

Justice Legislation Amendment (Family Violence and Other Matters) Act 2012

No. 83 of 2012

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Victoria

Justice Legislation Amendment (Family Violence and Other Matters) Act 2012[†]

No. 83 of 2012

[Assented to 18 December 2012]

The Parliament of Victoria enacts:

PART 1—PRELIMINARY

1 Purposes

The purposes of this Act are—

- (a) to amend the **Family Violence Protection Act 2008**—
 - (i) to insert new indictable offences in relation to contraventions of family violence safety notices and family violence intervention orders; and

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- (ii) to extend the operation of family violence safety notices; and
 - (iii) to expand the number of court venues which may make counselling orders under Part 5 of that Act; and
 - (iv) to remove the sunset provisions for Part 5 of that Act; and
 - (b) to amend the **Crimes Act 1958** to create an offence relating to police pursuits; and
 - (c) to amend the **Crimes (Assumed Identities) Act 2004** to enable its application to those involved in the Victorian witness protection program; and
 - (d) to amend the **Coroners Act 2008** and the **Human Tissue Act 1982** in relation to the provision of certain information to the Victorian Institute of Forensic Medicine in order to facilitate the process of tissue donation; and
 - (e) to amend the **Victorian Civil and Administrative Tribunal Act 1998** in relation to appointments and oaths and affirmations; and
 - (f) to make consequential amendments; and
 - (g) to make minor amendments of a statute law revision nature.

2 Commencement

- (1) Subject to subsection (2), this Act comes into operation on a day or days to be proclaimed.
 - (2) If a provision of this Act does not come into operation before 1 July 2013, it comes into operation on that day.
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**PART 2—AMENDMENT OF THE FAMILY VIOLENCE
PROTECTION ACT 2008**

3 Commencement

Section 3(1A) of the **Family Violence Protection Act 2008** is repealed.

See:
Act No.
52/2008.
Reprint No. 1
as at
1 January
2011
and
amending
Act Nos
53/2010,
16/2011,
29/2011,
48/2011 and
65/2011.
LawToday:
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legislation.
vic.gov.au

**4 Family violence safety notice taken to be application
for family violence intervention order**

In section 31(3) of the **Family Violence Protection Act 2008**, for "72" (wherever occurring) **substitute** "120".

5 Contravention of family violence safety notice

After section 37(2) of the **Family Violence Protection Act 2008** insert—

- "(2A) It is immaterial that some or all of the course of conduct constituting an offence against subsection (2) occurred outside Victoria, so long as the protected person was in Victoria at the time at which that conduct occurred.
- (2B) It is immaterial that the protected person was outside Victoria at the time at which some or all of the course of conduct constituting an offence against subsection (2) occurred, so long as that conduct occurred in Victoria."

6 New section 37A inserted

After section 37 of the **Family Violence Protection Act 2008** insert—

"37A Contravention of notice intending to cause harm or fear for safety

(1) In this section—

mental harm includes—

- (a) psychological harm; and
- (b) suicidal thoughts.

(2) A person who—

- (a) has been served with a family violence safety notice; and
- (b) has had an explanation of the notice given to him or her in accordance with section 35—

must not contravene the notice intending to cause, or knowing that his or her conduct will probably cause—

- (c) physical or mental harm to the protected person, including self-harm; or
- (d) apprehension or fear in the protected person for his or her own safety or that of any other person.

Penalty: Level 6 imprisonment (5 years maximum) or a level 6 fine (600 penalty units maximum) or both.

(3) It is immaterial that some or all of the course of conduct constituting an offence against subsection (2) occurred outside Victoria, so long as the protected person was in Victoria at the time at which that conduct occurred.

