

# LEGISLATIVE ASSEMBLY

Read 1° 8 December 1988

*(Brought from the Legislative Council)*

## A BILL

*for*

An Act to amend the *Crimes (Family Violence) Act 1987*

### **Crimes (Family Violence) (Amendment) Act 1988**

The Parliament of Victoria enacts as follows:

#### **Purpose.**

1. The purpose of this Act is to provide for the representation of police complainants by police prosecutors, for arrest without a warrant in the possession of police and for the payment of costs.

#### **Commencement.**

2. This Act comes into operation on a day to be proclaimed.

#### **Principal Act.**

3. In this Act, the *Crimes (Family Violence) Act 1987* is called the Principal Act.

No. 19/1987  
amended by  
No. 40/1988.

*Crimes (Family Violence) (Amendment)*

**New section 7A inserted.**

4. After section 7 of the Principal Act, insert—

**Police complainants and police prosecutors.**

“7A. (1) If a complaint for an order or an application under section 16 is made by a member of the police force, any member of the police force may represent that member at the hearing of the complaint or application. 5

(2) A member of the police force who makes a complaint or who, in accordance with sub-section (1), represents another member of the police force at a hearing, and who acts in good faith and in the normal course of duty in so doing, is not liable in any civil action arising out of the conduct of the hearing.” 10

**Amendment of section 9.**

5. (1) In section 9 of the Principal Act, after “9.” insert “(1)”. 15

(2) At the end of section 9 of the Principal Act insert— 15

“(2) If a warrant has been issued to apprehend a person who is a defendant to a complaint, any member of the police force may apprehend the person although the warrant is not in the member’s possession at the time of the arrest.”. 20

**New section 14A inserted.** 20

6. After section 14 of the Principal Act, insert—

**Costs.**

“14A. Each party to any proceedings under this Act must bear his or her own costs of those proceedings, unless the court decides that exceptional circumstances warrant otherwise in a particular case.”. 25