

**1997**

**THE LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997**

**EXPLANATORY MEMORANDUM**

**Circulated by authority of  
Gary Humphries MLA  
Attorney-General**

## **DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. 2) 1997**

### **Outline**

The *Domestic Violence (Amendment) Bill (No. 2) 1997* (the Bill) amends the *Domestic Violence Act 1986* to establish a Domestic Violence Prevention Council (the Council). The Council will primarily perform an advisory role and provide a collaborative inter-agency framework for government agencies involved in law enforcement and the provision of health or welfare services to victims or perpetrators of domestic violence. The main features of the Bill are:

- establishment of a Council with broad responsibility for advising on the implementation of domestic violence policy and programs, across all agencies of Government. The Council's functions include assisting and encouraging agencies to promote projects and programs aimed at enhancing the safety and security of victims of domestic violence offences, with particular regard to children;
- the Council will be chaired by the Victim's of Crime Coordinator; and
- membership of the Council is to be constituted by representatives of Government and non-government sectors.

### **Financial Impact**

The administrative costs of establishing the Council will be absorbed within existing budgetary allocations.

### **Notes on clauses**

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement and definition of the Principal Act.

Clause 4 inserts a new Part III comprising new sections 20 - 26A after Part II of the Principal Act.

## **PART III - THE DOMESTIC VIOLENCE PREVENTION COUNCIL**

### ***Interpretation***

Proposed new section 20 defines terms used in new Part III relating to the Council.

### ***Establishment***

Proposed new section 21 establishes the Domestic Violence Prevention Council

**Objective and Functions**

Proposed new section 22 sets out the objective and functions of Council. The object of Council is to reduce the incidence of domestic violence offences. The section sets out a list of functions which the Council is to perform. These are

- to promote collaboration among agencies and non-government organisations involved in law enforcement or the provision of health, education or welfare services to victims and perpetrators of domestic violence or otherwise relating to the incidence or prevention of domestic violence;
- to assist and encourage agencies and organisations to promote projects and programs aimed at enhancing the safety and security of victims of domestic violence offences, with particular regard to children.
- to advise the Minister on any matter relating to domestic violence;
- to inquire into and provide advice to the Minister on matters relating to domestic violence that have been referred to the Council by the Minister;
- to establish and maintain links with and among government agencies and non-government organisations concerned with domestic violence;
- to assist government agencies and non-government organisations to develop procedures for the collection, standardisation and sharing of statistical information relating to domestic violence offences;
- to collect statistical and other information relating to domestic violence offences,
- to prepare and submit to the Minister a plan for dealing with domestic violence in the community, including recommendations on-
  - (i) any changes in the law or its administration that may be necessary;
  - (ii) improving the effectiveness of the provision of assistance to victims of domestic violence offences;
  - (iii) the prevention of the occurrence of domestic violence offences; and
  - (iv) developing systems for monitoring the effectiveness of any programs recommended in the plan that are implemented, and,
- to monitor developments within and outside Australia of legislation, policy and community views on domestic violence and the

provision of health and welfare services to victims and perpetrators of domestic violence offences.

### ***Membership***

Proposed new section 23 deals with the membership of the Council. The Council is to consist of the Chairperson and 12 other members. The Victims of Crime Coordinator will be the Chairperson of the Council. Not less than 6 members are to be appointed in their capacity to represent the views and interests of the broader community on issues of domestic violence. The remaining members are to be government officers, including statutory office holders, who are to be appointed on the basis of their relevant experience and expertise. Members, other than those who hold office by virtue of holding a statutory office, are to be appointed by the Minister by instrument. The operation of the Council is to remain unaffected by a vacancy or vacancies in its membership.

### ***Terms of Appointment***

Proposed new section 24 deals with the terms of appointment of members of the Council. The Victims of Crime Coordinator is to be the Chairperson of the Council for the period that he or she holds the office of Victims of Crime Coordinator. A member who is the holder of a relevant statutory office holds office as a member for the period that he or she holds the relevant statutory office. Members appointed by the Minister to represent the interests of the community are to hold office for up to 2 years on the terms and conditions specified in the instrument of appointment. Members are to be eligible for reappointment.

### ***Resignation***

Proposed new section 25 provides that members appointed by the Minister may resign by delivering a written resignation to the Minister.

### ***Termination of Appointment***

Proposed new section 25A requires the Minister to terminate the appointment of a member that he or she has appointed, in a range of circumstances including where the member is absent, without the permission of the Chairperson, from

- (i) 3 consecutive meetings of the Council; or
- (ii) 4 out of 6 consecutive meeting of Council.

### ***Meeting of Council***

Proposed new section 26 relates to the convening of meetings of the Council. The section sets out circumstances in which meetings are to be convened by the Chairperson. The Council is to meet at least once in any three month period.

### ***Procedure at Meetings***

Proposed new section 26A details the basic procedure to be followed at meetings. The Chairperson is to preside at meetings he or she attends. If the Chairperson is absent, the members present are to elect one of their number to preside at the meeting. A quorum is a majority of the members at any given time. Questions at a meeting are to be decided by a majority of votes cast. The Council is to keep written minutes of the proceedings. The procedures followed by Council are, subject to the Bill, to be determined by the Council.

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