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- (4) It is immaterial that the protected person was outside Victoria at the time at which some or all of the course of conduct constituting an offence against subsection (2) occurred, so long as that conduct occurred in Victoria.
- (5) In a proceeding for an offence against subsection (2), it is a defence to the charge for the accused person to prove that—
- (a) the accused person was the respondent under the family violence safety notice; and
 - (b) a family violence intervention order in relation to the same protected person and respondent was also in force at the time the offence was alleged to have been committed; and
 - (c) the accused person's conduct was not in contravention of the family violence intervention order."

7 Arrest for contravention of family violence safety notice

At the foot of section 38 of the **Family Violence Protection Act 2008** insert—

"Note

Section 459(1) of the **Crimes Act 1958** provides for apprehension without warrant of a person reasonably believed to have committed an indictable offence."

8 Offence for contravention of family violence intervention order

- (1) For the heading to section 123 of the **Family Violence Protection Act 2008** substitute—

"Contravention of family violence intervention order".

(2) After section 123(2) of the **Family Violence Protection Act 2008** insert—

"(2A) It is immaterial that some or all of the course of conduct constituting an offence against subsection (2) occurred outside Victoria, so long as the protected person was in Victoria at the time at which that conduct occurred.

(2B) It is immaterial that the protected person was outside Victoria at the time at which some or all of the course of conduct constituting an offence against subsection (2) occurred, so long as that conduct occurred in Victoria."

9 New section 123A inserted

After section 123 of the **Family Violence Protection Act 2008** insert—

"123A Contravention of order intending to cause harm or fear for safety

(1) In this section—

mental harm includes—

- (a) psychological harm; and
- (b) suicidal thoughts.

(2) A person against whom a family violence intervention order has been made and who—

- (a) has been served with a copy of the order; or
- (b) has had an explanation of the order given to him or her in accordance with section 57 or 96—

must not contravene the order intending to cause, or knowing that his or her conduct will probably cause—

- (c) physical or mental harm to the protected person, including self-harm; or
- (d) apprehension or fear in the protected person for his or her own safety or that of any other person.

Penalty: Level 6 imprisonment (5 years maximum) or a level 6 fine (600 penalty units maximum) or both.

- (3) It is immaterial that some or all of the course of conduct constituting an offence against subsection (2) occurred outside Victoria, so long as the protected person was in Victoria at the time at which that conduct occurred.
- (4) It is immaterial that the protected person was outside Victoria at the time at which some or all of the course of conduct constituting an offence against subsection (2) occurred, so long as that conduct occurred in Victoria.
- (5) In a proceeding for an offence against subsection (2), it is a defence to the charge for the accused to prove that—
 - (a) the accused was the respondent under the family violence intervention order; and
 - (b) a family violence safety notice in relation to the same protected person and respondent was also in force at the time the offence was alleged to have been committed; and
 - (c) the accused's conduct was not in contravention of the family violence safety notice."

10 Arrest for contravention of family violence intervention order

At the foot of section 124 of the **Family Violence Protection Act 2008** insert—

"Note

Section 459(1) of the **Crimes Act 1958** provides for apprehension without warrant of a person reasonably believed to have committed an indictable offence."

11 New Division 11 of Part 4 inserted

After Division 10 of Part 4 of the **Family Violence Protection Act 2008** insert—

"Division 11—Persistent contravention of notices and orders

125A Persistent contravention of notices and orders

- (1) A person must not persistently contravene a family violence safety notice or a family violence intervention order.

Penalty: Level 6 imprisonment (5 years maximum) or a level 6 fine (600 penalty units maximum) or both.

