

The proposed amendments will strengthen existing vulnerable witness provisions and protections, thereby reducing the impact and trauma of court proceedings on vulnerable witnesses. This will also ensure witnesses are more confident and comfortable giving evidence in court, especially where their evidence is critical to a prosecution and may lead to more successful prosecutions.

As outlined in the Pillars of Justice framework and the *Framing the Future* strategic plan, the government is committed to supporting victims to ensure safer homes in a safer society. The proposed amendments will contribute to these goals and will ensure vulnerable witnesses are provided with the utmost protection and support. The proposal will also support the *Domestic and Family Violence Reduction Strategy 2014-17: Safety is Everyone's Right* by ensuring cases brought to the courts are successful in holding perpetrators to account, thereby protecting victims from repeat victimisation.

Madam Speaker, I commend the bill to honourable members and table a copy of the explanatory statement.

Debate adjourned.

PERSONAL VIOLENCE RESTRAINING ORDERS BILL (Serial 147)

Bill presented and read a first time.

Mr ELFERINK (Attorney-General and Justice):
Madam Speaker, I move that the bill be now read a second time.

The purpose of this bill is to allow for the enactment of a stand-alone act dealing specifically with Personal Violence Restraining Orders. Currently, provisions with respect to Personal Violence Restraining Orders are contained in Part IVA of the *Justices Act*. This arose as part of a larger Local Court reform and passage of the *Local Court Act 2015* earlier this year. It was considered appropriate that a separate, stand-alone act dealing specifically with the issue of Personal Violence Restraining Orders be created instead of being included within another piece of legislation.

A Personal Violence Restraining Order allows a person who experiences violence in a relationship, but does not live with the perpetrator - that is, not in a domestic relationship - to seek a civil remedy called a Personal Violence Restraining Order. Some former members might remember the old section 99 of the *Justices Act*.

The primary purpose of this order is to secure the safety of a victim, with the grounds of the finding of the order being, on a finding on the balance of probabilities, that the defendant committed a 'personal violence offence' that caused harm to the victim.

The circumstances under which a person can apply for a Personal Violence Restraining Order include if a person has committed a 'personal violence offence' defined as including a personal violence offence – being an offence against any of the following provisions of the Criminal Code: Part V, Division 2; Part VI, Division 3 to 6A; and sections 211 or 212 - or it is likely a personal violence offence will be committed against a person by another person.

A 'personal violence offence' generally includes any offences of assault, indecent assault and reckless behaviour which may cause personal injury.

It should be noted that the main purpose of the *Local Court Act 2015* was to consolidate into one act all the key provisions regarding the establishment and operation of the main lower courts of the Northern Territory. That involved the consolidation of the Local Court and the Court of Summary Jurisdiction; resolution of inconsistencies between the jurisdictions, for example, in the area of contempt; rationalisation of standard quasi-judicial and non-judicial officers within the lower courts; reflecting current practices and be sufficiently flexible to cater for future changes to the practice; modernisation and create consistency in terminology; rationalising provisions regarding sentencing jurisdiction and offences that can be dealt with summarily; and increasing the size of the civil jurisdiction of the Local Court.

The *Justices Act* was also reviewed and substantial amendments were proposed as a result of the Local Court reforms. As part of that, a decision was made to remove provisions with respect to Personal Violence Restraining Orders contained in Part IVA of the *Justices Act* and enact a stand-alone act.

The bill also implements a recommendation of the Top End Women's Legal Service that legislation relating to Personal Violence Restraining Orders should be enacted as a specific act, not just contained in the *Justices Act*.

The bill makes no changes to the policy with respect to Personal Violence Restraining Order provisions. The bill merely repeals Part IVA of the *Justices Act* and replicates Part IVA as a stand-alone act.