



Australian Capital Territory

# **Domestic Violence Agencies Act 1986**

**A1986-52**

**Republication No 10**

**Effective: 27 December 2007 – 29 March 2009**

Republication date: 27 December 2007

Last amendment made by A2007-39

Authorised by the ACT Parliamentary Counsel

## About this republication

### The republished law

This is a republication of the *Domestic Violence Agencies Act 1986* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 27 December 2007. It also includes any amendment, repeal or expiry affecting the republished law to 27 December 2007.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Domestic Violence Agencies Act 1986

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R10  
27/12/07

Domestic Violence Agencies Act 1986  
Effective: 27/12/07-29/03/09

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Australian Capital Territory

# Domestic Violence Agencies Act 1986

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An Act relating to domestic violence, and for other purposes

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## Part 1 Preliminary

### 1 Name of Act

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

### 2 Dictionary

The dictionary at the end of this Act is part of this Act.

*Note 1* The dictionary at the end of this Act defines certain terms used in this Act, and includes references (*signpost definitions*) to other terms defined elsewhere.

For example the signpost definitions '*domestic violence*—see the *Domestic Violence and Protection Orders Act 2001*, section 9 (1).' means that the term 'domestic violence' is defined in that subsection of that Act and the definition applies to this Act.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire Act unless the definition, or another provision of the Act, provides otherwise or the contrary intention otherwise appears (see *Legislation Act 2001*, s 155 and s 156 (1)).

### 3 Notes

A note included in this Act is explanatory and is not part of this Act.

*Note* See *Legislation Act 2001*, s 127 (1), (4) and (5) for the legal status of notes.

## Part 2                      Domestic Violence Prevention Council

### 4                      Establishment of council

The Domestic Violence Prevention Council is established.

### 5                      Objective and functions

- (1) The objective of the council is to reduce the incidence of domestic violence offences.
- (2) The functions of the council are—
  - (a) to promote collaboration among government agencies and non-government organisations involved in—
    - (i) law enforcement; or
    - (ii) the provision of health, education, crisis or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence; and
  - (b) to assist and encourage the agencies and organisations referred to in paragraph (a) to promote projects and programs aimed at enhancing the safety and security of victims of domestic violence offences, with particular regard to children; and
  - (c) to advise the Minister on any matter relating to domestic violence; and
  - (d) to inquire into and provide advice to the Minister on matters relating to domestic violence that have been referred to the council by the Minister; and

- (e) to establish and maintain links with and among government agencies and non-government organisations concerned with domestic violence; and
- (f) to assist government agencies and non-government organisations to develop procedures for the collection, standardisation and sharing of statistical information relating to domestic violence offences; and
- (g) to collect statistical and other information relating to domestic violence offences; and
- (h) to prepare and submit to the Minister a plan for dealing with domestic violence in the community, including recommendations on—
  - (i) any changes in the law or its administration that may be necessary; and
  - (ii) improving the effectiveness of the provision of assistance to victims of domestic violence offences; and
  - (iii) the prevention of the occurrence of domestic violence offences; and
  - (iv) developing systems for monitoring the effectiveness of any programs recommended in the plan that are implemented; and
- (i) to monitor developments within and outside Australia of legislation, policy and community views on domestic violence and the provision of health and welfare services to victims and perpetrators of domestic violence offences; and
- (j) to give directions to the coordinator.

*Note* A provision of a law that gives an entity a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def of *entity*).



## 6 Membership of council

- (1) The council consists of—
- (a) the coordinator; and
  - (b) 12 other members (each of whom is an *appointed member*) appointed by the Minister.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, a person may be appointed for a particular provision of a law (see Legislation Act, s 7 (3)) and an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act s 207).

*Note 3* Certain Ministerial appointments require consultation with a Legislative Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

- (2) The appointed members must consist of—
- (a) at least 6 people as community members, including—
    - (i) at least 1 person who the Minister considers is capable of representing the views and interests of people of Aboriginal and Torres Strait Islands descent; and
    - (ii) at least 1 person who the Minister considers is capable of representing the views and interests of people of non-English speaking background; and
    - (iii) at least 1 representative of the Domestic Violence Crisis Service Incorporated; and
  - (b) other people who are—
    - (i) statutory office holders; or
    - (ii) public servants; or
    - (iii) police officers.

- (3) The instrument making or evidencing the appointment of a person as an appointed member must state the capacity in which the person is appointed.
- (4) The Minister may appoint a person to the council as a community member only if 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.
- (5) The Minister may appoint a statutory office holder to the council only if satisfied that the exercise of the functions of the office requires its holder to have experience and expertise that would assist the council to exercise its functions.
- (6) The Minister may appoint a public servant or police officer to the council only if—
  - (a) the person has a position the functions of which involve dealing with matters that are relevant to a function of the council; and
  - (b) the Minister considers that the person has the experience and expertise that would assist the council to exercise its functions.

