

2023

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Sexual, Family and Personal Violence Legislation Amendment Bill 2023

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FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Sexual, Family and Personal Violence Legislation Amendment Bill 2023

A Bill for

An Act to amend legislation about sexual violence, family violence and personal violence, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Sexual, Family and Personal Violence Legislation*
4 *Amendment Act 2023*.

5 **2 Commencement**

6 This Act commences on the 7th day after its notification day.

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

9 **3 Legislation amended**

10 This Act amends the following legislation:

- 11 • [Bail Act 1992](#)
12 • [Crimes Act 1900](#)
13 • [Family Violence Act 2016](#)
14 • [Personal Violence Act 2016](#).

15 *Note* This Act also amends the [Crimes \(Forensic Procedures\) Act 2000](#) (see
16 sch 1).

1 **Part 2** **Bail Act 1992**

2 **4** **Schedule 1, part 1.1**

3 *substitute*

4 **Part 1.1** **Offences against Crimes**
5 **Act 1900**

column 1 item	column 2 provision	column 3 description of offence
1	15	manslaughter
2	19	intentionally inflicting grievous bodily harm
3	51	sexual assault in the first degree
4	52	sexual assault in the second degree
5	53	sexual assault in the third degree
6	54	sexual intercourse without consent
7	55 (1)	sexual intercourse with young person under 10 years old
8	55 (3)	sexual intercourse with young person under 16 years old
9	55A (1)	sexual intercourse with young person under special care
10	56 (1)	persistent sexual abuse of child or young person under special care
11	62	incest and similar offences

column 1 item	column 2 provision	column 3 description of offence
12	64	using child for production of child exploitation material etc
13	66	grooming and depraving young people

1 **Part 3** **Crimes Act 1900**

2 **5 Summary disposal of certain cases at prosecutor's**
3 **election**
4 **Section 374 (2)**

5 *substitute*

- 6 (2) For subsection (1) (a), if the offence is charged as an aggravated
7 offence because it involves family violence, the penalty of
8 imprisonment for the offence is—
- 9 (a) if the simple offence is punishable by imprisonment for not
10 longer than 2 years—the penalty for the aggravated offence; or
- 11 (b) if the simple offence is punishable by imprisonment for longer
12 than 2 years but not longer than 5 years—the penalty for the
13 simple offence.

Part 4 **Family Violence Act 2016****6** **New subdivision 3.3.1A***before division 3.3.1, insert***Subdivision 3.3.1A Seeking interim orders****19A Who may seek interim orders?**

An applicant for a final order may seek an interim order—

- (a) when making the application for the final order; or
- (b) if the applicant does not seek an interim order under paragraph (a)—at any time before the application for the final order is decided if there has been a change in circumstances since the application was made; or
- (c) if the applicant seeks an interim order under paragraph (a) or (b) and the court refuses to make the interim order—at any time before the application for the final order is decided if there has been a change in circumstances since the applicant last sought an interim order.

Examples—changes in circumstances

- 1 the applicant obtains information or legal advice about seeking an interim order after making the application for the final order or being refused an interim order
- 2 the applicant has experienced, or is likely to experience, further family violence or an escalation in family violence

7 Section 20

substitute

20 Interim orders—may be made any time before application for final order is decided

If an application for a final order is made, the Magistrates Court may make an interim order at any time before the application for the final order is decided.

Note The court may also make court-initiated interim orders (see s 112).

**8 General interim orders—extension for non-service of final order
Section 29 (2)**

substitute

(2) The general interim order is extended—

(a) until the final order is served on the respondent; or

(b) if, despite reasonable attempts, the final order is unable to be served on the respondent—for the period the final order would have been in force under section 35 (Final orders—length), had it been served.

**9 Offence—contravention of family violence order
New section 43 (4)**

insert

(4) A person does not commit an offence under the [Criminal Code](#), section 45 (Complicity and common purpose) if the person—

(a) is a protected person under the family violence order; and

(b) aids, abets, counsels, procures, or is knowingly concerned in or a party to, the commission of conduct that contravenes the order (including a condition of the order).

