

# FACT SHEET

## *Family Violence Amendment Bill 2015*

The Family Violence Amendment Bill 2015 makes a number of amendments to the *Family Violence Act 2004* and consequential amendments to the *Justices Act 1959*.

The amendments proposed in this Bill are designed to improve and enhance the operation of the *Family Violence Act 2004*.

The Bill:

- amends the definition of *family violence* to include 'property damage' as a type of family violence in section 7;
- inserts new section 9A to provide that the limitation period for commencement of proceedings for an offence under sections 8 (Economic abuse) or 9 (Emotional abuse or intimidation) is 12 months;
- amends section 10 to provide a police officer with the power to detain a person for the purposes of conducting a search under section 10(3) and to authorise a person to assist a police officer to exercise his or her powers under section 10 of the *Family Violence Act 2004*. Failure to comply with a direction given by a police officer under new subsection (2)(ab) carries a maximum fine of 80 penalty units;
- removes reference to safety audit results in paragraph (c) from section 12(2);
- amends sections 14 and 23 to clarify that a court can make an interim family violence order where an application to vary, extend or revoke a police family violence order has been made;
- inserts a new section 25A to provide that if an application for a family violence order is adjourned a court may choose to:
  - remand the respondent in custody and issue a warrant; or
  - admit the respondent to bail; or
  - issue a summons to the respondent ordering the respondent to appear before a court at a time and place to which the proceedings are adjourned.

When making a decision under the new section 25A(1) the court must consider the safety and interests of the respondent's spouse or partner, and any affected child, to be of paramount importance.

Where a court remands a respondent in custody under new section 25A(1)(a), the court is to:

- specify in the warrant:

- that the respondent is to be in custody for a period not exceeding 28 days at any one time; and
- the date the respondent is to be brought before the court; and
- o inform the respondent of the matters specified in the warrant.

The period a respondent to an application for a family violence order may be admitted to bail in accordance with new section 25A(1)(b) must not exceed 60 days.

- amends sections 26 and 27 to remove references to “Chief”;
- amends section 32 to provide that it is an offence to publish any material that is forbidden to be published under section 32(1) and that it is an offence to publish any material that relates to proceedings under the *Family Violence Act 2004* which may disclose the identity of an affected child. The penalty for breaching subsections (2) or (3) is a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 3 months;
- amends the *Justices Act 1959* by inserting a new section 106BA to provide that justices may make a family violence order pursuant to section 15 of the *Family Violence Act 2004* where an application for a restraint order has been made if the justices consider that the application should have been an application for a family violence order.