

1997  
THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

## Domestic Violence (Amendment) Bill 1997

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### A BILL

#### FOR

#### An Act to amend the *Domestic Violence Act 1986*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

#### Short title

- 5     1. This Act may be cited as the *Domestic Violence (Amendment) Act 1997*.

#### Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.
- 10     (2) The remaining provisions commence on the day on which section 4 of the *Crimes (Amendment) Act (No. 2) 1997* commences.

#### Principal Act

3. In this Act, "Principal Act" means the *Domestic Violence Act 1986*.<sup>1</sup>

**Interpretation**

4. Section 3 of the Principal Act is amended—

(a) by omitting the definition of “domestic violence offence” and substituting the following definition.

5 “ ‘domestic violence offence’ means—

(a) an offence against a provision of the Crimes Act specified in column 1 of Schedule 1A or an attempt to commit such an offence,

(b) an offence against section 27 of this Act, or

10 (c) an offence against section 129 of the *Motor Traffic Act 1936*;

committed by a person so as to cause physical or emotional harm to—

(d) a spouse of the person.

15 (e) a child of the person or of a spouse of the person;

(f) a relative, or

(g) a household member,” and

(b) by omitting the definition of “prescribed offence”

**Protection orders, interim protection orders—firearms**

20 5. Section 14A of the Principal Act is amended—

(a) by omitting from subsection (1) all the words after “cancelled” (first occurring), and

(b) by omitting subsections (2), (3), (4), (5) and (6) and substituting the following subsections:

25 “(2) If the court makes such a protection order, the court may also order—

(a) the seizure of any firearm and any ammunition for a firearm in the respondent’s possession, and

(b) the seizure of the licence.

30 “(3) Where an interim protection order is made in respect of a person who is the holder of a licence under the *Firearms Act 1996*, the licence is by force of this section suspended until the order is confirmed or revoked and the court may order—

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- (a) the seizure of the licence for the period specified in the order; and
- (b) the seizure and detention for that period of any firearm and any ammunition for a firearm in the respondent's possession.

“(4) An expression used in this section that is defined in the *Firearms Act 1996* has, in this section, the same meaning as in that Act.”.

**Insertion**

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**6.** Before Schedule 1 to the Principal Act, the Schedule set out in the Schedule to this Act is inserted.

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**SCHEDULE**

Section 6

**SCHEDULE TO BE INSERTED IN PRINCIPAL ACT**

**SCHEDULE 1A**

Section 3

**DOMESTIC VIOLENCE OFFENCES UNDER THE  
CRIMES ACT 1900**

Column 1 Provision	Column 2 Description of offence
12	Murder
15	Manslaughter
19	Intentionally inflicting grievous bodily harm
20	Recklessly inflicting grievous bodily harm
21	Wounding
22	Assault with intent to commit certain indictable offences
23	Intentionally or recklessly inflicting actual bodily harm
24	Assault occasioning actual bodily harm
25	Unlawfully or negligently causing grievous bodily harm
26	Common assault
27	Acts endangering human life
28	Acts endangering the health, safety or physical well-being of another person
29	Culpable driving of a motor vehicle
30	Threatening to kill
31	Threatening to inflict grievous bodily harm
32 (1) (a)	Making a demand with a threat to kill or inflict grievous bodily harm
32 (2) (a)	Making a demand with a threat to endanger health, safety or physical well-being
33	Possession of an object with intent to use it to kill or cause grievous bodily harm
34	Forcible confinement or imprisonment
34A	Stalking
36	Abduction of a young person
37	Kidnapping
92A	Inflicting grievous bodily harm on a person with intent to engage in sexual intercourse
92B	Inflicting actual bodily harm on a person with intent to engage in sexual intercourse
92C	Unlawful assault or threatening to inflict grievous or actual bodily harm with intent to engage in sexual intercourse

**SCHEDULE—continued**

Column 1 Provision	Column 2 Description of offence
92D	Sexual intercourse without consent
92E	Sexual intercourse with a young person
92F	Inflicting grievous bodily harm with intent to commit an act of indecency
92G	Inflicting actual bodily harm with intent to commit an act of indecency
92H	Unlawful assault or threatening to inflict grievous or actual bodily harm with intent to commit an act of indecency
92J	Committing an act of indecency without consent
92K	Committing an act of indecency upon or in the presence of a young person
92L	Incest or similar offences
92M	Abducting or detaining a person with intent to engage in sexual intercourse
128	Destroying or damaging property
129	Destroying or damaging property by means of fire or explosive
133	Possession of an article with intent to use it to destroy property
145 (1) (a)	Being armed with a weapon or instrument with intent to commit an offence
146	Forcible entry on to land in a manner likely to cause a breach of the peace
493	Possession of an offensive weapon or disabling substance in a public place in circumstances likely to cause alarm
494	Possession of an offensive weapon or disabling substance in circumstances indicating intent to use the weapon or substance
546A	Behaving in an offensive manner

**NOTE**

**Principal Act**

1 Reprinted as at 30 November 1996 See also Act No. 74, 1996