



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

Mr Peter Cain MLA (Chair), Dr Marisa Paterson (Deputy Chair), Mr Andrew Braddock MLA

Submission Cover Sheet

Inquiry into Sexual, Family and Personal Violence Legislation Amendment Bill 2023

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AFPA

Australian Federal
Police Association

Inquiry into the Sexual, Family and Personal Violence Amendment Bill 2023

Standing Committee on Justice and Community Safety

Submission by the Australian Federal Police Association

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Acknowledgments

The AFPA welcomes and thanks the Standing Committee on Justice and Community Safety (the Committee) for the opportunity to provide information into the *inquiry into the Sexual, Family and Personal Violence Amendment Bill 2023*.

The AFPA approves for this submission to be made publicly available at the Committee's discretion.

Overview of the AFPA

The AFPA is a registered organisation and an autonomous sub-branch of the Police Federation of Australia. The AFPA represents the industrial, political, and professional interests of members of the Australian Federal Police (**AFP**) and ACT Policing (**ACTP**), law enforcement officials in the Australian Criminal Intelligence Commission, and members of the Department of Parliamentary Services.

Our members provide an essential service to Australia and the Australian Capital Territory (**ACT**). They are the backbone of the ACT and the Commonwealth's principal law enforcement agency, performing crucial investigative, intelligence and national security functions.

The AFP is responsible for the following:

-  providing community policing services to the Australian Capital Territory and other territories, including Christmas Island, Cocos (Keeling) Islands, Norfolk Island and Jervis Bay,
-  enforcing Commonwealth laws that combat complex, transnational, serious and organised crime, child exploitation, fraud, corruption, and cybercrime,
-  protecting Australians and Australian interests from terrorism and violent extremism,
-  removing illegally obtained assets and property from criminals,
-  protecting Commonwealth infrastructures such as designated airports, Parliament House, and embassies,
-  protecting domestic and foreign dignitaries, including the Governor-General, Prime Minister, and ambassadors,
-  protecting at-risk individuals,
-  representing Australian policing and law enforcement at an international level and
-  developing unique capabilities and employing advanced technology to support Australia's national interests.

On top of providing industrial relations support, the AFPA provides welfare support for its members. Support takes on many aspects, including mental health and living support for our members injured mentally and physically in the workplace while executing their lawful duties in protecting Australia and its many communities.

Sexual, Family and Personal Violence Legislation Amendment Bill 2023

The AFPA has reviewed the *Sexual, Family and Personal Violence Legislation Amendment Bill 2023* and can provide the following responses:

Part 3 – Crimes Act 1900 – Summary disposal of certain cases at prosecutor’s election – Section 374 (2)

The AFPA has reviewed this amendment and **notes** the substitution to *Section 374 (2)* of the *Crimes Act 1900*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – New Subdivision 3.3.1A

The AFPA has reviewed this amendment and **supports** the new *Subdivision 3.3.1A – Seeking interim orders*.

Seeking orders relating to family violence can be a daunting and challenging time for victims. This amendment is common sense in that it will allow victims and applicants to seek interim orders after applying for the final order or being refused an earlier interim order.

Part 4 – Family Violence Act 2016 – Interim Orders may be made any time before application for final order is decided – Section 20

The AFPA has reviewed this amendment and **supports** the substitution in *Section 20* of the *Family Violence Act 2016*, as it will allow an applicant or victim to lodge an application for an interim order before a decision has been made on the final order.

Part 4 – Family Violence Act 2016 – General Interim Orders – Extension for non-service of final order – Section 29 (2)

The AFPA has reviewed this amendment and **supports** the substitution in *Section 29 (2)* of the *Family Violence Act 2016*, as it benefits applicants and victims of family violence when the alleged offender or recipient of the order can’t be located to have the order served on them.

This will also provide assurances to the applicant and victim that the interim order is still enforceable despite the non-service of the final order.

Part 4 – Family Violence Act 2016 – Offence – Contravention of family violence order – New Section 43 (4)

The AFPA has reviewed this amendment and **notes** the insertion to *Section 43* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – New Section 44A – Family violence order continues in force when protected person becomes adult

The AFPA has reviewed this amendment and **supports** the insertion of *Section 44A* of the *Family Violence Act 2016*. This new section will support victims and applicants, and just because a person becomes an adult, it doesn't change the circumstances behind the order originally being granted. This amendment will also remove the burden on a victim or applicant having to re-apply for an order and possibly re-live the trauma behind the incident just because they had a birthday.

