
Crimes (Domestic and Personal Violence) Amendment Bill 2008

Amendment proposed by Legislative Council on 4 December 2008.

No. 1 Page 4, Schedule 1. Insert after line 38:

[9] Section 72 Application for variation or revocation of final apprehended violence orders

Insert after section 72 (4):

- (5) An application for revocation of a final apprehended violence order may be made by the defendant even though the order has expired. Subsection (3) does not apply to such an application.
- Note.** Certain consequences result from an apprehended violence order being made against a person if it is not revoked. For example, section 11 of the *Firearms Act 1996* provides that a firearms licence must not be issued to a person who is subject to a final apprehended violence order or who at any time in the previous 10 years has been subject to such an order (other than an order that has been revoked).
- (6) A court may make an order under this Division revoking a final apprehended violence order even though that final order has expired if the court is satisfied that, were that final order still in force, it should be revoked.
- (7) In applying the provisions of this Division to an application for revocation of a final apprehended violence order that has expired, a reference to a protected person includes a reference to a person for whom the expired order was sought or made.
- (8) If an application is made by the defendant for revocation of a final apprehended violence order that has expired:
- (a) the Commissioner of Police is to be notified of the application, and
 - (b) the court hearing the application must take into account (in addition to any other matters that it is required to take into account) the effect that revocation of the expired order may now have on the protected person, having regard to the grounds on which the expired order was made, and
 - (c) the court may order that a further application for revocation of the expired order may not be made by the defendant except with the leave of the court.