

Domestic Violence Agencies (Council) Appointment 2009

Disallowable Instrument DI2009- 74

made under the

Domestic Violence Agencies Act 1986, sections 6 (Membership of council) and 6A (Chairperson of council)

EXPLANATORY STATEMENT

Section 5(1) of the *Domestic Violence Agencies Act 1986* (the Act) states that the objective of the Domestic Violence Prevention Council (the Council) is to reduce the incidence of domestic violence offences. Section 5(2) of the Act sets out the functions of the Council. Under paragraph 5(2)(c), one of these functions is to advise the Minister on any matter relating to domestic violence.

Section 6 of the Act stipulates that the Council is constituted by the Domestic Violence Project Coordinator and twelve other members appointed by the Minister. Paragraph 6(2)(a) specifies that the appointed members must consist of six or more community members, including at least:

- one person who the Minister considers is capable of representing the views of Aboriginal and Torres Strait Islander descent; and
- one person who the Minister considers is capable of representing people of non-English speaking background; and
- one representative of the Domestic Violence Crisis Service Incorporated.

Paragraph 6(2)(b) of the Act states that the Council membership must also consist of other people who are statutory office holders, public servants or police officers.

Section 229 of the *Legislation Act 2001* states that the instrument making an appointment, to which Division 19.3.3 of the Legislation Act applies, is a disallowable instrument.

Section 227 provides that the Division does not apply to those appointees who are public servants.

In accordance with section 6(3) of the Act, this instrument states the capacity in which each person is appointed. Each of the community members is appointed because the Minister considers that the person is familiar with the views and interests of the community on matters relating to domestic violence and is capable of representing those views and interests.

Section 7 of the Act specifies that the term of appointment for any member of the Council must not exceed three years.