

1997

**THE LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. #) 1997

EXPLANATORY MEMORANDUM

**Circulated by authority of
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DOMESTIC VIOLENCE (AMENDMENT) BILL (NO. #) 1997

Outline

This Bill amends the *Domestic Violence Act 1986* by:

- (a) removing the discretion available to the Court to enable a person (the respondent) who is the holder of a firearms licence to retain the licence when the Court makes a protection order or an interim protection order;
- (b) providing for the automatic cancellation or suspension of a firearms licence in such circumstances; and,
- (c) changing the definition of a 'domestic violence offence'.

Financial Impact

The Bill will have no impact on Australian Capital Territory finances

Notes on clauses

Clauses 1, 2 and 3

These clauses are formal requirements. They refer to the short title of the Bill, commencement and definition of the Principal Act.

Clause 4

This clause amends the definition of 'domestic violence offence'.

Clause 5

This clause amends section 14A of the Act. That section presently provides that, when the Magistrates Court makes a protection order against a person (the respondent) who holds a weapons licence, that licence is cancelled unless the Court orders otherwise and enables the Court, in addition to making a protection order, also to order the seizure and detention of any weapon in the possession of the respondent. Further, the section provides that, when the Magistrates Court makes an interim protection order, it may, where the respondent is the holder of a weapons licence, make an order suspending the licence and directing the seizure and detention of any weapon in the possession of the respondent

Clause 5 amends section 14A of the Act to provide that, if a person who has a firearms licence becomes subject to a protection order, then the licence is automatically cancelled. Further, Clause 5 provides that where a Court makes an interim protection order against a firearms licence holder, that firearms licence is automatically suspended until such time as the interim order is confirmed or revoked

Clause 5 extends the power of the Court when making a protection order to enable it, as well as ordering the seizure of any weapon, to also order the seizure of ammunition and a firearms licence

The Bill similarly extends the power of the Court when making interim protection orders. These further powers are to ensure that the respondent cannot use the licence during the period of the order to obtain another firearm or use the ammunition in another firearm.

Clause 6

This clause adds to the Act a schedule of criminal offences for the purposes of the new definition of 'domestic violence offence'. When an offence in the schedule is committed by a person in a specified relationship with the victim of the offence it is accorded the status of a domestic violence offence.