

Contravention of police protection notice – s 178 *Domestic Violence and Family Protection Act 2012* (Qld)

The prosecution must prove that:

1. A police protection notice was issued in relation to the respondent;

A police officer may issue a notice against a person if the police officer:¹

- a) Is present at the same location as the respondent; and
- b) Reasonably believes the respondent has committed domestic violence; and
- c) Reasonably believes that no domestic violence order has been made, or police protection notice issued, that:
 - i. Names the respondent as a respondent and another person involved in the domestic violence mentioned in paragraph (b) as the aggrieved; or
 - ii. Names the respondent as an aggrieved and another person involved in the domestic violence mentioned in paragraph (b) as the respondent; and
- d) Reasonably believes the respondent should not be taken into custody; and
- e) Has obtained approval to issue the notice.

Before issuing a notice the police officer must obtain approval of a supervising police officer.²

2. The police protection notice was issued in substantial compliance with Part 4, Division 2;

¹ s 101 [*Domestic Violence and Family Protection Act 2012* \(Qld\)](#).

² s 102 [*Domestic Violence and Family Protection Act 2012* \(Qld\)](#) for the requirements. See s 105 [*Domestic Violence and Family Protection Act 2012* \(Qld\)](#) for the form of the notice.

A police officer issuing a police protection notice must:³

- a) Personally serve the notice on the respondent; and**
- b) Give a copy of the notice to the aggrieved.**

When serving the notice the police officer must:⁴

- a) Explain the notice to the person; and**
- b) Take reasonable steps to ensure the person understands the nature and consequences of the notice.**

- 3. The respondent has been served with a copy of a police protection notice; and**
- 4. The respondent contravened the notice.**

³ s 109(2) [*Domestic Violence and Family Protection Act 2012 \(Qld\)*](#): The notice takes effect from when the notice is served on the respondent. s 111(1) [*Domestic Violence and Family Protection Act 2012 \(Qld\)*](#): A copy of the notice must be filed in the local Magistrates Court for the respondent.

Note: Failure to give a copy of the notice to the aggrieved does not invalidate or otherwise affect the notice: s 109(3) [*Domestic Violence and Family Protection Act 2012 \(Qld\)*](#).

⁴ s110(2) [*Domestic Violence and Family Protection Act 2012 \(Qld\)*](#). See s 110(3) in relation to what the police officer must explain.