aggrieved or named person. | 10 11 12 13 |
| 66D Request for information | 14 |
| (1) The court may ask a prescribed entity or another entity prescribed by regulation for this section to provide information that the court reasonably considers may help the court in deciding whether it is necessary or desirable to impose the monitoring device condition on the respondent. | 15 16 17 18 19 20 |
| (2) The entity must comply with the request for information. | 21 22 |
| 66E Other conditions and arrangements if monitoring device condition imposed | 23 24 |
| (1) If the court imposes a monitoring device condition on the respondent— | 25 26 |
| (a) the court may impose any other condition that the court considers necessary to facilitate the operation of the monitoring device; and | 27 28 29 30 |

-
- Examples of conditions a court may consider necessary to facilitate the operation of a monitoring device required to be worn by a respondent—*
- a condition that requires the respondent to attend at a stated place to be fitted with the monitoring device
 - a condition that requires the respondent to take stated and other reasonable steps to ensure the monitoring device and any equipment necessary for the operation of the monitoring device are, or remain, in good working order
- (b) the chief executive must make all necessary and convenient arrangements to ensure compliance with the monitoring device condition and any other conditions the court imposes.
- (2) The chief executive may, for the performance of the chief executive’s function under subsection (1)(b), ask a prescribed entity—
- (a) to fit the monitoring device to, or to remove the monitoring device from, the respondent; and
 - (b) to do any of the following—
 - (i) remotely monitor the monitoring device;
 - (ii) give a safety device to the aggrieved or named person;
 - (iii) remotely monitor the safety device;
 - (iv) contact the respondent in relation to an alert or notification from the monitoring device;
 - (v) contact the aggrieved or named person in relation to an alert or notification from the safety device;

[s 15]

- (vi) give information relating to alerts and notifications from the monitoring device to the chief executive and another prescribed entity; 1
2
3
4
 - (vii) anything else the chief executive considers relevant to the imposition of the conditions. 5
6
7
 - (3) In making a request under subsection (2), the chief executive may have regard to the prescribed entity's ability to comply with the request. 8
9
10
 - (4) The prescribed entity must comply with a request under subsection (2). 11
12
 - (5) The prescribed entity may delegate a function requested under subsection (2) to an appropriately qualified person. 13
14
15
- 66F Information relating to monitoring device condition** 16
17
- (1) A regulation may prescribe— 18
 - (a) how information relating to a monitoring device or safety device, including information relating to alerts and notifications from the device or a person's geographical location, may be shared and with whom; and 19
20
21
22
23
24
 - (b) the purpose for which the information may be shared; and 25
26
 - (c) the entity responsible for recording or storing the information; and 27
28
 - (d) how the information will be recorded or stored. 29
30
- (2) A person who obtains information relating to a monitoring device or safety device, including information relating to alerts and notifications from the device or a person's geographical 31
32
33
34

location, must not use the information for a purpose other than—

(a) the purpose for which the information was obtained; or

(b) a purpose that is authorised or permitted under an Act.

Maximum penalty—100 penalty units or 2 years imprisonment.

66G Restriction on disclosure in proceedings

Evidence of the imposition of a monitoring device condition or the use of a monitoring device or safety device, and other evidence directly or indirectly derived from the imposition or use, is not admissible in any proceeding other than a proceeding for a domestic violence offence.

66H Expiry of subdivision

This subdivision expires on the day that is 2 years after the day this section commences.

Subdivision 4 Condition for protection of unborn child

Clause 16 Amendment of s 75 (Approval of providers and intervention programs)

(1) Section 75(1), from ‘the entity’—

omit, insert—

the entity—

(a) has appropriate experience and qualifications to provide an approved intervention program or counselling; and

[s 17]

| | | |
|------------------|---|----------------------|
| | (b) satisfies any other criteria prescribed by regulation. | 1 2 |
| (2) | Section 75(2)(b), ‘prescribed under a’— <i>omit, insert—</i> prescribed by | 3 4 5 |
| Clause 17 | Amendment of s 83 (No exemption under Weapons Act) | 6 |
| (1) | Section 83(2), after ‘domestic violence order,’— <i>insert—</i> police protection direction, | 7 8 9 |
| (2) | Section 83(2), after ‘the order,’— <i>insert—</i> direction, | 10 11 12 |
| (3) | Section 83(3), after ‘domestic violence order,’— <i>insert—</i> police protection direction, | 13 14 15 |
| (4) | Section 83(4)(b), ‘notice and explains the’— <i>omit, insert—</i> direction or police protection notice and explains the direction or | 16 17 18 19 |
| Clause 18 | Amendment of s 100 (Police officer must investigate domestic violence) | 20 21 |
| (1) | Section 100(3)— <i>insert—</i> (ba) issue a police protection direction under division 1A; | 22 23 24 25 |
| (2) | Section 100(3)(ba) to (f)— <i>renumber</i> as section 100(3)(c) to (g). | 26 27 |

| | | |
|------------------|--|--------------------------|
| Clause 19 | Insertion of new pt 4, div 1A | 1 |
| | Part 4— | 2 |
| | <i>insert—</i> | 3 |
| | Division 1A Power to issue police protection direction | 4 5 |
| | Subdivision 1 Preliminary | 6 |
| | 100A Purpose of police protection directions | 7 |
| | The purpose of police protection directions is to provide a way for police to respond to acts of domestic violence, to achieve the main objects of this Act, in circumstances when it would be appropriate not to bring the matter before a court. | 8 9 10 11 12 |
| | Subdivision 2 Issue of police protection direction | 13 14 |
| | 100B Police officer may issue direction | 15 |
| | (1) A police officer may issue a direction (a <i>police protection direction</i>) against a person (the <i>respondent</i>) if the officer reasonably believes— | 16 17 18 |
| | (a) the respondent has committed domestic violence; and | 19 20 |
| | (b) a police protection direction is necessary or desirable to protect the aggrieved from domestic violence; and | 21 22 23 |
| | (c) none of the circumstances mentioned in section 100C or 100D(2) apply; and | 24 25 |

[s 19]

- (d) it would not be more appropriate to take action that involves an application for a protection order. 1
2
3
- (2) In deciding whether to issue a police protection direction, the police officer must consider— 4
5
- (a) the principles mentioned in section 4; and 6
- (b) the criminal history and domestic violence history of the respondent and the aggrieved; and 7
8
9
- (c) whether any circumstances mentioned in section 100E(1)(a) apply and, if so, whether the circumstances indicate it would be more appropriate to take action that involves an application for a protection order; and 10
11
12
13
14
- (d) any views or wishes expressed by the aggrieved about whether an application for a protection order should be made. 15
16
17
- (3) Before issuing a police protection direction, if the respondent is not present at the same location as the police officer, the officer must make a reasonable attempt to locate and talk to the respondent, including by telephone, to afford the respondent natural justice in relation to the issuing of a police protection direction. 18
19
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24
- (4) This section is subject to sections 100K and 100L. 25
- 100C Circumstances when police officer must not issue direction** 26
27
- (1) A police officer must not issue a police protection direction against the respondent if the officer reasonably believes any of the following circumstances apply— 28
29
30
31
- (a) either the aggrieved or the respondent is— 32
- (i) a child; or 33

-
- | | |
|--|-----------------------------|
| (ii) a police officer; | 1 |
| (b) the respondent should be taken into custody under division 3 or otherwise in relation to the relevant domestic violence; | 2 3 4 |
| (c) a domestic violence order or recognised interstate order relating to the respondent and the aggrieved is in force or has previously been in force (regardless of who is or was the respondent and who is or was the aggrieved); | 5 6 7 8 9 10 |
| (d) a police protection direction against the respondent is in force or has previously been in force; | 11 12 13 |
| (e) the respondent has been convicted of a domestic violence offence within the previous 2 years; | 14 15 16 |
| (f) a proceeding for a domestic violence offence against the respondent has started but not been finally disposed of; | 17 18 19 |
| (g) an application for a protection order against the respondent has been made but not finally dealt with; | 20 21 22 |
| (h) the respondent used, or threatened to use, an offensive weapon or instrument to commit the relevant domestic violence; | 23 24 25 |
| (i) that, in relation to the relevant domestic violence— | 26 27 |
| (i) there are indications that both persons in the relationship are in need of protection; and | 28 29 30 |
| (ii) the person who is most in need of protection in the relationship can not be identified. | 31 32 33 |
| (2) Subsection (1)(f) does not prevent the issue of a police protection direction against the respondent | 34 35 |
-

[s 19]

and, at the same time, the starting of a proceeding 1
against the respondent for a domestic violence 2
offence relating to the relevant domestic violence. 3

(3) Also, a police officer must not issue a police 4
protection direction against the respondent if the 5
officer reasonably believes— 6

(a) it is necessary or desirable to protect a child 7
of the aggrieved, or a child who usually lives 8
with the aggrieved, from— 9

(i) associated domestic violence; or 10

(ii) being exposed to domestic violence 11
committed by the respondent; and 12

(b) a condition mentioned in section 100H is 13
needed to provide the protection. 14

(4) In this section— 15

offensive weapon or instrument see the *Police 16
Powers and Responsibilities Act 2000*, schedule 17
6. 18

100D Restriction on issuing direction involving 19 child of respondent 20

(1) This section applies in relation to a police 21
protection direction that— 22

(a) includes a child of the respondent as a 23
named person; or 24

(b) includes a condition that would prevent or 25
limit contact between the respondent and a 26
child of the respondent. 27

(2) A police officer must not issue a police protection 28
direction mentioned in subsection (1) if the officer 29
knows or reasonably believes— 30

(a) any of the following orders or agreements 31
relating to the child is in force— 32