## 6A Chairperson of council

The Minister must appoint an appointed member as chairperson of the council.

*Note* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

## 7 Appointed members' term

An appointed member must not be appointed for more than 3 years.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

## **8 Ending of appointed member appointments**

- (1) A person appointed as a member because the person is a statutory office holder stops being a member if the person stops being the statutory office holder.
- (2) A person appointed as a member because the person is a public servant or police officer stops being a member if the person ceases to occupy the office mentioned in section 6 (6) (a).
- (3) The Minister must end the appointment of an appointed member—
  - (a) for misbehaviour; or
  - (b) for physical or mental incapacity; or
  - (c) if the member becomes bankrupt or executes a personal insolvency agreement; or
  - (d) if the member is absent, without the permission of the chairperson, 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.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

## **9 Meetings of council**

- (1) The chairperson shall call a meeting of the council—
  - (a) whenever he or she deems it necessary for the effective discharge of the functions of the council; or

- (b) on receipt of a written request by the Minister; or
  - (c) on receipt of a written request signed by not less than 3 other members of the council; or
  - (d) whenever necessary to ensure that subsection (2) is complied with.
- (2) The council shall hold a meeting at least once in any period of 3 months.
  - (3) The council shall hold a meeting in accordance with any resolution of the council.

**10 Procedure at meetings**

- (1) The chairperson shall preside at all meetings at which he or she is present.
- (2) If the chairperson is not present at a meeting or part of a meeting, the members present shall elect 1 of their number to preside at the meeting or part.
- (3) At a meeting of the council a quorum shall consist of the majority of members for the time being.
- (4) Questions arising at a meeting shall be decided by a majority of votes of members present and voting.
- (5) The council shall keep written minutes of its proceedings.
- (6) Subject to this Act, the procedures of the council shall be as the council determines.

## Part 3 Office of Domestic Violence Project Coordinator

### 11 Appointment

The Minister must appoint a Domestic Violence Project Coordinator.

*Note 1* For the making of appointments (including acting appointments), see the Legislation Act, pt 19.3.

*Note 2* In particular, an appointment may be made by naming a person or nominating the occupant of a position (see Legislation Act, s 207).

*Note 3* Certain Ministerial appointments require consultation with an Assembly committee and are disallowable (see Legislation Act, div 19.3.3).

### 12 Functions

The coordinator has the following functions in relation to domestic violence:

- (a) to monitor and promote compliance with the policies of the ACT and Commonwealth governments;
- (b) to assist government agencies and non-government organisations involved in—
  - (i) law enforcement; or
  - (ii) the provision of health, education, crisis or welfare services to victims or perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;to provide services of the highest standard;
- (c) to assist and encourage the agencies and organisations referred to in paragraph (b) to provide appropriate educational programs;

- (d) to facilitate cooperation among the agencies and organisations referred to in paragraph (b);
- (e) to assist in the development and implementation of policies and programs as directed by the council;
- (f) to carry out any other functions the council directs.

*Note* A provision of a law that gives an entity (including a person) a function also gives the entity powers necessary and convenient to exercise the function (see Legislation Act, s 196 and dict, pt 1, def of *entity*).

### 13 Term and conditions of office

The coordinator must be appointed—

- (a) for a term not longer than 3 years; and
- (b) on terms and conditions stated in the instrument of appointment unless otherwise provided for in this Act or another territory law.

*Note* A person may be reappointed to a position if the person is eligible to be appointed to the position (see Legislation Act, s 208 and dict, pt 1, def of *appoint*).

### 14 Termination of appointment

The Minister may terminate the appointment of the coordinator—

- (a) for misbehaviour or physical or mental incapacity; or
- (b) in accordance with the instrument of appointment.

*Note* A person's appointment also ends if the person resigns (see Legislation Act, s 210).

### 16 Protection of coordinators etc from liability

- (1) The coordinator, or a person acting under the direction of the coordinator, is not personally liable for anything done, or omitted to be done honestly and without recklessness—

- (a) in the exercise of a function under this Act or another law; or
  - (b) in the reasonable belief that the act was in the exercise of a function under this Act or another law.
- (2) Any liability that would, apart from this section attach to the coordinator, or a person acting under the direction of the coordinator, attaches instead to the Territory.

## **Part 4                      Miscellaneous**

### **17                      Approval of crisis support organisations**

- (1) The Minister may approve an organisation to be a crisis support organisation for this Act.
- (2) An approval is a disallowable instrument.

*Note*            A disallowable instrument must be notified, and presented to the Legislative Assembly, under the *Legislation Act 2001*.