- (2) To prove an offence against subsection (1) it is necessary to prove that—
- (a) the accused engaged in conduct that would constitute an offence against section 37 or 123; and
 - (b) on at least 2 other occasions within a period of 28 days immediately preceding the conduct referred to in paragraph (a), the accused engaged in conduct that would constitute an offence against section 37 or 123 in relation to—
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- (i) the same protected person; or
 - (ii) the same family violence safety notice or family violence intervention order (whether an interim order or a final order), whether or not in relation to the same protected person; or
 - (iii) a family violence safety notice and a family violence intervention order (whether an interim order or a final order) made on the family violence safety notice as an application, whether or not in relation to the same protected person; and
- (c) on each of the occasions referred to in paragraphs (a) and (b) the accused knew or ought to have known that the conduct constituted a contravention of the family violence safety notice or family violence intervention order (as the case requires).
- (3) In a proceeding for an offence against subsection (1), a defence available under section 37(3) or 123(3) is a defence to an allegation that the accused engaged in conduct that would constitute an offence against section 37 or 123 (as the case requires).
- (4) If on the trial of a person charged with an offence against subsection (1) the jury are not satisfied that he or she is guilty of the offence charged but are satisfied that the accused engaged in conduct during that period which constitutes an offence against section 37 or 123, the jury must acquit the accused of the offence charged but may find
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him or her guilty of that other offence and he or she is liable to punishment accordingly.

- (5) A person who is convicted or acquitted of an offence against subsection (1) shall not in respect of the circumstances concerned or the relevant period of 28 days subsequently be prosecuted for an offence against section 37, 37A, 123 or 123A."

12 Abettors

- (1) For the heading to section 125 of the **Family Violence Protection Act 2008** substitute—

"Protected person not guilty as abettor".

- (2) In section 125 of the **Family Violence Protection Act 2008**, after "purposes of" insert "section 323 of the **Crimes Act 1958** and".

13 Section 126 substituted

For section 126 of the **Family Violence Protection Act 2008** substitute—

"126 Definitions

In this Part—

legal practitioner means an Australian legal practitioner within the meaning of the **Legal Profession Act 2004**;

relevant court means—

- (a) the Family Violence Court Division; or
- (b) the Magistrates' Court sitting at a venue of the Court specified by the Minister by notice published in the Government Gazette."

14 Object of Part

In section 127(a) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".

15 Application of Part

In section 128 of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".

16 Order to assess eligibility for counselling

- (1) In section 129(1), (2) and (4) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".
- (2) In section 129(1)(a) and (2)(b) of the **Family Violence Protection Act 2008**, for "the Division" substitute "the relevant court".

17 Order to attend counselling

In section 130(1), (2) and (3)(a) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".

18 Notice of hearings

- (1) In section 132(1) and (3) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".
- (2) In section 132(2) of the **Family Violence Protection Act 2008**, for "The Family Violence Court Division" substitute "A relevant court".
- (3) In section 132(3) of the **Family Violence Protection Act 2008**, for "the Division" substitute "the court".

19 Approval of persons and of counselling

In section 133(3) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" **substitute** "a relevant court".

20 Person giving report may be required to attend hearing

In section 134(1) of the **Family Violence Protection Act 2008**—

- (a) for "the Family Violence Court Division" **substitute** "a relevant court"; and
- (b) for "the Division" **substitute** "the court".

21 Disputed report

(1) In section 135(1) of the **Family Violence Protection Act 2008**—

- (a) for "the Family Violence Court Division" **substitute** "a relevant court"; and
- (b) for "the Division" **substitute** "the court".

(2) In section 135(2) of the **Family Violence Protection Act 2008**—

- (a) for "the Family Violence Court Division" **substitute** "a relevant court"; and
- (b) for "the Division" (wherever occurring) **substitute** "the court".

22 Explanation of counselling orders

In section 136 of the **Family Violence Protection Act 2008**—

- (a) for "the Family Violence Court Division" **substitute** "a relevant court"; and
- (b) for "the Division" **substitute** "the court".

23 Variation or revocation of counselling orders

- (1) In section 137(1) and (2) of the **Family Violence Protection Act 2008**, for "The Family Violence Court Division" substitute "A relevant court".
- (2) In section 137(2)(b) of the **Family Violence Protection Act 2008**, for "Division" substitute "court".
- (3) In section 137(3) of the **Family Violence Protection Act 2008**, for "the court" substitute "the relevant court".