-
- (i) a family law order; or 1
- (ii) an order or care agreement under the 2
Child Protection Act 1999; or 3
- (b) a proceeding relating to the child under the 4
Child Protection Act 1999 or the *Family* 5
Law Act 1975 (Cwlth) has been started but 6
not finally dealt with. 7
- (3) Before issuing a police protection direction 8
mentioned in subsection (1), a police officer must 9
ask the respondent and the aggrieved whether 10
subsection (2)(a) or (b) applies. 11
- (4) If a police protection direction mentioned in 12
subsection (1) is issued and a condition of the 13
direction is inconsistent with an order or 14
agreement mentioned in subsection (2)(a)— 15
- (a) the condition is of no effect to the extent of 16
the inconsistency; and 17
- (b) the inconsistency does not invalidate or 18
otherwise affect the police protection 19
direction. 20
- 100E Other matters for consideration before 21
issuing direction 22**
- (1) If a police officer is considering issuing a police 23
protection direction, the officer must consider— 24
- (a) whether any of the following circumstances 25
apply— 26
- (i) the respondent may cause serious harm 27
to the aggrieved or a named person if 28
the respondent commits further 29
domestic violence; 30
- (ii) additional powers of a court, in making 31
a protection order, may be necessary or 32
desirable to protect the aggrieved from 33

[s 19]

- further domestic violence by the respondent; 1
2
- Examples of additional powers—* 3
- making an intervention order 4
 - imposing conditions on a protection order that may not be imposed on a police protection direction, such as a monitoring device condition under section 66B or a condition about possessing a thing used as a weapon under section 81 5
6
7
8
9
10
11
- (iii) the respondent or the aggrieved has a conviction for a domestic violence offence; 12
13
14
- Note—* 15
- See also section 100C(1)(e). 16
- (iv) the respondent is not present at the same location as the officer and the officer has not, after making reasonable attempts, been able to locate and talk to the respondent, including by telephone, to perform the officer's functions under division 1; and 17
18
19
20
21
22
23
- (b) if any of the circumstances mentioned in paragraph (a) apply—whether the circumstances indicate it would be more appropriate to take action that involves an application for a protection order. 24
25
26
27
28
- (2) The fact that circumstances mentioned in subsection (1)(a) exist— 29
30
- (a) does not mean the police officer can not issue a police protection direction; and 31
32
 - (b) does not invalidate a police protection direction issued by the police officer whether or not the officer considered the matter mentioned in subsection (1)(b). 33
34
35
36

100F Naming persons in direction

- | | |
|--|----|
| | 1 |
| (1) This section applies if a police officer issuing a | 2 |
| police protection direction reasonably believes— | 3 |
| (a) naming a child of the aggrieved, or a child | 4 |
| who usually lives with the aggrieved, in the | 5 |
| direction is necessary or desirable to protect | 6 |
| the child from— | 7 |
| (i) associated domestic violence; or | 8 |
| (ii) being exposed to domestic violence | 9 |
| committed by the respondent; or | 10 |
| (b) naming another relative, or an associate, of | 11 |
| the aggrieved in the direction is necessary or | 12 |
| desirable to protect the relative or associate | 13 |
| from associated domestic violence. | 14 |
| (2) The police officer may name the child, relative or | 15 |
| associate (each a <i>named person</i>) in the police | 16 |
| protection direction. | 17 |
| <i>Note—</i> | 18 |
| See, however, section 100C(3). | 19 |

100G Standard conditions must be included

- | | |
|--|----|
| A police protection direction must include a | 21 |
| condition that the respondent— | 22 |
| (a) must be of good behaviour towards the | 23 |
| aggrieved and must not commit domestic | 24 |
| violence against the aggrieved; and | 25 |
| (b) must not organise, encourage, ask, tell, force | 26 |
| or engage another person to do something | 27 |
| that, if done by the respondent, would be | 28 |
| domestic violence against the aggrieved; | 29 |
| and | 30 |
| (c) if the direction includes a named person | 31 |
| who is an adult— | 32 |

[s 19]

- (i) must be of good behaviour towards the named person; and 1
2
- (ii) must not commit associated domestic violence against the named person; and 3
4
- (iii) must not organise, encourage, ask, tell, force or engage another person to do something that, if done by the respondent, would be domestic violence against the named person; and 5
6
7
8
9
- (d) if the direction includes a named person who is a child— 10
11
 - (i) must be of good behaviour towards the child; and 12
13
 - (ii) must not commit associated domestic violence against the child; and 14
15
 - (iii) must not expose the child to domestic violence; and 16
17
 - (iv) must not organise, encourage, ask, tell, force or engage another person to do something that, if done by the respondent, would be associated domestic violence against the child; and 18
19
20
21
22
23
 - (v) must not organise, encourage, ask, tell, force or engage another person to do something that exposes the child to domestic violence. 24
25
26
27

100H Other conditions may be included 28

- (1) This section does not apply to a police protection direction naming a child. 29
30

Note— 31

See section 100C(3). 32

- (2) A police protection direction may include any or 33

-
- all of the conditions that may be imposed on a police protection notice under section 106A. 1
2
- (3) The police officer issuing a police protection direction may impose a condition mentioned in subsection (2) if— 3
4
5
- (a) the police officer reasonably believes the condition is necessary or desirable to— 6
7
- (i) protect the aggrieved from domestic violence; or 8
9
- (ii) protect a named person from associated domestic violence; and 10
11
- (b) for an ouster condition in relation to the aggrieved’s usual place of residence—the police officer has considered the matters mentioned in section 64(1)(a) to (h) and (2); and 12
13
14
15
16
- (c) for an ouster condition—the police officer has considered imposing a return condition; and 17
18
19
- (d) the supervising police officer who approves, under section 100K, the issuing of the direction including the condition is— 20
21
22
- (i) for a cool-down condition—of at least the rank of sergeant; or 23
24
- (ii) for an ouster condition or no-contact condition—of at least the rank of senior sergeant. 25
26
27
- (4) To remove any doubt, it is declared that the premises that may be stated in a cool-down condition or ouster condition include— 28
29
30
- (a) premises in which the respondent has a legal or equitable interest; and 31
32

[s 19]

- (b) premises where the aggrieved and respondent live together or have previously lived together; and 1
2
3
- (c) premises where the aggrieved or a named person lives, works or frequents. 4
5

100I Condition for protection of unborn child 6

- (1) This section applies if— 7
 - (a) a police officer issuing a police protection direction reasonably believes an aggrieved is pregnant; and 8
9
10
 - (b) the direction does not include any conditions mentioned in section 100H. 11
12
- Note—* 13
 - See section 100C(3). 14
- (2) The police protection direction may include a condition mentioned in section 100G(d) that takes effect when the child is born. 15
16
17
- (3) The police officer may impose the condition if satisfied the condition is necessary or desirable to protect the child from associated domestic violence, or being exposed to domestic violence, once the child is born. 18
19
20
21
22
- (4) To remove any doubt, it is declared that the police officer may impose the condition whether or not the respondent is the father of the child. 23
24
25

100J Police officer must consider accommodation needs 26
27

- (1) This section applies if— 28
 - (a) a police protection direction includes a cool-down condition or ouster condition; 29
30
and 31

-
- (b) a police officer serves the direction on the respondent or tells the respondent about the direction as mentioned in section 100R(1)(b). 1
2
3
4
- (2) The police officer must— 5
- (a) consider the accommodation needs of the respondent; and 6
7
- (b) take any reasonable steps necessary to ensure the respondent has access to temporary accommodation. 8
9
10
- Examples of reasonable steps—* 11
- making, or arranging, telephone enquiries to identify temporary accommodation 12
13
 - transporting the respondent a short distance to suitable temporary accommodation, for example, a motel or the residence of a family member or friend 14
15
16
17
- (3) To remove any doubt, it is declared that the requirement under subsection (2)(b) does not include an obligation for the police officer or the Queensland police service— 18
19
20
21
- (a) to transport, or arrange for the transport of, the respondent to the accommodation; or 22
23
- (b) to provide accommodation to the respondent free of charge. 24
25
- 100K Approval of supervising police officer required** 26
27
- (1) Before issuing a police protection direction, the police officer must obtain the approval of a supervising police officer. 28
29
30
- (2) The supervising police officer must be a police officer— 31
32
- (a) of at least the following rank— 33

[s 19]

- (i) if the police protection direction includes an ouster condition or no-contact condition—senior sergeant; 1
2
3
 - (ii) otherwise—sergeant; and 4
 - (b) authorised by the police commissioner to approve the issue of police protection directions; and 5
6
7
 - (c) who was not involved in investigating the relevant domestic violence. 8
9
- (3) The approval of the supervising police officer may be sought and given verbally, including, for example, in person, or by telephone, radio, internet or other similar facility. 10
11
12
13
- (4) If the supervising police officer reasonably believes a police protection notice may be issued under section 101 and it would be more appropriate for a police protection notice to be issued— 14
15
16
17
18
 - (a) the supervising police officer may approve the issue of a police protection notice as if the request for approval were a request under section 102 for approval to issue a police protection notice; and 19
20
21
22
23
 - (b) the approval is taken to have been given under section 102. 24
25
- (5) The police officer must make a written record of— 26
27
 - (a) the supervising police officer’s decision— 28
 - (i) to give or refuse the approval; or 29
 - (ii) if subsection (4) applies—to approve the issue of a police protection notice; and 30
31
32
 - (b) the date and time of the decision; and 33

| | |
|--|----------------------------|
| (c) the supervising police officer’s name, rank, registered number, if any, and station. | 1 2 |
| (6) If the supervising police officer decides to refuse the approval, the police officer must not seek approval from another police officer. | 3 4 5 |
| (7) The police commissioner must keep the written record mentioned in subsection (5) in hard copy or electronic form. | 6 7 8 |
| 100L Cross-direction not permitted | 9 |
| (1) This section applies if a police officer issues a police protection direction (the <i>first direction</i>) that names a person (the <i>first person</i>) as a respondent and another person (the <i>second person</i>) as an aggrieved. | 10 11 12 13 14 |
| (2) Until the first direction stops having effect, a police officer can not issue a police protection direction that names the first person as an aggrieved and the second person as a respondent. | 15 16 17 18 |
| <i>Note—</i> | 19 |
| See section 100R(3) for when a police protection direction stops having effect. | 20 21 |
| 100M Contact details and address for service | 22 |
| (1) Subsection (2) applies in relation to a police protection direction— | 23 24 |
| (a) if the respondent is present when a police officer issues the direction—when the police officer issues the direction; or | 25 26 27 |
| (b) if a police officer talks to the respondent in relation to the issuing of the direction under section 100B(3)—when the police officer talks to the respondent; or | 28 29 30 31 |

