

2025

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Family, Personal and Sexual Violence Legislation Amendment Bill 2025

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2025

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FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Family, Personal and Sexual Violence Legislation Amendment Bill 2025

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## A Bill for

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

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

1 **Chapter 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Family, Personal and Sexual Violence Legislation*  
4 *Amendment Act 2025*.

5 **2 Commencement**

6 (1) This Act (other than chapter 3) commences on the 7th day after its  
7 notification day.

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

10 (2) Chapter 3 commences 6 months after this Act's notification day.

11 **3 Legislation amended**

12 This Act amends the legislation mentioned in chapters 2 and 3.

13 *Note* This Act also amends other legislation (see sch 1).

**Chapter 2                      General amendments**

**Part 2.1                      Crimes (Sentencing) Act 2005**

**4                      Sentencing—sexual offences against children  
Section 34A (b)**

*omit*

, to the extent that the offender's good character enabled the offender  
to commit the offence

**5                      Section 34A (b), examples, except note**

*omit*

1 **Part 2.2** **Evidence (Miscellaneous**  
2 **Provisions) Act 1991**

3 **6** **Section 37 heading**

4 *substitute*

5 **37** **Meaning of *proceeding* for an offence—pt 4.1**

6 **7** **Meaning of *family violence offence*—ch 4**  
7 **Section 38A**

8 *omit*

9 **8** **Meaning of *sexual offence proceeding*—ch 4**  
10 **Section 41, definition of *sexual offence proceeding*,**  
11 **paragraph (a)**

12 *substitute*

13 (a) a proceeding for a sexual offence; or

14 **9** **Family violence offence proceeding**  
15 **Table 43.1, item 1, column 3, 4th dot point**

16 *omit*

17 **10** **Part 4.4 heading**

18 *substitute*

19 **Part 4.4** **Special requirements—sexual**  
20 **offence proceedings**

**11 Division 4.4.3 heading**

*substitute*

**Chapter 6B Protection of counselling  
communications about sexual  
and family violence**

**12 Meaning of *protected confidence*—div 4.4.3  
Section 79A (1), new note**

*insert*

*Note* ***Family violence offence***—see s (5) and dictionary.  
***Sexual offence***—see s (5) and dictionary.

**13 Section 79A (5), new note**

*insert*

*Note* ***Family violence offence***—see the dictionary.  
***Sexual offence***—see the dictionary.

**14 General immunity for protected confidences  
Section 79D (2)**

*substitute*

- (2) A protected confidence must not be disclosed in, or for the purposes of, the proceeding unless—
- (a) the court dealing with the proceeding gives leave for the disclosure; or
  - (b) for a civil proceeding—the disclosure is made in accordance with section 79J.

**15 Giving of leave to disclose protected confidence  
Section 79H (3) (b) and (c)**

*after*

sexual offences

*insert*

and victims of family violence offences

**16 Section 79J**

*substitute*

**79J Waiver of protected confidence immunity in civil proceedings**

(1) This division does not prevent the production, inspection or use of protected confidence evidence in a civil proceeding if—

(a) the production, inspection or use of the evidence is consented to, in writing, by—

(i) if the counselled person who is the subject of the protected confidence is at least 14 years old—the counselled person; or

(ii) if the counselled person is under 14 years old—a person determined by the court to be a suitable person; and

(b) the consent expressly relates to the production, inspection or use of the evidence; and

(c) the court is satisfied that the counselled person or, if the counselled person is under 14 years old, the suitable person—

(i) is aware of the effect of this division; and

(ii) has been given a reasonable opportunity to seek legal advice in relation to consenting to the production, inspection or use of the evidence.



- 1 (2) For subsection (1) (a) (ii), the court may determine that a person is a  
2 suitable person in relation to a counselled person only if—  
3 (a) the person is not a party to the proceeding; and  
4 (b) the court considers the person is able to act in the best interests  
5 of the counselled person; and  
6 (c) the court considers that determining the person to be a suitable  
7 person would not—  
8 (i) damage the relationship between the suitable person and  
9 the counselled person; or  
10 (ii) cause undue embarrassment, humiliation or harm to the  
11 counselled person.

12 **79JA No waiver of protected confidence immunity in criminal**  
13 **proceedings**  
14 This division applies in a criminal proceeding whether or not a person  
15 who has made a protected confidence consents or does not object to  
16 the disclosure of the protected confidence.

17 **17 Sections 79 to 79M (as amended)**

18 *renumber as sections 98 to 98P*

19 **18 Division 4.4.3 (as amended)**

20 *relocate as chapter 6B*

- 1 **19 Recorded statement—unrepresented accused person to**  
2 **be given access**  
3 **Section 81F (2)**
- 4 *substitute*
- 5 (2) The accused person must—
- 6 (a) be given an audio copy of the recorded statement as soon as  
7 practicable after the proceeding is commenced; and
- 8 (b) return the copy of the recorded statement by giving it to a police  
9 officer at a police station not later than 16 weeks after the  
10 proceeding is finalised.
- 11 **20 Recorded statement—accused person to be given audio**  
12 **copy**  
13 **Section 81H (2)**
- 14 *substitute*
- 15 (2) The accused person must—
- 16 (a) be given an audio copy of the recorded statement; and
- 17 (b) return the copy of the recorded statement by giving it to a police  
18 officer at a police station not later than 16 weeks after the  
19 proceeding is finalised.
- 20 **21 Section 95 heading**
- 21 *substitute*
- 22 **95 Definitions—ch 6A**
- 23 **22 Dictionary, definition of *family violence offence***
- 24 *substitute*
- 25 *family violence offence*—see the *Family Violence Act 2016*,  
26 dictionary.
-

---

**23 Dictionary, new definition of *sexual offence***

*insert*

*sexual offence* means an offence against any of the following provisions of the *Crimes Act 1900*:

- (a) part 3 (Sexual offences);
- (b) part 3A (Intimate image abuse);
- (c) part 4 (Female genital mutilation);
- (d) part 5 (Sexual servitude).

**24 Further amendments, mentions of *division 4.4.3* heading**

*omit*

division 4.4.3 (Sexual and family violence offence proceedings—  
protection of counselling communications)

*substitute*

chapter 6B (Protection of counselling communications about sexual  
and family violence)

*in*

- dictionary, definitions of
  - civil proceeding*
  - counselled person*
  - counselling*
  - counsellor*
  - criminal proceeding*
  - document recording a protected confidence*
  - harm*
  - preliminary criminal proceeding*

1                    *proceeding*  
2                    *protected confidence*  
3                    *protected confidence evidence*

4        **25        Further amendments, mentions of *div 4.4.3***

5                    *omit*  
6                    *div 4.4.3*  
7                    *substitute*  
8                    *ch 6B*  
9                    *in*  
10                   • section 79 heading  
11                   • section 79A heading  
12                   • section 79B heading  
13                   • section 79IB heading

14        **26        Further amendments, mentions of *division***

15                   *omit*  
16                   *division*  
17                   *substitute*  
18                   *chapter*  
19                   *in*  
20                   • section 79  
21                   • section 79A  
22                   • section 79B  
23                   • section 79IB  
24                   • section 79J  
25                   • section 79JA

- 1           • section 79K
- 2           • section 79L
- 3           • section 79M

4   **27 Further amendments, mentions of section 79**

5           *omit*

6           section 79

7           *substitute*

8           section 98

9           *in*

- 10          • dictionary, definitions of
- 11           *civil proceeding*
- 12           *counselling*
- 13           *counsellor*
- 14           *criminal proceeding*
- 15           *document recording a protected confidence*
- 16           *harm*
- 17           *preliminary criminal proceeding*
- 18           *proceeding*
- 19           *protected confidence evidence*

1    **28       Further amendments, mentions of section 79A**

- 2                *omit*
- 3                section 79A
- 4                *substitute*
- 5                section 98A
- 6                *in*
- 7                •    section 79, definitions of
- 8                        *counselled person*
- 9                        *document recording a protected confidence*
- 10                      *protected confidence*
- 11                •    dictionary, definitions of
- 12                        *counselled person*
- 13                        *protected confidence*

14    **29       Further amendments, mentions of section 79E**

- 15                *omit*
- 16                section 79E
- 17                *substitute*
- 18                section 98E
- 19                *in*
- 20                •    section 79F

---

**30 Further amendments, mentions of section 79F**

*omit*

section 79F

*substitute*

section 98F

*in*

- section 79E

**31 Further amendments, mentions of section 79G**

*omit*

section 79G

*substitute*

section 98G

*in*

- section 79F
- section 79H

**32 Further amendments, mentions of section 79IA**

*omit*

section 79IA

*substitute*

section 98J

*in*

- section 79E
- section 79IB

- |   |           |                                                           |
|---|-----------|-----------------------------------------------------------|
| 1 | <b>33</b> | <b>Further amendments, mentions of <i>section 79J</i></b> |
| 2 |           | <i>omit</i>                                               |
| 3 |           | section 79J                                               |
| 4 |           | <i>substitute</i>                                         |
| 5 |           | section 98L                                               |
| 6 |           | <i>in</i>                                                 |
| 7 |           | • section 79D                                             |



## Part 2.3 Family Violence Act 2016

### 34 Offence—contravention of family violence order Section 43 (1) (b)

*substitute*

- (b) has been served in accordance with this Act with a copy of the family violence order.

*Note* Service requirements for a family violence order are set out in—

- (a) if the order is a protection order—s 70C; and  
(b) if the order is an after-hours order—s 108.

### 35 New division 4.1A

*before division 4.1, insert*

## Division 4.1A Preliminary

### 44B References to *present* and *present in court*

- (1) In this Act, a reference to a person being *present* in the Magistrates Court or *present in court* includes the person appearing in the court, with the court's leave, by audiovisual link or telephone.
- (2) A person who is present in court in accordance with this section is taken to be before the court.

*Note* The *Magistrates Court Act 1930*, s 311, also deals with appearing and giving evidence remotely.

- (3) In this section:

*audiovisual link*—see the *Evidence (Miscellaneous Provisions) Act 1991*, dictionary.

**36 New section 82A (6)**

*after the note, insert*

(6) If the application under section 82 is made by the protected person, and the protected person was not the applicant for the protection order (the *original order*)—

(a) a reference in subsection (3) (b) and (4) (b) to the other party is also taken to refer to the applicant for the original order; and

(b) a reference in subsection (5) to the respondent is also taken to refer to the applicant for the original order.

**37 Magistrate review of registrar decisions  
New section 91B (6A)**

*insert*

(6A) If the applicant requests review of a relevant decision, the relevant decision is stayed until the review is heard or the request is withdrawn.