### **18                      Disclosure of information to an approved crisis support organisation**

If a police officer or a staff member of the Australian Federal Police suspects on reasonable grounds that a domestic violence offence has been, is being or is likely to be committed in relation to a person, a police officer or staff member may disclose to an approved crisis support organisation any information that is likely to aid the organisation in rendering assistance to the person or to any children of the person.



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## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this Act.

*Note 2* For example, the Legislation Act, dict, pt 1 defines the following terms:

- police officer
- public servant
- statutory office-holder
- territory law.

***appointed member***—see section 6 (1).

***approved crisis support organisation*** means an organisation approved under section 17.

***child***, of a person, includes—

- (a) a child who normally lives with the person; and
- (b) a child for whom the person is a guardian.

***coordinator*** means the Domestic Violence Project Coordinator appointed under section 11.

***council*** means the Domestic Violence Prevention Council established by section 4.

***domestic violence***—see the *Domestic Violence and Protection Orders Act 2001*, section 9 (1).

***domestic violence offence***—an offence is a ***domestic violence offence*** if the conduct making up the offence is domestic violence under the *Domestic Violence and Protection Orders Act 2001*.

***member*** means a member of the council.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

The *Domestic Violence Agencies Act 1986* was originally the *Domestic Violence Ordinance 1986*. It became an ACT Act on self-government (11 May 1989) and was later renamed by the *Protection Orders (Consequential Amendments) Act 2001* (see amdt 1.41).

After 11 May 1989 and before 10 November 1999, Acts commenced on their notification day unless otherwise stated (see *Australian Capital Territory (Self-Government) Act 1988* (Cwlth) s 25).

#### Legislation before self-government

##### **Domestic Violence Agencies Act 1986 No 52**

notified 4 September 1986

commenced 1 October 1986 (s 2 and Cwlth Gaz 1986 No S484)

as amended by

##### **Drug Laws (Consequential Amendments) Ordinance 1989 No 14 s 3**

notified 15 March 1989

commenced 1 April 1989 (s 2 and Cwlth Gaz 1989 No S109)

##### **Self-Government (Consequential Amendments) Ordinance 1989 No 38 sch 1**

notified 10 May 1989 (Cwlth Gaz 1989 No S160)

s 1, s 2 commenced 10 May 1989 (s 2 (1))

sch 1 commenced 11 May 1989 (s 2 (2) and see Cwlth Gaz 1989 No S164)

#### Legislation after self-government

##### **Domestic Violence (Amendment) Act 1990 No 30**

notified 28 September 1990 (Gaz 1990 No S67)

commenced 28 September 1990

##### **Domestic Violence (Amendment) Act (No 2) 1990 No 36**

notified 7 November 1990 (Gaz 1990 No S76)

commenced 7 November 1990

## Endnotes

3 Legislation history

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**Magistrates Court (Amendment) Act 1990 No 65 s 8**

notified 24 December 1990 (Gaz 1990 No S98)  
commenced 24 December 1990

**Weapons (Consequential Amendments) Act 1991 No 9 sch**

notified 3 April 1991 (Gaz 1991 No S19)  
s 1, s 2 commenced 3 April 1991 (s 2 (1))  
sch commenced 3 October 1991 (s 2 (2))

**Magistrates and Coroner's Courts (Registrar) Act 1991 No 44 sch 1**

notified 20 September 1991 (Gaz 1991 No S95)  
s 1, s 2 commenced 20 September 1991 (s 2 (1))  
sch 1 commenced 25 September 1991 (s 2 (2) and Gaz 1991  
No S103)

**Bail (Consequential Amendments) Act 1992 No 9 sch**

notified 28 May 1992 (Gaz 1992 No S59)  
s 1, s 2 commenced 28 May 1992 (s 2 (1))  
sch commenced 28 November 1992 (s 2 (3))

**Domestic Violence (Amendment) Act 1992 No 34**

notified 8 July 1992 (Gaz 1992 No S103)  
commenced 8 July 1992

**Protection Orders (Reciprocal Arrangements) (Consequential Amendments) Act 1992 No 37 pt 2 (ss 3-7)**

notified 8 July 1992 (Gaz 1992 No S103)  
ss 1-6 and 8-11 commenced 8 July 1992 (s 2 (1))  
s 7, s 12 commenced 3 August 1992 (s 2 (2) and Gaz 1992 No S130)

**Statute Law Revision Act 1994 No 26 sch**

notified 31 May 1994 (Gaz 1994 No S93)  
commenced 31 May 1994 (s 2)

**Statute Law Revision (Penalties) Act 1994 No 81 sch**

notified 29 November 1994 (Gaz 1994 No S253)  
s 1, s 2 commenced 29 November 1994 (s 2 (1))  
sch commenced 29 November 1994 (s 2 (2) and Gaz 1994 No S269)