24 Service of counselling orders, eligibility report etc.

- (1) In section 138(1) and (2) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".
- (2) In section 138(1)(a) and (c)(i) of the **Family Violence Protection Act 2008**, for "Division" substitute "court".

25 Certificate of respondent's non attendance

In section 139(2) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".

26 Confidentiality of eligibility interview and report

In section 140(3)(c) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".

27 Confidentiality of counselling

In section 141(2)(c) of the **Family Violence Protection Act 2008**, for "the Family Violence Court Division" substitute "a relevant court".

28 Limited use of information by court

In section 142 of the **Family Violence Protection Act 2008**—

- (a) for "the Family Violence Court Division" **substitute** "a relevant court"; and
- (b) for "the Division" **substitute** "the relevant court".

29 New Division 7 of Part 14 inserted

After Division 6 of Part 14 of the **Family Violence Protection Act 2008** insert—

"Division 7—Justice Legislation (Family Violence and Other Matters) Act 2012

224D Transitional provisions—Justice Legislation (Family Violence and Other Matters) Act 2012

- (1) Part 5 as amended by Part 2 of the **Justice Legislation (Family Violence and Other Matters) Act 2012** applies to an application for a family violence intervention order made to a venue of the Magistrates' Court after the date on which the notice specifying that venue of the Court for the purposes of the definition of *relevant court* in section 126 is published in the Government Gazette.
 - (2) Section 31(3) as amended by section 4 of the **Justice Legislation (Family Violence and Other Matters) Act 2012** applies to a family violence safety notice issued on or after the commencement of section 4 of that Act.
 - (3) Section 37A as inserted by section 6 of the **Justice Legislation (Family Violence and Other Matters) Act 2012** applies to a contravention of a family violence safety
-

notice that occurs on or after the commencement of section 6 of that Act, irrespective of when the family violence safety notice was issued.

- (4) Section 123A as inserted by section 9 of the **Justice Legislation (Family Violence and Other Matters) Act 2012** applies to a contravention of a family violence intervention order that occurs on or after the commencement of section 9 of that Act, irrespective of when the family violence intervention order was made.
- (5) Section 125A as inserted by section 11 of the **Justice Legislation (Family Violence and Other Matters) Act 2012** applies to contraventions of a family violence safety notice or a family violence intervention order that occur on or after the commencement of section 11 of that Act, irrespective of when the family violence safety notice or family violence intervention order was made."

30 Repeal of Part 15

Part 15 of the **Family Violence Protection Act 2008** is repealed.

31 Consequential amendments

- (1) In section 4(4)(ba) of the **Bail Act 1977**, for "37 or 123" substitute "37, 37A, 123, 123A or 125A".
- (2) In the First Schedule to the **Police Regulation Act 1958**, in item 3.3, for "37 or 123" substitute "37, 37A, 123, 123A or 125A".

PART 3—AMENDMENT OF THE CRIMES ACT 1958

32 New section 319AA inserted

See:
Act No.
6231.
Reprint No. 23
as at
1 April 2012
and
amending
Act Nos
16/2004,
49/2010,
65/2010,
27/2011,
43/2012 and
48/2012.
LawToday:
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legislation.
vic.gov.au

After section 319 of the **Crimes Act 1958**
insert—

**"319AA Dangerous or negligent driving while
pursued by police**

- (1) A person must not drive a motor vehicle dangerously or negligently if he or she knows, or ought reasonably to know, that—
- (a) he or she has been given a direction to stop the vehicle by a member of the police force; and
 - (b) a member of the police force is pursuing the vehicle.

Penalty: 3 years imprisonment.

- (2) For the purposes of subsection (1)—
- (a) a person drives a motor vehicle dangerously if he or she drives the vehicle at a speed or in a manner that is dangerous to the public having regard to all the circumstances of the case; and
 - (b) a person drives a motor vehicle negligently if he or she fails unjustifiably and to a gross degree to observe the standard of care which a reasonable person would have observed in all the circumstances of the case; and
 - (c) a member of the police force may be pursuing a motor vehicle even if not travelling at the same speed as the vehicle; and
 - (d) it is irrelevant that the police pursuit is suspended or terminated before the motor vehicle being pursued stops.
-

(3) In this section—

direction to stop has the same meaning as it
has in section 64A(5) of the **Road
Safety Act 1986**;

motor vehicle does not include a vessel."

