

## CLAUSE NOTES

### *Family Violence Reforms Bill 2016*

- Clause 1: **Short title**  
Specifies the name of the proposed Act.
- Clause 2: **Commencement**  
Provides that the Act commences on Royal Assent.
- Part 2 – Corrections Act 1997 Amended**
- Clause 3: **Principal Act**  
Provides that the Principal Act for Part 2 is the *Corrections Act 1997*.
- Clause 4: **Section 87A amended (Eligible persons register)**  
Amends section 87A to provide for a victim of a family violence offence, within the meaning of the *Family Violence Act 2004*, to apply to be listed in the eligible persons register as an eligible person and receive information about a prisoner or a forensic patient under section 87B of the Act.
- Part 3 – Evidence (Children and Special Witnesses) Act 2001 Amended**
- Clause 5: **Principal Act**  
Provides that the Principal Act for Part 3 is the *Evidence (Children and Special Witnesses) Act 2001*.
- Clause 6: **Section 8 amended (Special witness)**  
Amends section 8 of the Principal Act by inserting:
- subsection (2A) 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;
  - subsection (2B) to provide 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.

#### Part 4 – Family Violence Act 2004 amended

Clause 7: **Principal Act**

Provides that the Principal Act for Part 4 is the *Family Violence Act 2004*.

Clause 8: **Section 13A inserted**

After section 13 of the Principal Act, section 13A is inserted.

**13A. Recording of family violence offences**

Provides the court with a new power 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.

A court, on application or on its own motion, can direct a recording made under the new section 13A to be corrected if an error has occurred. A record, or a correction of a record is to be made in a manner and within the time determined by a court.

#### Part 5 – Police Offences Act 1935 amended

Clause 9: **Principal Act**

Provides that the Principal Act for Part 5 is the *Police Offences Act 1935*.

Clause 10: **Section 35 amended (Common assault and aggravated assault)**

Inserts a new subsection (1B) to provide that if an offence against section 35 of the Principal Act is committed in circumstances of aggravation an offender is liable to a penalty of a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years.

Inserts a new subsection (6) defining 'circumstances of aggravation'. An offence is committed in circumstances of aggravation if the offender committed that offence on the victim knowing the victim to be pregnant.

#### Part 6 – Repeal of Act

Clause 11: **Repeal of Act**

This clause automatically repeals the amending legislation after the Act commences. The provisions that the amending legislation inserts into the Principal Acts still remain in force after the repeal of the Amending Act.