

2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Prevention of Domestic and Family Violence)

Domestic Violence Agencies Amendment Bill 2022

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Sections 5 to 10	2
5 Office of Domestic Violence Project Coordinator Part 3	6
6 Dictionary, definition of <i>appointed member</i>	6
7 Dictionary, definition of <i>coordinator</i> and note	6

		Page
Schedule 1	Consequential amendments	7
Part 1.1	Crimes (Sentencing) Regulation 2006	7
Part 1.2	Human Rights Commission Act 2005	7
Part 1.3	Magistrates Court Act 1930	7
Part 1.4	Territory Records Regulation 2009	8

2022

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for the Prevention of Domestic and Family Violence)

Domestic Violence Agencies Amendment Bill 2022

A Bill for

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:

J2021-1247

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

1 **1 Name of Act**

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

3 **2 Commencement**

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

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

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

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

13 **3 Legislation amended**

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

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

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

20 **4 Sections 5 to 10**

21 *substitute*

22 **5 Functions of council**

23 (1) The council has the following functions:

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

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

15 **6 Membership of council**

- 16 The council consists of—
- 17 (a) the victims of crime commissioner; and
- 18 (b) the public servant in charge of the business unit responsible for
19 coordinating the Territory's response to domestic violence and
20 family violence; and
- 21 (c) the chief executive officer of the Domestic Violence Crisis
22 Service Inc ABN 54 658 714 235; and
- 23 (d) the police officer who has command of operations relating to
24 domestic violence and family violence; and
- 25 (e) the public servant responsible for the administration of
26 corrective services; and
- 27 (f) the members appointed by the Minister under section 7.

1 **7 Appointment of council members**

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

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

18 **8 Ending of appointed member appointments**

19 The Minister must end the appointment of a member appointed under

20 section 7—

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

- 1 (ii) 4 out of 6 consecutive meetings of the council; or
2 (e) if the member is convicted, in the ACT, of an offence punishable
3 by imprisonment for at least 1 year; or
4 (f) if the member is convicted outside the ACT, in Australia or
5 elsewhere, of an offence that, if it had been committed in the
6 ACT, would have been punishable by imprisonment for at least
7 1 year.

8 **9 Meetings of council**

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

17 **10 Procedure at meetings**

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

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

4 **5 Office of Domestic Violence Project Coordinator**
5 **Part 3**

6 *omit*

7 **6 Dictionary, definition of *appointed member***

8 *omit*

9 **7 Dictionary, definition of *coordinator* and note**

10 *omit*

1 **Schedule 1** **Consequential amendments**

2 (see s 3)

3 **Part 1.1** **Crimes (Sentencing)**
4 **Regulation 2006**

5 **[1.1] Section 3 (d)**

6 *omit*

7 **Part 1.2** **Human Rights Commission**
8 **Act 2005**

9 **[1.2] Section 12 (1) (h), note**

10 *omit*

11 **[1.3] Section 27C (1), note**

12 *omit*

13 (as the domestic violence project coordinator)

14 **Part 1.3** **Magistrates Court Act 1930**

15 **[1.4] Section 320A (2)**

16 *omit*

17 domestic violence project coordinator

18 *substitute*

19 victims of crime commissioner

Amendment [1.5]

1 **[1.5] Section 320A (3)**

2 *omit*

3 coordinator

4 *substitute*

5 commissioner

6 **[1.6] Section 320A (5)**

7 *omit*

8 **Part 1.4 Territory Records**
9 **Regulation 2009**

10 **[1.7] Schedule 1, item 7**

11 *substitute*

12 7	Domestic Violence Prevention Council	chair of the council
------	--------------------------------------	----------------------

Endnotes

1 Presentation speech

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

2 Notification

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

3 Republications of amended laws

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

© Australian Capital Territory 2022