

FACT SHEET

Family Violence Reforms Bill 2016

The Family Violence Reforms Bill 2016 (the Bill) proposes amendments to the *Corrections Act 1997*, *Evidence (Children and Special Witnesses) Act 2001*, *Family Violence Act 2004* and *Police Offences Act 1935*.

The Bill proposes:

- to amend section 87A of the *Corrections Act 1997* to provide for a victim of a family violence offence to apply to be listed as an eligible person in the eligible persons register;
- to amend section 8 of the *Evidence (Children and Special Witnesses) Act 2001* to provide:
 - that where a victim of a family violence offence is giving or is to give evidence in proceedings for a family violence offence a judge:
 - must consider whether or not to make an order declaring an alleged victim of family violence to be a special witness; and
 - may make an order declaring an alleged victim of family violence to be a special witness;
 - that an order declaring an alleged victim of family violence to be a special witness may include any of the orders referred to in subsection(2)(b) of section 8 the Principal Act.
- to insert new section 13A in the *Family Violence Act 2004* to provide:
 - that a court is to direct that an offence be recorded on a person's criminal record as a family violence offence when a person pleads guilty to an offence, or is found guilty of an offence and the court is satisfied that the offence was a family violence offence;
 - for a court, on application or on its own motion, to direct a recording made under this new section to be corrected if an error has occurred;
 - for a record, or a correction of a record to be made in a manner and within the time determined by a court;
- to amend section 35 of the *Police Offences Act 1935* to provide a separate express sentence aggravating provision for the offence of common assault where the person assaulted is a pregnant woman. The penalty under the new subsection (1B) is a maximum fine of 50 penalty units or imprisonment for a maximum period of 2 years.