

PARLIAMENT OF VICTORIA

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**Police and Emergency Legislation Amendment  
Bill 2020**

**TABLE OF PROVISIONS**

<i>Clause</i>	<i>Page</i>
<b>Part 1—Preliminary</b>	<b>1</b>
1 Purposes	1
2 Commencement	2
<b>Part 2—Amendment of Victoria Police Act 2013</b>	<b>3</b>
3 Definition of <i>designated place</i>	3
4 New section 3A inserted	3
5 Functions of protective services officers	6
6 Duties and powers of protective services officers	6
7 Disclosure of restricted matter prohibited	7
8 Subject matter for regulations	7
<b>Part 3—Amendment of Crimes Act 1958</b>	<b>8</b>
9 Questioning or investigation of person already held for another matter	8
<b>Part 4—Amendment of Family Violence Protection Act 2008</b>	<b>10</b>
10 Proof of service	10
11 New section 205A inserted	10
12 Certificate of service	11
13 Statute law revision amendments	11
14 New Division 14 inserted in Part 14	12
15 Repeal of service by sheriff provisions	12
<b>Part 5—Amendment of Sheriff Act 2009</b>	<b>14</b>
16 Definitions	14
17 Repeal of amendment to definition	14
<b>Part 6—Amendment of Fire Rescue Victoria Act 1958</b>	<b>15</b>
18 Schedule 2	15
19 Schedule 3	15
<b>Part 7—Repeal of this Act</b>	<b>17</b>
20 Repeal of this Act	17

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<i>Clause</i>	<i>Page</i>
<b>Endnotes</b>	<b>18</b>
1 General information	18

PARLIAMENT OF VICTORIA

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Introduced in the Assembly

**Police and Emergency Legislation  
Amendment Bill 2020**

A Bill for an Act to amend the **Victoria Police Act 2013**, the **Crimes Act 1958**, the **Family Violence Protection Act 2008**, the **Sheriff Act 2009** and the **Fire Rescue Victoria Act 1958** and for other purposes.

**The Parliament of Victoria enacts:**

**Part 1—Preliminary**

**1 Purposes**

The purposes of this Act are—

- 5 (a) to amend the **Victoria Police Act 2013**—
- (i) to expand the definition of designated places where protective services officers may operate; and

Part 1—Preliminary

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- 5 (ii) to expand the functions and powers of protective services officers to providing services in an emergency to the general public throughout the whole or a part of Victoria; and
- (iii) to include a power to make regulations prescribing fees or charges that may be imposed for the provision of services by protective services officers; and
- 10 (b) to amend the **Crimes Act 1958** to enable a person held in a police gaol that is located in the same building as a police station to be moved to the police station for questioning about another offence; and
- 15 (c) to amend the **Family Violence Protection Act 2008** and the **Sheriff Act 2009** to enable the sheriff to serve applications for family violence intervention orders under that Act on a trial basis; and
- 20 (d) to amend the **Fire Rescue Victoria Act 1958** to update Fire Rescue Victoria fire district map references and relevant addresses in that Act.

**2 Commencement**

- 25 (1) Subject to subsection (3), this Act (other than sections 15 and 17) comes into operation on a day or days to be proclaimed.
- (2) Sections 15 and 17 come into operation on the second anniversary of the commencement of sections 10, 11, 12 and 16.
- 30 (3) If a provision referred to in subsection (1) does not come into operation before 3 May 2021, it comes into operation on that day.

## Part 2—Amendment of Victoria Police Act 2013

### 3 Definition of *designated place*

5 In section 3(1) of the **Victoria Police Act 2013**,  
for the definition of *designated place*  
substitute—

*designated place* means—

- 10 (a) a place prescribed by the regulations to  
be a designated place for the purposes  
of section 52; or
- (b) a place or area declared to be a  
designated place in a notice published  
under section 3A;".

### 4 New section 3A inserted

15 After section 3 of the **Victoria Police Act 2013**  
insert—

#### "3A Declaration of designated place

- (1) This section applies to the following places  
or areas—
- 20 (a) an area that—
- (i) adjoins a designated place within  
the meaning of paragraph (a) of  
the definition of *designated place*;  
and
- 25 (ii) adjoins or is a public thoroughfare  
to a roadway, a sporting venue or  
a place of mass gathering;
- (b) a public thoroughfare used to access or  
exit from the public transport network,  
a sporting venue or a place of mass  
30 gathering;

