



Queensland

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

Subordinate Legislation 2020 No. 153

made under the

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

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

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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.

ENDNOTES

- 1 Made by the Governor in Council on 13 August 2020.
- 2 Notified on the Queensland legislation website on 14 August 2020.
- 3 The administering agency is the Department of Child Safety, Youth and Women.

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