**Statute Law Revision Act 1995 No 46 sch**

notified 18 December 1995 (Gaz 1995 No S306)  
commenced 18 December 1995 (s 2)

**Domestic Violence (Amendment) Act 1996 No 3**

notified 12 March 1996 (Gaz 1996 No S35)  
ss 1-3 commenced 12 March 1996 (s 2 (1))  
remainder commenced 11 June 1996 (s 2 (2) and see Cwlth Gaz 1996 No GN5)

**Domestic Violence (Amendment) Act (No 2) 1996 No 37**

notified 10 July 1996 (Gaz 1996 No S160)  
commenced 10 July 1996 (s 2)

**Firearms Act 1996 No 74 sch 3**

notified 20 December 1996 (Gaz 1996 No S328)  
s 1, s 2 commenced 20 December 1996 (s 2 (1))  
sch 3 commenced 17 May 1997 (s 2 (2) and Gaz 1997 No S135)

**Domestic Violence (Amendment) Act 1997 No 24**

notified 29 May 1997 (Gaz 1997 No S136)  
ss 1-3 commenced 29 May 1997 (s 2 (1))  
remainder commenced 30 May 1997 (s 2 (2) and see Gaz 1997 No S149)

**Domestic Violence (Amendment) Act (No 2) 1997 No 37**

notified 16 July 1997 (Gaz 1997 No S185)  
ss 1-3 commenced 16 July 1997 (s 2 (1))  
remainder commenced 17 October 1997 (s 2 (2) and Gaz 1997 No S310)

**Domestic Violence (Amendment) Act (No 3) 1997 No 65**

notified 9 October 1997 (Gaz 1997 No S300)  
ss 1-3 commenced 9 October 1997 (s 2 (1))  
remainder commenced 1 November 1997 (s 2 (2) and Gaz 1997 No S332)

**Legal Practitioners (Consequential Amendments) Act 1997 No 96 sch 1**

notified 1 December 1997 (Gaz 1997 No S380)  
s 1, s 2 commenced 1 December 1997 (s 2 (1))  
sch 1 commenced 1 June 1998 (s 2 (2))

## Endnotes

3 Legislation history

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**Domestic Violence (Amendment) Act 1998 No 37**

notified 14 October 1998 (Gaz 1998 No S41)  
ss 1-3 commenced 14 October 1998 (s 2 (1))  
remainder commenced 19 October 1998 (s 2 (2) and Gaz 1998 No 41)

**Domestic Violence (Amendment) Act (No 2) 1998 No 68**

notified 23 December 1998 (Gaz 1998 No S212)  
ss 1-3 commenced 23 December 1998 (s 2 (1))  
remainder commenced 23 December 1998 (s 2 (2) and Gaz 1998 No 51)

**Children and Young People (Consequential Amendments) Act 1999 No 64 sch 2**

notified 10 November 1999 (Gaz 1999 No 45)  
s 1, s 2 commenced 10 November 1999 (s 2 (1))  
sch 2 commenced 10 May 2000 (s 2 (2))

**Road Transport Legislation Amendment Act 1999 No 79 sch 3**

notified 23 December 1999 (Gaz 1999 No S65)  
s 1, s 2 commenced 23 December 1999 (IA s 10B)  
sch 3 commenced 1 March 2000 (s 2 and see Gaz 2000 No S5)

**Legislation (Consequential Amendments) Act 2001 No 44 pt 109**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 109 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

**Protection Orders (Consequential Amendments) Act 2001 No 90 sch 1 pt 4**

notified LR 27 September 2001  
s 1, s 2 commenced 27 September 2001 (LA s 75)  
sch 1 pt 4 commenced 27 March 2002 (s 2, see Protection Orders Act 2001 s 3 and LA s 79)

**Domestic Violence and Protection Orders Amendment Act 2005 A2005-13 sch 1 pt 1.7**

notified LR 24 March 2005  
s 1, s 2 commenced 24 March 2005 (LA s 75 (1))  
sch 1 pt 1.7 commenced 25 March 2005 (s 2)

**Justice and Community Safety Legislation Amendment Act 2007  
A2007-22 sch 1 pt 1.9**

notified LR 5 September 2007

s 1, s 2 commenced 5 September 2007 (LA s 75 (1))

sch 1 pt 1.9 commenced 6 September 2007 (s 2)

**Statute Law Amendment Act 2007 (No 3) A2007-39 sch 3 pt 3.10**

notified LR 6 December 2007

s 1, s 2 commenced 6 December 2007 (LA s 75 (1))

sch 3 pt 3.10 commenced 27 December 2007 (s 2)