[s 19]

- (c) otherwise—when a police officer personally serves the direction on the respondent. 1
2
 - (2) The police officer must ask the respondent to provide— 3
4
 - (a) the respondent’s contact details; and 5
 - (b) an address for service of documents. 6
 - (3) Without limiting subsection (2)(b), the address may be— 7
8
 - (a) the address of accommodation arranged under section 100J; or 9
10
 - (b) the address of a friend or family member of the respondent. 11
12
 - (4) If the respondent provides an address under subsection (2)(b) other than an address where the respondent lives or works and, in relation to a proceeding before a court, another person living at the address advises the court that the person does not consent to the use of the address for the service of documents under this Act, the address is not a valid address for service of the documents. 13
14
15
16
17
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19
20
 - (5) The respondent is not obliged to comply with a request under subsection (2). 21
22
 - (6) This section does not limit the *Police Powers and Responsibilities Act 2000*, section 40. 23
24
- Note—* 25
- Under the *Police Powers and Responsibilities Act 2000*, section 40, a police officer may require a person to state the person’s correct name and address in particular circumstances. 26
27
28
29

100N Form of direction 30

- (1) A police protection direction issued by a police officer must— 31
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-
- (a) be in the form approved by the police commissioner; and
- (b) state the police officer's name, rank, registered number, if any, and station; and
- (c) state the name, contact details, if any, and address for service, if any, of the respondent; and
- (d) state the name of the aggrieved and any named person; and
- (e) state the type of relevant relationship that the police officer reasonably believes exists between the respondent and the aggrieved; and
- (f) state that—
- (i) the police officer is satisfied the grounds for issuing a police protection direction under section 100B have been met; and
- (ii) the respondent will be given a written notice stating the grounds as soon as practicable after the police protection direction takes effect; and
- (g) state the conditions mentioned in section 100G; and
- (h) state any condition imposed under section 100H or 100I, including, for a cool-down condition, the date and time when the condition ends; and
- (i) state that the direction expires 12 months after the day the direction takes effect; and
- (j) be signed by the police officer.
- (2) A police protection direction issued by a police officer may also state—

[s 19]

- (a) that, if an application for review of the direction is made under section 100Z and a copy of the direction is filed in the court under section 100ZA, the direction will be taken to be an application for a protection order; and
- (b) the nature of the protection order that would be sought by the application; and
- (c) the grounds on which the order would be sought.

100O Service of direction and grounds on respondent

- (1) A police officer must personally serve a police protection direction on the respondent.
- (2) Also, as soon as practicable after the police protection direction takes effect, the police officer who issued it must prepare and serve on the respondent a signed written notice stating the grounds for issuing the direction.
- (3) Service of the notice under subsection (2)—
 - (a) if an address for service for the respondent is known—may be made in any way; or
 - (b) otherwise—must be made personally by a police officer.
- (4) To remove any doubt, it is declared that this section applies even if the police protection direction has taken effect under section 100R(1)(b).

100P Giving copy of direction and grounds to aggrieved and named persons

- (1) A police officer must give a copy of a police protection direction to the aggrieved and each

-
- named person. 1
- (2) A police officer is not required to comply with subsection (1) if the police officer reasonably believes— 2
3
4
- (a) the named person is a child; and 5
- (b) a copy of the police protection direction has already been given to a parent of the child because the parent is the aggrieved or a named person. 6
7
8
9
- (3) A police officer must give a copy of a written notice prepared under section 100O(2) to the aggrieved or a named person if the aggrieved or named person asks for the copy. 10
11
12
13
- (4) Failure to comply with subsection (1) or (3) does not invalidate or otherwise affect the police protection direction. 14
15
16
- 100Q Explanation** 17
- (1) This section applies if a police officer— 18
- (a) serves a police protection direction on a respondent; or 19
20
- (b) tells a respondent about a police protection direction as mentioned in section 100R(1)(b); or 21
22
23
- (c) gives a copy of a police protection direction to an aggrieved; or 24
25
- (d) gives a copy of a police protection direction to a parent of a child as required under section 188. 26
27
28
- (2) The police officer must— 29
- (a) explain to the person— 30
- (i) the police protection direction; and 31

[s 19]

- (ii) the grounds on which the police officer who issued the direction reasonably believed that domestic violence had been committed; and
 - (iii) the reasons the police officer who issued the direction imposed the conditions of the direction; and
 - (b) take reasonable steps to ensure the person understands the nature and consequences of the direction.
- (3) Without limiting subsection (2), the police officer must explain—
 - (a) the purpose and effect of the direction, including, for example, that—
 - (i) the direction may be enforceable in other States and New Zealand without further notice to the respondent; and
 - (ii) if the respondent has a weapons licence, or is a body's representative as mentioned in the Weapons Act, section 10(3), the licence or endorsement as the body's representative is dealt with by the Weapons Act, section 28A; and
 - (iii) under section 83(2), a person against whom a police protection direction is issued is not exempt from the Weapons Act, despite the Weapons Act, section 2; and
 - (b) the duration of the direction; and
 - (c) the conditions of the direction, including the behaviour the respondent is prohibited from engaging in under the conditions; and
 - (d) the type of behaviour that constitutes domestic violence; and

Note—

See the examples of the type of behaviour that constitutes domestic violence in sections 8, 11 and 12, which define the terms *domestic violence*, *emotional or psychological abuse* and *economic abuse*.

- (e) the consequences of the respondent contravening the direction; and
 - (f) that the aggrieved can not consent to the respondent contravening the direction; and
 - (g) the right of the respondent or aggrieved to seek a review of the direction by the police commissioner under subdivision 4 or a Magistrates Court under subdivision 5, how to seek the review and the possible decisions that could be made on the review; and
 - (h) that the issue of the direction does not prevent the respondent or aggrieved from applying for a protection order under part 3, division 1; and
 - (i) any other matter prescribed by regulation.
- (4) Failure to comply with this section does not invalidate or otherwise affect a police protection direction.

100R Duration

- (1) A police protection direction takes effect when—
- (a) the direction is served on the respondent personally or in a way stated in a substituted service order; or
 - (b) a police officer tells the respondent about the existence of the direction and the conditions of the direction.
- (2) For subsection (1)(b), the respondent may be told by a police officer about the existence of the

[s 19]

- police protection direction in any way, including, 1
for example, by telephone, email, SMS message, 2
a social networking site or other electronic means. 3
- (3) A police protection direction continues in force 4
until— 5
- (a) the end of 12 months from the day the 6
direction takes effect under subsection (1); 7
or 8
- (b) any of the following orders made in relation 9
to the respondent and aggrieved becomes 10
enforceable under section 177 (regardless of 11
who is the respondent and who is the 12
aggrieved in relation to that order)— 13
- (i) a domestic violence order; 14
- (ii) a recognised interstate order; 15
- (iii) a protection order under section 42; or 16
- (c) a police protection notice issued in relation 17
to the respondent and aggrieved takes effect 18
(regardless of who is the respondent and 19
who is the aggrieved in relation to that 20
notice); or 21
- (d) release conditions are imposed in relation to 22
the respondent and aggrieved (regardless of 23
who is the respondent and who is the 24
aggrieved in relation to the release 25
conditions); or 26
- (e) a proceeding for an application for a 27
domestic violence order in relation to the 28
respondent and aggrieved is— 29
- (i) dismissed; or 30
- (ii) adjourned without a temporary 31
protection order being made under part 32
3, division 2. 33

Note—

- See also sections 100Y(5) and 100ZD(3) in relation to
the revocation or setting aside of a police protection
direction.
- (4) Subsection (3)(e) does not apply to a proceeding
for an application under subdivision 5 relating to
the police protection direction.

Subdivision 3 Amendment of direction

100S Amendment of police protection direction

- (1) A police protection direction may be amended
only as provided under this section.
- (2) The police commissioner may amend a police
protection direction only—
- (a) to correct a minor error; or
- (b) to reflect a change in any of the following
details that has been notified to the police
commissioner—
- (i) the name, contact details or address for
service of the respondent;
- (ii) the name of the aggrieved or a named
person.
- (3) The police commissioner may delegate the
commissioner's powers under this section only to
a police officer—
- (a) of a rank higher than the supervising officer
who approved the issue of the direction; and
- (b) who was not involved in investigating the
relevant domestic violence.
- (4) Subsection (3)(a) does not apply if the police
commissioner was the supervising officer who
approved the issue of the police protection

[s 19]

direction. 1

Subdivision 4 Police review of direction 2

100T Starting review on police officer's initiative 3

- (1) This section applies in relation to a police protection direction if a police officer— 4
5
- (a) becomes aware of circumstances, or reasonably believes there are circumstances, that were not, or may not have been, known or considered by the issuing police officer when the direction was issued; and 6
7
8
9
10
- (b) reasonably believes that the circumstances may have affected the decision to issue, or the conditions imposed on, the direction, if the circumstances had been known or considered by the issuing police officer. 11
12
13
14
15
- (2) The police officer must ask the police commissioner to review the police protection direction. 16
17
18
- (3) In this section— 19
- issuing police officer*, in relation to a police protection direction, means the police officer who issued the direction. 20
21
22

100U Starting review on application 23

- (1) The following persons may apply to the police commissioner, within the prescribed period or a longer period agreed to by the police commissioner, for a review of the direction— 24
25
26
27
- (a) the respondent; 28
- (b) the aggrieved; 29
- (c) an authorised person for the aggrieved; 30

-
- (d) a named person. 1
- (2) However, a named person may only seek a review 2
of— 3
- (a) the naming of the person in the police 4
protection direction; or 5
- (b) a condition included on the police protection 6
direction relating to the named person. 7
- (3) An application under subsection (1) must be— 8
- (a) in the form approved by the police 9
commissioner; or 10
- (b) if the police commissioner has not approved 11
a form for the application—in writing. 12
- (4) In this section— 13
- authorised person*, for an aggrieved, means an 14
adult authorised in writing by the aggrieved to 15
represent the aggrieved in relation to an 16
application under this subdivision. 17
- prescribed period*, for applying for a review of a 18
police protection direction, means the period of 19
28 days after the notice stating the grounds for 20
issuing the direction is served on the respondent 21
under section 100O(2). 22