**38 Service of after-hours orders  
Section 108 (2)**

*omit*

order that the application be served in the way, stated in the order,

*substitute*

make an order for service requiring that the after-hours order be served in a way, stated in the order for service,

**39 Interim court-initiated protection order taken to be special interim order**  
**Section 113 (e)**

*omit*

section 47 (1) (b)

*substitute*

section 47 (2) to (5)

**40 Section 156**

*substitute*

**156 Review of Act**

(1) The Minister must—

(a) review the operation and effectiveness of this Act as soon as practicable after the end of 2 years after the day part 2A (Family violence safety notices) commences; and

(b) present a report of the review to the Legislative Assembly within 12 months after the day the review is started.

(2) This section expires 5 years after the day it commences.

## Part 2.4 Personal Violence Act 2016

### 41 Offence—contravention of protection order Section 35 (1) (b)

*substitute*

(b) has been served in accordance with this Act with a copy of the protection order.

*Note* Service requirements for a protection order are set out in s 64C.

### 42 New division 4.1A

*before division 4.1, insert*

## Division 4.1A Preliminary

### 38B References to *present* and *present in court*

(1) In this Act, a reference to a person being *present* in the Magistrates Court or *present in court* includes the person appearing in the court, with the court's leave, by audiovisual link or telephone.

(2) A person who is present in court in accordance with this section is taken to be before the court.

*Note* The *Magistrates Court Act 1930*, s 311, also deals with appearing and giving evidence remotely.

(3) In this section:

*audiovisual link*—see the *Evidence (Miscellaneous Provisions) Act 1991*, dictionary.

**43 New section 76A (6)**

*after the note, insert*

- (6) If the application under section 76 is made by the protected person, and the protected person was not the applicant for the protection order (the *original order*)—
- (a) a reference in subsection (3) (b) and (4) (b) to the other party is also taken to refer to the applicant for the original order; and
  - (b) a reference in subsection (5) to the respondent is also taken to refer to the applicant for the original order.

**44 Magistrate review of registrar decisions  
New section 83B (6A)**

*insert*

- (6A) If the applicant requests review of a relevant decision, the relevant decision is stayed until the review is heard or the request is withdrawn.

**45 Dictionary, definition of *protection order*, paragraph (a)**

*substitute*

- (a) means—
- (i) an interim personal protection order; or
  - (ii) an interim workplace protection order; or
  - (iii) a final personal protection order; or
  - (iv) a final workplace protection order; and

1 **Chapter 3** **Family violence safety notices**  
2 **amendments**

3 **Part 3.1** **Family Violence Act 2016**

4 **Division 3.1.1** **Family violence safety notices**  
5 **amendments**

6 **46** **New part 2A**

7 *insert*

8 **Part 2A** **Family violence safety notices**

9 **Division 2A.1** **Grounds for issuing family violence**  
10 **safety notice**

11 **13B** **Grounds for issuing family violence safety notice**

12 A notice (a *family violence safety notice*) may be issued against a  
13 person (the *respondent*) only if—

14 (a) there is a risk to an affected person of family violence by the  
15 respondent; and

16 (b) a family violence safety notice is immediately necessary to—

17 (i) ensure the safety of the affected person from the violence;  
18 or

19 (ii) prevent substantial damage to the affected person's  
20 property; and

21 (c) the respondent is an adult; and

- (d) there is no family violence safety notice already in force between the respondent and the affected person; and

*Note* This includes a family violence safety notice between the parties naming the current respondent as the affected person, and the current affected person as the respondent.

- (e) the proposed family violence safety notice would not be inconsistent with any court order already in force in the ACT (other than a bail order).

*Note* If a family violence safety notice is inconsistent with a bail order, the respondent's failure to comply with the bail order is taken not to be a breach of the bail order (see [Bail Act 1992](#), s 26A).

## **Division 2A.2      Application for family violence safety notice**

### **13C      Police officer may detain person during application period**

- (1) This section applies if a police officer—
- (a) considers that the grounds in section 13B for issuing a family violence safety notice are satisfied in relation to a person; and
  - (b) proposes to apply, or has applied, for a family violence safety notice against the person; and
  - (c) believes on reasonable grounds that removing and detaining the person during the application period—
    - (i) is necessary to ensure—
      - (A) the safety of an affected person or someone else; or
      - (B) that the family violence safety notice, if issued, may be immediately served on the person; and
    - (ii) is the least restrictive option reasonably available.

- 1 (2) The police officer may, during the application period—  
2 (a) remove the person to another place; and  
3 (b) detain the person.  
4 (3) A person must not be detained under this section for longer than  
5 4 hours.  
6 (4) A police officer must not, in the course of detaining a person under  
7 this section, use more force, or subject the person to greater indignity,  
8 than is necessary and reasonable to detain the person or to prevent  
9 their escape.  
10 (5) In this section:  
11 *application period*, for a family violence safety notice, means the  
12 period—  
13 (a) starting when a police officer decides to apply for the family  
14 violence safety notice against a person; and  
15 (b) ending when—  
16 (i) if a family violence safety notice is issued—a copy of the  
17 family violence safety notice is served on the person; or  
18 (ii) if the application for the family violence safety notice is  
19 refused—the senior police officer refusing the application  
20 notifies the police officer of the refusal.

21 **13D Police officer may apply for family violence safety notice**

- 22 (1) If a police officer (the *applicant police officer*) considers that the  
23 grounds in section 13B for issuing a family violence safety notice are  
24 satisfied, the police officer may apply to a senior police officer for a  
25 family violence safety notice.



(2) In deciding whether to make an application, the applicant police officer must consider the following matters, as far as is reasonably practicable in the circumstances:

- (a) the affected person's views about the proposed family violence safety notice;
- (b) the respondent's views about the proposed family violence safety notice;
- (c) the affected person's perception of the nature and seriousness of the respondent's alleged conduct;
- (d) the welfare of any child who is an affected person;
- (e) any hardship that may be caused to the respondent or anyone else by the issuing of the family violence safety notice;
- (f) any previous family violence or personal violence by the respondent in relation to the affected person or anyone else, including—
  - (i) any previous family violence safety notice or family violence order against the respondent; and
  - (ii) any previous contravention of a family violence safety notice or family violence order by the respondent.

*Note* An **affected person** includes any child who hears, witnesses or is otherwise exposed to family violence committed against another person (see s 8 (1), def **family violence**, par (b) and dict).

(3) Also, in deciding whether to make an application, the applicant police officer must enquire whether—

- (a) a court order (other than a bail order) is already in force in the ACT in relation to the affected person or the respondent; or

**Examples—court order**

- 1 a family violence order
- 2 an order under the *Crimes (Sentencing) Act 2005*
- 3 a protection order under the *Personal Violence Act 2016*.

- 1 (b) a Family Law Act order applies to—  
2 (i) any child of the affected person or respondent; or  
3 (ii) any other child that is an affected person.
- 4 (4) In this section:  
5 *Family Law Act order*—see section 15 (2).
- 6 **13E Police officer's application requirements**
- 7 (1) An application for a family violence safety notice must be made—  
8 (a) in writing; or  
9 (b) if a written application is impracticable in the circumstances—  
10 orally.
- 11 *Note* A written application may be made using electronic communication (see  
12 [Electronic Transactions Act 2001](#), s 8).
- 13 (2) The application must include—  
14 (a) a description of the conduct on which the application is based;  
15 and  
16 (b) a statement about how each ground in section 13B for issuing  
17 the family violence safety notice is satisfied; and  
18 (c) information about the following matters, as far as is reasonably  
19 practicable in the circumstances:  
20 (i) the affected person's views about the application;  
21 (ii) the respondent's views about the application;  
22 (iii) the affected person's perception of the nature and  
23 seriousness of the respondent's alleged conduct;  
24 (iv) the welfare of any child who is an affected person;

- 1 (v) any hardship that may be caused to the respondent or  
2 anyone else by the issuing of the family violence safety  
3 notice;
- 4 (vi) any previous family violence or personal violence by the  
5 respondent in relation to the affected person or anyone  
6 else, including—
- 7 (A) any previous family violence safety notice or family  
8 violence order against the respondent; and
- 9 (B) any previous contravention of a family violence  
10 safety notice or family violence order by the  
11 respondent; and
- 12 (d) a statement about whether, as a result of an enquiry made under  
13 section 13D (3), there is a court order already in force in the  
14 ACT or a Family Law Act order applies;
- 15 (e) the conditions proposed for the family violence safety notice;  
16 and
- 17 *Note* In deciding conditions, the paramount consideration must be the  
18 safety and protection of the affected person and any affected child  
19 (see s 13O). After that, the conditions must be the least restrictive  
20 of the personal rights and liberties of the respondent (see s 13P).
- 21 (f) any other information required by the senior police officer to  
22 whom the application is made.

23 **13F Police officer's decision to not apply to be recorded in**  
24 **police records**

- 25 (1) This section applies if a police officer—
- 26 (a) considers that the grounds in section 13B for issuing a family  
27 violence safety notice are satisfied; but
- 28 (b) decides not to apply for a family violence safety notice.

- 1           (2) The police officer must make a written record of the decision,  
2           including the following information:
- 3               (a) the police officer's name, rank and identification number;  
4               (b) the name of the respondent;  
5               (c) the name of the affected person;  
6               (d) the reasons for deciding not to apply for a family violence safety  
7               notice;  
8               (e) what action (if any) is to be taken in relation to the respondent  
9               and the affected person.
- 10          (3) The police officer must keep the record in the police records.

11       **13G       Senior police officer must decide application**

- 12           (1) A senior police officer who receives an application for a family  
13           violence safety notice may request further information from the  
14           applicant police officer.
- 15           (2) However, the senior police officer must decide the application—  
16               (a) as soon as is practicable in the circumstances; and  
17               (b) in 1 of the following ways:
- 18                   (i) by issuing a family violence safety notice under  
19                   section 13H;  
20                   (ii) by refusing the application and making the required police  
21                   record under section 13N.