10 New section 44A

in division 3.7, insert

44A Family violence order continues in force when protected person becomes adult

- (1) This section applies if—
- (a) the court makes a family violence order; and
 - (b) a protected person is a child when the order is made.
- (2) To remove any doubt, the order continues in force in accordance with the terms of the order and this Act when the protected person becomes an adult.

11 Sections 46 and 47

substitute

46 Interim order not sought

- (1) If the Magistrates Court receives an application for a protection order and an interim order is not sought, the court must hold a preliminary conference unless the court is satisfied, on application or on its own initiative, that—
- (a) holding a preliminary conference would create an unacceptable risk to a person's safety; or
 - (b) a preliminary conference would be unlikely to achieve its objects.
- Note* For the objects of a preliminary conference, see s 49.
- (2) If the Magistrates Court decides to hold a preliminary conference, the registrar must do the following:
- (a) set a return date for the preliminary conference that is as soon as practicable after the day the application is received;

- 1 (b) as soon as practicable serve on the respondent—
2 (i) a copy of the application; and
3 (ii) a timing notice for the conference;
4 (c) as soon as practicable give the applicant a timing notice.

5 *Note* The application for the protection order and timing notice must be served
6 personally on the respondent (see s 70A).

- 7 (3) If the Magistrates Court decides not to hold a preliminary conference,
8 the registrar must do the following:
9 (a) set a return date for the application;
10 (b) as soon as practicable serve on the respondent—
11 (i) a copy of the application; and
12 (ii) notice of the return date;
13 (c) as soon as practicable give the applicant notice of the return date.

14 **47 Interim order sought**

- 15 (1) If the Magistrates Court receives an application for a protection order
16 and an interim order is sought, the court must set a return date for the
17 hearing of the interim order which is not later than 2 days after the
18 day the application is received.
19 (2) After the hearing for the interim order, the Magistrate's Court must
20 hold a preliminary conference unless the court is satisfied, on
21 application or on its own initiative, that—
22 (a) holding a preliminary conference would create an unacceptable
23 risk to a person's safety; or
24 (b) a preliminary conference would be unlikely to achieve its
25 objects.

26 *Note* For the objects of a preliminary conference, see s 49.

- 1 (3) If the Magistrates Court decides to hold a preliminary conference, the
2 registrars must do the following:
- 3 (a) set a return date for a preliminary conference which is as soon
4 as practicable after the hearing; and
- 5 (b) as soon as practicable serve on the respondent—
- 6 (i) a copy of the application for the protection order; and
- 7 (ii) if an interim order was made—
- 8 (A) a copy of the application for the interim order; and
- 9 (B) a copy of the interim order; and
- 10 (iii) a timing notice for the conference; and
- 11 (c) as soon as practicable give the applicant a timing notice.
- 12 *Note* The application for the protection order and timing notice must be served
13 personally on the respondent (see s 70A).
- 14 (4) If the Magistrates Court decides not to hold a preliminary conference,
15 the registrar must do the following:
- 16 (a) set a return date for the application;
- 17 (b) as soon as practicable serve on the respondent—
- 18 (i) a copy of the application for the protection order; and
- 19 (ii) if an interim order was made—
- 20 (A) a copy of the application for the interim order; and
- 21 (B) a copy of the interim order; and
- 22 (iii) notice of the return date;
- 23 (c) as soon as practicable give the applicant notice of the return date.

- 1 (5) Subsection (3) continues to apply even if the order is taken to be a
2 special interim order under section 26 (General interim orders—taken
3 to be special interim orders if related charges laid) before a
4 preliminary conference is held.