100V Effect of starting review 23

A request under section 100T, or an application 24
under section 100U, for the review of a police 25
protection direction does not affect the operation 26
of the direction or prevent the taking of any action 27
to implement the direction. 28

100W Submissions and information 29

- (1) As soon as practicable after receiving a request 30
under section 100T, or an application under 31

[s 19]

- section 100U, for a review of a police protection direction, the police commissioner must give the respondent and aggrieved a written notice—
- (a) notifying the respondent and aggrieved of the review; and
 - (b) inviting the respondent and aggrieved to make submissions about the review within a stated period of at least 7 days.
- (2) The police commissioner may also give a named person a written notice—
- (a) notifying the named person of the review; and
 - (b) inviting the named person to make submissions about the review within a stated period of at least 7 days.
- (3) The police commissioner may ask the respondent, the aggrieved or a named person for any information the commissioner considers necessary to decide the review.
- (4) The respondent, the aggrieved or a named person may, but is not required to—
- (a) make submissions about the review in response to an invitation under subsection (1) or (2); or
 - (b) give information in response to a request under subsection (3).
- 100X Conduct of review**
- (1) A review of a police protection direction under this subdivision may be conducted only by a police officer (the *reviewing officer*)—
- (a) of a rank higher than the supervising officer who approved the issue of the direction; and

-
- (b) authorised by the police commissioner to
conduct reviews of police protection
directions under this subdivision; and
 - (c) who was not involved in investigating the
relevant domestic violence.
- (2) Subsection (1)(a) does not apply if the police
commissioner was the supervising officer who
approved the issue of the police protection
direction.
- (3) The reviewing officer must—
- (a) consider all relevant information available to
the officer, including any submissions made,
or information given, in relation to the
direction under section 100W; and
 - (b) decide the review on the basis of the
circumstances that existed when the police
protection direction was issued, including
any circumstances that existed at that time
but were not known or considered by the
police officer who issued the direction.

100Y Decision on review

- (1) The reviewing officer must, within 28 days after
the request under section 100T, or the application
under section 100U, is made for the review decide
to—
- (a) confirm the police protection direction; or
 - (b) revoke the police protection direction and
issue a new police protection direction
that—
 - (i) is against the same respondent in
favour of the same aggrieved; and
 - (ii) has the same or different named
persons; and

[s 19]

- (iii) includes the same or different conditions; or 1
2
 - (c) revoke the police protection direction and take no other action; or 3
4
 - (d) revoke the police protection direction and do any of the following— 5
6
 - (i) apply to a court for a protection order in relation to the respondent and aggrieved under part 3, division 1; 7
8
9
 - (ii) issue a police protection notice in relation to the respondent and aggrieved under division 2; 10
11
12
 - (iii) take any other action mentioned in section 100(3) that is appropriate in the circumstances. 13
14
15
- (2) A protection order sought under subsection (1)(d)(i)— 16
17
 - (a) may be— 18
 - (i) against the respondent in favour of the aggrieved; or 19
20
 - (ii) against the aggrieved in favour of the respondent; and 21
22
 - (b) may be subject to the same or different conditions as the revoked police protection direction. 23
24
25
- (3) A police protection notice issued under subsection (1)(d)(ii)— 26
27
 - (a) may be issued— 28
 - (i) against the respondent in favour of the aggrieved; or 29
30
 - (ii) against the aggrieved in favour of the respondent; and 31
32

-
- (b) may be subject to the same or different conditions as the revoked police protection direction. 1
2
3
- (4) The reviewing officer must, as soon as practicable after deciding the review, give the respondent, aggrieved and each named person written notice of the decision stating— 4
5
6
7
- (a) the decision; and 8
- (b) the reasons for the decision; and 9
- Note—* 10
See the *Acts Interpretation Act 1954*, section 27B for matters that must be included with the reasons. 11
12
- (c) that the respondent or aggrieved may seek a review of the direction by a Magistrates Court under subdivision 5, how to seek the review and the possible decisions that could be made on the review; and 13
14
15
16
17
- (d) that the respondent or aggrieved may apply for a protection order under part 3, division 1. 18
19
20
- (5) If the decision on the review is, or includes a decision, that the police protection direction is revoked— 21
22
23
- (a) the revoked direction is taken never to have been issued; and 24
25
- (b) the revoked direction does not form part of the respondent’s domestic violence history; and 26
27
28
- (c) despite paragraphs (a) and (b), a proceeding may be started or continued against the respondent for an offence, committed before the direction was revoked, against section 177A. 29
30
31
32
33

Subdivision 5 Court review of direction 1

100Z Application for review 2

- (1) The following persons may, at any time while a police protection direction is in force, apply to a Magistrates Court for a review of the direction—
 - (a) the respondent; 6
 - (b) the aggrieved; 7
 - (c) an authorised person for the aggrieved; 8
 - (d) a person acting under another Act for the aggrieved. 9 10
- (2) The application must—
 - (a) be in the approved form; and 12
 - (b) state—
 - (i) the nature of the outcome sought; and 14
 - (ii) the grounds on which the outcome is sought; and 15 16
 - (c) be filed in the court. 17
- (3) As soon as practicable after the application is filed, the clerk of the court must give a copy of the application to the police commissioner. 18 19 20
- (4) In this section—

authorised person, for an aggrieved, means an adult authorised in writing by the aggrieved to represent the aggrieved in relation to an application under this subdivision. 22 23 24 25

100ZA Filing and service of documents 26

- (1) The police commissioner must, within 1 business day after receiving a copy of an application for the review of a police protection direction under 27 28 29

-
- section 100Z(3), file the following documents in the court—
- (a) a copy of the direction;
 - (b) the signed written notice stating the grounds for issuing the direction prepared by the police officer who issued the direction under section 100O(2);
 - (c) if the direction does not include the matters mentioned in section 100N(2)(b) and (c)—a statement made and signed by the police officer who issued the direction about the following matters—
 - (i) the nature of the protection order sought by the application for a protection order;
 - (ii) the grounds on which the protection order is sought;
 - (d) a notice, to be served on each person mentioned in subsection (4)(a) and (b), stating that the person will be notified of the date, time and place for the hearing of the application for the review.
- (2) The reference in subsection (1)(c) to the application for a protection order is a reference to the application for a protection order the police protection direction is taken to be under section 100ZB(1).
- (3) The clerk of the court must make arrangements for—
- (a) the application for the review to be listed for hearing at the earliest opportunity and not later than 14 business days after the day the documents are filed under subsection (1); and

[s 19]

- (b) the persons mentioned in subsection (4)(a) and (b), and the police officer or service legal officer responsible for the matter, to be notified of the date, time and place of the hearing. 1
2
3
4
5
 - (4) A police officer must— 6
 - (a) serve a copy of each of the documents filed under subsection (1) on the applicant; and 7
8
 - (b) serve a copy of the application for review and a copy of each of the documents filed under subsection (1) on— 9
10
11
 - (i) each person, other than the applicant, who is entitled under section 100Z to apply for a review of the direction; and 12
13
14
 - (ii) each named person in the direction. 15
 - (5) Service of a document on a person under subsection (4)— 16
17
 - (a) if an address for service for the person is known—may be made in any way; or 18
19
 - (b) otherwise—must be made personally by a police officer. 20
21
 - (6) Failure to comply with subsection (4) or (5) does not invalidate or otherwise affect the application for review of the police protection direction. 22
23
24
- 100ZB Police protection direction taken to be application for protection order** 25
26
- (1) If the police commissioner files documents for a police protection direction under section 100ZA(1)— 27
28
29
 - (a) the police protection direction is taken to be an application for a protection order; and 30
31
 - (b) the police officer who issued the direction is taken to be the applicant. 32
33

-
- (2) If the application for a review of the police protection direction is made by the respondent to the direction and the application seeks a protection order against the aggrieved in favour of the respondent—
- (a) the application by the respondent is taken to be an application for a protection order against the aggrieved; and
- (b) for applying part 3, division 1A—
- (i) the application for a protection order taken to have been made by the police officer is taken to be an original application under section 41A(1)(a); and
- (ii) the application for a protection order taken to have been made by the respondent is taken to be a cross application under section 41A(1)(b).

Note—

See sections 41C and 41G in relation to the court hearing and deciding the original application and cross application together.

100ZC Effect of application

- (1) The making of an application under section 100Z, or the filing of documents under section 100ZA, relating to a police protection direction does not affect the operation of the direction or prevent the taking of any action to implement the direction.
- (2) Subsection (3) applies if—
- (a) a review of a decision to issue a police protection direction has started, but not been finally dealt with, under subdivision 4; and
- (b) an application relating to the police protection direction is made under section

[s 19]

- 100Z and a copy of the application is given 1
to the police commissioner under section 2
100Z(3). 3
- (3) The review under subdivision 4 must be 4
discontinued. 5
- 100ZD Decision of court about police protection 6
direction 7**
- (1) Part 3 applies to the court hearing and deciding an 8
application for a protection order taken to have 9
been made under section 100ZB in relation to a 10
police protection direction. 11
- (2) However, in addition to the orders the court may 12
make under part 3 in relation to the application, 13
the court may also make— 14
- (a) an order setting aside the police protection 15
direction; or 16
- (b) a decision to dismiss the application. 17
- (3) If the court makes an order setting aside the police 18
protection direction— 19
- (a) the direction is taken never to have been 20
issued; and 21
- (b) the direction does not form part of the 22
respondent’s domestic violence history; and 23
- (c) despite paragraphs (a) and (b), a proceeding 24
may be started or continued against the 25
respondent for an offence, committed before 26
the direction was set aside, against section 27
177A. 28
- (4) If the court decides to dismiss the application— 29
- (a) the police protection direction continues 30
unaffected by the application under section 31
100Z; and 32

| | | |
|------------------|---|------------------|
| | (b) another application under section 100Z by the same applicant may be made in relation to the police protection direction only with the leave of the court. | 1 2 3 4 |
| Clause 20 | Amendment of s 134 (Application of division) | 5 |
| | Section 134(a)(iii) and (b), before ‘police protection notice’— <i>insert</i> — | 6 7 |
| | police protection direction or | 8 |
| Clause 21 | Amendment of s 134A (Power to give direction) | 9 |
| | (1) Section 134A(1)(d), (e) and (f), before ‘police protection notice’— <i>insert</i> — | 10 11 12 |
| | police protection direction or | 13 |
| | (2) Section 134A(1)(d), (e) and (f), ‘the notice’— <i>omit, insert</i> — | 14 15 |
| | the direction or notice | 16 |
| Clause 22 | Amendment of s 134E (Responsibilities of police officer in relation to direction) | 17 18 |
| | (1) Section 134E(2), before ‘or police protection notice’— <i>insert</i> — | 19 20 |
| | , police protection direction | 21 |
| | (2) Section 134E(2), ‘the order or notice’— <i>omit, insert</i> — | 22 23 |
| | the order, direction or notice | 24 |