33 Consequential amendments

(1) After section 89(1) of the **Sentencing Act 1991**
insert—

"(1AA) If a person is found guilty of an offence
under section 319AA of the **Crimes Act**
1958, the court must—

- (a) if the offender holds a driver licence or
learner permit, cancel the licence or
permit; and
- (b) whether or not the offender holds a
driver licence or learner permit,
disqualify the offender from obtaining
one for any time that the court thinks
fit, being not less than 12 months."

(2) In section 89(1A) of the **Sentencing Act 1991**,
after "subsection (1)" **insert** "or (1AA)".

(3) In section 89(2) of the **Sentencing Act 1991—**

- (a) after "driver licence" **insert** "or learner
permit (as the case requires)"; and
- (b) after "subsection (1)" **insert** "or (1AA)".

(4) In section 84C(1) of the **Road Safety Act 1986**, in
the definition of *tier 1 relevant offence*, after
paragraph (f) **insert—**

"(g) an offence against section 319AA(1) of the
Crimes Act 1958";.

**PART 4—AMENDMENT OF THE CRIMES (ASSUMED
IDENTITIES) ACT 2004**

34 Purpose

See:
Act No.
15/2004.
Reprint No. 1
as at
1 July 2006
and
amending
Act No.
34/2008.
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legislation.
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- (1) For the heading to section 1 of the **Crimes (Assumed Identities) Act 2004** substitute "**Purposes**".
- (2) For section 1(1) of the **Crimes (Assumed Identities) Act 2004** substitute—
 - "(1) The main purposes of this Act are—
 - (a) to facilitate, for law enforcement or security purposes, investigations, intelligence gathering and other related activities, including activities extending beyond Victoria; and
 - (b) to enable the safe and effective exercise of functions in administering the Victorian witness protection program."
- (3) In section 1(2) of the **Crimes (Assumed Identities) Act 2004**, for "that purpose is" substitute "those purposes are".

35 Definitions

In section 3 of the **Crimes (Assumed Identities) Act 2004**—

- (a) in the definition of *Victoria Police*, for "**1958.**" substitute "**1958;**";
- (b) **insert** the following definition—

"Victorian witness protection program has the same meaning as it has in the **Witness Protection Act 1991.**"

36 Application for authority to acquire or use assumed identity

For section 4(3)(b)(vi) of the **Crimes (Assumed Identities) Act 2004** substitute—

- "(vi) if the assumed identity is to be used in an investigation or for intelligence-gathering, details of the investigation or intelligence-gathering exercise (to the extent known); and
- (via) if the assumed identity is to be used to ensure the effective and safe exercise of functions in administering the Victorian witness protection program, details of the functions concerned; and".

37 Determination of applications

For section 5(2)(a) of the **Crimes (Assumed Identities) Act 2004** substitute—

- "(a) that the assumed identity is necessary for the purposes of—
 - (i) an investigation or intelligence-gathering in relation to criminal activity; or
 - (ii) enabling members of Victoria Police to exercise their functions in administering the Victorian witness protection program and ensuring their safety while doing so; and
- (ab) in relation to an application for an assumed identity that is to be used to ensure the effective and safe exercise of functions in administering the Victorian witness protection program, that the person to be authorised is—
 - (i) a member of Victoria Police; or

- (ii) a person employed under Part 3 of the **Public Administration Act 2004** in the office of the Chief Commissioner; and".

38 Disclosing information about assumed identity

- (1) For section 30(2)(a) of the **Crimes (Assumed Identities) Act 2004** substitute—

"(a) intends to—

- (i) endanger the health or safety of any person; or
- (ii) prejudice the effective conduct of an investigation or intelligence-gathering in relation to criminal activity; or
- (iii) prejudice the implementation of the Victorian witness protection program; or".