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**Division 2A.3 Issuing a family violence safety notice**

**13H Senior police officer may issue family violence safety notice**

- (1) A senior police officer (the *issuing police officer*) may issue a family violence safety notice if they—
- (a) receive an application for a family violence safety notice under section 13D; and
  - (b) believe on reasonable grounds that the grounds in section 13B for issuing a family violence safety notice are satisfied.
- (2) In deciding whether to issue a family violence safety notice, the issuing police officer must consider the following matters, as far as is reasonably practicable in the circumstances:
- (a) the affected person's views about the proposed family violence safety notice;
  - (b) the respondent's views about the proposed family violence safety notice;
  - (c) the affected person's perception of the nature and seriousness of the respondent's alleged conduct;
  - (d) the welfare of any child who is an affected person;
  - (e) any hardship that may be caused to the respondent or anyone else by the issuing of the family violence safety notice;
  - (f) any previous family violence or personal violence by the respondent in relation to the affected person or anyone else, including—
    - (i) any previous family violence safety notice or family violence order against the respondent; and

- 1 (ii) any previous contravention of a family violence safety  
2 notice or family violence order by the respondent.

3 *Note* An **affected person** includes any child who hears, witnesses or is  
4 otherwise exposed to family violence committed against another person  
5 (see s 8 (1), def **family violence**, par (b) and dict).

- 6 (3) The issuing police officer must make a written record of the matters  
7 considered under subsection (2) and keep the record in the police  
8 records.

9 **13I Form of family violence safety notice**

10 A family violence safety notice must be in writing and include the  
11 following information:

- 12 (a) the name, rank and identification number of—  
13 (i) the applicant police officer; and  
14 (ii) the issuing police officer;  
15 (b) the respondent's name;  
16 (c) the name of the protected person;  
17 (d) a brief statement about how each ground in section 13B for  
18 issuing the family violence safety notice is satisfied;  
19 (e) the conditions of the family violence safety notice;  
20 *Note* In deciding conditions, the paramount consideration must be the  
21 safety and protection of the affected person and any affected child  
22 (see s 13O). After that, the conditions must be the least restrictive  
23 of the personal rights and liberties of the respondent (see s 13P).  
24 (f) the date and time the family violence safety notice is made;  
25 (g) a statement explaining when the family violence safety notice  
26 comes into force, and its duration, under section 13L.

27 *Note* A family violence safety notice may be issued using electronic  
28 communication (see [Electronic Transactions Act 2001](#), s 8).

- 
- 1   **13J       Who may be included in a family violence safety notice**
- 2       (1) A family violence safety notice may be issued against only
- 3       1 respondent.
- 4       (2) A family violence safety notice may be made in relation to only
- 5       1 affected person and 1 or more children of the affected person.
- 6   **13K       Family violence safety notice generally not to include**
- 7       **protected person's address**
- 8       A family violence safety notice must not include a protected person's
- 9       home or work address unless—
- 10       (a) the protected person agrees to the address being included; or
- 11       (b) it is necessary to include the address to allow the respondent to
- 12       comply with the family violence safety notice; or
- 13       (c) the issuing police officer is satisfied that the respondent already
- 14       knows the address.
- 15   **13L       Duration of family violence safety notice**
- 16       (1) A family violence safety notice—
- 17       (a) comes into force when it is served on the respondent; and
- 18       (b) remains in force for 14 days after the day the notice is served on
- 19       the respondent.
- 20       (2) However, a family violence safety notice—
- 21       (a) may be revoked earlier by the Magistrates Court; and
- 22       (b) is automatically revoked if a family violence order is made
- 23       against the respondent in relation to the protected person and the
- 24       order is served on the respondent.
- 25       (3) A family violence safety notice cannot be renewed or extended.

- 1 **13M Family violence safety notice to be given to Magistrates**  
2 **Court**
- 3 The issuing police officer for a family violence safety notice must—
- 4 (a) give a copy of the family violence safety notice to the registrar  
5 of the Magistrates Court; and
- 6 (b) keep a copy of the family violence safety notice in the police  
7 records.
- 8 **13N Senior police officer's refusal to be recorded in police**  
9 **records**
- 10 (1) A senior police officer who refuses an application for a family  
11 violence safety notice must make a written record of the refusal,  
12 including the following information:
- 13 (a) their name, rank and identification number;
- 14 (b) the name, rank and identification number of the applicant police  
15 officer;
- 16 (c) the name of the respondent in the application;
- 17 (d) the name of the affected person in the application;
- 18 (e) the reasons for refusing to issue the family violence safety  
19 notice, including each ground in section 13B that was not  
20 satisfied;
- 21 (f) what action (if any) is to be taken in relation to the respondent  
22 and the affected person.
- 23 (2) The senior police officer must keep the record in the police records.



## **Division 2A.4                      Conditions of family violence safety notices**

*Note*       See also the [Bail Act 1992](#), s 26A (Bail condition inconsistent with family violence safety notice)

### **13O                      Paramount consideration—safety of affected person and children**

In deciding the conditions to be included in a family violence safety notice, the issuing police officer must give paramount consideration to the safety and protection of the affected person and any child directly or indirectly affected by the respondent's alleged conduct.

### **13P                      Consideration—least restrictive principle**

An issuing police officer must ensure the conditions included in a family violence safety notice are the least restrictive of the personal rights and liberties of the respondent as possible that still achieve the objects of this Act and give effect to section 13O.

### **13Q                      Conditions—generally**

(1) A family violence safety notice may include the conditions the issuing police officer considers necessary taking into account section 13O and section 13P.

(2) Without limiting subsection (1), a family violence safety notice may include 1 or more of the following:

(a) a condition prohibiting the respondent from being on premises where the protected person lives;

*Note*       Section 13R sets out matters to be considered when including a condition prohibiting a respondent from being on premises where the respondent lives.

(b) a condition prohibiting the respondent from being on premises where the protected person works;

- 1 (c) a condition prohibiting the respondent from being on premises  
2 where the protected person is likely to be;
- 3 (d) a condition prohibiting the respondent from being in a particular  
4 place;
- 5 (e) a condition prohibiting the respondent from being within a  
6 particular distance from the protected person;
- 7 (f) a condition prohibiting the respondent from attempting to locate  
8 or locating the protected person;
- 9 (g) a condition prohibiting the respondent from contacting the  
10 protected person;
- 11 (h) a condition prohibiting the respondent from engaging in  
12 behaviour mentioned in section 8, definition of *family violence*;
- 13 (i) a condition prohibiting the respondent from doing anything  
14 mentioned in paragraphs (e) to (h) in relation to—
- 15 (i) a child of the protected person; or
- 16 (ii) any other child if the issuing police officer is satisfied that  
17 there is an unacceptable risk of the child being exposed to  
18 family violence;
- 19 (j) a condition prohibiting the respondent from causing someone  
20 else to do something mentioned in paragraphs (f) to (i);
- 21 (k) a condition prohibiting the respondent from taking possession of  
22 stated personal property that is reasonably needed by the  
23 protected person or a child of the protected person;
- 24 (l) a condition requiring the respondent to give the protected person  
25 stated personal property of the protected person or a child of the  
26 protected person, that is in the respondent's possession;

(m) a condition stating the circumstances in which the respondent may—

(i) be on particular premises; or

(ii) be in a particular place; or

(iii) approach or contact a particular person; or

(iv) attempt to locate or locate the protected person.

**Examples—par (k) and (l)—personal property**

1 personal clothing

2 toiletries

3 books

4 photographs

5 house or car keys

*Note* See also the [Bail Act 1992](#), s 26A (Bail condition inconsistent with family violence safety notice)

**13R Conditions—exclusion conditions**

(1) In deciding whether to include an exclusion condition in a family violence safety notice, the issuing police officer must consider the following:

(a) as primary factors—

(i) the physical, emotional and psychological needs of the protected people; and

(ii) any disability of the protected people; and

(b) as secondary factors—

(i) the accommodation needs of, and options for accommodation available to—

(A) the protected people; and

(B) the respondent; and

1 (C) any child of the protected people or the respondent;  
2 and

3 (ii) the length of time required for a person mentioned in  
4 paragraph (b) (i) to find alternative accommodation.

5 (2) In this section:

6 *exclusion condition* means a condition in a family violence safety  
7 notice prohibiting the respondent from being on premises where the  
8 respondent lives.

9 *protected people*, in relation to a respondent, means the protected  
10 person and any child directly or indirectly affected by the  
11 respondent's alleged conduct.

12 **13S Conditions—conflict with court order**

13 (1) If a condition in a family violence safety notice is inconsistent with a  
14 court order in force in the ACT—

15 (a) the family violence safety notice continues in force; but

16 (b) the court order prevails to the extent of the inconsistency.

17 (2) However, this section does not apply to a bail condition in a bail order  
18 if the *Bail Act 1992*, section 26B (Bail condition may be taken to  
19 displace family violence safety notice condition) applies to the bail  
20 condition.

21 **Division 2A.5 Service and explanation of family**  
22 **violence safety notice**

23 **13T Police officer must serve family violence safety notice**

24 (1) A family violence safety notice issued against a respondent must be  
25 personally served on the respondent as soon as practicable by a police  
26 officer.

- 1 (2) If the respondent agrees, the police officer may personally serve the  
2 family violence safety notice on the respondent using electronic  
3 communication.
- 4 **Example—personal service using electronic communication**  
5 A police officer with the respondent emails the family violence safety notice to the  
6 respondent and observes the respondent receiving the email.
- 7 (3) If the family violence safety notice is served using electronic  
8 communication, the police officer serving the notice must make a  
9 written record of the following and keep the record in the police  
10 records:
- 11 (a) the form of electronic communication used to serve the notice;  
12 (b) how the notice was served using that form of electronic  
13 communication;  
14 (c) the respondent's agreement to the notice being served using that  
15 form of electronic communication.
- 16 (4) A copy of a family violence safety notice issued against a respondent  
17 must also be given to the following people:
- 18 (a) the protected person;  
19 (b) the chief police officer;  
20 (c) the registrar of firearms;  
21 (d) if the protected person is a child—the child's parent or guardian;  
22 (e) if the protected person has a disability guardian—the guardian;  
23 (f) anyone else the issuing police officer is satisfied has a relevant  
24 interest in the matter who does not already have a copy of the  
25 family violence safety notice.
- 26 *Note* A family violence safety notice may be given using electronic  
27 communication (see [Electronic Transactions Act 2001](#), s 8).
- 28 (5) A failure to comply with subsection (4) does not affect the validity of  
29 the family violence safety notice.

*Note* Section 70F contains provisions about giving a document to a child or the child's parent or guardian.