[s 23]

| | | |
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| Clause 23 | Amendment of s 134F (Offence to contravene direction) | 1 |
| | Section 134F(2)(a), after ‘domestic violence order’— | 2 |
| | <i>insert</i> — | 3 |
| | , police protection direction | 4 |
| Clause 24 | Amendment of s 135B (Diversion orders scheme) | 5 |
| | Section 135B(1), after ‘domestic violence order’— | 6 |
| | <i>insert</i> — | 7 |
| | , police protection direction | 8 |
| Clause 25 | Amendment of s 135C (Eligibility criteria for participation in scheme) | 9 |
| | Section 135C(1)(a), (b) and (g)(i) and (2)(a), after ‘order’— | 10 |
| | <i>insert</i> — | 11 |
| | , police protection direction | 12 |
| Clause 26 | Amendment of s 135T (Approval of providers and diversion programs) | 14 |
| | Section 135T(1), from ‘the entity’— | 15 |
| | <i>omit, insert</i> — | 16 |
| | the entity— | 17 |
| | (a) has appropriate experience and qualifications to provide an approved diversion program or counselling under the scheme; and | 18 |
| | | 19 |
| | | 20 |
| | | 21 |
| | | 22 |
| | (b) satisfies any other criteria prescribed by regulation. | 23 |
| | | 24 |
| Clause 27 | Amendment of s 145 (Evidence) | 25 |
| | Section 145(1)(b)— | 26 |

insert—

*Example of a way a court may consider it appropriate to
inform itself—*

having regard to a recorded statement, within the
meaning of the *Evidence Act 1977*, section 103A, that is
made for, and may be used in, a related domestic
violence proceeding within the meaning of section 103C
of that Act

| | | |
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| Clause 28 | Amendment of s 164 (Who may appeal) | 9 |
| | Section 164— | 10 |
| | <i>insert—</i> | 11 |
| | (e) a decision on an application relating to a police protection direction under part 4, division 1A, subdivision 5 mentioned in section 100ZD(2). | 12 13 14 15 |
| Clause 29 | Amendment of s 172 (Meaning of <i>local order</i>) | 16 |
| | Section 172, after ‘domestic violence order,’— | 17 |
| | <i>insert—</i> | 18 |
| | police protection direction, | 19 |
| Clause 30 | Amendment of s 175 (Meaning of <i>properly notified</i>) | 20 |
| | (1) Section 175(1)— | 21 |
| | <i>insert—</i> | 22 |
| | (aa) for a local order that is a police protection direction—the respondent is served with the direction under section 100O or the direction otherwise takes effect under section 100R(1); or | 23 24 25 26 27 |
| | <i>Note—</i> | 28 |
| | A police protection direction takes effect under section 100R(1) when it is served on the respondent or when the | 29 30 |

[s 31]

| | | |
|------------------|--|--|
| | police officer tells the respondent about the existence of the direction and its conditions. | 1 2 |
| (2) | Section 175(1)(aa) to (c)— <i>renumber</i> as section 175(1)(b) to (d). | 3 4 |
| Clause 31 | Insertion of new s 177A | 5 |
| | After section 177— | 6 |
| | <i>insert</i> — | 7 |
| | 177A Contravention of a police protection direction | 8 9 |
| (1) | This section applies to a respondent in relation to whom a police protection direction is in force. | 10 11 |
| | <i>Note</i> — | 12 |
| | See section 100R(1) for when a police protection direction takes effect. | 13 14 |
| (2) | The respondent must not contravene the police protection direction. Maximum penalty—120 penalty units or 3 years imprisonment. | 15 16 17 18 |
| (3) | A court hearing proceedings for the prosecution of an offence against subsection (2) must consider whether the police protection direction was issued in substantial compliance with part 4, division 1A. | 19 20 21 22 23 |
| (4) | If the police protection direction took effect under section 100R(1)(b), the prosecution bears the onus of proving, beyond a reasonable doubt, that the respondent has been told by a police officer about the existence of a police protection direction or about a condition of the direction the respondent is alleged to have contravened. | 24 25 26 27 28 29 30 |

| | | |
|------------------|---|----------------------|
| Clause 32 | Amendment of s 179A (Engaging in domestic violence or associated domestic violence to aid respondent) | 1 2 |
| (1) | Section 179A(1)(a), after ‘order,’— <i>insert—</i> police protection direction, | 3 4 5 |
| (2) | Section 179A(1)(b) and (c), after ‘order,’— <i>insert—</i> direction, | 6 7 8 |
| (3) | Section 179A(3), after ‘domestic violence order,’— <i>insert—</i> police protection direction, | 9 10 11 |
| (4) | Section 179A(3), after ‘the order,’— <i>insert—</i> direction, | 12 13 14 |
| (5) | Section 179A(5), definition <i>domestic violence behaviour</i> , after ‘domestic violence order,’— <i>insert—</i> police protection direction, | 15 16 17 18 |
| (6) | Section 179A(5), definition <i>domestic violence behaviour</i> , after ‘the order,’— <i>insert—</i> direction, | 19 20 21 22 |
| Clause 33 | Amendment of s 180 (Aggrieved or named person not guilty of offence) | 23 24 |
| (1) | Section 180, after ‘order,’— <i>insert—</i> police protection direction, | 25 26 27 |
| (2) | Section 180(a), after ‘177,’— | 28 |

[s 34]

insert— 1
177A, 2

| | | |
|------------------|--|----|
| Clause 34 | Amendment of s 184 (Service of order on respondent) | 3 |
| (1) | Section 184(5)(b)(i), before ‘police protection notice’— | 4 |
| | <i>insert—</i> | 5 |
| | police protection direction or | 6 |
| (2) | Section 184(5)(b)(ii), ‘the notice’— | 7 |
| | <i>omit, insert—</i> | 8 |
| | the direction, notice | 9 |
| (3) | Section 184(7), before ‘police protection notice’— | 10 |
| | <i>insert—</i> | 11 |
| | police protection direction or | 12 |
| (4) | Section 184(7), ‘the notice’— | 13 |
| | <i>omit, insert—</i> | 14 |
| | the direction or notice | 15 |
| Clause 35 | Amendment of s 188 (Giving of document to child) | 16 |
| | Section 188(6), after ‘order,’— | 17 |
| | <i>insert—</i> | 18 |
| | a police protection direction, | 19 |
| Clause 36 | Amendment of s 189 (Evidentiary provision) | 20 |
| (1) | Section 189(3)(a), after ‘issued a’— | 21 |
| | <i>insert—</i> | 22 |
| | stated police protection direction or | 23 |
| (2) | Section 189(3)(b), after ‘section’— | 24 |
| | <i>insert—</i> | 25 |

| | |
|---|----|
| 100K or | 1 |
| (3) Section 189(3)(c), after ‘of a’— | 2 |
| <i>insert—</i> | 3 |
| stated police protection direction or | 4 |
| Clause 37 | |
| Insertion of new s 189C | 5 |
| After section 189B— | 6 |
| <i>insert—</i> | 7 |
| 189C Police protection directions register | 8 |
| (1) The police commissioner must keep a register of | 9 |
| police protection directions in a form that the | 10 |
| commissioner considers appropriate. | 11 |
| (2) The register must contain particulars of all police | 12 |
| protection directions issued by police officers, | 13 |
| including— | 14 |
| (a) particulars of— | 15 |
| (i) the respondent; and | 16 |
| (ii) the aggrieved; and | 17 |
| (iii) each named person; and | 18 |
| (b) the date of issue and expiry; and | 19 |
| (c) the date, if any, that the direction ceased to | 20 |
| have effect under section 100R; and | 21 |
| (d) each amendment under part 4, division 1A, | 22 |
| subdivision 3; and | 23 |
| (e) each application for review under part 4, | 24 |
| division 1A, subdivision 4, and the outcome | 25 |
| of the review; and | 26 |
| (f) each application for review under part 4, | 27 |
| division 1A, subdivision 5, and the outcome | 28 |
| of the review. | 29 |
| (3) The particulars in the register about a particular | 30 |

[s 38]

police protection direction must, on request by the
respondent, the aggrieved or a named person, be
made available for inspection by the respondent,
aggrieved or named person.