- 5
- (c) an area surrounding or adjacent to a sporting venue, a venue of public entertainment or a place of mass gathering;
- 10
- (d) any large area, including the central business district of Melbourne or any part of it.
- (2) The Chief Commissioner or a Deputy Commissioner, by notice published in the Government Gazette, may declare a place or area referred to in subsection (1) and specified in the declaration to be a designated place for one or more of the following—
- 15
- (a) a period not exceeding 12 months;
- (b) specified hours on recurring dates within a period not exceeding 12 months;
- 20
- (c) specified dates within a period not exceeding 12 months;
- (d) specified days of the week within a period not exceeding 12 months.
- (3) When making a declaration under subsection (2), the Chief Commissioner or a Deputy Commissioner must be satisfied that—
- 25
- (a) the declaration is necessary or desirable for community safety or reassurance of the public at the place or area specified in the declaration and is appropriate—
- 30
- (i) to assist police to provide a presence at the place or area specified in the declaration; or
- 35
- (ii) to deter crime or antisocial behaviour within the place or area specified in the declaration; or
-

- (iii) to provide reassurance for the safety of persons moving within, to or from the place or area specified in the declaration; and
- 5 (b) the exercise of powers by protective services officers at the place or area specified in the declaration will not unduly limit the human rights of any person; and
- 10 (c) in performing their functions and exercising their powers, protective services officers will be supervised by police officers.
- 15 (4) A police officer of or above the rank of Assistant Commissioner, by notice published on an Internet site maintained by Victoria Police, may declare a place or area referred to in subsection (1) and specified in the declaration to be a designated place for a
- 20 period not exceeding 48 hours if the police officer is satisfied that urgent or unforeseen circumstances require the deployment of protective services officers in the specified place or area.
- 25 (5) Subject to subsection (6), a declaration under subsection (2) or (4) comes into operation on the day on which it is made available to the public on an Internet site maintained by Victoria Police.
- 30 (6) A declaration under subsection (2) that is expressed to come into operation on the revocation or expiry of a declaration under subsection (4) comes into operation on that revocation or expiry."

**5 Functions of protective services officers**

In section 37(b) of the **Victoria Police Act 2013**, after "places" **insert** "or, in an emergency, throughout the whole or a part of Victoria".

5

**6 Duties and powers of protective services officers**

After section 52(3) of the **Victoria Police Act 2013** insert—

10

"(4) In addition, a protective services officer on duty in an emergency has in the emergency area all the duties and powers imposed or conferred on a protective services officer under this or any other Act, including but not limited to—

15

(a) the duties and powers imposed or conferred on a protective services officer on duty at a designated place under this or any other Act; and

20

(b) any duty, function or power delegated to a protective services officer by the Chief Commissioner under this or any other Act.

(5) In subsection (4)—

*emergency* means—

25

(a) a declaration of a state of disaster under section 23 of the **Emergency Management Act 1986**; or

30

(b) a declaration of an emergency area under section 36A of the **Emergency Management Act 1986**; or

- (c) a declaration of a state of emergency under section 198 of the **Public Health and Wellbeing Act 2008**;

5

*emergency area* means—

- (a) in the case of a declaration of a state of disaster under section 23 of the **Emergency Management Act 1986**, that part or those parts of Victoria in which a state of disaster is declared to exist; or
- 10
- (b) in the case of a declaration under section 36A of the **Emergency Management Act 1986**, the area declared to be an emergency area; or
- 15
- (c) in the case of a declaration of a state of emergency under section 198 of the **Public Health and Wellbeing Act 2008**, the emergency area in which the state of emergency exists."
- 20

#### **7 Disclosure of restricted matter prohibited**

25 In section 185(2)(ia)(ii) of the **Victoria Police Act 2013**, for "the Workplace Relations Act 1996" **substitute** "section 93AB of the Competition and Consumer Act 2010".

#### **8 Subject matter for regulations**

30 In clause 7.1 of Schedule 5 to the **Victoria Police Act 2013**, after "police officers" **insert** ", protective services officers".

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## Part 3—Amendment of Crimes Act 1958

### 9 Questioning or investigation of person already held for another matter

- 5 (1) In section 464B(5C) and (5E) of the **Crimes Act 1958**, for "(1)(a)(ii), (iii) or (iv)" substitute "(1)(a)(ii) or (iii)".
- (2) In section 464B(12) of the **Crimes Act 1958**, after "(11)" insert "unless subsection (16) applies".
- 10 (3) After section 464B(15) of the **Crimes Act 1958** insert—
- "(16) An investigating official may remove a person being held in a police gaol for the purpose of questioning under subsection (11) if—
- 15 (a) the police gaol is located in the same building as a police station; and
- (b) the person is to be removed to a room in the police station; and
- 20 (c) the person is not to be taken outside the building; and
- (d) the person consents to being removed to a room in the police station; and
- (e) the officer in charge of the police gaol gives approval under subsection (17).
- 25 (17) An officer in charge of a police gaol may approve the removal of a person to a room in a police station under subsection (16) if satisfied that the use of the room—
- 30 (a) is in the best interests of the person to be questioned, having regard to privacy and confidentiality; or

- 5
- (b) enables an audiovisual recording required by subsection (15) to be made; or
- (c) for any other reason is preferable to conducting the questioning in the police gaol.
- 10
- (18) A person removed under subsection (16) from a police gaol to a room in a police station is in the custody of the investigating official.
- 15
- (19) The removal of a person from a police gaol to another part of the same building under subsection (16) has effect as a suspension of a direction in a warrant of commitment to deliver the person to the place of detention specified in the warrant or to hold the person in that place.
- 20
- (20) At the cessation of questioning, the investigating official must deliver the person to the police gaol from which the person was removed."

