

2016

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Attorney-General)

# Crimes Legislation Amendment Bill 2016

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## A Bill for

An Act to amend legislation about crime, and for other purposes

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

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Crimes Legislation Amendment Act 2016*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see [Legislation Act](#), s 75 (1)).

8 **3 Legislation amended**

9 This Act amends the following legislation:

- 10 • [Crimes \(Child Sex Offenders\) Act 2005](#)
- 11 • [Crimes \(Sentence Administration\) Act 2005](#)
- 12 • [Crimes \(Sentencing\) Act 2005](#)
- 13 • [Criminal Code 2002](#)
- 14 • [Firearms Act 1996](#).

1 **Part 2** **Crimes (Child Sex Offenders)**  
2 **Act 2005**

3 **4 Entry and search warrant—application**  
4 **Section 116C (3) (a)**

5 *substitute*

6 (a) the immediate use of an entry and search warrant is  
7 necessary—

8 (i) for the purpose of verifying the offender's personal  
9 details; or

10 (ii) if the registrable offender is subject to an order under  
11 chapter 5A (Orders prohibiting offender conduct)—  
12 because the offender has breached, or is likely to breach,  
13 the order; and

1 **Part 3** **Crimes (Sentence**  
2 **Administration) Act 2005**

3 **5 Automatic cancellation of parole order for ACT offence**  
4 **Section 149 (1)**

5 *substitute*

- 6 (1) This section applies if, while an offender's parole order is in force,  
7 the offender—  
8 (a) commits an offence against a territory law that is punishable by  
9 imprisonment; and  
10 (b) is convicted or found guilty by a court of the offence.

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## Part 4 Crimes (Sentencing) Act 2005

### 6 Non-association and place restriction orders—when may be made Section 23 (4), definition of *relevant offence*, paragraphs (a) to (c)

*substitute*

- (a) an offence against the [Criminal Code](#), part 4.1 (Property damage offences) that is punishable by imprisonment for 5 years or more; or
- (b) an offence against the [Criminal Code](#), chapter 6 (Serious drug offences); or
- (c) an offence against the [Criminal Code](#), chapter 7 (Administration of justice offences) that is punishable by imprisonment for 5 years or more; or
- (ca) an offence against the [Firearms Act 1996](#) that is punishable by imprisonment for 20 years or more; or
- (cb) an offence against the [Crimes Act 1900](#), section 114B (Money laundering); or

## Part 5 Criminal Code 2002

### 7 New sections 369A and 369B

*in division 3.9.2, insert*

#### 369A Alternative verdicts—aggravated robbery and robbery

- (1) This section applies if, in a prosecution for aggravated robbery, the trier of fact is not satisfied that the defendant committed the offence but is satisfied beyond reasonable doubt that the defendant committed robbery.
- (2) The trier of fact may find the defendant guilty of robbery, but only if the defendant has been given procedural fairness in relation to that finding of guilt.

#### 369B Alternative verdicts—aggravated burglary and burglary

- (1) This section applies if, in a prosecution for aggravated burglary, the trier of fact is not satisfied that the defendant committed the offence but is satisfied beyond reasonable doubt that the defendant committed burglary.
- (2) The trier of fact may find the defendant guilty of burglary, but only if the defendant has been given procedural fairness in relation to that finding of guilt.



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## Part 6 Firearms Act 1996

### 8 Offences against Act—application of Criminal Code etc Section 4, note 1, 7th dot point

*omit*

(1) and

### 9 Restrictions where alcohol or other drugs concerned Section 242 (1)

*substitute*

(1) A person commits an offence if the person—

(a) is under the influence of alcohol or another drug; and

(b) either—

(i) has a firearm in the person's physical possession; or

(ii) uses a firearm.

Maximum penalty: 50 penalty units, imprisonment for 6 months or both.

### 10 New section 242 (4)

*insert*

(4) In this section:

***physical possession***—see section 10 (1) (a).

### 11 Disposal of surrendered or seized firearms Section 262 (1)

*substitute*

(1) This section applies in relation to a firearm surrendered to or seized by a police officer under this Act or any other territory law.

- 1 **12 Licence categories and authority conferred**  
2 **Schedule 3, item 7, column 5**
- 3 *substitute*
- 4 to—
- 5 (a) acquire, dispose of, possess, repair, maintain, manufacture, or store, in the  
6 course of carrying on the business of a firearms dealer, and only at the  
7 registered premises, any firearm to which the licence applies; and
- 8 (b) acquire or dispose of ammunition for those firearms; and
- 9 (c) test those firearms—
- 10 (i) at the registered premises; or
- 11 (ii) at an approved shooting range; or
- 12 (iii) on rural land with the permission of the owner or occupier of the  
13 land; or
- 14 (iv) on public unleased land in accordance with a permit under the *Public*  
15 *Unleased Land Act 2013*
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## Endnotes

### 1 Presentation speech

Presentation speech made in the Legislative Assembly on 15 December 2016.

### 2 Notification

Notified under the [Legislation Act](#) on 2016.

### 3 Republications of amended laws

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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