**13U Police officer must explain family violence safety notice**

- (1) A police officer serving a copy of a family violence safety notice on a respondent must, as far as practicable in the circumstances, personally explain to the respondent in language likely to be readily understood by the respondent—
- (a) the purpose, conditions, effect and duration of the family violence safety notice; and
  - (b) the consequences of contravening the family violence safety notice; and
  - (c) how the respondent may apply to the Magistrates Court to have the family violence safety notice amended or revoked.
- (2) A police officer giving a copy of a family violence safety notice to a protected person must, as far as practicable in the circumstances, explain to the protected person—
- (a) the purpose, conditions and effect of the family violence safety notice; and
  - (b) the consequences of the respondent contravening the family violence safety notice; and
  - (c) how the protected person may apply to the Magistrates Court to have the family violence safety notice amended or revoked; and
  - (d) how the protected person may apply to the Magistrates Court for a family violence order.
- (3) A failure to comply with this section does not affect the validity of the service of the family violence safety notice.

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**13V Giving family violence safety notice to child**

- (1) If a family violence safety notice is required to be given to a child, it must not be given at or near the child's school unless there is no other place where the family violence safety notice may reasonably be given to the child.
- (2) If a family violence safety notice is required to be given to a child's parent or guardian, the family violence safety notice need not be given if—
- (a) the parent or guardian is also a party to the family violence safety notice; or
  - (b) the issuing police officer is satisfied that—
    - (i) giving the family violence safety notice is not reasonably practicable; or
    - (ii) there are circumstances that justify the family violence safety notice not being given.

**Examples—par (ii)**

- 1 the child is estranged from the child's parent
- 2 there would be an unacceptable risk to the child's safety if the parent or guardian were given the document

- (3) In this section:  
***guardian*** includes a disability guardian.

1      **Division 2A.6              Amendment and revocation of family**  
2                                      **violence safety notices**

3      **13W              Meaning of *amend* a family violence safety notice—pt 2A**

4              In this part:

5              *amend*, a family violence safety notice—

6              (a) includes amend the notice by—

7                      (i) adding further conditions, prohibitions or restrictions to  
8                                      the notice; or

9                      (ii) amending or removing conditions, prohibitions or  
10                                      restrictions in the notice; or

11                      (iii) reducing the period for which the notice remains in force;  
12                                      but

13              (b) does not include extending the period for which the notice  
14                                      remains in force.

15      **13X              Police officer cannot amend or revoke family violence**  
16                                      **safety notice**

17              A police officer cannot amend or revoke a family violence safety  
18                                      notice after it has been served on the respondent.

19      **13Y              Application to Magistrates Court to amend or revoke**  
20                                      **family violence safety notice**

21              (1) Any of the following people may apply to the Magistrates Court for  
22                                      amendment or revocation of a family violence safety notice:

23                      (a) the protected person;

24                      (b) a senior police officer;



- 1 (c) the respondent.
- 2 *Note* If a form is approved under the *Court Procedures Act 2004*, s 8 for an  
3 application, the form must be used.
- 4 (2) An application for amendment or revocation—
- 5 (a) must state—
- 6 (i) the amendments sought; and
- 7 (ii) the reasons for the application; and
- 8 (b) may include any other information in support of the application.
- 9 **Examples—par (a) (ii)**
- 10 1 the protected person has had a change in circumstances since the family  
11 violence safety notice was issued
- 12 2 the family violence safety notice restricts the respondent's rights unnecessarily
- 13 (3) If the registrar of the Magistrates Court receives an application for  
14 amendment or revocation of a family violence safety notice—
- 15 (a) if a return date for the application is available before the family  
16 violence safety notice expires—the registrar must, as soon as  
17 practicable—
- 18 (i) set a return date for the application that is before the family  
19 violence safety notice expires; and
- 20 (ii) serve on the other parties—
- 21 (A) a copy of the application; and
- 22 (B) notice of the return date; and
- 23 (iii) give the applicant notice of the return date; or
- 24 (b) if a return date for the application is not available before the  
25 family violence safety notice expires—the registrar or the court  
26 must dismiss the application.
- 27 (4) Service of the documents under subsection (3) (a) must be personal  
28 service.

- 1 (5) However, if personal service is not reasonably practicable, the court  
2 may order that the documents be served in a way, stated in the order,  
3 that the court considers is likely to bring the documents to the  
4 attention of the other parties.
- 5 (6) In this section:
- 6 *other parties* means—
- 7 (a) if the applicant is the protected person—the issuing police  
8 officer and the respondent; and
- 9 (b) if the applicant is a senior police officer—the protected person  
10 and the respondent; and
- 11 (c) if the applicant is the respondent—the protected person and the  
12 issuing police officer.

13 **13Z Decision by Magistrates Court to amend family violence**  
14 **safety notice**

15 The Magistrates Court may amend a family violence safety notice  
16 only if satisfied that—

- 17 (a) amending the notice will not adversely affect the safety of the  
18 protected person; and
- 19 (b) the notice as amended could be made by a senior police officer  
20 on application for the notice under this part; and
- 21 (c) if the amendment would reduce the protection of a child who is  
22 15 years old or younger—the child is no longer in need of the  
23 greater protection provided by the unamended notice.

24 *Note* A family violence safety notice cannot be renewed or extended (see  
25 s 13L (3)).

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**13ZA Service of amended family violence safety notice**

(1) If a court amends a family violence safety notice, the registrar must—

(a) serve a copy of the amended family violence safety notice on the respondent; and

(b) give a copy of the amended family violence safety notice to the following people:

(i) the protected person;

(ii) the chief police officer;

(iii) the registrar of firearms;

(iv) if the protected person is a child—the child’s parent or guardian;

(v) if the protected person has a disability guardian—the guardian;

(vi) anyone else the court is satisfied has a relevant interest in the matter who does not already have a copy of the family violence safety notice.

*Note* Section 13V deals with giving a family violence safety notice to a child.

(2) Service under subsection (1) (a) must be personal service unless—

(a) the respondent is present when the family violence safety notice is amended; or

(b) if personal service is not reasonably practicable—the court makes an order for service requiring that the amended family violence safety notice be served in a way, stated in the order for service, that the court considers is likely to bring the amended family violence safety notice to the attention of the respondent.

(3) The failure of the registrar to comply with subsection (1) (b) (vi) does not affect the validity of the family violence safety notice.

- 1 **13ZB Decision by Magistrates Court to revoke family violence**  
2 **safety notice**
- 3 (1) The Magistrates Court may revoke a family violence safety notice  
4 only if satisfied that—
- 5 (a) revoking the notice will not adversely affect the safety of the  
6 protected person; and
- 7 (b) if the revocation would reduce the protection of a child who is  
8 15 years old or younger—the child is no longer in need of the  
9 protection provided by the notice.
- 10 (2) If the Magistrates Court revokes a family violence safety notice, the  
11 registrar must notify the following people, in writing, about the  
12 revocation:
- 13 (a) the respondent;
- 14 (b) the protected person;
- 15 (c) the chief police officer;
- 16 (d) the registrar of firearms;
- 17 (e) if the protected person is a child—the child’s parent or guardian;
- 18 (f) if the protected person has a disability guardian—the guardian;
- 19 (g) anyone else the court is satisfied has a relevant interest in the  
20 revocation who has not already been notified of the revocation.
- 21 *Note* Section 13V deals with giving a family violence safety notice to a child.
- 22 (3) The failure of the registrar to comply with subsection (2) does not  
23 affect the revocation of the family violence safety notice.

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**Division 2A.7                      Effects of family violence safety notices**

**13ZC                      Offence—contravene family violence safety notice**

(1) A person commits an offence if the person—

- (a) is a respondent for a family violence safety notice; and
- (b) has been served with the family violence safety notice; and
- (c) engages in conduct that contravenes a condition in the family violence safety notice.

Maximum penalty: 200 penalty units, imprisonment for 2 years or both.

*Note*        In deciding the sentence to be imposed on a person under this section, the Magistrates Court must consider the matters under the [Crimes \(Sentencing\) Act 2005](#), s 33 (Sentencing—relevant considerations).

(2) Subsection (1) does not apply if—

- (a) the conduct contravening the notice was necessary on reasonable grounds to avoid breaching a condition of the person's bail; and
- (b) the bail condition was, under the [Bail Act 1992](#), section 26B expressed to prevail over a condition in the family violence safety notice.

*Note*        The defendant has an evidential burden in relation to the matters mentioned in s (2) (see [Criminal Code](#), s 58).

(3) 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 safety notice; and
- (b) aids, abets, counsels, procures, or is knowingly concerned in or a party to, the commission of conduct that contravenes the family violence safety notice.

- 1 **13ZD Firearms licence suspended if family violence safety**  
2 **notice issued**
- 3 If a family violence safety notice is in force against a respondent who  
4 is the holder of a firearms licence—
- 5 (a) the respondent's firearms licence is suspended until the family  
6 violence safety notice ends; and
- 7 (b) a police officer may seize—
- 8 (i) the firearms licence; and  
9 (ii) any firearm or ammunition in the respondent's possession.
- 10 **13ZE Family violence safety notice continues in force when**  
11 **protected person becomes adult**
- 12 (1) This section applies if—
- 13 (a) a family violence safety notice is in force; and
- 14 (b) a protected person is a child when the family violence safety  
15 notice is issued.
- 16 (2) The family violence safety notice continues in force in accordance  
17 with the terms of the notice and this Act when the protected person  
18 becomes an adult.
- 19 **47 After-hours orders**  
20 **Part 7**
- 21 *omit*

**48 New part 25**

*insert*

**Part 25 Transitional—Family, Personal  
and Sexual Violence Legislation  
Amendment Act 2025**

**231 Meaning of *commencement day*—pt 25**

In this part:

*commencement day* means the day the *Family, Personal and Sexual Violence Legislation Amendment Act 2025*, section 46 (New part 2A) commences.

**232 After-hours orders**

(1) This section applies if—

(a) immediately before the commencement day, an after-hours order is in force against a person; and

(b) the order would end on or after the commencement day.

(2) The order continues in force until it is revoked or expires.

(3) This Act, as in force immediately before the commencement day, continues to apply in relation to the order until the order is revoked or expires.

(4) In this section:

*after-hours order*—see this Act, dictionary, as in force immediately before the commencement day.

- 1     **233**         **Protection orders**
- 2             (1) This section applies if—
- 3                 (a) immediately before the commencement day, a protection order
- 4                 is in force against a person; and
- 5                 (b) the order would end on or after the commencement day.
- 6             (2) The order is, on the commencement day, taken to be a family violence
- 7             order made under this Act.
- 8             (3) In this section:
- 9                 *protection order*—see this Act, dictionary, as in force immediately
- 10                before the commencement day.
- 11     **234**         **Expiry—pt 25**
- 12             This part expires 1 year after the day it commences.
- 13             *Note*       A transitional provision is repealed on its expiry but continues to have
- 14             effect after its repeal (see [Legislation Act](#), s 88).