- (2) In section 30(2)(b)(ii) of the **Crimes (Assumed Identities) Act 2004**, for "intelligence-gathering." substitute "intelligence-gathering in relation to criminal activity; or".

- (3) After section 30(2)(b)(ii) of the **Crimes (Assumed Identities) Act 2004** insert—

"(iii) prejudices or will prejudice the implementation of the Victorian witness protection program.".

**PART 5—AMENDMENT OF THE CORONERS ACT 2008 AND
THE HUMAN TISSUE ACT 1982**

39 New section 29A inserted in the Coroners Act 2008

After section 29 of the **Coroners Act 2008**
insert—

**"29A Principal registrar to provide certain
information to VIFM**

Unless a coroner directs otherwise, for the performance of its functions under section 66(4)(b) of the **Victorian Institute of Forensic Medicine Act 1985**, the principal registrar must provide to the Institute without delay the following information in relation to a death that is reported to a coroner—

- (a) a copy of the initial police report of the death, if any, that is received by a coroner; and
- (b) if not included in the initial police report of the death, the name and contact details of the next of kin (within the meaning of the **Human Tissue Act 1982**) of the deceased that are provided to the Coroners Court within 24 hours after the death is reported to a coroner.

Note

Section 66(4)(b) of the **Victorian Institute of Forensic Medicine Act 1985** provides that one of the functions of the Institute is to remove tissue, or receive tissue taken, in accordance with the **Human Tissue Act 1982** from deceased persons in Victoria (whether or not a coroner has jurisdiction to investigate the deaths) and to process, store and supply the tissue for transplantation to living persons in Victoria or elsewhere or for use, in Victoria or elsewhere, for other therapeutic purposes or for medical or scientific purposes.

See:
Act No.
77/2008.
Reprint No. 1
as at
21 July 2011
and
amending
Act No.
52/2012.
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legislation.
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Justice Legislation Amendment (Family Violence and Other Matters) Act
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Part 5—Amendment of the Coroners Act 2008 and the Human Tissue Act
1982

Part IV of the **Human Tissue Act 1982** provides for tissue donation after death. Section 27 of that Act provides specifically for deaths for which a coroner has or may have jurisdiction under this Act."

40 Amendment of the Human Tissue Act 1982

See:
Act No.
9860.
Reprint No. 4
as at
20 May 2010
and
amending
Act No.
13/2010.
LawToday:
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legislation.
vic.gov.au

After section 45(5)(c) of the **Human Tissue Act 1982** insert—

"(ca) the principal registrar appointed under section 97 of the **Coroners Act 2008** in the provision of information under section 29A of that Act;"

**PART 6—AMENDMENT OF THE VICTORIAN CIVIL AND
ADMINISTRATIVE TRIBUNAL ACT 1998**

41 Deputy Presidents

For section 12(3) of the **Victorian Civil and
Administrative Tribunal Act 1998** substitute—

- "(3) Subject to this Act, a Deputy President holds office for a term that expires on whichever of the following occurs first—
- (a) the date that is 7 years after the date of appointment;
 - (b) the date that the Deputy President attains the age of 70 years.
- (4) A Deputy President may be appointed on a full-time or a part-time basis."

See:
Act No.
53/1998.
Reprint No. 7
as at
1 January
2011
and
amending
Act Nos
11/2010,
16/2010,
74/2010,
6/2012,
20/2012,
21/2012,
22/2012,
27/2012,
61/2012 and
63/2012.
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42 Senior members

- (1) For section 13(3) of the **Victorian Civil and
Administrative Tribunal Act 1998** substitute—

"(3) Subject to this Act, a senior member holds office for a term that expires on whichever of the following occurs first—

- (a) the date that is 7 years after the date of appointment;
- (b) the date that the senior member attains the age of 70 years."