- (4) To remove any doubt, it is declared that the
register is to include particulars of police
protection directions that have been revoked or set
aside by a court.

| | | |
|------------------|--|----------------------|
| Clause 38 | Insertion of new s 192A | 9 |
| | After section 192— | 10 |
| | <i>insert—</i> | 11 |
| | 192A Review of police protection directions provisions | 12 13 |
| | (1) The Minister must ensure the operation of the police protection direction provisions is reviewed as soon as practicable after the day that is 2 years after the commencement. | 14 15 16 17 |
| | (2) The review must include a review of— | 18 |
| | (a) whether police protection directions have been effective in improving the safety, protection and wellbeing of people who fear or experience domestic violence; and | 19 20 21 22 |
| | (b) whether the issuing of police protection directions has had any impact on courts in relation to civil or criminal proceedings about domestic violence; and | 23 24 25 26 |
| | (c) whether the police protection directions provisions— | 27 28 |
| | (i) have improved the efficiency of the exercise of police powers under this Act; and | 29 30 31 |
| | (ii) remain appropriate. | 32 |
| | (3) The Minister must, as soon as practicable after the | 33 |

| | | |
|------------------|---|----------------------------|
| | review is finished, table in the Legislative Assembly a report on the outcome of the review. | 1 2 |
| (4) | In this section— | 3 |
| | <i>police protection directions provisions</i> means the provisions of this Act about police protection directions. | 4 5 6 |
| Clause 39 | Insertion of new pt 10, div 7 | 7 |
| | Part 10— | 8 |
| | <i>insert—</i> | 9 |
| | Division 7 | |
| | Transitional provisions for Domestic and Family Violence Protection and Other Legislation Amendment Act 2025 | 10 11 12 13 14 |
| | 243 Effectiveness of monitoring device condition after court stops being prescribed or pt 3, div 5, sdiv 3 expires | 15 16 17 |
| (1) | This section applies if— | 18 |
| (a) | a court imposes under part 3, division 5, subdivision 3 a monitoring device condition for a stated period; and | 19 20 21 |
| (b) | either of the following events happens before the end of the stated period— | 22 23 |
| (i) | the court stops being prescribed under section 66B(1)(b) as a court that can impose a monitoring device condition; | 24 25 26 |
| (ii) | part 3, division 5, subdivision 3 expires. | 27 28 |
| (2) | The monitoring device condition is taken to be effective until the end of the stated period despite | 29 30 |

[s 40]

the happening of either of the events. 1

**244 Application of pt 3, div 5, sdiv 3 to proceeding
to vary domestic violence order** 2
3

To remove any doubt, it is declared that part 3, 4
division 5, subdivision 3 applies to a proceeding 5
to vary a domestic violence order whether the 6
domestic violence order was made before or after 7
the commencement. 8

Clause 40 Amendment of schedule (Dictionary) 9

(1) Schedule, definition *prescribed entity*— 10

omit. 11

(2) Schedule— 12

insert— 13

monitoring device, for part 3, division 5, 14
subdivision 3, see section 66A. 15

monitoring device condition, for part 3, division 16
5, subdivision 3, see section 66B(1). 17

police protection direction means a police 18
protection direction issued under section 100B. 19

prescribed entity— 20

(a) for part 3, division 5, subdivision 3, see 21
section 66A; or 22

(b) for part 5A, see section 169C. 23

relevant domestic violence, in relation to a police 24
protection direction, means the domestic violence 25
mentioned in section 100B(1)(a) because of 26
which— 27

(a) a police officer is deciding whether to issue 28
the direction; or 29

(b) the direction was issued. 30

| | | |
|------|--|----------------------|
| | <i>safety device</i> , for part 3, division 5, subdivision 3, see section 66A. | 1 2 |
| (3) | Schedule, definition <i>domestic violence history</i> , after ‘made, or’— <i>insert</i> — directions or | 3 4 5 6 |
| (4) | Schedule, definition <i>domestic violence history</i> , after ‘made or’— <i>insert</i> — direction or | 7 8 9 10 |
| (5) | Schedule, definition <i>domestic violence history</i> — <i>insert</i> — (aa) a police protection direction; | 11 12 13 |
| (6) | Schedule, definition <i>domestic violence history</i> , paragraphs (aa) to (f)— <i>renumber</i> as paragraphs (b) to (g). | 14 15 16 |
| (7) | Schedule, definition <i>named person</i> — <i>insert</i> — (aa) in relation to a police protection direction, see section 100F(2); or | 17 18 19 20 |
| (8) | Schedule, definition <i>named person</i> , paragraphs (aa) and (b)— <i>renumber</i> as paragraphs (b) and (c). | 21 22 |
| (9) | Schedule, definition <i>ouster condition</i> , paragraph (b), before ‘police’— <i>insert</i> — police protection direction or | 23 24 25 26 |
| (10) | Schedule, definition <i>return condition</i> , paragraph (b), before ‘police’— <i>insert</i> — police protection direction or | 27 28 29 30 |

[s 41]

Part 3 **Amendment of Evidence Act** 1
1977 2

Clause 41 Act amended 3

This part amends the *Evidence Act 1977*. 4

Clause 42 Replacement of s 103C (Meaning of *domestic violence proceeding*) 5
6

Section 103C— 7

omit, insert— 8

103C Meaning of *domestic violence proceeding* 9

(1) A *domestic violence proceeding* is— 10

(a) a committal proceeding in relation to a charge of a domestic violence offence; or 11
12

(b) a summary proceeding under the *Justices Act 1886* in relation to a charge of a domestic violence offence; or 13
14
15

(c) another criminal proceeding in relation to a charge of a domestic violence offence that— 16
17

(i) is of a type prescribed by regulation; 18
and 19

(ii) is held before a court at a place prescribed by regulation for the type of proceeding mentioned in subparagraph (i). 20
21
22
23

(2) A proceeding mentioned in subsection (1)(a), (b) or (c) is a *domestic violence proceeding* whether or not the proceeding also relates to a charge of an offence other than a domestic violence offence. 24
25
26
27

(3) A reference in subsection (1)(a) to a committal proceeding includes a reference to a registry committal within the meaning of the *Justices Act* 28
29
30

| | | |
|------------------|---|----------------------|
| | 1886, section 4. | 1 |
| Clause 43 | Amendment of pt 6A, div 2, sdiv 1, hdg (Use of recorded statements) | 2 3 |
| | Part 6A, division 2, subdivision 1, heading, after ‘Use’— | 4 |
| | <i>insert—</i> | 5 |
| | and making | 6 |
| Clause 44 | Amendment of s 103D (Use of recorded statement as complainant’s evidence-in-chief) | 7 8 |
| | Section 103D— | 9 |
| | <i>insert—</i> | 10 |
| | (3) To remove any doubt, it is declared that a complainant’s evidence-in-chief under subsection (1) may consist of more than 1 recorded statement made under this part. | 11 12 13 14 |
| Clause 45 | Amendment of s 103E (Requirements for making recorded statements) | 15 16 |
| | (1) Section 103E(1) and (2)— | 17 |
| | <i>omit.</i> | 18 |
| | (2) Section 103E(3), ‘Also, a’— | 19 |
| | <i>omit, insert—</i> | 20 |
| | A | 21 |
| | (3) Section 103E(3), before paragraph (a)— | 22 |
| | <i>insert—</i> | 23 |
| | (aa) be taken by a police officer; and | 24 |
| | (4) Section 103E(3)(b), ‘the complainant’s acknowledgement, or declaration under the <i>Oaths Act 1867</i> ,’— | 25 26 |
| | <i>omit, insert—</i> | 27 |

[s 46]

| | | |
|------------------|--|----------------------|
| | , at the end of the recorded statement, a declaration by the complainant | 1 2 |
| (5) | Section 103E(3)(c)— <i>omit.</i> | 3 4 |
| (6) | Section 103E(3)(aa) to (b)— <i>renumber</i> as section 103E(3)(a) to (c). | 5 6 |
| (7) | Section 103E(4)— <i>omit, insert—</i> | 7 8 |
| | (4) Also, if any part of a recorded statement is in a language other than English— | 9 10 |
| | (a) the recorded statement must contain an oral translation of the part into English; or | 11 12 |
| | (b) a separate written English translation of the part must accompany the statement. | 13 14 |
| (8) | Section 103E(3) and (4)— <i>renumber</i> as section 103E(1) and (2). | 15 16 |
| Clause 46 | Amendment of s 103F (When recorded statement is made with informed consent) | 17 18 |
| (1) | Section 103F(2)— <i>omit, insert—</i> | 19 20 |
| | (2) A police officer taking the recorded statement must, before or at the time of starting to take the recorded statement, explain all of the following matters to the complainant— | 21 22 23 24 |
| | (a) that the recorded statement may be presented as the complainant’s evidence-in-chief in a court; | 25 26 27 |
| | (b) that the recorded statement may be disclosed to, and used by, the accused person and other persons regardless of | 28 29 30 |

| | |
|--|----------------------------|
| whether the recorded statement is presented as the complainant’s evidence-in-chief; | 1 2 |
| (c) that, if the recorded statement is presented as the complainant’s evidence-in-chief, the complainant may be required to— | 3 4 5 |
| (i) confirm, or testify about, the truthfulness of the recorded statement in the court; and | 6 7 8 |
| (ii) give further evidence in the court; | 9 |
| (d) that the complainant may refuse to consent to the making of the recorded statement; | 10 11 |
| (e) that, if the complainant consents to the making of the recorded statement, the complainant may withdraw their consent at any time while the recorded statement is being taken by the police officer; | 12 13 14 15 16 |
| (f) any other matter the police officer considers relevant and necessary. | 17 18 |
| <i>Examples of other matters that may be considered relevant and necessary—</i> | 19 20 |
| • the existence of offences in subdivision 4 relating to particular unauthorised uses and publication of recorded statements or transcripts of recorded statements | 21 22 23 24 |
| • the limitations on disclosure of recorded statements under the Criminal Code, section 590AOB | 25 26 27 |
| • the ability for an application to be made for an order under the <i>Domestic and Family Violence Protection Act 2012</i> | 28 29 30 |
| (2) Section 103F(3), ‘informed’— | 31 |
| <i>omit, insert—</i> | 32 |
| given an explanation | 33 |

| | | |
|------------------|---|----------------------|
| Clause 49 | Amendment of s 103IA (Admissibility of transcripts of recorded statements in particular registry committal proceedings) | 1 2 3 |
| | (1) Section 103IA, heading, ‘particular registry committal proceedings’— | 4 5 |
| | <i>omit, insert—</i> | 6 |
| | registry committals | 7 |
| | (2) Section 103IA(1)— | 8 |
| | <i>omit, insert—</i> | 9 |
| | (1) This section applies in relation to a domestic violence proceeding that is a registry committal within the meaning of the <i>Justices Act 1886</i> , section 4. | 10 11 12 13 |
| Clause 50 | Amendment of s 103Q (Unauthorised possession of, or dealing in, recorded statements or transcripts of recorded statements) | 14 15 16 |
| | Section 103Q(2)(a), after ‘another proceeding’— | 17 |
| | <i>insert—</i> | 18 |
| | , including a proceeding under the <i>Domestic and Family Violence Protection Act 2012</i> | 19 20 |
| Clause 51 | Insertion of new pt 6A, div 2, sdiv 5 | 21 |
| | Part 6A, division 2— | 22 |
| | <i>insert—</i> | 23 |
| | Subdivision 5 Miscellaneous | 24 |
| | 103SAA Operation of particular provision not affected in relation to use of recorded statements | 25 26 27 |
| | To remove any doubt, it is declared that nothing in this part limits or otherwise affects the operation | 28 29 |

