

# Domestic Violence Agencies (Council) Appointment 2016 (No 1)

## Disallowable instrument DI2016-15

made under the

**Domestic Violence Agencies Act 1986, section 6 (Membership of council)**

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### 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 section 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. Section 6(2)(a) specifies that the appointed members must consist of six or more community members, including at least one representative of the Domestic Violence Crisis Service Incorporated.

Section 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.

The *Legislation Act 2001*, section 229 states that the instrument making an appointment to which division 19.3.3 applies is a disallowable instrument.

Section 227 of the Legislation Act provides that division 19.3.3 does not apply to appointees who are public servants. The people appointed by the instrument are not public servants and as a result the Standing Committee on Justice and Community Safety has been consulted. The Committee has provided no comment on the appointment.

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

The Minister is satisfied that the appointee fulfilling the Domestic Violence Crisis Service Incorporated position is capable of representing the views and interests of the organisation as a member of the Council.