

1990

**THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY**  
**DOMESTIC VIOLENCE (AMENDMENT) BILL 1990**  
**EXPLANATORY MEMORANDUM**

Circulated by Authority of the Attorney-General

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## DOMESTIC VIOLENCE (AMENDMENT) BILL 1989

The Domestic Violence (Amendment) Bill 1990 amends the Domestic Violence Act 1986 as a consequence of the Weapons Bill 1990.

The Bill assists in ensuring the safety of persons in a threatening domestic situation. It provides that the weapons licence of a person in respect of whom a protection order is made under the Act is cancelled except where the court is satisfied the licence should not be cancelled. Where an interim protection order is made the court may suspend the person's weapons licence. In each case the court may order the seizure of any weapon in the person's possession.

The Bill will not have any effect on revenue.

Clause 1 states that the Bill, when enacted, will be known as the Domestic Violence (Amendment) Bill 1990.

Clause 2 provides that the Act commences on the day on which the provisions of the Weapons Bill 1990, other than clauses 1 and 2, commence.

Clause 3 provides that the Principal Act is the Domestic Violence Act 1986.

Clause 4 inserts a new section 14A into the Principal Act.

New subsection 14A(1) provides that a licence under the Weapons Act is cancelled where a protection order is made against the licensee unless the court, on application by the licensee, is satisfied the licence should not be cancelled.

By virtue of new subsection 14A(2) the court shall have regard to the matters detailed in section 10 of the Principal Act in considering an application. These are matters the court must consider when determining an application for a protection order.

New subsection 14A(3) empowers the court to order the seizure of any weapon in the possession of the person against whom a protection order is made.

New subsection 14(5) empowers the court, where it makes an interim protection order, to suspend the weapons licence of the person against whom the order is made and direct the seizure of any weapon in his or her possession.

New subsection 14A(6) is an interpretation provision.

Clause 5 amends section 19 of the Principal Act by ensuring that the Registrar of Weapons, in addition to the Commissioner of Police, receives a copy of a protection order or interim protection order.

Clause 5 also inserts a new subsection (3) into section 19 to ensure that the Registrar of Weapons receives a copy of an order made under new section 14A.