[s 52]

| | | | |
|------------------|--|---|------------------------|
| | of the <i>Domestic and Family Violence Protection Act 2012</i> , section 145. | 1 2 | |
| Clause 52 | Insertion of new pt 9, div 18 | 3 | |
| | Part 9— | 4 | |
| | <i>insert—</i> | 5 | |
| | Division 18 | Transitional provisions for Domestic and Family Violence Protection and Other Legislation Amendment Act 2025 | 6 7 8 9 10 |
| | 178 Definitions for division | 11 | |
| | In this division— | 12 | |
| | <i>amendment Act</i> means the <i>Domestic and Family Violence Protection and Other Legislation Amendment Act 2025</i> . | 13 14 15 | |
| | <i>former</i> , in relation to a provision of this Act, means the provision as in force from time to time before the commencement of the transitional provision in which the term is used. | 16 17 18 19 | |
| | <i>new</i> , in relation to a provision of this Act, means the provision as in force from the commencement of the transitional provision in which the term is used. | 20 21 22 23 | |
| | <i>transitional provision</i> means a provision of this division. | 24 25 | |
| | 179 Recorded statements not completed before commencement | 26 27 | |
| | (1) This section applies if— | 28 | |

-
- (a) before the commencement, a complainant started to make a recorded statement and the complainant had consented to the making of the recorded statement under former section 103F; but
- (b) immediately before the commencement, the making of the recorded statement had not been completed.
- (2) Former section 103E continues to apply to the making of the recorded statement.
- 180 Recorded statements made under former s 103E**
- (1) This section applies to a recorded statement—
- (a) made before the commencement under former section 103E; or
- (b) made after the commencement under former section 103E, as applied by section 179.
- (2) New part 6A applies to the recorded statement as if a reference in new section 103H to section 103E included a reference to former section 103E(3).
- 181 Application of former pt 6A, divs 1 and 2 to particular existing domestic violence proceedings**
- (1) This section applies if, immediately before the commencement—
- (a) former part 6A, divisions 1 and 2 applied in relation to a domestic violence proceeding; and
- Note—*
- See also section 158.
- (b) the domestic violence proceeding had not been finalised.

[s 52]

- (2) Former part 6A, divisions 1 and 2 continues to apply in relation to the domestic violence proceeding as if the amendment Act had not been enacted.

182 Application of new pt 6A, divs 1 and 2

- (1) New part 6A, divisions 1 and 2 applies in relation to a domestic violence proceeding only if an originating step for the proceeding is taken on or after the commencement.
- (2) Subsection (1) applies even if—
- (a) the act or omission constituting the domestic violence offence that is the subject of the domestic violence proceeding happened before the commencement; or
 - (b) a recorded statement in relation to the domestic violence offence mentioned in paragraph (a) was made before the commencement.
- (3) In this section—
- originating step*, for a domestic violence proceeding, means—
- (a) the arrest of the defendant in the proceeding; or
 - (b) the making of a complaint under the *Justices Act 1886*, section 42 in relation to the defendant in the proceeding; or
 - (c) the serving of a notice to appear on the defendant in the proceeding under the *Police Powers and Responsibilities Act 2000*, section 382.

| | | |
|------------------|---|----------|
| Part 4 | Amendment of Explosives Act 1999 | 1 2 |
| Clause 53 | Act amended | 3 |
| | This part amends the <i>Explosives Act 1999</i> . | 4 |
| Clause 54 | Amendment of s 12B (Criteria for deciding applications) | 5 |
| | (1) Section 12B(2)(a)(ii), after ‘order’— | 6 |
| | <i>insert—</i> | 7 |
| | , police protection direction | 8 |
| | (2) Section 12B(3)(a), after ‘order,’— | 9 |
| | <i>insert—</i> | 10 |
| | police protection direction, | 11 |
| Clause 55 | Amendment of s 12G (Reports about criminal history and other matters) | 12 13 |
| | Section 12G(2)(b), after ‘order’— | 14 |
| | <i>insert—</i> | 15 |
| | , police protection direction | 16 |
| Clause 56 | Amendment of s 12H (Commissioner must give notice of particular matters) | 17 18 |
| | (1) Section 12H(1)(b)(ii), after ‘order’— | 19 |
| | <i>insert—</i> | 20 |
| | , police protection direction | 21 |
| | (2) Section 12H(3)(c), after ‘order,’— | 22 |
| | <i>insert—</i> | 23 |
| | police protection direction, | 24 |

[s 57]

| | | |
|------------------|--|---|
| Clause 57 | Amendment of s 25B (Immediate cancellation if protection order made) | 1 2 |
| (1) | Section 25B, heading, after ‘if’— <i>insert</i> — police protection direction issued or | 3 4 5 |
| (2) | Section 25B(1), after ‘in a’— <i>insert</i> — police protection direction or | 6 7 8 |
| (3) | Section 25B(2)— <i>omit, insert</i> — (2) The authority or security clearance is cancelled— (a) if the holder is named as the respondent in a protection order and is present in court when the order is made—when the order is made; or (b) otherwise—when the holder is served with the direction or order. | 9 10 11 12 13 14 15 16 17 |
| Clause 58 | Amendment of s 126AA (Effect of appeals against domestic violence orders) | 18 19 |
| (1) | Section 126AA, heading— <i>omit, insert</i> — 126AA Effect of setting aside or revoking domestic violence order or police protection direction | 20 21 22 23 |
| (2) | Section 126AA— <i>insert</i> — (1A) This section also applies if— (a) a person is named as the respondent in a police protection direction; and (b) the direction is— | 24 25 26 27 28 29 |

-
- (i) revoked under the *Domestic and Family Violence Protection Act 2012*, section 100Y; or 1
2
3
- (ii) set aside under section 100ZD of that Act. 4
5
- (3) Section 126AA(2), after ‘order’— 6
insert— 7
or police protection direction 8
- (4) Section 126AA(3), after ‘set aside’— 9
insert— 10
or the police protection direction is revoked or set 11
aside 12
- (5) Section 126AA(3), after ‘in the domestic violence order’— 13
insert— 14
or police protection direction 15

- Clause 59 Amendment of sch 2 (Dictionary)** 16
Schedule 2— 17
insert— 18
police protection direction means a police 19
protection direction under the *Domestic and* 20
Family Violence Protection Act 2012. 21

Part 5 Amendment of Penalties and Sentences Act 1992 22
23

- Clause 60 Act amended** 24
This part amends the *Penalties and Sentences Act 1992*. 25

[s 61]

| | | |
|------------------|--|----------|
| Clause 61 | Amendment of s 11 (Matters to be considered in determining offender’s character) | 1 2 |
| | (1) Section 11(3), definition <i>domestic violence order</i> , paragraph (a)— | 3 4 |
| | <i>insert—</i> | 5 |
| | (ia) a police protection direction; | 6 |
| | (2) Section 11(3), definition <i>domestic violence order</i> , paragraph (a), subparagraphs (ia) to (v)— | 7 8 |
| | <i>renumber</i> as subparagraphs (ii) to (vi). | 9 |
| Part 6 | Amendment of Police Powers and Responsibilities Act 2000 | 10 11 |
| Clause 62 | Act amended | 12 |
| | This part amends the <i>Police Powers and Responsibilities Act 2000</i> . | 13 14 |
| Clause 63 | Amendment of s 365 (Arrest without warrant) | 15 |
| | Section 365(1)(j), after ‘177,’— | 16 |
| | <i>insert—</i> | 17 |
| | 177A, | 18 |
| Clause 64 | Amendment of s 604 (Dealing with persons affected by potentially harmful things) | 19 20 |
| | Section 604(2), example 3, after ‘order,’— | 21 |
| | <i>insert—</i> | 22 |
| | police protection direction, | 23 |

| | | |
|------------------|---|----|
| Clause 65 | Amendment of s 610 (Police actions after domestic violence order, police protection notice or release conditions are made) | 1 |
| | | 2 |
| | | 3 |
| (1) | Section 610, heading, after ‘order,’— | 4 |
| | <i>insert—</i> | 5 |
| | police protection direction, | 6 |
| (2) | Section 610(1), after ‘order,’— | 7 |
| | <i>insert—</i> | 8 |
| | police protection direction, | 9 |
| (3) | Section 610(2), after ‘the order,’— | 10 |
| | <i>insert—</i> | 11 |
| | direction, | 12 |
| (4) | Section 610(2)(a), after ‘order’— | 13 |
| | <i>insert—</i> | 14 |
| | , direction | 15 |
| (5) | Section 610(2), note, after ‘order,’— | 16 |
| | <i>insert—</i> | 17 |
| | police protection direction, | 18 |
| (6) | Section 610(3), example 1, after ‘order’— | 19 |
| | <i>insert—</i> | 20 |
| | , police protection direction | 21 |
| (7) | Section 610(4)(a), after ‘order,’— | 22 |
| | <i>insert—</i> | 23 |
| | direction, | 24 |
| Clause 66 | Amendment of s 715 (What is the appointed day for disposal of weapons under s 714) | 25 |
| | | 26 |
| (1) | Section 715(b), after ‘was made, a’— | 27 |
| | <i>insert—</i> | 28 |