## 4 Amendment history

### Name of Act

s 1 sub 2001 No 90 amdt 1.41

### Dictionary

s 2 orig s 2 om 2001 No 44 amdt 1.1163  
(prev s 3) am 1998 No 68 s 4  
sub 2001 No 90 amdt 1.42  
renum R7 LA (see 2001 No 90 amdt 1.58)  
am A2005-13 amdt 1.30  
def **aggrieved person** ins 1990 No 30 s 3  
om 2001 No 90 amdt 1.42  
def **approved crisis support organisation** ins 1992 No 34  
s 3  
om 2001 No 90 amdt 1.42  
def **authorised police officer** om 2001 No 90 amdt 1.42  
def **child** sub 1990 No 30 s 3  
om 2001 No 90 amdt 1.42  
def **clerk** om 1991 No 44 sch 1  
def **Community Advocate** ins 1998 No 37 s 4  
om 2001 No 90 amdt 1.42  
def **court** om 2001 No 90 amdt 1.42  
def **Crimes Act** om R6 LRA  
def **de facto spouse** om 2001 No 90 amdt 1.42  
def **domestic violence** ins 1998 No 37 s 4  
om 2001 No 90 amdt 1.42  
def **domestic violence offence** sub 1990 No 30 s 3; 1997  
No 24 s 4; 1998 No 37 s 4  
om 2001 No 90 amdt 1.42  
def **drug** am 1989 No 14 s 3; 1994 No 26 sch  
om 2001 No 90 amdt 1.42  
def **emergency protection order** ins 1998 No 68 s 4  
om 2001 No 90 amdt 1.42

## Endnotes

4 Amendment history

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- def **extension request** ins 1997 No 65 s 4  
om 2001 No 90 amdt 1.42
- def **household member** ins 1990 No 30 s 3  
om 1998 No 37 s 4
- def **interim protection order** om 2001 No 90 amdt 1.42
- def **judicial officer** ins 1998 No 68 s 4  
om 2001 No 90 amdt 1.42
- def **legal practitioner** om 1997 No 96 sch
- def **MC (CJ) Act** ins 1998 No 37 s 4  
om 2001 No 90 amdt 1.42
- def **original order** ins 1997 No 65 s 4  
om 2001 No 90 amdt 1.42
- def **prescribed offence** am 1990 No 30 s 3  
om 1997 No 24 s 4
- def **protection order** am 1998 No 37 s 4  
om 2001 No 90 amdt 1.42
- def **registrar** ins 1991 No 44 sch 1  
om 2001 No 90 amdt 1.42
- def **relative** ins 1990 No 30 s 3  
am 1992 No 37 s 4  
om 2001 No 90 amdt 1.42
- def **relevant family contact order** ins 1996 No 3 s 4  
om 2001 No 90 amdt 1.42
- def **relevant period** ins 1997 No 65 s 4  
om 2001 No 90 amdt 1.42
- def **relevant person** ins 1998 No 37 s 4  
om 2001 No 90 amdt 1.42
- def **respondent** am 1998 No 68 s 4  
om 2001 No 90 amdt 1.42
- def **sitting hours of the Court** ins 1998 No 68 s 4  
om 2001 No 90 amdt 1.42
- def **spouse** om 2001 No 90 amdt 1.42
- def **vary** ins 1992 No 37 s 4  
om 2001 No 90 amdt 1.42

### Notes

s 3 orig s 3 renum as s 2  
(prev s 4) am 1990 No 30 s 4; 1997 No 65 s 5  
sub 1998 No 37 s 5; 2001 No 90 amdt 1.42  
renum R7 LA (see 2001 No 90 amdt 1.58)

### Domestic Violence Prevention Council

pt 2 hdg orig pt 2 hdg om 2001 No 90 amdt 1.43  
(prev pt 3 hdg) om 1992 No 9 sch  
ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)



**Emergency protection orders**

pt 2A hdg ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Establishment of council**

s 4 orig s 4 renum as s 3  
(prev s 21) om 1992 No 9 sch  
ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-39 amdt 3.24

**Nature of domestic violence**

s 4A ins 1998 No 37 s 5  
am 1999 No 79 sch 3  
om 2001 No 90 amdt 1.43

**Objective and functions**

s 5 orig s 5 am 1990 No 30 s 5  
sub 1998 No 37 s 5  
am 1999 No 64 sch 2  
om 2001 No 90 amdt 1.43  
(prev s 22) om 1992 No 9 sch  
ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
am A2007-39 amdt 3.25

**Membership of council**

s 6 orig s 6 am 1991 No 44 sch 1  
sub 1998 No 37 s 5  
om 2001 No 90 amdt 1.43  
(prev s 23) om 1992 No 9 sch  
ins 1997 No 37 s 4  
am 2001 No 90 amdt 1.45-1.47  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-22 amdt 1.28