5 **12 Preliminary conferences—generally**
6 **Section 49 (2)**

7 *omit*

8 **13 Explaining orders if protected person present**
9 **Section 67 (2) (d)**

10 *omit*

11 **14 Section 67 (2), note**

12 *omit*

13 **15 Section 82A**

14 *substitute*

15 **82A Amendment of protection orders—preliminary**
16 **conferences**

- 17 (1) If the Magistrates Court receives an application under section 82, the
18 court must hold a preliminary conference unless the court is satisfied,
19 on application or on its own initiative, that—
20 (a) holding a preliminary conference would create an unacceptable
21 risk to a person's safety; or
22 (b) a preliminary conference would be unlikely to achieve its
23 objects.

- 1 (2) The objects of a preliminary conference are to—
- 2 (a) find out whether the proceeding for the amendment may be
- 3 settled by consent before it is heard by the Magistrates Court;
- 4 and
- 5 (b) ensure the application is ready to be heard as soon as practicable.
- 6 *Note* Words spoken or anything done at the preliminary conference that is
- 7 related to a question to be decided by the court in a proceeding for the
- 8 protection order is generally inadmissible as evidence in the proceeding
- 9 (see s 62).
- 10 (3) If the Magistrates Court decides to hold a preliminary conference the
- 11 registrar must do the following:
- 12 (a) set a return date for the preliminary conference that is as soon as
- 13 practicable after the day the application is received;
- 14 (b) as soon as practicable serve on the other party—
- 15 (i) a copy of the application; and
- 16 (ii) a timing notice for the conference;
- 17 (c) as soon as practicable give the applicant a timing notice.
- 18 (4) If the Magistrates Court decides not to hold a preliminary conference,
- 19 the registrar must do the following:
- 20 (a) set a return date for the application;
- 21 (b) as soon as practicable serve on the other party—
- 22 (i) a copy of the application; and
- 23 (ii) notice of the return date;
- 24 (c) as soon as practicable give the applicant notice of the return date.

- 1 (5) The registrar may adjourn a preliminary conference if—
- 2 (a) the registrar has set a return date for the preliminary conference;
- 3 and
- 4 (b) the respondent has not been served in accordance with this
- 5 section; and
- 6 (c) the registrar is satisfied that the respondent may be served if
- 7 further time for service were allowed.

8 *Note* The court may direct that service be effected in another way if personal

9 service is not reasonably practicable (see s 70A (2)).

10 **82B Provisional amendment of protection order in special or**

11 **exceptional circumstances**

- 12 (1) This section applies if the Magistrates Court receives an application
- 13 for an amendment under section 82 and the applicant—
- 14 (a) is the protected person, or the applicant, for the protection order;
- 15 and
- 16 (b) seeks an urgent amendment (a *provisional amendment*) before
- 17 the application for the amendment is decided.
- 18 (2) The Magistrates Court may hear and decide the provisional
- 19 amendment at any time, and whether or not the respondent is present,
- 20 if satisfied—
- 21 (a) that there are special or exceptional circumstances that justify
- 22 making the amendment; and
- 23 (b) of the matters mentioned in section 83 (1).
- 24 (3) If the Magistrates Court makes a provisional amendment, the registrar
- 25 must as soon as practicable serve on the respondent a copy of the
- 26 provisional amendment.

27 *Note* Section 82A deals with the holding of a preliminary conference in

28 relation to an application made under s 82.

- 1 (4) A provisional amendment ends on the earlier of the following:
- 2 (a) the date the application for the amendment is decided;
- 3 (b) 12 months after the provisional amendment is made.
- 4 (5) More than 1 provisional amendment may be in force in relation to the
- 5 same application.

6 **16 Section 91A**

7 *substitute*

8 **91A Review of orders—preliminary conference**

- 9 (1) If the Magistrates Court receives an application under section 87,
- 10 section 89 or section 91, the court must hold a preliminary conference
- 11 unless the court is satisfied, on application or on its own initiative,
- 12 that—
- 13 (a) holding a preliminary conference would create an unacceptable
- 14 risk to a person’s safety; or
- 15 (b) a preliminary conference would be unlikely to achieve its
- 16 objects.
- 17 (2) The objects of a preliminary conference are to—
- 18 (a) find out whether the proceeding for the review may be settled
- 19 by consent before it is heard by the Magistrates Court; and
- 20 (b) ensure the application is ready to be heard as soon as practicable.