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## **Division 3.1.2            Consequential amendments**

### **49            How objects are to be achieved** **New section 7 (aa)**

*before paragraph (a), insert*

- (aa) giving the police power to issue family violence safety notices to protect people from family violence; and

### **50            Section 7 (b)**

*substitute*

- (b) creating offences to enforce family violence safety notices and family violence orders; and

### **51            Matters to be considered—family violence orders** **Section 14 (1) (g) and (h)**

*substitute*

- (g) any of the following, in force at any time against the respondent:
- (i) a family violence safety notice;
  - (ii) a family violence order;
  - (iii) a protection order under the *Personal Violence Act 2016*;
  - (iv) a family violence related order;
- (h) any contravention of any of the following, in force at any time against the respondent:
- (i) a family violence safety notice;
  - (ii) a family violence order;
  - (iii) a protection order under the *Personal Violence Act 2016*;
  - (iv) a family violence related order;

1      **52      Section 14 (3)**

2                    *omit*  
3                    in relation to  
4                    *substitute*  
5                    in deciding whether to make

6      **53      Section 14 (4)**

7                    *substitute*  
8                    (4) In this section:  
9                    ***family violence related order*** includes the following:  
10                    (a) an after-hours order under this Act as in force at any time;  
11                    (b) a protection order under this Act as in force at any time;  
12                    (c) a protection order under the *Domestic Violence Agencies*  
13                    *Act 1986* as in force at any time;  
14                    (d) a protection order under the *Domestic Violence and Protection*  
15                    *Orders Act 2001* as in force at any time;  
16                    (e) a protection order under the *Domestic Violence and Protection*  
17                    *Orders Act 2008* as in force at any time;  
18                    (f) a restraining order under the *Magistrates Court Act 1930* before  
19                    27 March 2002;  
20                    (g) an order under a law of a State, another Territory or New  
21                    Zealand that has or had the same effect, or substantially the same  
22                    effect, as—  
23                    (i) a family violence order under this Act; or  
24                    (ii) a protection order under the *Personal Violence Act 2016*.

1	<b>54</b>	<b>Family Law Act order</b>
2		<b>Section 15 (1), note 1</b>
3		<i>omit</i>
4	<b>55</b>	<b>Who may apply for protection orders?</b>
5		<b>Section 16 (1), note 1</b>
6		<i>omit</i>
7	<b>56</b>	<b>What if application is made for the wrong order?</b>
8		<b>Section 18 (1) (a)</b>
9		<i>omit</i>
10		protection order under this Act
11		<i>substitute</i>
12		family violence order
13	<b>57</b>	<b>Section 18 (1) (b) (ii)</b>
14		<i>omit</i>
15		an order
16		<i>substitute</i>
17		a protection order
18	<b>58</b>	<b>What if application for the wrong order is decided?</b>
19		<b>Section 19 (1), example</b>
20		<i>omit</i>

- 1 **59 Sections 27 and 38**
- 2 *omit*
- 3 having regard to
- 4 *substitute*
- 5 taking into account
- 6 **60 Offence—contravention of family violence order**
- 7 **Section 43 (1) (b) note**
- 8 *substitute*
- 9 *Note* Service requirements for a family violence order are in s 70C.
- 10 **61 Section 44 heading**
- 11 *substitute*
- 12 **44 Firearms licence automatically suspended or cancelled**
- 13 **62 Section 44 (1) and note**
- 14 *substitute*
- 15 (1) If an interim order is made against a respondent who is the holder of
- 16 a firearms licence, the respondent's firearms licence is suspended
- 17 until the interim order ends.
- 18 *Note* For the application of this section to consent orders, see s 33 (4).
- 19 **63 Giving evidence by affidavit for interim order**
- 20 **Section 62A (2) (b), except note**
- 21 *substitute*
- 22 (b) sworn or affirmed before a senior police officer.

1	<b>64</b>	<b>Service of protection orders</b>
2		<b>Section 70C (1), note 1</b>
3		<i>omit</i>
4	<b>65</b>	<b>Affidavit of service of documents by police</b>
5		<b>Section 70G</b>
6		<i>omit</i>
7		another police officer of, or above, the rank of sergeant
8		<i>substitute</i>
9		a senior police officer
10	<b>66</b>	<b>Representation—party with impaired decision-making</b>
11		<b>ability</b>
12		<b>Section 76 (3), except note</b>
13		<i>substitute</i>
14		(3) Nothing in this section prevents a court or judicial officer from
15		making an interim order against a respondent with impaired
16		decision-making ability if the court is satisfied of the matters
17		mentioned in section 21 (Interim orders—grounds for making).
18	<b>67</b>	<b>Definitions—pt 9</b>
19		<b>Section 115, definition of <i>family violence order</i></b>
20		<i>omit</i>
21	<b>68</b>	<b>Section 115, definition of FVO</b>
22		<i>omit</i>
23		(or <i>family violence order</i> )

- 1 **69** **Section 115, definition of *interim FVO*, paragraph (a) and**  
2 **note**
- 3 *substitute*
- 4 (a) a family violence safety notice;
- 5 **70** **Section 115, definition of *local FVO*, paragraph (a)**  
6 *substitute*
- 7 (a) means—
- 8 (i) a family violence safety notice under this Act; or
- 9 (ii) a family violence order under this Act; but
- 10 **71** **Certificate evidence—notification**  
11 **Section 139 (5), definition of *authorised officer*, paragraph**  
12 **(b) (ii)**
- 13 *substitute*
- 14 (ii) a senior police officer for the ACT.
- 15 **72** **Division 9.6 heading**
- 16 *substitute*
- 17 **Division 9.6** **Application of pt 9—existing FVOs**
- 18 **73** **Dictionary, definition of *after-hours order***  
19 *omit*

---

**74 Dictionary, definition of *amend***

*substitute*

***amend***—

(a) for a family violence order—includes amend the order by—

(i) adding further conditions, prohibitions or restrictions to the order or amending or removing conditions, prohibitions or restrictions; or

(ii) extending or reducing the period for which the order remains in force; and

(b) for a family violence safety notice, for part 2A (Family violence safety notices)—see section 13W.

**75 Dictionary, new definition of *applicant police officer***

*insert*

***applicant police officer***, for part 2A (Family violence safety notices)—see section 13D (1).

**76 Dictionary, definition of *business hours***

*omit*

**77 Dictionary, definition of *commencement day***

*omit*

protection orders

*substitute*

FVOs

- 1 **78 Dictionary, definition of *family violence order***
- 2 *substitute*
- 3 *family violence order*—
- 4 (a) means—
- 5 (i) an interim order; or
- 6 (ii) a final order; and
- 7 (b) includes—
- 8 (i) an order about the seizure of a firearms licence, firearm or
- 9 ammunition; and
- 10 (ii) an order amending a family violence order, including an
- 11 order for a provisional amendment under section 82B or a
- 12 temporary amendment under section 84.
- 13 **79 Dictionary, new definition of *family violence safety notice***
- 14 *insert*
- 15 *family violence safety notice*—see section 13B.
- 16 **80 Dictionary, definition of *final order***
- 17 *substitute*
- 18 *final order*—
- 19 (a) means a family violence order that is not an interim order; and
- 20 (b) includes an order amending a final order.
- 21 **81 Dictionary, new definition of *issuing police officer***
- 22 *insert*
- 23 *issuing police officer*, for part 2A (Family violence safety notices)—
- 24 see section 13H (1).



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**82 Dictionary, definition of *proceeding***

*substitute*

***proceeding***—

(a) for a family violence order, means—

(i) a proceeding for a family violence order; or

*Note* As a family violence order includes an order amending a family violence order (see def ***family violence order***), a proceeding for a family violence order includes a proceeding to amend the order.

(ii) a proceeding to review a family violence order under part 6 (Review of orders); or

(iii) for part 8 (Court-initiated actions)—the family violence proceeding to the extent that the proceeding relates to the exercise of jurisdiction under this Act; and

(b) for a family violence safety notice—means a proceeding for amendment or revocation of a family violence safety notice.

**83 Dictionary, definition of *protected person***

*substitute*

***protected person*** means a person protected under—

(a) a family violence order; or

(b) a family violence safety notice.

**84 Dictionary, definition of *protection order***

*omit*

- 1      **85      Dictionary, definition of *respondent***
- 2      *substitute*
- 3      ***respondent*** means—
- 4      (a) for part 2A (Family violence safety notices)—see section 13B;
- 5      or
- 6      (b) for part 8 (Court-initiated actions)—the defendant in the family
- 7      violence proceeding; or
- 8      (c) in any other case—
- 9      (i) a person in relation to whom an application for a family
- 10      violence order has been made; or
- 11      (ii) a person against whom a family violence order has been
- 12      made.
- 13      **86      Dictionary, new definition of *senior police officer***
- 14      *insert*
- 15      ***senior police officer*** means a police officer of, or above, the rank of
- 16      sergeant.
- 17      **87      Further amendments, mentions of *protection order***
- 18      *omit*
- 19      protection order
- 20      *substitute*
- 21      family violence order
- 22      *in*
- 23      • sections 16 to 17
- 24      • section 19 (1) (a) and (d)
- 25      • section 33

- 1           • section 39
- 2           • division 4.1 heading
- 3           • sections 46 to 49
- 4           • sections 51 to 60C
- 5           • sections 61 to 62A
- 6           • sections 66 to 68
- 7           • sections 70A to 70D
- 8           • sections 71 and 71A
- 9           • sections 82 to 83
- 10          • section 86
- 11          • sections 91 to 91B
- 12          • section 107
- 13          • sections 113 and 114
- 14          • dictionary, definitions of
- 15           *application*
- 16           *consent order*
- 17           *general interim order*
- 18           *return date*
- 19           *returned*
- 20           *special interim order*

- 1 **88 Further amendments, mentions of *protection orders***
- 2 *omit*
- 3 protection orders
- 4 *substitute*
- 5 family violence orders
- 6 *in*
- 7 • division 3.2 heading
- 8 • section 16 heading
- 9 • division 4.4 heading
- 10 • section 70C heading
- 11 • part 5 heading
- 12 • section 82 heading
- 13 • section 82A heading
- 14 • section 83 heading

## Part 3.2 Other legislation

### Division 3.2.1 Bail Act 1992

#### **89 Bail for serious offence committed while charge for another pending or outstanding Section 9D (4) and (5) (b)**