**Chairperson of council**

s 6A ins A2007-22 amdt 1.28

**Appointed members' term**

s 7 orig s 7 am 1990 No 30 sch; 1991 No 44; 1998 No 37 s 6;  
1999 No 64 sch 2  
om 2001 No 90 amdt 1.43  
(prev s 24) am 1989 No 38 sch 1  
om 1992 No 9 sch  
ins 1997 No 37 s 4  
sub 2001 No 90 amdt 1.48  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-22 amdt 1.28

## Endnotes

### 4 Amendment history

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#### **Representation of children**

s 7A ins 1990 No 30 s 6  
am 1998 No 37 s 7  
om 2001 No 90 amdt 1.43

#### **Ending of appointed member appointments**

s 8 orig s 8 am 1995 No 46 sch; 1998 No 37 sch  
om 2001 No 90 amdt 1.43  
(prev s 25A) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-22 amdt 1.28

#### **Court to be informed of relevant contact orders**

s 8A ins 1996 No 3 s 5  
am 1998 No 37 s 8  
om 2001 No 90 amdt 1.43

#### **Evidence**

s 8B ins 1998 No 37 s 9  
om 2001 No 90 amdt 1.43

#### **Meetings of Council**

s 9 orig s 9 am 1990 No 30 sch; 1998 No 37 s 10  
om 2001 No 90 amdt 1.43  
(prev s 26) am 1990 No 30 sch  
om 1992 No 9 sch  
ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)

#### **Procedure at meetings**

s 10 orig s 10 am 1990 No 30 sch; 1996 No 3 s 6; 1997 No 65 s 6;  
1998 No 37 s 11  
om 2001 No 90 amdt 1.43  
(prev s 26A) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)

#### **Office of Domestic Violence Project Coordinator**

pt 3 hdg orig pt 3 hdg renum as pt 2 hdg  
(prev pt 3A hdg) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)

#### **Consent orders**

s 10A ins 1990 No 30 s 8  
am 1998 No 37 s 12  
om 2001 No 90 amdt 1.43

**Appointment**

s 11 orig s 11 am 1990 No 30 s 9  
sub 1998 No 37 s 13  
om 2001 No 90 amdt 1.43  
(prev s 26C) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-39 amdt 3.26

**Functions**

s 12 orig s 12 am 1990 No 30 sch; 1991 No 44 sch 1; 1998 No 37  
s 14; 2001 No 44 amdt 1.1164  
om 2001 No 90 amdt 1.43  
(prev s 26D) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
am A2007-39 amdt 3.27

**Term and conditions of office**

s 13 orig s 13 am 1998 No 37 s 15  
om 2001 No 90 amdt 1.43  
(prev s 26F) ins 1997 No 37 s 4  
am 2001 No 90 amdt 1.51, amdt 1.52  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-39 amdt 3.28

**Termination of appointment**

s 14 orig s 14 am 1990 No 30 sch; 1996 No 3 s 7; 1998 No 37 s 16  
om 2001 No 90 amdt 1.43  
(prev s 26H) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
am A2007-39 amdt 3.29

**Protection orders, interim protection orders—firearms**

s 14A ins 1990 No 36 s 3  
am 1990 No 65 s 8; 1991 No 9 sch; 1996 No 74 sch 3; 1997  
No 24 s 5  
om 2001 No 90 amdt 1.43

**Acting coordinator**

s 15 orig s 15 am 1990 No 30 s 10; 1992 No 37 s 5; 1998 No 37  
s 17, sch  
om 2001 No 90 amdt 1.43  
(prev s 26I) ins 1997 No 37 s 4  
sub 2001 No 90 amdt 1.54  
renum R7 LA (see 2001 No 90 amdt 1.58)  
om A2007-39 amdt 3.30

**Protection of coordinators etc from liability**

s 16 (prev s 26J) ins 1997 No 37 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)  
sub A2007-39 amdt 3.31

## Endnotes

### 4 Amendment history

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#### **Approval of crisis support organisations**

s 17 orig s 17 am 1997 No 65 s 7; 1998 No 37 s 18  
om 2001 No 90 amdt 1.43  
(prev s 33) ins 1992 No 34 s 4  
am 2001 No 44 amdt 1.1172, amdt 1.1173  
renum R7 LA (see 2001 No 90 amdt 1.58)  
am A2007-39 amdt 3.32

#### **Application for extension of order**

s 17A ins 1997 No 65 s 8  
am 2001 No 44 amdt 1.1165, amdt 1.1166  
om 2001 No 90 amdt 1.43

