



AUSTRALIAN CAPITAL TERRITORY

## Domestic Violence - Appointment of Domestic Violence Project Coordinator 2003

Disallowable Instrument DI2003 - 243

made under the

*Domestic Violence Agencies Act 1986, s. 11*

### Explanatory Statement

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Section 11 of the *Domestic Violence Agencies Act 1986* (the Act) provides for the appointment by the Minister of the Domestic Violence Project Coordinator (DVC).

The instrument reappoints a person as the DVC in accordance with the Act. The reappointment is for a period of three years, commencing on 20 May 2003.

Ms Holder was first appointed as the DVC on 19 May 2000. Her appointment expired on 20 May 2003, but she has continued to act in the position and has been remunerated accordingly.

The *Domestic Violence Agencies Act 1986* provides that the DVC has a legal immunity in relation to the performance of the DVC's functions under the Act. It is appropriate that Ms Holder's appointment be backdated to commence from 20 May 2003 to ensure that this immunity extends to the performance of the DVC's functions while Ms Holder has been acting in the position.

Section 76 of the *Legislation Act 2001* provides that a statutory instrument may commence retrospectively if it does not operate prejudicially. The retrospective appointment does not impose any liabilities on any person. It ensures that Ms Holder's right to a legal immunity in relation to the performance of her functions as DVC extends to the period in which she was acting in the position.

Ms Holder is not a public servant. Section 228 of the *Legislation Act 2001*, requires the Minister to consult the relevant Standing Committee of the ACT Legislative Assembly prior to making certain statutory appointments. The Standing Committee on Legal Affairs has been consulted on this appointment. The Chair of the Committee has notified the Attorney-General, in writing, that the Committee has no objection to the appointment.