



AUSTRALIAN CAPITAL TERRITORY

Weapons (Consequential Amendments) Act 1991

No. 9 of 1991

An Act to make certain amendments consequent on the *Weapons Act 1991*

[Notified in ACT Gazette S 19: 3 April 1991]

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

Short title

1. This Act may be cited as the *Weapons (Consequential Amendments) Act 1991*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which the provisions of the *Weapons Act 1991*, other than sections 1 and 2, commence.

Amendments of Acts

3. The Acts specified in the Schedule are amended as set out in the Schedule.

SCHEDULE

Section 3

AMENDMENTS OF ACTS**Crimes Act, 1900 of the State of New South Wales in its application in the Territory****After section 349C—**

Insert the following section:

Seizure of weapon

“349D. (1) Where a police officer enters premises pursuant to section 349A, 349B or 349C, the police officer may seize any dangerous weapon or restricted weapon found in the possession of any person in or on those premises if the police officer has reasonable grounds for believing that its seizure is necessary to prevent the commission or repetition of an offence or of a breach of the peace or to protect life or property.

“(2) Where a prosecution for an offence arising out of circumstances in which a police officer has entered premises under section 349A, 349B or 349C is not instituted before the expiration of 60 days after the date of entry to those premises, any weapon seized pursuant to subsection (1) shall be returned—

- (a) 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
- (b) in the case of a restricted weapon—to the licensee;

unless the Registrar of Weapons would otherwise be entitled under that Act to be in possession of the weapon.

“(3) An expression that is used in subsection (1) or (2) and in the *Weapons Act 1991* has, in this section, the same meaning as in that Act.”.

SCHEDULE—continued
Domestic Violence Act 1986

Subsection 14A (1)—

Omit “*Gun Licence Act 1937*”, substitute “*Weapons Act 1991*”.

Subsection 14A (3)—

Omit “gun or pistol”, substitute “dangerous weapon or restricted weapon”.

Subsection 14A (5)—

Omit “*Gun Licence Act 1937*”, substitute “*Weapons Act 1991*”.

Paragraph 14A (5) (b)—

Omit “gun or pistol”, substitute “dangerous weapon or restricted weapon”.

Subsection 14A (6)—

Omit the subsection, substitute the following subsection:

“(6) In this section—

‘dangerous weapon’ and ‘restricted weapon’ have the same respective meanings as in the *Weapons Act 1991*.”.

Subparagraph 19 (1) (c) (i)—

Omit “Gun Licences”, substitute “Weapons”.

Subsection 19 (3)—

Omit “Gun Licences”, substitute “Weapons”.

Magistrates Court Act 1930

Subsection 206D (1)—

Omit “*Gun Licence Act 1937*”, substitute “*Weapons Act 1991*”.

Subsection 206D (3)—

Omit “gun or pistol”, substitute “dangerous weapon or restricted weapon”.

Subsection 206D (5)—

Omit “*Gun Licence Act 1937*”, substitute “*Weapons Act 1991*”.

Paragraph 206D (5) (b)—

Omit “gun or pistol”, substitute “dangerous weapon or restricted weapon”.

SCHEDULE—continued

Subsection 206D (6)—

Omit the subsection, substitute the following subsection:

“(6) In this section—

‘dangerous weapon’ and ‘restricted weapon’ have the same respective meanings as in the *Weapons Act 1991*.”.

[Presentation speech made in Assembly on 14 February 1991.]