[s 67]

| | | |
|------------------|--|----|
| | police protection direction or | 1 |
| (2) | Section 715(b), after ‘is made, the’— | 2 |
| | <i>insert—</i> | 3 |
| | direction or | 4 |
| Clause 67 | Amendment of sch 5A (Prescribed documents for service by electronic communication) | 5 |
| | Schedule 5A— | 6 |
| | <i>insert—</i> | 7 |
| | 4A a police protection direction and a notice stating the grounds for issuing the direction | 8 |
| Clause 68 | Amendment of sch 6 (Dictionary) | 9 |
| | Schedule 6— | 10 |
| | <i>insert—</i> | 11 |
| | <i>police protection direction</i> see the <i>Domestic and Family Violence Protection Act 2012</i> , schedule. | 12 |
| | | 13 |
| Part 7 | Amendment of Residential Tenancies and Rooming Accommodation Act 2008 | 14 |
| | | 15 |
| | | 16 |
| Clause 69 | Act amended | 17 |
| | This part amends the <i>Residential Tenancies and Rooming Accommodation Act 2008</i> . | 18 |
| | | 19 |
| Clause 70 | Amendment of s 245 (Injury to domestic associate) | 20 |
| | Section 245(4)— | 21 |
| | <i>insert—</i> | 22 |

| | | |
|------------------|--|----------------------------|
| | (d) whether a police protection direction against the person's domestic associate is in force or has previously been in force; | 1 2 3 |
| | (e) if a police protection direction is or was in force—whether a condition was imposed prohibiting the person's domestic associate from entering, or remaining, on the premises. | 4 5 6 7 8 |
| Clause 71 | Amendment of s 344 (Damage or injury) | 9 |
| | Section 344(2)— | 10 |
| | <i>insert—</i> | 11 |
| | (d) whether a police protection direction against the applicant's domestic associate is in force or has previously been in force; | 12 13 14 |
| | (e) if a police protection direction is or was in force—whether a condition was imposed prohibiting the applicant's domestic associate from entering, or remaining, on the premises. | 15 16 17 18 19 |
| Clause 72 | Amendment of sch 2 (Dictionary) | 20 |
| | Schedule 2— | 21 |
| | <i>insert—</i> | 22 |
| | <i>police protection direction</i> see the <i>Domestic and Family Violence Protection Act 2012</i> , schedule. | 23 24 |
| Part 8 | Amendment of Weapons Act 1990 | 25 26 |
| Clause 73 | Act amended | 27 |
| | This part amends the <i>Weapons Act 1990</i> . | 28 |

-
- (3) Section 28A(2)(b), after ‘order’— 1
insert— 2
or the direction takes effect 3
- (4) Section 28A(3)(b)— 4
omit, insert— 5
- (b) if the respondent is present when a police 6
officer issues and explains the police 7
protection direction—when the police 8
officer issues the direction; or 9
- (c) otherwise—when the respondent is given 10
the protection order or is personally served 11
with the direction. 12
- (5) Section 28A(4)(b), after ‘order’— 13
insert— 14
or police protection direction 15

Clause 78 Amendment of s 29A (Action by court if respondent has access to weapons through employment) 16
17

- (1) Section 29A(1)(a), after ‘order,’— 18
insert— 19
police protection direction, 20
- (2) Section 29A(2)(c) and (d), (3) and (4), after ‘the order,’— 21
insert— 22
direction, 23

Clause 79 Amendment of s 29B (Arrangements for surrender of suspended or revoked licences and weapons) 24
25

- (1) Section 29B(1), after ‘order,’— 26
insert— 27
police protection direction, 28

[s 80]

- (2) Section 29B(2)(a)(ii), after ‘explains the’— 1
insert— 2
direction or 3
- (3) Section 29B(2)(b), after ‘the order’— 4
insert— 5
, direction 6
- (4) Section 29B(3)(b)(i) and (c)(i), ‘or notice is issued’— 7
omit, insert— 8
, the direction takes effect or the notice is issued 9
- (5) Section 29B(3)(b)(ii) and (c)(ii), after ‘the order,’— 10
insert— 11
direction, 12
- (6) Section 29B(4), after ‘the order’— 13
insert— 14
, direction 15
- (7) Section 29B(7), after ‘order,’— 16
insert— 17
police protection direction, 18
- (8) Section 29B(8), definition *otherwise surrender*, paragraph 19
(a)(ii), after ‘order’— 20
insert— 21
or police protection direction 22

- Clause 80** **Amendment of s 34AA (Effect of an appeal against a** 23
 domestic violence order) 24
- (1) Section 34AA, heading— 25
omit, insert— 26

34AA Effect of discharging domestic violence order or revoking or setting aside police protection direction

(2) Section 34AA(2)—

omit, insert—

(2) This section also applies if—

(a) a person is named as the respondent in a police protection direction; and

(b) the direction is—

(i) revoked under the *Domestic and Family Violence Protection Act 2012*, section 100Y; or

(ii) set aside under section 100ZD of that Act.

(3) For this Act, the domestic violence order or police protection direction is taken not to have been made or issued.

Clause 81 Amendment of s 53 (An unlicensed person may use a weapon at an approved range)

Section 53(8), definition *excluded person*, paragraph (e), after ‘protection order’—

insert—

, or a police protection direction

Clause 82 Amendment of sch 2 (Dictionary)

Schedule 2—

insert—

police protection direction means a police protection direction under the *Domestic and Family Violence Protection Act 2012*.

[s 83]

Part 9 **Other amendments** 1

| | | |
|------------------|--|---|
| Clause 83 | Legislation amended | 2 |
| | Schedule 1 amends the legislation it mentions. | 3 |

| | | |
|-------------------|---|----|
| Schedule 1 | Other amendments | 1 |
| | section 83 | 2 |
| | Child Protection Act 1999 | 3 |
| 1 | Schedule 3, definition <i>domestic violence history</i>, after ‘made’— | 4 |
| | <i>insert—</i> | 5 |
| | <i>insert—</i> | 6 |
| | , or police protection directions issued, | 7 |
| | Corrective Services Act 2006 | 8 |
| 1 | Section 322(1)(a), after ‘domestic violence order’— | 9 |
| | <i>insert—</i> | 10 |
| | , direction | 11 |
| 2 | Section 322— | 12 |
| | <i>insert—</i> | 13 |
| | (3) In this section— | 14 |
| | <i>domestic violence</i> see the <i>Domestic and Family Violence Protection Act 2012</i> , section 8. | 15 |
| | | 16 |
| | <i>domestic violence order, direction or notice</i> | 17 |
| | means an order, direction or notice included in a | 18 |
| | person’s domestic violence history under the | 19 |
| | <i>Domestic and Family Violence Protection Act 2012</i> . | 20 |
| | | 21 |

Schedule 1

| | | |
|----------|---|----|
| 3 | Schedule 4, definitions <i>domestic violence</i> and <i>domestic violence order or notice</i>— | 1 |
| | <i>omit.</i> | 2 |
| | | 3 |
| | Criminal Code | 4 |
| 1 | Section 590AH(4), definition <i>domestic violence history</i>, paragraph (a)(ii), after ‘a’— | 5 |
| | <i>insert—</i> | 6 |
| | police protection direction or | 7 |
| | | 8 |
| | Disability Services Act 2006 | 9 |
| 1 | Section 138D(1), after ‘made, or’— | 10 |
| | <i>insert—</i> | 11 |
| | a police protection direction or | 12 |
| 2 | Section 138D(4), after ‘order’— | 13 |
| | <i>insert—</i> | 14 |
| | , police protection direction | 15 |
| 3 | Schedule 8, definition <i>domestic violence information</i>, after ‘made, or’— | 16 |
| | <i>insert—</i> | 17 |
| | police protection directions or | 18 |
| | | 19 |

| | | |
|----------|--|-------------|
| 4 | Schedule 8— | 1 |
| | <i>insert—</i> | 2 |
| | <i>police protection direction</i> means a police protection direction under the <i>Domestic and Family Violence Protection Act 2012</i> . | 3 4 5 |
| | Domestic and Family Violence Protection Act 2012 | 6 |
| 1 | Part 3, division 8, note under heading, after ‘order,’— | 7 |
| | <i>insert—</i> | 8 |
| | police protection direction, | 9 |
| 2 | Sections 135F(h), 135I(1)(d)(i), (2)(c) and (3), 135M(1)(a)(i), (d) and (e) and (2) and 135Q(2), after ‘order’— | 10 11 |
| | <i>insert—</i> | 12 |
| | , police protection direction | 13 |
| | Industrial Relations Act 2016 | 14 |
| 1 | Section 296(2)— | 15 |
| | <i>insert—</i> | 16 |
| | (aa) a police protection direction; | 17 |
| 2 | Section 296(2)(aa) to (c)— | 18 |
| | <i>renumber</i> as section 296(2)(b) to (d). | 19 |

Schedule 1

| | | |
|----------|---|----|
| 3 | Section 296(3)— | 1 |
| | <i>insert—</i> | 2 |
| | <i>police protection direction</i> has the meaning given | 3 |
| | by the <i>Domestic and Family Violence Protection</i> | 4 |
| | <i>Act 2012.</i> | 5 |
| | | |
| | Working with Children (Risk Management and | 6 |
| | Screening) Act 2000 | 7 |
| | | |
| 1 | Section 186(1)(a), after ‘made, or’— | 8 |
| | <i>insert—</i> | 9 |
| | a police protection direction or | 10 |
| | | |
| 2 | Section 315A(1), after ‘made, or a’— | 11 |
| | <i>insert—</i> | 12 |
| | police protection direction or | 13 |
| | | |
| 3 | Section 315A(4), after ‘domestic violence order’— | 14 |
| | <i>insert—</i> | 15 |
| | , police protection direction | 16 |
| | | |
| 4 | Schedule 7, definition <i>domestic violence information</i>, | 17 |
| | after ‘made, or’— | 18 |
| | <i>insert—</i> | 19 |
| | police protection directions or | 20 |
| | | |
| 5 | Schedule 7— | 21 |
| | <i>insert—</i> | 22 |
| | <i>police protection direction</i> see the <i>Domestic and</i> | 23 |

Family Violence Protection Act 2012, section 100B(1). 1
2

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