*omit*

authorised person

*substitute*

authorised officer

#### **90 Conditions on which bail may be granted to adults Section 25 (4) (f) (i)**

*omit*

section 8 (1), definition of *family violence*, paragraph (a)

*substitute*

section 8, definition of *family violence*

#### **91 New section 26A and 26B**

*insert*

#### **26A Bail condition inconsistent with family violence safety notice**

(1) This section applies if—

(a) a family violence safety notice is in force against a person; and

(b) a bail condition is also in force against the person; and

(c) the bail condition is inconsistent with a condition in the family violence safety notice; and

- 1 (d) a court or authorised officer imposing the bail condition has not  
2 stated that section 26B (2) applies to the bail condition.
- 3 (2) The person's failure to comply with the bail condition, to the extent  
4 needed to comply with the family violence safety notice, is taken not  
5 to be a breach of the bail condition.
- 6 **26B Bail condition may be taken to displace family violence**  
7 **safety notice condition**
- 8 (1) This section applies if—
- 9 (a) a family violence safety notice is in force against a person; and
- 10 (b) a court or authorised officer imposes a bail condition on the  
11 person that would be inconsistent with a condition in the family  
12 violence safety notice; and
- 13 (c) the court or authorised officer is satisfied that the proposed bail  
14 condition would better protect the safety or welfare of a  
15 protected person mentioned in the family violence safety notice.
- 16 (2) If the court or authorised officer imposes the bail condition, and when  
17 imposing the condition states that the condition is intended to displace  
18 a condition in a family violence safety notice (to the extent of the  
19 inconsistency)—
- 20 (a) section 26A (2) does not apply to the person; and
- 21 (b) the person's failure to comply with the family violence safety  
22 notice, to the extent needed to comply with the bail condition, is  
23 taken not to be a contravention of the family violence safety  
24 notice.
- 25 (3) In this section:
- 26 *family violence safety notice*—see the *Family Violence Act 2016*,  
27 section 13B.

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**Division 3.2.2      Children and Young People Act 2008**

**92      What is *significant harm*?  
Section 344 (4)**

*omit*

**93      Interim matters—Court action before adjournment  
Section 431 (2) (d)**

*before*

interim protection order

*insert*

interim family violence order or

**94      Division 14.3.5 heading**

*substitute*

**Division 14.3.5      Family violence orders and protection  
orders**

**95      Section 458**

*substitute*

**458      Meaning of *relevant Act*—div 14.3.5**

In this division:

*relevant Act* means—

(a) for a family violence order—the *Family Violence Act 2016*; or

1 (b) for a protection order—the *Personal Violence Act 2016*.

2 *Note 1* A family violence order is an interim or final order and includes an order  
3 about the seizure of a firearms licence, firearm or ammunition and an  
4 order amending a family violence order (see *Family Violence Act 2016*,  
5 dict, def *family violence order*).

6 *Note 2* A protection order is an interim or final personal or workplace order and  
7 includes an order about the seizure of a firearms licence, firearm or  
8 ammunition and an order amending a protection order (see *Personal*  
9 *Violence Act 2016*, dict, def *protection order*).

10 **96 Section 459 heading**

11 *substitute*

12 **459 Childrens Court may make or amend family violence**  
13 **orders and protection orders**

14 **97 Section 459 (2), except notes**

15 *before*

16 protection order

17 *insert*

18 family violence order or

19 **98 Section 459 (2), note 1**

20 *substitute*

21 *Note 1* A child younger than 14 years old cannot be a respondent to an  
22 application for a family violence order or a protection order (see *Family*  
23 *Violence Act 2016*, s 75 and *Personal Violence Act 2016*, s 69).



1	<b>99</b>	<b>Section 459 (2), note 2</b>
2		<i>before</i>
3		interim protection order
4		<i>insert</i>
5		interim family violence order or
6	<b>100</b>	<b>Section 459 (3)</b>
7		<i>omit</i>
8		(3) The Childrens Court may make a protection order or amend an
9		existing protection order—
10		<i>substitute</i>
11		(3) The Childrens Court may make a family violence order or protection
12		order, or amend an existing family violence order or protection
13		order—
14	<b>101</b>	<b>Section 459 (3) note</b>
15		<i>before</i>
16		protection order
17		<i>insert</i>
18		family violence order or
19	<b>102</b>	<b>Section 459 (4), definition of <i>family violence</i></b>
20		<i>omit</i>
21	<b>103</b>	<b>Section 460 heading</b>
22		<i>substitute</i>
23	<b>460</b>	<b>Effect of making family violence order or protection order</b>
24		<b>under this Act</b>

**104 Section 460**

*before*

protection order

*insert*

family violence order or

**105 Police assistance  
Section 679 (1) (h) and note**

*substitute*

(h) a family violence order or protection order;

*Note* A family violence order under the *Family Violence Act 2016* or a protection order under the *Personal Violence Act 2016* may be made by the Childrens Court under s 459.

**106 Safe custody warrant—criteria  
Section 686 (1) (a) (v) and note**

*substitute*

(v) a family violence order or protection order;

*Note* A family violence order under the *Family Violence Act 2016* or a protection order under the *Personal Violence Act 2016* may be made by the Childrens Court under s 459.

**107 Appeals to Supreme Court—generally  
Section 835 (1) note**

*substitute*

*Note* An appeal in relation to a family violence order under the *Family Violence Act 2016*, or a protection order under the *Personal Violence Act 2016*, that was made by the Childrens Court under s 459, is dealt with under the relevant Act (see s 460 (c)).

---

**108 Dictionary, new definitions**

*insert*

***family violence***—see the *Family Violence Act 2016*, section 8.

***family violence order***—see the *Family Violence Act 2016*, dictionary.

*Note* A family violence order is an interim or final order and includes an order about the seizure of a firearms licence, firearm or ammunition and an order amending a family violence order (see *Family Violence Act 2016*, dict, def ***family violence order***).

**109 Dictionary, definition of *protection order***

*substitute*

***protection order***—see the *Personal Violence Act 2016*, dictionary.

*Note* A protection order is an interim or final personal or workplace order and includes an order about the seizure of a firearms licence, firearm or ammunition and an order amending a protection order (see *Personal Violence Act 2016*, dict, def ***protection order***).

**110 Dictionary, definition of *relevant Act***

*substitute*

***relevant Act***, for division 14.3.5 (Family violence orders and protection orders)—see section 458.

**Division 3.2.3      Crimes Act 1900**

**111      Seizure of firearms—warrants and emergencies**  
**Section 191 (4) (b)**

*omit*

protection order under the *Family Violence Act 2016*

*substitute*

family violence order

**112      Section 192 heading**

*substitute*

**192      Seizure of firearms—family violence safety notices,  
family violence orders and protection orders**

**113      New section 192 (1A)**

*before subsection (1), insert*

(1A) For this section, a ***firearms seizure provision*** is in operation against a person who holds a firearms licence (the ***licensee***) if—

- (a) a family violence safety notice is in force against the licensee;  
or

*Note*      If a family violence safety notice is in force against a person who holds a firearms licence, a police officer may seize the firearms licence and any firearm or ammunition in the person's possession (see [Family Violence Act 2016](#), s 13ZD).

- (b) a family violence order is made against the licensee and the court or judicial officer orders the seizure of the firearms licence, a firearm or ammunition; or

*Note*      See the [Family Violence Act 2016](#), s 44.

- 1 (c) a protection order is made against a licensee and the Magistrates  
2 Court orders the seizure of the firearms licence, a firearm or  
3 ammunition.

4 *Note* See the [Personal Violence Act 2016](#), s 38.

5 **114 Section 192 (1)**

6 *omit*

7 an order under a protection order provision

8 *substitute*

9 a firearms seizure provision in operation against a licensee

10 **115 Section 192 (1) (a)**

11 *omit*

12 respondent named in the order

13 *substitute*

14 licensee

15 **116 Section 192 (5) (a)**

16 *omit*

17 for the purpose of enforcing an order mentioned in that subsection;  
18 and

19 *substitute*

20 ; but

- 1      **117      Section 192 (5) (b)**
- 2                      *omit*
- 3                      a protection order provision
- 4                      *substitute*
- 5                      a firearms seizure provision in operation against a licensee
- 6      **118      Section 192 (5) (c)**
- 7                      *substitute*
- 8                      (c) the licensee produces to the registrar of firearms a certificate of
- 9                                  the registrar of the Magistrates Court to the effect that the
- 10                                  firearms seizure provision is no longer in operation against the
- 11                                  licensee; and
- 12      **119      Section 192 (5) (d)**
- 13                      *omit*
- 14                      court orders in force
- 15                      *substitute*
- 16                      firearms seizure provisions in operation against the licensee
- 17      **120      Section 192 (8)**
- 18                      *omit*
- 19      **121      Definitions—div 10.4A**
- 20                      **Section 210A, definition of *serious offence*, paragraph (c)**
- 21                      *omit*
- 22                      within the meaning of the *Family Violence Act 2016*

---

**122 Power of arrest without warrant by police officers**  
**Section 212 (5)**

*omit*

**123 Dictionary, new definitions**

*insert*

*family violence offence*—see the [Family Violence Act 2016](#),  
dictionary.

*family violence order*—see the [Family Violence Act 2016](#), dictionary.

- 1      **Division 3.2.4              Crimes (Restorative Justice) Act 2004**
- 2      **124              Definitions—offences and offenders**
- 3              **Section 12 (1), definition of *less serious family violence***
- 4              ***offence*, paragraph (b)**
- 5              *substitute*
- 6              (b) contravention of—
- 7                      (i) a family violence safety notice under the *Family Violence*
- 8                              *Act 2016*, section 13ZC; or
- 9                      (ii) a family violence order under the *Family Violence*
- 10                              *Act 2016*, section 43.



---

**Division 3.2.5                      Crimes (Sentencing) Act 2005**

**125                      Sentencing—family violence offences**  
**Section 34B (2) (b)**

*substitute*

(b) any of the following are in force against the offender in relation to the family violence offence:

(i) a family violence safety notice;

(ii) a family violence order;

(iii) a protection order under the *Domestic Violence and Protection Orders Act 2008* (repealed).

**126                      Section 34B (3), definition of *family violence***

*substitute*

*family violence*—see the *Family Violence Act 2016*, section 8.

**127                      Section 34B (3), new definitions**

*insert*

*family violence order*—see the *Family Violence Act 2016*, dictionary.

*family violence safety notice*—see the *Family Violence Act 2016*, section 13B.