21 *Note* Words spoken or anything done at the preliminary conference that is

22 related to a question to be decided by the court in a proceeding for the

23 protection order is generally inadmissible as evidence in the proceeding

24 (see s 62).

- 1 (3) If the Magistrates Court decides to hold a preliminary conference, the
2 registrar must do the following:
- 3 (a) set a return date for the preliminary conference that is as soon as
4 practicable after the day the application is received;
- 5 (b) as soon as practicable serve on the other party—
- 6 (i) a copy of the application; and
- 7 (ii) a timing notice for the conference;
- 8 (c) as soon as practicable give the applicant a timing notice.
- 9 (4) If the Magistrates Court decides not to hold a preliminary conference,
10 the registrar must do the following:
- 11 (a) set a return date for the application;
- 12 (b) as soon as practicable serve on the other party—
- 13 (i) a copy of the application; and
- 14 (ii) notice of the return date;
- 15 (c) as soon as practicable give the applicant notice of the return date.
- 16 (5) The registrar may adjourn a preliminary conference if—
- 17 (a) the registrar has set a return date for the preliminary conference;
18 and
- 19 (b) the respondent has not been served in accordance with this
20 section; and
- 21 (c) the registrar is satisfied that the respondent may be served if
22 further time for service were allowed.
- 23 *Note* The court may direct that service be effected in another way if personal
24 service is not reasonably practicable (see s 70A (2)).

- 1 **91B Magistrate review of registrar and deputy registrar**
2 **decisions**
- 3 (1) This section applies if—
- 4 (a) a territory law provides for the exercise of the Magistrates
5 Court’s jurisdiction by the registrar or a deputy registrar in
6 relation to a relevant decision; and
- 7 *Note* The *Court Procedures Rules 2006* may provide for the jurisdiction
8 of the Magistrates Court otherwise exercisable by a magistrate to
9 be exercised by the registrar or a deputy registrar, in the
10 cases and subject to the conditions prescribed under the rules
11 (see *Magistrates Court Act 1930*, s 4 (4)).
- 12 (b) the registrar or a deputy registrar makes a relevant decision.
- 13 (2) The registrar or deputy registrar must tell the applicant for the
14 protection order about the effect of this section when they make the
15 relevant decision.
- 16 (3) The applicant may, before the close of registry on the day the relevant
17 decision is made, request a review of the relevant decision.
- 18 *Note* For registry’s office hours, see the *Court Procedures Rules 2006*, r 6300.
- 19 (4) If the applicant requests a review under subsection (3), the registrar
20 or deputy registrar must—
- 21 (a) set a return date for a hearing of the request for review that is as
22 soon as reasonably practicable, but not later than 2 days after the
23 day the request is received; and
- 24 (b) tell the applicant the return date, time and place of the hearing.
- 25 (5) The registrar or deputy registrar need not tell the respondent about the
26 return date, time and place of the hearing.
- 27 (6) The review is a rehearing of the matter anew.

1 (7) In this section:

2 *relevant decision* means a decision by the registrar or a deputy
3 registrar to—

4 (a) refuse to make an interim order; or

5 (b) if section 54 (Respondent not present at return of application)
6 applies—adjourn the proceeding.

7 **17 Court-initiated interim orders**
8 **Section 112 (1), note**

9 *omit*

10 **18 New section 112 (4A)**

11 *insert*

12 (4A) The registrar must, as soon as practicable after an interim order is
13 made under this section—

14 (a) give the protected person a copy of the interim order; and

15 (b) take all reasonable steps to confirm the protected person knows
16 about the interim order.

