

**Australian Capital Territory  
Legislative Assembly**

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**Sexual, Family and Personal Violence Legislation  
Amendment Bill 2023**

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Amendments to be moved by the Attorney-General

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**1**  
**Clause 4**  
**Proposed new schedule 1, part 1.1**  
**Page 3, line 4—**

*omit proposed new part 1.1, substitute*

**Part 1.1**                      **Offences against Crimes  
Act 1900**

<b>column 1 item</b>	<b>column 2 provision</b>	<b>column 3 description of offence</b>
1	15	manslaughter
2	19	intentionally inflicting grievous bodily harm
3	29	culpable driving of motor vehicle
4	29A	driving motor vehicle at police
5	51	sexual assault in the first degree
6	52	sexual assault in the second degree
7	53	sexual assault in the third degree
8	54	sexual intercourse without consent

column 1 item	column 2 provision	column 3 description of offence
9	55 (1)	sexual intercourse with young person under 10 years old
10	55 (3)	sexual intercourse with young person under 16 years old
11	55A (1)	sexual intercourse with young person under special care
12	56 (1)	persistent sexual abuse of child or young person under special care
13	62	incest and similar offences
14	64	using child for production of child exploitation material etc
15	66	grooming and depraving young people

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**2**

**Clause 15**

**Proposed new section 82B (2)**

**Page 13, line 18—**

*omit*

hear and decide the provisional amendment at any time,

*substitute*

make the provisional amendment at any time before the application for the amendment is decided,

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**3**

**Clause 16**

**Proposed new section 91B heading**

**Page 16, line 1—**

*omit the heading, substitute*

**91B Magistrate review of registrar decisions**

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4

**Clause 16**

**Proposed new section 91B (1)**

**Page 16, lines 5, 9 and 12—**

*omit all mentions of*

or a deputy registrar

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5

**Clause 16**

**Proposed new section 91B (2)**

**Page 16, line 13—**

*omit*

or deputy registrar

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6

**Clause 16**

**Proposed new section 91B (3A)**

**Page 16, line 18—**

*insert*

(3A) The request may be made orally or in writing.

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7

**Clause 16**

**Proposed new section 91B (4) and (5)**

**Page 16, lines 20 and 25—**

*omit all mentions of*

or deputy registrar

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8

**Clause 16**

**Proposed new section 91B (7)**

**Page 17, line 1—**

*omit proposed new section 91B (7), substitute*

- (7) For this section, a decision of the registrar is a **relevant decision** if it is a decision to—
- (a) refuse to make an interim order; or
  - (b) if section 54 (Respondent not present at return of application) applies—adjourn the proceeding; or
  - (c) if the applicant for the protection order asks for a condition to be included in an interim order—refuse to include the condition in the interim order.
- (8) Despite subsection (7) (c), a decision of the registrar is not a relevant decision if the registrar includes a condition of a similar kind in the interim order.

**Example—condition of a similar kind**

The applicant for a protection order asks for the interim order to include a condition that the respondent is prohibited from being within 20m of the applicant. The registrar refuses to include the requested condition, but includes a condition that the respondent is prohibited from being within 50m of the applicant. The condition included in the interim order is a condition of a similar kind to the condition sought by the applicant.

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9

**Clause 27**

**Proposed new section 83B heading**

**Page 26, line 10—**

*omit the heading, substitute*

**83B Magistrate review of registrar decisions**

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**10**  
**Clause 27**  
**Proposed new section 83B (1)**  
**Page 26, lines 14, 18 and 21—**

*omit all mentions of*  
or a deputy registrar

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**11**  
**Clause 27**  
**Proposed new section 83B (2)**  
**Page 26, line 22—**

*omit*  
or deputy registrar

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**12**  
**Clause 27**  
**Proposed new section 83B (3A)**  
**Page 26, line 27—**

*insert*  
(3A) The request may be made orally or in writing.

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**13**  
**Clause 27**  
**Proposed new section 83B (4) and (5)**  
**Page 27, lines 2 and 7—**

*omit all mentions of*  
or deputy registrar

*omit proposed new section 83B (7), substitute*

- (7) For this section, a decision of the registrar is a ***relevant decision*** if it is a decision to—
- (a) refuse to make an interim order; or
  - (b) if section 49 (Respondent not present at return of application) applies—adjourn the proceeding; or
  - (c) if the applicant for the protection order asks for a condition to be included in an interim order—refuse to include the condition in the interim order.
- (8) Despite subsection (7) (c), a decision of the registrar is not a relevant decision if the registrar includes a condition of a similar kind in the interim order.

**Example—condition of a similar kind**

The applicant for a protection order asks for the interim order to include a condition that the respondent is prohibited from being within 20m of the applicant. The registrar refuses to include the requested condition, but includes a condition that the respondent is prohibited from being within 50m of the applicant. The condition included in the interim order is a condition of a similar kind to the condition sought by the applicant.

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