- (2) After section 13(4) of the **Victorian Civil and
Administrative Tribunal Act 1998** insert—

"(5) Subsection (3)(b) does not apply in respect of a senior member who is appointed on a sessional basis."

43 Ordinary members

(1) For section 14(3) of the **Victorian Civil and Administrative Tribunal Act 1998 substitute—**

"(3) Subject to this Act, an ordinary member holds office for a term that expires on whichever of the following occurs first—

(a) the date that is 7 years after the date of appointment;

(b) the date that the ordinary member attains the age of 70 years."

(2) After section 14(4) of the **Victorian Civil and Administrative Tribunal Act 1998 insert—**

"(5) Subsection (3)(b) does not apply in respect of an ordinary member who is appointed on a sessional basis."

44 Appointment of members

After section 16(3) of the **Victorian Civil and Administrative Tribunal Act 1998 insert—**

"(4) A person who is appointed or reappointed as a non-judicial member must, before exercising any power or performing any function as a member, take an oath or affirmation of office in the prescribed form and manner.

(5) Subsection (4) does not apply in the case of an appointment under section 16A.

(6) Subsection (4) does not apply to a person who has previously taken an oath or affirmation of office under subsection (4).

(7) A failure by a person to take an oath or affirmation of office in accordance with this section does not invalidate anything done by that person as a member of the Tribunal."

45 New section 165 inserted

After section 164 of the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"165 Transitional—Justice Legislation Amendment (Family Violence and Other Matters) Act 2012

- (1) Section 12(3) as in force before the commencement of section 41 of the **Justice Legislation Amendment (Family Violence and Other Matters) Act 2012** continues to apply in respect of the current term of a Deputy President appointed before that commencement for the duration of that term.
- (2) Section 13(3) as in force before the commencement of section 42 of the **Justice Legislation Amendment (Family Violence and Other Matters) Act 2012** continues to apply in respect of the current term of a senior member appointed before that commencement for the duration of that term.
- (3) Section 14(3) as in force before the commencement of section 43 of the **Justice Legislation Amendment (Family Violence and Other Matters) Act 2012** continues to apply in respect of the current term of an ordinary member appointed before that commencement for the duration of that term.
- (4) A person who is a non-judicial member at the commencement of section 43 of the **Justice Legislation Amendment (Family Violence and Other Matters) Act 2012** is not required to comply with section 16(4) until the person is reappointed as a non-judicial member or appointed to another position as a non-judicial member."

46 Statute law revision

- (1) Clause 62A of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998** is **repealed**.
- (2) After clause 67 of Schedule 1 to the **Victorian Civil and Administrative Tribunal Act 1998** insert—

"67A Support person

- (1) If a party to a proceeding under the **Residential Tenancies Act 1997** is a protected person or a respondent under a family violence intervention order under the **Family Violence Protection Act 2008**, the party may be accompanied at a hearing by a person (a *support person*) for the purposes of that person providing support to the party.
 - (2) The support person may be—
 - (a) a legal practitioner; or
 - (b) a social worker; or
 - (c) a friend or family member of the party;
or
 - (d) any other person chosen by the party."
-

PART 7—REPEAL OF AMENDING ACT

47 Repeal of amending Act

This Act is **repealed** on 1 July 2014.

Note

The repeal of this Act does not affect the continuing operation of the amendments made by it (see section 15(1) of the **Interpretation of Legislation Act 1984**).

ENDNOTES

[†] *Minister's second reading speech—*

Legislative Assembly: 15 November 2012

Legislative Council: 29 November 2012

The long title for the Bill for this Act was "A Bill for an Act to amend the **Family Violence Protection Act 2008**, the **Crimes Act 1958**, the **Crimes (Assumed Identities) Act 2004**, the **Coroners Act 2008**, the **Human Tissue Act 1982** and the **Victorian Civil and Administrative Tribunal Act 1998** and for other purposes."