17 **19 Dictionary, definition of *protection order*, paragraph (b)**
18 **(ii)**

19 *substitute*

20 (ii) an order amending a protection order, including an order
21 for a provisional amendment under section 82B or a
22 temporary amendment under section 84.

- 1 **20 Dictionary, definition of *related*, paragraph (b)**
- 2 *omit*
- 3 , other than an offence against section 43 (Offence—contravention of
- 4 family violence order)
- 5 **21 Dictionary, definition of *return date***
- 6 *after*
- 7 protection order
- 8 *insert*
- 9 or review of a protection order

Part 5 Personal Violence Act 2016

22 General interim orders—extension for non-service of final order Section 24AB (2)

substitute

- (2) The general interim order is extended—
- (a) until the final order is served on the respondent; or
 - (b) if, despite reasonable attempts, the final order is unable to be served on the respondent—for the period the final order would have been in force under section 27 (Final orders—length), had it been served.

23 New section 38A

in division 3.7, insert

38A Protection order continues in force when protected person becomes adult

- (1) This section applies if—
- (a) the court makes protection order; and
 - (b) a protected person is a child when the order is made.
- (2) To remove any doubt, the order continues in force in accordance with the terms of the order and this Act when the protected person becomes an adult.

24 Sections 40 and 41

2 *substitute*

40 Interim order not sought

4 (1) If the Magistrates Court receives an application for a protection order
5 and an interim order is not sought, the court must hold a preliminary
6 conference unless the court is satisfied, on application or on its own
7 initiative, that—

8 (a) holding a preliminary conference would create an unacceptable
9 risk to a person's safety; or

10 (b) a preliminary conference would be unlikely to achieve its
11 objects.

12 *Note* For the objects of a preliminary conference, see s 43.

13 (2) If the Magistrates Court decides to hold a preliminary conference, the
14 registrar must do the following:

15 (a) set a return date for the preliminary conference that is as soon as
16 practicable after the day the application is received;

17 (b) as soon as practicable serve on the respondent—

18 (i) a copy of the application; and

19 (ii) a timing notice for the conference;

20 (c) as soon as practicable give the applicant a timing notice.

21 *Note* The application for the protection order and timing notice must be served
22 personally on the respondent (see s 64A).

23 (3) If the Magistrates Court decides not to hold a preliminary conference,
24 the registrar must do the following:

25 (a) set a return date;

- 1 (b) as soon as practicable serve on the respondent—
2 (i) a copy of the application; and
3 (ii) notice of the return date;
4 (c) as soon as practicable give the applicant notice of the return date.

5 **41 Interim order sought**

- 6 (1) If the Magistrates Court receives an application for a protection order
7 and an interim order is sought, the court must set a return date for the
8 hearing of the interim order which is not later than 2 days after the
9 day the application is received.
- 10 (2) After the hearing for the interim order, the Magistrate's Court must
11 hold a preliminary conference unless the court is satisfied, on
12 application or on its own initiative, that—
13 (a) holding a preliminary conference would create an unacceptable
14 risk to a person's safety; or
15 (b) a preliminary conference would be unlikely to achieve its
16 objects.
- 17 *Note* For the objects of a preliminary conference, see s 43.
- 18 (3) If the Magistrates Court decides to hold a preliminary conference, the
19 registrar must do the following:
20 (a) set a return date for a preliminary conference which is as soon
21 as practicable after the hearing; and
22 (b) as soon as practicable serve on the respondent—
23 (i) a copy of the application for the protection order; and
24 (ii) if an interim order was made—
25 (A) a copy of the application for the interim order; and
26 (B) a copy of the interim order; and

- 1 (iii) a timing notice for the conference; and
- 2 (c) as soon as practicable give the applicant a timing notice.
- 3 *Note* The application for the protection order and timing notice must be served
- 4 personally on the respondent (see s 64A).
- 5 (4) If the Magistrates Court decides not to hold a preliminary conference,
- 6 the registrar must do the following:
- 7 (a) set a return date for the application;
- 8 (b) as soon as practicable serve on the respondent—
- 9 (i) a copy of the application for the protection order; and
- 10 (ii) if an interim order was made—
- 11 (A) a copy of the application for the interim order; and
- 12 (B) a copy of the interim order; and
- 13 (iii) notice of the return date;
- 14 (c) as soon as practicable give the applicant notice of the return date.
- 15 (5) Subsection (3) continues to apply even if the order is taken to be a
- 16 special interim order under section 23 (General interim orders—taken
- 17 to be special interim orders if related charges laid) before a
- 18 preliminary conference is held.