1      **Division 3.2.6              Criminal Code 2002**

2      **128              Publishing identifying information about childrens**  
3                      **proceedings**  
4                      **Section 712A (5), definition of *childrens proceeding*,**  
5                      **paragraphs (b) and (c) (i)**

6                      *omit*

7                      that Act

8                      *substitute*

9                      the *Children and Young People Act 2008*

10     **129              Section 712A (5), definition of *childrens proceeding*,**  
11                      **paragraph (d) and note**

12                      *substitute*

13                      (d) the child or young person is or was the subject of a proceeding  
14                      under the *Children and Young People Act 2008*, division 14.3.5  
15                      (Family violence orders and protection orders); or

## Division 3.2.7 Dangerous Substances Act 2004

### 130 Working out whether person is a *suitable person* Section 49 (1) (h)

*substitute*

(h) whether the person or a close associate of the person has, within the 5-year period before the day the application is made, been subject to any of the following orders (other than an order that has been revoked or for which an appeal against the making of the order has been upheld):

- (i) a family violence order;
- (ii) a corresponding family violence order;
- (iii) a protection order;
- (iv) a corresponding protection order;

### 131 Section 49 (2)

*substitute*

(2) In this section:

***corresponding family violence order*** means an order (however described) under a law of the Commonwealth, a State, another Territory or New Zealand that has the same effect, or substantially the same effect, as a family violence order.

***corresponding protection order*** means an order (however described) under a law of the Commonwealth, a State, another Territory or New Zealand that has the same effect, or substantially the same effect, as a protection order.

***family violence order*** means a final order under the [Family Violence Act 2016](#).

***protection order*** means a final order under the [Personal Violence Act 2016](#).

**Division 3.2.8 Evidence (Miscellaneous Provisions)  
Act 1991**

**132 Meaning of *sexual offence proceeding*—ch 4  
Section 41, definition of *sexual offence proceeding*,  
paragraphs (b) and (c)**

*substitute*

(b) a proceeding for an offence against—

(i) the *Family Violence Act 2016*—

(A) section 13ZC (Offence—contravene family violence safety notice) if the family violence safety notice was made because of a sexual offence, or an alleged sexual offence, against a person protected under the notice; or

(B) section 43 (Offence—contravention of family violence order) if the family violence order was made because of a sexual offence, or an alleged sexual offence, against a person protected under the order; or

(ii) the *Personal Violence Act 2016*, section 35 (Offence—contravention of protection order) if the protection order was made because of a sexual offence, or an alleged sexual offence, against the person protected under the order.

**133 Recorded statement—offence to publish  
Section 81J (2) (c)**

*omit*

protection order under the *Family Violence Act 2016*

*substitute*

family violence order

1	<b>134</b>	<b>Section 81J (2) (c) (i) and (ii)</b>
2		<i>omit</i>
3		protection order
4		<i>substitute</i>
5		family violence order
6	<b>135</b>	<b>Division 4.5.3 and section 81K headings</b>
7		<i>substitute</i>
8	<b>Division 4.5.3</b>	<b>Recorded statement of police</b>
9		<b>interview admissible as evidence—</b>
10		<b>application for family violence order</b>
11	<b>81K</b>	<b>Recorded statement—may be admitted as evidence in</b>
12		<b>application for family violence order</b>
13	<b>136</b>	<b>Section 81K (2)</b>
14		<i>omit</i>
15		protection order under the <i>Family Violence Act 2016</i>
16		<i>substitute</i>
17		family violence order
18	<b>137</b>	<b>Section 81K (2) (a) and (b)</b>
19		<i>omit</i>
20		protection order
21		<i>substitute</i>
22		family violence order

- 1 **138 Dictionary, new definition of *family violence order***
- 2 *insert*
- 3 *family violence order*—see the [Family Violence Act 2016](#), dictionary.

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**Division 3.2.9                      Firearms Act 1996**

**139                      Assessing suitability of individuals—discretionary  
                                 criteria  
                                 Section 18 (1) (b) (ii)**

*omit*

subject to a final protection order

*substitute*

subject to a final family violence order or a final protection order

**140                      Section 18 (1) (b) (iii)**

*omit*

subject to an interim protection order

*substitute*

subject to an interim family violence order or an interim protection  
order

**141                      Assessing suitability of individuals—mandatory criteria  
                                 Section 19 (1) (b) (i)**

*omit*

subject to a final protection order other than an order that

*substitute*

subject to a final family violence order or a final protection order,  
other than an order that

1	<b>142</b>	<b>Adult firearms licences—mandatory suspension for</b>
2		<b>family violence offence</b>
3		<b>Section 80 (1), notes</b>
4		<i>substitute</i>
5	<i>Note 1</i>	A person's licence is automatically suspended under the <i>Family Violence</i>
6		<i>Act 2016</i> —
7		(a) s 13ZD if a family violence safety notice is issued against the
8		person; or
9		(b) s 44 (1) if an interim order is made against the person.
10	<i>Note 2</i>	A person's licence is automatically suspended under the <i>Personal</i>
11		<i>Violence Act 2016</i> , s 36 if an interim order is made against the person
12		unless the court otherwise orders.
13	<i>Note 3</i>	If the registrar suspends a licence under this section, the registrar must
14		give written notice of the decision to the licensee (see s 260).
15	<b>143</b>	<b>Section 81A heading</b>
16		<i>substitute</i>
17	<b>81A</b>	<b>Adult firearms licences—reconsideration of suitability of</b>
18		<b>licensee under protection order</b>
19	<b>144</b>	<b>Section 81A (1) (a)</b>
20		<i>substitute</i>
21		(a) a licensee is subject to an interim protection order or a final
22		protection order (a <i>current protection order</i> ); and



**145 Minors firearms licences—mandatory suspension if  
family violence offence  
Section 97 (1), notes**

*substitute*

*Note 1* A person's licence is automatically suspended under the *Family Violence Act 2016*—

(a) s 13ZD if a family violence safety notice is issued against the person; or

(b) s 44 (1) if an interim order is made against the person.

*Note 2* A person's licence is automatically suspended under the *Personal Violence Act 2016*, s 36 if an interim order is made against the person unless the court otherwise orders.

*Note 3* If the registrar suspends a licence under this section, the registrar must give written notice of the decision to the licensee (see s 260).

**146 Section 98A heading**

*substitute*

**98A Minors firearms licences—reconsideration of suitability  
of licensee under protection order**

**147 Section 98A (1) (a)**

*substitute*

(a) a licensee is subject to an interim protection order or a final protection order (a *current protection order*); and

**148      Dictionary, new definition of *final family violence order***

*insert*

***final family violence order*—**

- (a) means a final order under the *Family Violence Act 2016*; and
- (b) includes the following orders, other than an order of an interim nature:
  - (i) a protection order under the *Domestic Violence and Protection orders Act 2008* as in force at any time;
  - (ii) a recognised FVO;
  - (iii) any other order under a law of a State, another Territory or New Zealand that has or had the same effect, or substantially the same effect, as an order mentioned in paragraph (a).

**149      Dictionary, definition of *final protection order***

*substitute*

***final protection order*—**

- (a) means a final order under the *Personal Violence Act 2016*; and
- (b) includes any other order under a law of a State, another Territory or New Zealand that has or had the same effect, or substantially the same effect, as an order mentioned in paragraph (a).

**150 Dictionary, new definition of *interim family violence order***

*insert*

***interim family violence order***—

(a) means—

(i) an interim order under the *Family Violence Act 2016*; or

(ii) a recognised FVO of an interim nature; and

(b) includes an order of an interim nature that has or had the same effect, or substantially the same effect, as an order mentioned in paragraph (a) under the following:

(i) the *Domestic Violence and Protection orders Act 2008* as in force at any time;

(ii) a law of a State, another Territory or New Zealand.

**151 Dictionary, definition of *interim protection order***

*substitute*

***interim protection order***—

(a) means an interim order under the *Personal Violence Act 2016*; and

(b) includes an order of an interim nature that has or had the same effect, or substantially the same effect, as an order mentioned in paragraph (a) under a law of a State, another Territory or New Zealand.

## Division 3.2.10 Personal Violence Act 2016

### 152 Objects of Act Section 6, note

*omit*

protection orders

*substitute*

family violence orders

### 153 Meaning of *personal violence* Section 8 (3), note

*omit*

protection orders

*substitute*

family violence orders

### 154 Matters to be considered—protection orders Section 11 (1) (d) and (e)

*substitute*

(d) any of the following, in force at any time against the respondent:

(i) a protection order;

(ii) a family violence safety notice;

(iii) a family violence order;

(iv) a protection related order;

(e) any contravention of any of the following, in force at any time against the respondent:

(i) a protection order;

- 1 (ii) a family violence safety notice;  
2 (iii) a family violence order;  
3 (iv) a protection related order;

4 **155 Section 11 (3)**

5 *omit*  
6 in relation to  
7 *substitute*  
8 in deciding whether to make

9 **156 Section 11 (4)**

- 10 *substitute*  
11 (4) In this section:  
12 *protection related order* includes the following:  
13 (a) an after-hours order under the *Family Violence Act 2016* as in  
14 force at any time;  
15 (b) a protection order under the *Family Violence Act 2016* as in  
16 force at any time;  
17 (c) a protection order under the *Domestic Violence Agencies*  
18 *Act 1986* as in force at any time;  
19 (d) a protection order under the *Domestic Violence and Protection*  
20 *Orders Act 2008* as in force at any time;  
21 (e) a protection order under the *Domestic Violence and Protection*  
22 *Orders Act 2001* as in force at any time;  
23 (f) a restraining order under the *Magistrates Court Act 1930* before  
24 27 March 2002;

1 (g) an order under a law of a State, another Territory or New  
2 Zealand that has or had the same effect, or substantially the same  
3 effect, as—

4 (i) a protection order; or

5 (ii) a family violence order.

