



Australian Capital Territory

Domestic Violence Agencies Amendment Act 2022

A2022-11

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Australian Capital Territory

Domestic Violence Agencies Amendment Act 2022

A2022-11

An Act to amend the *Domestic Violence Agencies Act 1986*, and for other purposes

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *Domestic Violence Agencies Amendment Act 2022*.

2 Commencement

This Act commences on a day fixed by the Minister by written notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see [Legislation Act](#), s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see [Legislation Act](#), s 79).

3 Legislation amended

This Act amends the *Domestic Violence Agencies Act 1986*.

Note This Act also amends the following legislation (see sch 1):

- [Crimes \(Sentencing\) Regulation 2006](#)
- [Human Rights Commission Act 2005](#)
- [Magistrates Court Act 1930](#)
- [Territory Records Regulation 2009](#).

4 Sections 5 to 10

substitute

5 Functions of council

(1) The council has the following functions:

- (a) advising the Minister on the Territory's response to domestic violence and family violence, including ways to continually improve the Territory's response;

- (b) identifying gaps and opportunities for the Territory to make the improvements mentioned in paragraph (a);
 - (c) facilitating the exchange of information and collaboration and integration between the public service, police, the courts and community-based organisations providing services in relation to domestic violence and family violence.
- (2) In exercising its functions, the council may—
- (a) allow a person who is not a member of the council to participate in a meeting of the council for the purpose of providing expert information or opinion to members; or
 - (b) establish an expert reference group to assist the council in the exercise of its functions.
- (3) Subsection (2) does not limit anything else that the council may do in exercising its functions under this Act.

6 Membership of council

The council consists of—

- (a) the victims of crime commissioner; and
- (b) the public servant in charge of the business unit responsible for coordinating the Territory's response to domestic violence and family violence; and
- (c) the chief executive officer of the Domestic Violence Crisis Service Inc ABN 54 658 714 235; and
- (d) the police officer who has command of operations relating to domestic violence and family violence; and
- (e) the public servant responsible for the administration of corrective services; and
- (f) the members appointed by the Minister under section 7.

7 Appointment of council members

- (1) The Minister must appoint the following as members of the council:
 - (a) 4 people who are the chief executive officer or equivalent of a community-based organisation that provides support services or undertakes advocacy, research or policy development in relation to domestic violence and family violence;
 - (b) at least 2 people who, in the Minister's opinion, represent the interests of an Aboriginal or Torres Strait Islander community;
 - (c) at least 1 person who, in the Minister's opinion, represents the interests of people of culturally and linguistically diverse backgrounds.
- (2) The Minister may also appoint 1 or more people as members of the council who, in the Minister's opinion, have skills or experience relevant to the functions of the council.
- (3) An appointment of a member under this section must be for a term of not longer than 3 years.

Note For laws about appointments, see the [Legislation Act](#), pt 19.3.

8 Ending of appointed member appointments

The Minister must end the appointment of a member appointed under section 7—

- (a) for misbehaviour; or
- (b) for physical or mental incapacity, if the incapacity substantially affects the exercise of the member's functions; or
- (c) if the member becomes bankrupt or personally insolvent; or
- (d) if the member is absent, without the permission of the presiding member, from—
 - (i) 3 consecutive meetings of the council; or

- (ii) 4 out of 6 consecutive meetings of the council; or
- (e) if the member is convicted, in the ACT, of an offence punishable by imprisonment for at least 1 year; or
- (f) if the member is convicted outside the ACT, in Australia or elsewhere, of an offence that, if it had been committed in the ACT, would have been punishable by imprisonment for at least 1 year.

9 Meetings of council

- (1) The chair must call a meeting of the council—
 - (a) whenever the chair considers it necessary for the effective exercise of the council's functions; or
 - (b) if requested, in writing, by the Minister; or
 - (c) if requested, in writing, by at least 3 other members of the council.
- (2) The council must hold a meeting in accordance with any resolution of the council.

10 Procedure at meetings

- (1) The members must elect a member as chair of the council.
- (2) The chair presides at meetings of the council.
- (3) However, if the chair is absent from a meeting or part of a meeting, the members present must elect 1 of their number to preside at the meeting or part of the meeting.
- (4) At a meeting of the council a quorum consists of the majority of members.
- (5) Questions arising at a meeting must be decided by a majority of votes of members present and voting but, if the votes are equal, the member presiding has the deciding vote.

- (6) The council must keep written minutes of its proceedings.
- (7) The council may decide its own procedure in relation to anything for which a procedure is not provided under this Act.

**5 Office of Domestic Violence Project Coordinator
Part 3**

omit

6 Dictionary, definition of *appointed member*

omit

7 Dictionary, definition of *coordinator* and note

omit

Schedule 1 Consequential amendments

(see s 3)

Part 1.1 Crimes (Sentencing) Regulation 2006

[1.1] Section 3 (d)

omit

Part 1.2 Human Rights Commission Act 2005

[1.2] Section 12 (1) (h), note

omit

[1.3] Section 27C (1), note

omit

(as the domestic violence project coordinator)

Part 1.3 Magistrates Court Act 1930

[1.4] Section 320A (2)

omit

domestic violence project coordinator

substitute

victims of crime commissioner

[1.5] Section 320A (3)

omit

coordinator

substitute

commissioner

[1.6] Section 320A (5)

omit

**Part 1.4 Territory Records
Regulation 2009**

[1.7] Schedule 1, item 7

substitute

7	Domestic Violence Prevention Council	chair of the council
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Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 24 March 2022.

2 Notification

Notified under the [Legislation Act](#) on 17 June 2022.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Domestic Violence Agencies Amendment Bill 2022, which was passed by the Legislative Assembly on 9 June 2022.

Clerk of the Legislative Assembly

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