#### **Court action on extension request**

s 17B ins 1997 No 65 s 8  
am 2001 No 44 amdt 1.1167  
om 2001 No 90 amdt 1.43

#### **Application for cancellation of extended order**

s 17C ins 1997 No 65 s 8  
om 2001 No 90 amdt 1.43

#### **Disclosure of information to an approved crisis support organisation**

s 18 orig s 18 am 1991 No 44 sch 1; 1996 No 3 s 8  
om 1998 No 37 s 19  
(prev s 34) ins 1992 No 34 s 4  
renum R7 LA (see 2001 No 90 amdt 1.58)

#### **Service etc of order**

s 19 am 1990 No 36 s 4; 1991 No 9 sch; 1991 No 44 sch 1; 1996  
No 74 sch 3; 2001 No 44 amdts 1.1168-1.1170  
om 2001 No 90 amdt 1.43

#### **Practice directions**

s 19A ins 1998 No 37 s 20  
om 2001 No 90 amdt 1.43

#### **Limitation on powers of Registrar**

s 19B ins 1998 No 37 s 20  
om 2001 No 90 amdt 1.43

#### **Application not invalid only because made under wrong Act**

s 19C ins 1998 No 37 s 20  
om 2001 No 90 amdt 1.43

#### **Offence**

s 19D ins 1998 No 37 s 20  
am 1998 No 68 s 5  
om 2001 No 90 amdt 1.43

**Recovery of certain expenses**

s 19E ins 1998 No 37 s 20  
om 2001 No 90 amdt 1.43

**Emergency protection orders**

s 19F ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Recording of reasons when no emergency protection order is applied for**

s 19G ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Duration of emergency protection orders**

s 19H ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Procedure for obtaining an emergency protection order**

s 19I ins 1998 No 68 s 6  
am 2001 No 44 amdt 1.1171  
om 2001 No 90 amdt 1.43

**Detention of person against whom an order is sought**

s 19J ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Serving an emergency protection order**

s 19K ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Revoking or varying an emergency protection order**

s 19L ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Effect of orders on licences for firearms**

s 19M ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Authorisation of judicial officers**

s 19N ins 1998 No 68 s 6  
om 2001 No 90 amdt 1.43

**Interpretation**

s 20 sub 1990 No 30 s 11  
om 1992 No 9 sch  
ins 1997 No 37 s 4  
om 2001 No 90 amdt 1.44

**Establishment**

s 21 renum as s 4

**Objective and functions**

s 22 renum as s 5

## Endnotes

### 4 Amendment history

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#### **Membership**

s 23 renum as s 6

#### **Terms of appointment**

s 24 renum as s 7

#### **Resignation**

s 25 om 1992 No 9 sch  
ins 1997 No 37 s 4  
om 2001 No 90 amdt 1.48

#### **Termination of appointment**

s 25A renum as s 8

#### **Meetings of Council**

s 26 renum as s 9

#### **Procedure at meetings**

s 26A renum as s 10

#### **Office of Domestic Violence Project Coordinator**

pt 3A hdg renum as pt 3 hdg

#### **Interpretation**

s 26B ins 1997 No 37 s 4  
om 2001 No 90 amdt 1.49

#### **Appointment**

s 26C renum as s 11

#### **Functions**

s 26D renum as s 12

#### **Powers**

s 26E ins 1997 No 37 s 4  
om 2001 No 90 amdt 1.50

#### **Terms of office**

s 26F renum as s 13

#### **Resignation**

s 26G ins 1997 No 37 s 4  
om 2001 No 90 amdt 1.53

#### **Termination of appointment**

s 26H renum as s 14

#### **Acting coordinator**

s 26I renum as s 15

#### **Legal immunity**

s 26J renum as s 16

**Offence**

s 27 am 1992 No 37 s 6; 1994 No 81 sch; 1996 No 37 s 4  
om 1998 No 37 s 21

**Service other than personal service**

s 28 om 2001 No 90 amdt 1.55

**Service of documents by police**

s 29 am 1991 No 44 sch 1  
om 2001 No 90 amdt 1.55

**Restriction on publication of reports of proceedings**

s 30 am 1989 No 38 sch 1; 1994 No 81 sch; 1998 No 37 s 22  
om 2001 No 90 amdt 1.55

**Limits of restriction on publication**

s 30A ins 1990 No 30 s 12  
sub 1996 No 3 s 9; 1998 No 37 s 23  
om 2001 No 90 amdt 1.55

