

1990

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

Amendments to be moved on behalf of the Government

Circulated by the Authority of the Attorney-General
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DOMESTIC VIOLENCE (AMENDMENT) BILL 1990
AMENDMENTS

The Domestic Violence (Amendment) Bill 1990 (the Bill) enhances the protection afforded to persons in a threatening domestic situation by providing for the cancellation or suspension of a licence granted under the Weapons Bill 1990 where a protection order or interim protection order is made against the licensee under the Domestic Violence Act 1986 (the Principal Act).

The Bill also enables the court to order the seizure of the weapons of a person whose weapons licence is cancelled or suspended.

The Weapons Bill 1990, to which the Bill relates, has not commenced operation. Until that occurs the Bill, as presented in the Legislative Assembly, cannot be commenced.

The amendments now proposed enable the Bill to apply in respect of a person who holds a licence under the existing Gun Licence Act 1937 and against whom a protection order or interim protection order is made under the Principal Act. The need to await the commencement of the Weapons Bill 1990 is thus avoided and the protection afforded by the Bill can apply on its notification in the Gazette.

The amendments will not have any effect on revenue.

Details of the amending provisions are as follows:

The amendment of the long title of the Bill removes the reference to the Weapons Act 1990 which is inappropriate.

Clause 2 of the Bill, which is a commencement clause, is omitted. The effect of this is that by virtue of section 25 of the Australian Capital Territory (Self-Government) Act 1988 (C'wealth), the Bill will commence on the day of its notification in the Gazette.

New section 14A, inserted by clause 4 of the Bill, is amended by:-

- (i) in subsections (1) and (5) - omitting references to the Weapons Act 1990 and inserting references to the Gun Licence Act 1937;
- (ii) in subsection (3) - omitting the reference to any dangerous weapon or restricted weapon and inserting a reference to any gun or pistol;
- (iii) omitting paragraph (5)(b) and inserting a new paragraph which will enable the court to direct the seizure and detention of a gun or pistol for the period specified in a suspension order; and

- (iv) omitting subsection (6), which is an interpretation provision, and inserting a new subsection (6) which is consequential upon the amendments referred to in (i), (ii) and (iii) above.

Clause 5 of the Bill, which amends section 19 of the Principal Act, is amended by changing references to the Registrar of Weapons to references to the Registrar of Gun Licences. This ensures that the Registrar appointed under the Gun Licence Act 1937 receives a copy of a protection order, interim protection order or an order for the seizure of a gun or pistol.