

Explanatory Statement

DOMESTIC AND FAMILY VIOLENCE AND VICTIMS LEGISLATION AMENDMENT BILL 2025

SERIAL NO. 22 LEGISLATIVE ASSEMBLY OF THE NORTHERN TERRITORY

ATTORNEY-GENERAL

GENERAL OUTLINE

The Bill amends the *Domestic and Family Violence Act 2007*, the *Domestic and Family Violence Regulations 2008*, the *Victims of Crime Assistance Act 2006*, the *Victims of Crime Rights and Services Act 2006*, and the *Victims of Crime Rights and Services Regulations 2010*.

The purpose of this Bill is to address minor administrative amendments including conversion to revenue units, as well as to insert mandatory sentencing provisions for breaches of Domestic Violence Orders (DVOs). The Bill will also expand the functions of the Victims Register to ensure victims can be notified when an offender breaches various orders.

NOTES ON CLAUSES

Part 1 Preliminary matters

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill, when passed, will be cited as the *Domestic and Family Violence and Victims Legislation Amendment Act 2025* (the Amendment Act).

Clause 2. Commencement

This clause sets out how the Amendment Act will be commenced. Other than section 21, commencement will be on the day after the day on which the Administrator's assent to this Act is declared. Section 21 commences on 1 July 2025.

Part 2 Amendment of domestic and family violence legislation

Division 1 Domestic and Family Violence Act 2007

Clause 3. Act amended

This is a formal clause which provides that Division 1 amends the *Domestic and Family Violence Act 2007*.

Clause 4. Section 120 amended (Contravention of DVO by defendant)

This clause amends section 120(2)(b) of the *Domestic and Family Violence Act 2007*. The section is amended to correct an ambiguity.

The provision is clarified to ensure that a person will contravene a DVO if there is a DVO in force against the person; the person engages in conduct resulting in a contravention of that DVO and the person has been given a copy of the DVO or for a DVO which has been varied or confirmed; a copy of the DVO as varied or confirmed, whether it has been varied, confirmed with variation or simply confirmed without variation. Previously the section was ambiguous as to whether the DVO could be contravened when the Court had confirmed it, but did not vary it.

Clause 5. Section 122 inserted

This clause inserts a mandatory sentencing provision.

New section 122 requires the Court to impose a term of actual imprisonment if an offender has committed an offence against section 120(1) and either section 121(2), 121(4) or 121(5) applies.

This section applies when a person is sentenced under the *Sentencing Act 1995*, which provides that the requirements to 'impose a term of actual imprisonment' are found in section 78CB that Act. If a court is required to impose a term of actual imprisonment the court must record a conviction against the offender and sentence the offender to a term of imprisonment which may be partly, but not wholly, suspended under section 40 of the *Sentencing Act 1995* (suspended sentence) or the court may make an intensive community correction order, subject to a home detention condition, in relation to the offender.

Clause 6. Part 7.8 inserted

This clause provides the transitional arrangements regarding Part 2 of *Domestic and Family Violence and Victims Legislation Amendment Act 2025*.

Clause 5 inserts, after section 150, new Part 7.8 in the *Domestic and Family Violence Act 2007*.

New section 151 defines commencement to mean commencement of Part 2 of the *Domestic and Family Violence and Victims Legislation Amendment Act 2025*.

New section 122 only applies for offences committed after commencement. Even if part of the conduct constituting the offence occurred before commencement, the offence will be taken to have been committed before commencement.

Division 2 Domestic and Family Violence Regulations 2008**Clause 7. Regulations amended**

This is a formal clause which provides that this Division amends the *Domestic and Family Violence Regulations 2008*.

Clause 8. Regulation 2 amended (Definitions)

This clause omits the definition of 'analyst' to allow regulation 5(1) to provide the definition for Part 3 of the regulations.

Clause 9. Regulation 5 amended (Interpretation)

This clause amends the definition of 'analyst'. The definition from Regulation 2 is inserted here for consistency with other definitions and to remove reference to repealed sections from *Traffic Regulations 1999*. The definition provides that a person is an analyst for the analysis of saliva or blood by authorisation under section 19C of the *Traffic Act 1987*; and a person is an analyst by appointment under section 3(8) of the *Misuse of Drugs Act 1990* for that Act.

Clause 10. Regulation 15 amended (Evidence by certificate)

This clause amends regulation 15(a)(ii) to provide that a person is now authorized to be an analyst under section 19C of the *Traffic Act 1987* and removes reference to repealed sections in *Traffic Regulations 1999*.

Part 3 Amendment of victims legislation

Division 1 Victims of Crime Assistance Act 2006

Clause 11. Act amended

This division amends the *Victims of Crime Assistance Act 2006*.

Clause 12. Section 8 replaced

This clause amends the *Victims of Crime Assistance Act 2006* by repealing the previous provisions for lodgment and requiring only that the application be in the approved form.

Clause 13. Section 24 amended (Assessors)

This clause amends the *Victims of Crime Assistance Act 2006* by repealing the previous provisions requiring assessors to be lawyers.

Clause 14. Section 61 amended (Imposition of Levy)

This clause amends the *Victims of Crime Assistance Act 2006* by repealing the previous provisions reference to monetary amounts and inserting reference to revenue units instead.

Division 2 Victims of Crime Rights and Services Act 2006

Clause 15. Act amended

This is a formal clause which provides that this Division amends the *Victims of Crime Rights and Services Act 2006*.

Clause 16. Section 4 amended (Definitions)

This clause amends the definition of CVSU to remove the requirement that the person must be holding or occupying the office of CVSU officer, and now relies on section 7(1) amended by this Bill in clause 17.

Clause 17. Section 7 amended (CVSU Officers)

This clause amends Section 7(1) to provide that a person is a CVSU officer by virtue of being a public sector employee who is employed in the CVSU or a public sector employee who is not employed in the CVSU but has been appointed by the Chief Executive Officer, in writing, to be a CVSU officer.

Clause 18. Section 17 amended (Application of Part)

This clause amends section 17 of the Act to remove the requirement that the person who is sentenced must be sentenced to a 'term of imprisonment' for a 'relevant offence'. The amendment to the application of this part means the provisions of Part 4, *Victims Register* will apply to sentences which do not require a term of imprisonment under Section 18 of the Act which sets out 'relevant offences'.

Clause 19. Section 22 amended (information to be given to registered persons)

This clause makes a minor drafting correction to section 22(1)(j) to use the appropriate term 'administrative home detention permit' as opposed to an 'administrative home detention order' which was incorrect.

Division 3 Victims of Crime Rights and Services Regulations 2010**Clause 20. Regulations amended**

This division amends the *Victims of Crime Rights and Services Regulations 2010*.

Clause 21. Regulation 5 inserted

This clause inserts a regulation outlining additional information to be given to registered persons.

Pursuant to Section 22 (1)(o) of the *Victims of Crime Rights and Services Act 2006*, the CVSU must notify registered persons of 'any further information specified by regulation'.

New Regulation 5 provides that a registered person must be notified by CSVU if the relevant offender breaches or fails to comply with or is alleged to have breached or failed to comply with an electronic monitoring condition of a parole order, a suspended sentence order, an intensive community correction order or a supervision order. CVSU are only required to notify the registered person if CVSU is made aware of the alleged breach or failure to comply. The provision is intended to allow CVSU to pass on relevant information in circumstances of them being made aware of that information.

Part 4 Repeal of Act**Clause 22. Repeal of Act**

This is a standard clause that provides that this Act will be repealed on the day after the act commences.