



Queensland

*COVID-19 Emergency Response Act 2020*  
*Domestic and Family Violence Protection Act 2012*  
*Magistrates Courts Act 1921*

# Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation 2020

Current as at 19 March 2020

**Warning—Some provisions of this legislation are not in operation. These provisions are italicised. For details, see the List of legislation in the Legislative history.**

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Queensland

# Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation 2020

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# Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation 2020

## Part 1 Preliminary

### 1 Short title

This regulation may be cited as the *Domestic and Family Violence Protection (COVID-19 Emergency Response) Regulation 2020*.

### 2 Commencement

The following provisions are taken to have commenced on 19 March 2020—

- (a) sections 6 to 8;
- (b) section 10.

### 3 Declaration

*This regulation is made under the COVID-19 Emergency Response Act 2020, sections 9 and 17.*

### 4 Interpretation

*In parts 2 and 4, a reference to the Act is a reference to the Domestic and Family Violence Protection Act 2012.*

## **Part 2                                      Modification of Domestic and Family Violence Protection Act 2012**

### **5            *Application of part***

*This part modifies the Domestic and Family Violence Protection Act 2012.*

### **6            Use of audio visual links or audio links for particular proceedings**

- (1) This section applies in relation to a proceeding under the Act before a Magistrates Court.
- (2) The Magistrates Court may conduct all or part of the proceeding by the use of audio visual links or audio links.
- (3) Without limiting subsection (2), the Magistrates Court may enable a person to do any of the following by audio visual link or audio link—
  - (a) appear before the Magistrates Court;
  - (b) give evidence or make a submission to the Magistrates Court;
  - (c) take an oath or make an affirmation.
- (4) If all or part of a proceeding is conducted by the use of audio visual links or audio links, a person who appears before the Magistrates Court for the proceeding is taken to be present before the Magistrates Court.

### **7            Modification of verification of protection order applications—Act, s 32**

A requirement under section 32(2)(d) of the Act for an applicant who is not a police officer to verify by statutory declaration an application for a protection order is taken to be

satisfied if the applicant informs a magistrate that the application is true and correct.

**8 Modification of verification of variation of domestic violence order applications—Act, s 86**

A requirement under section 86(2)(d) of the Act for an applicant who is not a police officer to verify by statutory declaration an application for a variation of a domestic violence order is taken to be satisfied if the applicant informs a magistrate that the application is true and correct.

**Part 3 Modification of Domestic and Family Violence Protection Rules 2014**

**9 *Application of part***

*This part modifies the Domestic and Family Violence Protection Rules 2014.*

**10 Modification of filing requirements**

- (1) The *Domestic and Family Violence Protection Rules 2014*, rule 9(1) is taken to permit a document in a proceeding to be filed by sending the document to the registry by email under subsection (2).
- (2) For subsection (1), a person files a document by email if the document is sent by email to the registry and the person receives an electronic message from the registry that the email was received.

## **Part 4**                      **Other provisions**

### **11**      **Transitional provision for Act, s 32**

- (1) *This section applies if—*
  - (a) *after the commencement but before 4 December 2020 an application is made under section 32 of the Act as modified by section 7; and*
  - (b) *on 4 December the application has not been verified by the applicant under section 32 of the Act as modified by section 7.*
- (2) *Despite the expiry of section 7, during the period starting on 4 December and ending on 31 December 2020 the applicant may verify the application in accordance with section 7.*
- (3) *An application verified under subsection (2) is taken to have been verified in accordance with section 32(2)(d) of the Act as modified by section 7.*

### **12**      **Transitional provision for Act, s 86**

- (1) *This section applies if—*
  - (a) *after the commencement but before 4 December 2020 an application is made under section 86 of the Act as modified by section 8; and*
  - (b) *on 4 December the application has not been verified by the applicant under section 86 of the Act as modified by section 8.*
- (2) *Despite the expiry of section 8, during the period starting on 4 December and ending on 31 December 2020 the applicant may verify the application in accordance with section 8.*
- (3) *An application verified under subsection (2) is taken to have been verified in accordance with section 86(2)(d) of the Act as modified by section 8.*



**13**     ***Expiry***

- (1) *This regulation, other than sections 7 and 8, expires on 31 December 2020.*
- (2) *Sections 7 and 8 expire on 3 December 2020.*