## **Part 4—Amendment of Family Violence Protection Act 2008**

### **10 Proof of service**

5 In section 203(2) of the **Family Violence Protection Act 2008**, after "police officer" insert  
", the sheriff".

### **11 New section 205A inserted**

10 After section 205 of the **Family Violence Protection Act 2008** insert—

#### **"205A Service by the sheriff**

- 15 (1) An application for a family violence intervention order that is required by this Act to be served by the appropriate registrar for the court may be served by the sheriff.
- 20 (2) Subject to subsection (3), the sheriff may enter premises where the sheriff reasonably believes the respondent to be for the purpose of serving the respondent with an application referred to in subsection (1).
- 25 (3) The sheriff must not use any force to enter premises for the purpose of serving an application referred to in subsection (1).
- 30 (4) If the sheriff believes on reasonable grounds that a person may be the respondent named or described in the application to be served, the sheriff may request the person to state their name and ordinary place of residence or business.
- (5) If service of an application is effected by the sheriff, the sheriff must file a certificate of service in accordance with sections 203 and 206.



(b) in section 232 (where secondly occurring),  
for "**232**" substitute "**233**".

**14 New Division 14 inserted in Part 14**

After Division 13 in Part 14 of the **Family  
Violence Protection Act 2008** insert—

**"Division 14—Police and Emergency  
Legislation Amendment Act 2020**

**234 Transitional provision—Police and  
Emergency Legislation Amendment  
Act 2020**

Section 205A as inserted by section 11 of the  
**Police and Emergency Legislation  
Amendment Act 2020** applies to an  
application for a family violence intervention  
order made on or after the commencement of  
section 11 of that Act."

**15 Repeal of service by sheriff provisions**

- (1) In section 203(2) of the **Family Violence  
Protection Act 2008** omit ", the sheriff".
- (2) Section 205A of the **Family Violence Protection  
Act 2008** is **repealed**.
- (3) In section 206 of the **Family Violence Protection  
Act 2008**—
  - (a) for "a police officer, the sheriff or an  
appropriate registrar" substitute "a police  
officer or appropriate registrar";
  - (b) for "the police officer, the sheriff or the  
appropriate registrar" (where first occurring)  
substitute "the police officer or appropriate  
registrar";
  - (c) paragraph (ab) is **repealed**;

Police and Emergency Legislation Amendment Bill 2020

Part 4—Amendment of Family Violence Protection Act 2008

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(d) for paragraph (e) **substitute**—

"(e) is certified by the police officer or  
appropriate registrar."

## **Part 5—Amendment of Sheriff Act 2009**

### **16 Definitions**

5 In section 3 of the **Sheriff Act 2009**, in the definition of *court and enforcement legislation*, after paragraph (ea) **insert—**

"(eb) the **Family Violence Protection Act 2008**";.

### **17 Repeal of amendment to definition**

10 In section 3 of the **Sheriff Act 2009**, in the definition of *court and enforcement legislation*, paragraph (eb) is **repealed**.

## **Part 6—Amendment of Fire Rescue Victoria Act 1958**

### **18 Schedule 2**

5 In Schedule 2 to the **Fire Rescue Victoria Act 1958**, for "LEGL./17-371" **substitute** "LEGL./20-011".

### **19 Schedule 3**

10 In Schedule 3 to the **Fire Rescue Victoria Act 1958**—

(a) in item 15, for—  
"Hoppers Crossing  
119 Derrimut Road,  
Werribee Victoria  
3030"

15 **substitute**—  
"Tarneit  
417 Derrimut Road,  
Tarneit Victoria  
3029";

20 (b) in item 26, for "83–93" **substitute** "85–93";

(c) in item 38, for—  
"Wodonga  
37–39 Stanley Street,  
Wodonga Victoria 3690"

25 **substitute**—  
"Wodonga  
81 Thomas Mitchell Drive,  
Wodonga Victoria 3690";

Police and Emergency Legislation Amendment Bill 2020

Part 6—Amendment of Fire Rescue Victoria Act 1958

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- (d) in item 39, for—  
"203 Hazelwood Road,";  
**substitute—**  
"20 Hazelwood Road,".

## **Part 7—Repeal of this Act**

### **20 Repeal of this Act**

This Act is **repealed** on 4 May 2023.

#### **Note**

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The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

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## **Endnotes**

### **1 General information**

See [www.legislation.vic.gov.au](http://www.legislation.vic.gov.au) for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.