19 **25 Preliminary conferences—generally**

20 **Section 43 (2)**

21 *omit*

26 Section 76A*substitute***76A Amendment of protection orders—preliminary conferences**

(1) If the Magistrates Court receives an application under section 76, the court must hold a preliminary conference unless the court is satisfied, on application or on its own initiative, that—

(a) holding a preliminary conference would create an unacceptable risk to a person's safety; or

(b) a preliminary conference would be unlikely to achieve its objects.

(2) The objects of a preliminary conference are to—

(a) find out whether the proceeding for the amendment may be settled by consent before it is heard by the Magistrates Court; and

(b) ensure the application is ready to be heard as soon as practicable.

Note Words spoken or anything done at the preliminary conference that is related to a question to be decided by the court in a proceeding for the protection order is generally inadmissible as evidence in the proceeding (see s 57).

(3) If the Magistrates Court decides to hold a preliminary conference, the registrar must do the following:

(a) set a return date for the preliminary conference that is as soon as practicable after the day the application is received;

(b) as soon as practicable serve on the other party—

(i) a copy of the application; and

(ii) a timing notice for the conference;

Section 27

- 1 (c) as soon as practicable give the applicant a timing notice.
- 2 (4) If the Magistrates Court decides not to hold a preliminary conference,
3 the registrar must do the following:
- 4 (a) set a return date for the application;
- 5 (b) as soon as practicable serve on the other party—
- 6 (i) a copy of the application; and
- 7 (ii) notice of the return date;
- 8 (c) as soon as practicable give the applicant notice of the return date.
- 9 (5) The registrar may adjourn a preliminary conference if—
- 10 (a) the registrar has set a return date for the preliminary conference;
11 and
- 12 (b) the respondent has not been served in accordance with this
13 section; and
- 14 (c) the registrar is satisfied that the respondent may be served if
15 further time for service were allowed.
- 16 *Note* The court may direct that service be effected in another way if personal
17 service is not reasonably practicable (see s 64A (2)).

27 Section 83A*substitute***83A Review of orders—preliminary conferences**

- 21 (1) If the Magistrates Court receives an application under section 81, the
22 court must hold a preliminary conference unless the court is satisfied,
23 on application or on its own initiative, that—
- 24 (a) holding a preliminary conference would create an unacceptable
25 risk to a person's safety; or

- 1 (b) a preliminary conference would be unlikely to achieve its
2 objects.
- 3 (2) The objects of a preliminary conference are to—
- 4 (a) find out whether the proceeding for the review may be settled
5 by consent before it is heard by the Magistrates Court; and
- 6 (b) ensure the application is ready to be heard as soon as practicable.
- 7 *Note* Words spoken or anything done at the preliminary conference that is
8 related to a question to be decided by the court in a proceeding for the
9 protection order is generally inadmissible as evidence in the proceeding
10 (see s 57)
- 11 (3) If the Magistrates Court holds a preliminary conference, the registrar
12 must do the following:
- 13 (a) set a return date for the preliminary conference that is as soon as
14 practicable after the day the application is received;
- 15 (b) as soon as practicable serve on the other party—
- 16 (i) a copy of the application; and
- 17 (ii) a timing notice for the conference;
- 18 (c) as soon as practicable give the applicant a timing notice.
- 19 (4) If the Magistrates Court does not hold a preliminary conference, the
20 registrar must do the following:
- 21 (a) set a return date for the application;
- 22 (b) as soon as practicable serve on the other party—
- 23 (i) a copy of the application; and
- 24 (ii) notice of the return date;
- 25 (c) as soon as practicable give the applicant notice of the return date.