Part 4 – Family Violence Act 2016 – Sections 46 and 47 – Interim order not sought

The AFPA has reviewed this amendment and **supports** the substitutions to *Section 46* and *Section 47* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Preliminary Conferences – Generally – Section 49 (2)

The AFPA has reviewed this amendment and **notes** the omission of *Section 49 (2)* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Explaining orders if protected person present – Section 67 (2) (d)

The AFPA has reviewed this amendment and **notes** the omission of *Section 67 (2) (d)* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Section 67 (2) (d) - Note

The AFPA has reviewed this amendment and **notes** the omission of *Section 67 (2), Note* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Section 82A – Amendment of protection orders – Preliminary Conferences

The AFPA has reviewed this amendment and **supports** the substitutions to *Section 82A* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Section 91A – Review of Orders – Preliminary Conference

The AFPA has reviewed this amendment and **supports** the substitutions to *Section 91A* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Court-initiated Interim Orders – Section 112 (1), Note

The AFPA has reviewed this amendment and **notes** the omission of *Section 112 (1), Note* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – New Section 112 (4A)

The AFPA has reviewed this amendment and **supports** the insertion of 4A to *Section 112* of the *Family Violence Act 2016*. This amendment will ensure that victims and applicants who are protected are provided with a copy of the interim order and educate the protected person regarding the interim order and what it means.

Part 4 – Family Violence Act 2016 – Dictionary – Definition of Protection Order – Paragraph (b) (ii)

The AFPA has reviewed this amendment and **notes** the substitutions to the definition of a protection order within the *Dictionary* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Dictionary – Definition of Related – Paragraph (b)

The AFPA has reviewed this amendment and **notes** the omission of wording to *paragraph (b)* within the *Family Violence Act 2016 Dictionary*. The AFPA has no further advice in relation to this amendment.

Part 4 – Family Violence Act 2016 – Dictionary – Definition of Return Date – Paragraph (b)

The AFPA has reviewed this amendment and **notes** the insertion of wording to the definition of *return date* within the *Dictionary* of the *Family Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 5 – Personal Violence Act 2016 – General Interim Orders – Extension for non-service of final order – Section 22AB (2)

The AFPA has reviewed this amendment and **supports** the substitution in *Section 24AB (2)* of the *Personal Violence Act 2016*, as it benefits applicants and victims of family violence when the alleged offender or recipient of the order can't be located to have the order served on them.

This will also provide assurances to the applicant and victim that the interim order is still enforceable despite the non-service of the final order.

Part 5 – Personal Violence Act 2016 – New Section 38A – Protection order continues in force when protected person becomes an adult

The AFPA has reviewed this amendment and **supports** the insertion in *Section 38A* of the *Personal Violence Act 2016*. This new section will support victims and applicants, and just because a person becomes an adult, it doesn't change the circumstances behind the order originally being granted. This amendment will also remove the burden on a victim or applicant having to re-apply for an order and possibly re-live the trauma behind the incident just because they had a birthday.

Part 5 – Personal Violence Act 2016 – Sections 40 and 41 – Interim order not sought

The AFPA has reviewed this amendment and **supports** the substitutions to *Section 40* and *Section 41* of the *Personal Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 5 – Personal Violence Act 2016 – Section 76A – Amendment of protection orders – Preliminary Conferences

The AFPA has reviewed this amendment and **supports** the substitutions to *Section 76A* of the *Personal Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 5 – Personal Violence Act 2016 – Dictionary – Definition of Related – Paragraph (b)

The AFPA has reviewed this amendment and **notes** the omission of wording to *paragraph (b)* within the *Dictionary* of the *Personal Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Part 5 – Personal Violence Act 2016 – Dictionary – Definition of Return Date – Paragraph (b)

The AFPA has reviewed this amendment and **notes** the insertion of wording to the definition of *return date* within the *Dictionary* of the *Personal Violence Act 2016*. The AFPA has no further advice in relation to this amendment.

Schedule 1 – Technical Amendments – Bail Act 1992 – Schedule 1 – Offences to which presumption for bail does not apply

The AFPA has reviewed and **noted** this amendment. The AFPA has no further advice in relation to this amendment.

Schedule 1 – Technical Amendments – Bail Act 1992 – Schedule 1 – Part 1.5 – Table – Item 2

The AFPA has reviewed and **noted** this amendment. The AFPA has no further advice in relation to this amendment.

Part 1.2 – Crimes Act 1900 – Section 238 (12)

The AFPA has reviewed and **noted** this amendment. The AFPA has no further advice in relation to this amendment.

Part 1.3 – Crimes (Forensic Procedures) Act 2000 – Section 112 (2)

The AFPA has reviewed and **noted** this amendment. The AFPA has no further advice in relation to this amendment.



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