6 **157 What if application is made for the wrong order?**  
7 **Section 15 (1) (a)**

8 *omit*

9 under this Act

10 **158 Section 15 (1) (b) (ii)**

11 *omit*

12 an order under the *Family Violence Act 2016*

13 *substitute*

14 a family violence order

15 **159 Section 15 (2)**

16 *omit*

17 protection order under the *Family Violence Act 2016* even though that  
18 protection order

19 *substitute*

20 family violence order under the *Family Violence Act 2016* even  
21 though the family violence order

1	<b>160</b>	<b>Section 15 (2) (b)</b>
2		<i>omit</i>
3		protection order under the <i>Family Violence Act 2016</i>
4		<i>substitute</i>
5		family violence order
6	<b>161</b>	<b>What if application for the wrong order is decided?</b>
7		<b>Section 16 (1) (e)</b>
8		<i>omit</i>
9		protection order
10		<i>substitute</i>
11		family violence order
12	<b>162</b>	<b>Section 16 (2)</b>
13		<i>omit</i>
14		an order
15		<i>substitute</i>
16		a family violence order
17	<b>163</b>	<b>Section 24, 30 and 32</b>
18		<i>omit</i>
19		having regard to
20		<i>substitute</i>
21		taking into account

1	<b>164</b>	<b>Dictionary, definition of <i>amend</i>, paragraph (a)</b>
2		<i>omit</i>
3		deleting
4		<i>substitute</i>
5		removing
6	<b>165</b>	<b>Dictionary, new definitions</b>
7		<i>insert</i>
8		<i>family violence order</i> —see the <a href="#">Family Violence Act 2016</a> , dictionary.
9		<i>family violence safety notice</i> —see the <a href="#">Family Violence Act 2016</a> ,
10		section 13B.



**Division 3.2.11 Prohibited Weapons Regulation 1997**

**166 General grounds for refusal to issue permits  
Section 5 (3) (a)**

*omit*

the relevant period in the ACT,

*substitute*

the 10 years before the day the application was made, in the ACT

**167 Section 5 (3) (b) and (c)**

*substitute*

(b) the person is, or has been within the 10 years before the day the application was made, subject to any of the following orders (other than an order that has been revoked):

(i) a family violence order;

(ii) a corresponding family violence order;

(iii) a protection order;

(iv) a corresponding protection order; or

(c) the person is subject to any of the following:

(i) an interim family violence order;

(ii) a corresponding interim family violence order;

(iii) an interim protection order;

(iv) a corresponding interim protection order;

**168 Section 5 (4)**

*omit*

1	<b>169</b>	<b>Section 5 (6), definition of <i>corresponding order</i></b>
2		<i>substitute</i>
3		<b><i>corresponding family violence order</i></b> means an order (however
4		described) under a law of a State, another Territory or New Zealand
5		that has the same effect, or substantially the same effect, as a family
6		violence order.
7		<b><i>corresponding interim family violence order</i></b> means an order
8		(however described) under a law of a State, another Territory or New
9		Zealand that has the same effect, or substantially the same effect, as
10		an interim family violence order.
11		<b><i>corresponding interim protection order</i></b> means an order (however
12		described) under a law of a State, another Territory or New Zealand
13		that has the same effect, or substantially the same effect, as an interim
14		protection order.
15		<b><i>corresponding protection order</i></b> means an order (however described)
16		under a law of a State, another Territory or New Zealand that has the
17		same effect, or substantially the same effect, as a protection order.
18		<b><i>family violence order</i></b> means a final order under the <i>Family Violence</i>
19		<i>Act 2016</i> .
20	<b>170</b>	<b>Section 5 (6), definition of <i>interim protection order</i></b>
21		<i>substitute</i>
22		<b><i>interim family violence order</i></b> means an interim order under the
23		<i>Family Violence Act 2016</i> .
24		<b><i>interim protection order</i></b> means an interim order under the <i>Personal</i>
25		<i>Violence Act 2016</i> .

- 1 **171 Section 5 (6), definition of *protection order***
- 2 *substitute*
- 3 *protection order* means a final order under the *Personal Violence*
- 4 *Act 2016*.
- 5 **172 Section 5 (6), definition of *relevant period***
- 6 *omit*

**Division 3.2.12      Residential Tenancies Act 1997**

**173      Threats, harassment, intimidation or abuse by lessor etc  
Section 45A (6) (e)**

*substitute*

(e) any of the following is made at any time against the lessor:

- (i) a family violence safety notice;
- (ii) a family violence order;
- (iii) a personal protection order;

**174      Definitions—div 4.3A  
Section 46C, definition of *family violence order***

*omit*

**175      Termination for family violence  
Section 46D (3) (b) (i)**

*substitute*

- (i) a family violence safety notice, or family violence order, protecting the tenant or child;

**176      New section 46D (6)**

*insert*

(6) In this section:

***family violence order*** includes an order (however described) under a law of a State, another Territory or New Zealand that has the same effect, or substantially the same effect, as a family violence order.

*Note      **Family violence order***—see the *Family Violence Act 2016*, dictionary.

**177 Threats, harassment, intimidation or abuse by tenant**  
**Section 51A (7) (e)**

*substitute*

(e) any of the following is made at any time against the tenant or another person living at the premises:

- (i) a family violence safety notice;
- (ii) a family violence order;
- (iii) a personal protection order;

**178 Division 6.5A heading and section 85**

*substitute*

**Division 6.5A Powers and decisions of ACAT—  
family violence safety notices, family  
violence orders and personal  
protection orders**

**85 Definitions—div 6.5A**

In this division:

***protected person***—

- (a) for a family violence safety notice—see the *Family Violence Act 2016*, dictionary; or
- (b) for a family violence order—see the *Family Violence Act 2016*, dictionary; or
- (c) for a personal protection order—see the *Personal Violence Act 2016*, dictionary.

- 1                    *respondent*—
- 2                    (a) for a family violence safety notice—see the *Family Violence*
- 3                                *Act 2016*, dictionary; or
- 4                    (b) for a family violence order—see the *Family Violence Act 2016*,
- 5                                dictionary; or
- 6                    (c) for a personal protection order—see the *Personal Violence*
- 7                                *Act 2016*, dictionary.

8                    **179      Section 85A heading**

9                    *substitute*

10                  **85A      New tenancy agreement—family violence safety notices,**

11                                **family violence orders and personal protection orders**

12                  **180      Section 85A (1) (a)**

13                  *substitute*

- 14                  (a) any of the following is made against a respondent:
- 15                                (i) a family violence safety notice;
- 16                                (ii) a family violence order;
- 17                                (iii) a personal protection order;

18                  **181      Section 85A (1) (c)**

19                  *omit*

20                  under the order

21                  *substitute*

22                  for the family violence safety notice, family violence order or

23                                personal protection order

1	<b>182</b>	<b>Section 85A (1) (d) (i)</b>
2		<i>after</i>
3		order
4		<i>insert</i>
5		or notice
6	<b>183</b>	<b>Section 85A (4)</b>
7		<i>substitute</i>
8	(4)	In this section:
9		<b><i>exclusion condition</i></b> —
10	(a)	for a family violence safety notice—see the <i>Family Violence</i>
11		<i>Act 2016</i> , section 13R (2); or
12	(b)	for a family violence order—see the <i>Family Violence Act 2016</i> ,
13		section 39 (4); or
14	(c)	for a personal protection order—see the <i>Personal Violence</i>
15		<i>Act 2016</i> , section 31 (4).
16	<b>184</b>	<b>Applications under s 85A—ACAT orders</b>
17		<b>Section 85B (1)</b>
18		<i>omit</i>
19		protected person under a protection order
20		<i>substitute</i>
21		person who is a protected person under a family violence safety
22		notice, a family violence order or a personal protection order

1	<b>185</b>	<b>Section 85B (2) (a)</b>
2		<i>omit</i>
3		protection order
4		<i>substitute</i>
5		family violence safety notice, family violence order or personal
6		protection order,
7	<b>186</b>	<b>Dictionary, definition of <i>family violence order</i></b>
8		<i>substitute</i>
9		<i>family violence order</i> —see the <a href="#">Family Violence Act 2016</a> , dictionary.
10	<b>187</b>	<b>Dictionary, definition of <i>protected person</i></b>
11		<i>omit</i>
12		protection orders
13		<i>substitute</i>
14		family violence safety notices, family violence orders and personal
15		protection orders
16	<b>188</b>	<b>Dictionary, definition of <i>protection order</i></b>
17		<i>omit</i>
18	<b>189</b>	<b>Dictionary, definition of <i>respondent</i></b>
19		<i>omit</i>
20		protection orders
21		<i>substitute</i>
22		family violence safety notices, family violence orders and personal
23		protection orders



**Division 3.2.13      Victims of Crime (Financial Assistance) Act 2016**

**190      Family violence offences**  
**Schedule 1, division 1.2.2, new item 18A**

*insert*

18A	Family Violence Act	13ZC	contravene family violence safety notice
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**Division 3.2.14      Working with Vulnerable People  
(Background Checking) Act 2011**

**191      Application for registration for NDIS activity—additional  
contents  
Section 18A (1) (b) (iii)**

*substitute*

(iii) has had any of the following made against them:

- (A) a family violence safety notice or a notice (however described) made under a law of another jurisdiction that has the same effect, or substantially the same effect, as a family violence safety notice;
- (B) a family violence order or an order (however described) under a law of another jurisdiction that has the same effect, or substantially the same effect, as a family violence order;
- (C) a protection order or an order (however described) under a law of another jurisdiction that has the same effect, or substantially the same effect, as a protection order; and

**192      Section 18A (2), new definitions**

*insert*

*family violence order*—see the [Family Violence Act 2016](#), dictionary.

*family violence safety notice*—see the [Family Violence Act 2016](#), section 13B.

*protection order*—see the [Personal Violence Act 2016](#), dictionary.

**193 Risk assessment guidelines—content**  
**Section 28 (2) (e), example 1**

*substitute*

- 1 a family violence safety notice or a family violence order made against
- 2 the person under the *Family Violence Act 2016*, or a protection order
- 3 made against the person under the *Personal Violence Act 2016*

## Schedule 1                      Consequential amendments

(see s 3)

### Part 1.1                      Children and Young People Act 2008

#### [1.1]                      Section 246, definition of *privileged*, paragraph (b)

*omit*

division 4.4.3 (Sexual and family violence offence proceedings—  
protection of counselling communications)

*substitute*

chapter 6B (Protection of counselling communications about sexual  
and family violence)

### Part 1.2                      Court Procedures Act 2004

#### [1.2]                      Section 41 (2) (d) (vi)

*omit*

section 79G (5)

*substitute*

section 98G (5)

#### [1.3]                      Section 41 (2) (d) (vii)

*omit*

section 79I (2) (a)

*substitute*

section 98I (2) (a)

1     **Part 1.3**                             **Evidence Act 2011**

2     **[1.4]     Section 126F (3)**

3             *omit*

4             division 4.4.3 (Sexual and family violence offence proceedings—  
5             protection of counselling communications)

6             *substitute*

7             chapter 6B (Protection of counselling communications about sexual  
8             and family violence)

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 3 December 2025.

**2 Notification**

Notified under the [Legislation Act](#) on 2025.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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