**Appeals**

s 31 am 1995 No 46 sch; 1998 No 37 sch  
om 2001 No 90 amdt 1.55

**Application of Crimes Act 1900 etc**

s 32 om 2001 No 90 amdt 1.55

**Approval of crisis support organisations**

s 33 renum as s 17

**Disclosure of information to an approved crisis support organisation**

s 34 renum as s 18

**Approved forms**

s 35 ins 2001 No 44 amdt 1.1174  
om 2001 No 90 amdt 1.56

**Dictionary**

dict ins 2001 No 90 amdt 1.57  
am A2007-39 amdt 3.33  
def **appointed member** ins 2001 No 90 amdt 1.57  
sub A2007-22 amdt 1.29  
def **approved crisis support organisation** ins 2001 No 90  
amdt 1.57  
def **child** ins 2001 No 90 amdt 1.57  
def **coordinator** ins 2001 No 90 amdt 1.57  
def **council** ins 2001 No 90 amdt 1.57  
def **domestic violence** ins 2001 No 90 amdt 1.57  
sub A2005-13 amdt 1.31  
def **domestic violence offence** ins 2001 No 90 amdt 1.57  
sub A2005-13 amdt 1.32

## Endnotes

### 5 Earlier republications

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def **member** ins 2001 No 90 amdt 1.57  
sub A2007-22 amdt 1.30

#### **Domestic violence offences under the Crimes Act 1900**

sch 1A ins 1997 No 24 s 6  
am 1998 No 37 s 24  
om 2001 No 90 amdt 1.57

#### **Drugs**

sch 1 om 2001 No 90 amdt 1.57

#### **Forms**

sch 2 am 1991 No 44 sch; 1992 No 37 s 7; 1998 No 37 s 25  
om 2001 No 44 amdt 1.1175

## 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 3 Oct 1991	3 Oct 1991– 7 July 1992	A1991-44	initial republication since self-government
R1 (RI) 6 Feb 2008	3 Oct 1991– 7 July 1992	A1991-44	reissue of printed version
R2 31 Aug 1992	3 Aug 1992– 27 Nov 1992	A1992-37	amendments by A1992-34 and A1992-37
R2 (RI) 6 Feb 2008	3 Aug 1992– 27 Nov 1992	A1992-37	reissue of printed version
R2A 6 Feb 2008	28 Nov 1992– 30 May 1994	A1992-37	amendments by A1992-9
R2B 6 Feb 2008	31 May 1994– 28 Nov 1994	A1994-26	amendments by A1994-26



<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R3 31 Jan 1995	29 Nov 1994– 17 Dec 1995	A1994-81	amendments by A1994-81
R3 (RI) 6 Feb 2008	29 Nov 1994– 17 Dec 1995	A1994-81	reissue of printed version
R3A 6 Feb 2008	18 Dec 1995– 10 June 1996	A1995-46	amendments by A1995-46
R4 30 Nov 1996	10 July 1996– 16 May 1997	A1996-37	amendments by A1996-3 and A1996-37
R4 (RI) 6 Feb 2008	10 July 1996– 16 May 1997	A1996-37	reissue of printed version
R4A 6 Feb 2008	17 May 1997– 29 May 1997	A1996-74	amendments by A1996-74
R4B 6 Feb 2008	30 May 1997– 16 Oct 1997	A1997-24	amendments by A1997-24
R4C 6 Feb 2008	17 Oct 1997– 31 Oct 1997	A1997-65	amendments by A1997-37
R4D 6 Feb 2008	1 Nov 1997– 31 May 1998	A1997-65	amendments by A1997-65
R5 1 June 1998	1 June 1998– 18 Oct 1998	A1997-96	amendments by A1997-96
R5 (RI) 6 Feb 2008	1 June 1998– 18 Oct 1998	A1997-96	reissue of printed version
R6 31 Jan 1999	23 Dec 1998– 29 Feb 2000	A1998-68	amendments by A1998-37 and A1998-68
R6 (RI) 6 Feb 2008	23 Dec 1998– 29 Feb 2000	A1998-68	reissue of printed version
R6A 6 Feb 2008	10 May 2000– 11 Sept 2001	A1999-79	amendments by A1999-64 and A1999-79
R6B 6 Feb 2008	12 Sept 2001– 26 Mar 2002	A2001-44	amendments by A2001-44

## Endnotes

6 Renumbered provisions

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<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R7 27 Mar 2002	27 Mar 2002– 24 Mar 2005	A2001-90	renaming and other amendments by A2001-90
R8 25 Mar 2005	25 Mar 2005– 5 Sept 2007	A2005-13	amendments by A2005-13
R9 6 Sept 2007	6 Sept 2007– 26 Dec 2007	A2007-22	amendments by A2007-22

## 6 Renumbered provisions

This Act was renumbered under the *Legislation Act 2001*, in R7 (see *Protection Orders (Consequential Amendments) Act 2001* A2001-90 amdt 1.58). Details of renumbered provisions are shown in endnote 4 (Amendment history). For a table showing the renumbered provisions, see R7.

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