- 1 (5) The registrar may adjourn a preliminary conference if—
- 2 (a) the registrar has set a return date for the preliminary conference;
- 3 and
- 4 (b) the respondent has not been served in accordance with this
- 5 section; and
- 6 (c) the registrar is satisfied that the respondent may be served if
- 7 further time for service were allowed.

8 *Note* The court may direct that service be effected in another way if personal

9 service is not reasonably practicable (see s 64A (2)).

10 **83B Magistrate review of registrar and deputy registrar**

11 **decisions**

- 12 (1) This section applies if—
- 13 (a) a territory law provides for the exercise of the Magistrates
- 14 Court’s jurisdiction by the registrar or a deputy registrar in
- 15 relation to a relevant decision; and

16 *Note* The *Court Procedures Rules 2006* may provide for the jurisdiction

17 of the Magistrates Court otherwise exercisable by a magistrate to

18 be exercised by the registrar or a deputy registrar, in the

19 cases and subject to the conditions prescribed under the rules

20 (see *Magistrates Court Act 1930*, s 4 (4)).

- 21 (b) the registrar or a deputy registrar makes a relevant decision.
- 22 (2) The registrar or deputy registrar must tell the applicant for the
- 23 protection order about the effect of this section when they make the
- 24 relevant decision.
- 25 (3) The applicant may, before the close of registry on the day the relevant
- 26 decision is made, request a review of the relevant decision.

27 *Note* For registry’s office hours, see the *Court Procedures Rules 2006*, r 6300.

- 1 (4) If the applicant requests a review under subsection (3), the registrar
2 or deputy registrar must—
- 3 (a) set a return date for a hearing of the request for review that is as
4 soon as reasonably practicable, but not later than 2 days after the
5 day the request is received; and
- 6 (b) tell the applicant the return date, time and place of the hearing.
- 7 (5) The registrar or deputy registrar need not tell the respondent about the
8 return date, time and place of the hearing.
- 9 (6) The review is a rehearing of the matter anew.
- 10 (7) In this section:
- 11 *relevant decision* means a decision by the registrar or a deputy
12 registrar to—
- 13 (a) refuse to make an interim order; or
- 14 (b) if section 49 (Respondent not present at return of application)
15 applies—adjourn the proceeding.

16 **28 Dictionary, definition of *related*, paragraph (b)**

- 17 *omit*
- 18 , other than an offence against section 35 (Offence—contravention of
19 protection order)

20 **29 Dictionary, definition of *return date***

- 21 *after*
- 22 protection order
- 23 *insert*
- 24 or review of a protection order

1 **Part 1.2** **Crimes Act 1900**

2 **[1.3] Section 238 (12)**

3 *omit*

4 **Explanatory note**

5 This amendment omits a redundant cross-reference. The *Children and Young People Act 1999*
6 was repealed and replaced by the *Children and Young People Act 2008*. The *Children and Young*
7 *People Act 2008* does not have an equivalent provision to the *Children and Young People*
8 *Act 1999*, section 84.

9 **Part 1.3** **Crimes (Forensic Procedures)**
10 **Act 2000**

11 **[1.4] Section 112 (2)**

12 *omit*

13 or the *Children and Young People Act 1999*, section 84 (Identifying
14 material)

15 **Explanatory note**

16 This amendment omits a redundant cross-reference. The *Children and Young People Act 1999*,
17 was repealed and replaced by the *Children and Young People Act 2008*. The *Children and Young*
18 *People Act 2008* does not have an equivalent provision to the *Children and Young People*
19 *Act 1999*, section 84.

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2 November 2023.

2 Notification

Notified under the [Legislation Act](#) on 2023.

3 Republications of amended laws

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

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