

1992

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Attorney-General)

Crimes (Amendment) Bill/1992 (No. 2)

**A BILL
FOR**

An Act to amend the *Crimes Act 1900*

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

Short title

1. This Act may be cited as the *Crimes (Amendment) Act/1992. (No. 2)*

5 Principal Act

2. In this Act, "Principal Act" means the *Crimes Act 1900*.¹

Seizure of weapon

3. Section 349D of the Principal Act is amended—

- 10 (a) by omitting from subsection (1) "weapon found in the possession of any person in or on those premises" and substituting—

"weapon—

- (a) in or on those premises; or

82031 (T31/92)

(b) in or on a motor vehicle under the control of a person who ordinarily lives on those premises or is apparently connected with the circumstances giving rise to the entry of the police officer onto the premises;"; and

5 (b) by omitting subsection (2) and substituting the following subsections:

"(2) A weapon may be seized by a police officer under subsection (1)—

10 (a) despite the fact that the owner of the weapon is unknown; or

(b) irrespective of whether the owner of the weapon is connected with the circumstances giving rise to the entry of the police officer onto the premises.

15 "(2A) A police officer who is authorised under subsection (1) to seize a dangerous weapon or a restricted weapon in or on premises or in or on a motor vehicle may search the premises or the motor vehicle for weapons of that type and use such force as is reasonably necessary for the purpose.

20 "(2B) Subject to subsection (2C), where before the expiration of 60 days after the date of seizure of a weapon under subsection (1)—

(a) a prosecution for an offence arising out of circumstances in which a police officer has entered premises under section 349A, 349B or 349C has not been instituted; or

25 (b) an application for a protection order or an interim protection order under the *Domestic Violence Act 1986* has not been made;

the weapon shall be returned—

30 (c) in the case of a dangerous weapon registered or endorsed on a licence under the *Weapons Act 1991*—to the person on whose licence the weapon is registered; or

(d) in the case of a restricted weapon—to the licensee.

35 "(2C) A weapon seized under subsection (1) shall not be returned if the Registrar would otherwise be entitled under the *Weapons Act 1991* to be in possession of the weapon."

NOTE

1. Reprinted as at 1 July 1990. See also Act No. 66, 1990 and Nos. 9, 18, 44, 78, 90, 104, 120 and 122, 1991; Nos. 6, 9 and 23, 1992.