

LEGISLATIVE COUNCIL

FAMILY VIOLENCE PROTECTION BILL 2008

(Amendments and New Clause to be proposed in Committee by MR RICH-PHILLIPS)

1. Clause 233, lines 7 and 8, omit "against section 37 or 123 of the **Family Violence Protection Act 2008**".
2. Clause 233, lines 10 and 11, omit "(as the case requires)" and insert "under the **Family Violence Protection Act 2008**".
3. Clause 249, line 14, for "247" substitute "248".
4. Clause 249, line 25, for "247" substitute "248".
5. Clause 256, line 5, omit "under section 37 or 123 of the" and insert "of contravening a family violence intervention order or family violence safety notice under the".

NEW CLAUSE

6. Insert the following New Clause to follow clause 242—

'AA New section 31C inserted

After section 31B of the **Crimes Act 1958** insert—

"31C Offence to contravene family violence intervention order

- (1) This section applies if a person against whom a family violence intervention order has been made—

- (a) has been served with a copy of the order; or
- (b) has had an explanation of the order given to the person in accordance with section 57 or 96 of the **Family Violence Protection Act 2008**.

- (2) The person must not contravene the order.

Penalty: Level 7 imprisonment (2 years maximum) or a level 7 fine (240 penalty units maximum) or both, in the case of a first offence.

Level 6 imprisonment (5 years maximum), in the case of a second or subsequent offence.

- (3) 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.

(4) In this section—

family violence intervention order and *family violence safety notice* have the same meanings as in the **Family Violence Protection Act 2008**."