

1997

**THE LEGISLATIVE ASSEMBLY
FOR THE
AUSTRALIAN CAPITAL TERRITORY**

CRIMES (AMENDMENT) BILL (NO. 2) 1997

EXPLANATORY MEMORANDUM

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Outline

The principal purpose of this Bill is to amend the *Crimes Act 1900* as a consequence of amendments to the *Bail Act 1992*, the *Domestic Violence Act 1986*, and the *Magistrates Court Act 1930*. Those amendments have, as their common theme, the provision of a greater measure of protection to the victims of domestic violence.

Financial Impact

The Bill will have no impact on Australian Capital Territory finances.

Notes on clauses

Clauses 1, 2 and 3 are formal requirements. They refer to the short title of the Bill, commencement and definition of the Principal Act.

Clause 4

This clause amends definitions in the Act to be consistent with definitions in the *Domestic Violence Act 1986* as well as the *Bail Act 1992*.

Clause 5

This clause amends section 349D of the Act to enable police who search premises under the existing powers conferred in sections 349A, 349B or 349C to seize ammunition and a firearms licence. This is in addition to the present power to seize a firearm. Police may exercise the power where they have reasonable grounds for believing that the seizure is necessary to prevent the commission of, or repetition of, an offence or of a breach of the peace or to protect life or property. The new powers are to ensure that a person whose firearm is seized cannot use their licence to obtain another firearm or use the ammunition in another firearm.

Clause 6

This clause inserts new section 349DA to give additional powers to police officers who execute a protection order made under subsection 14A(2) or (3) of the *Domestic Violence Act 1986* or a restraining order made under subsection 206D(2) or (4) of the *Magistrates Court Act 1930*. Those provisions, under proposed amendments contained in the Domestic Violence (Amendment) Bill (No. #) 1997 and the Magistrates Court (Amendment) Bill (No. #) 1997 enable the Court, in addition to making a protection or restraining order, to order the

seizure and detention of any firearms, ammunition and firearms licence in the possession of the person against whom the order is made

Clause 7

This clause amends section 349W of the Act to provide that police officers may, without warrant, arrest a person believed, on reasonable grounds, to have committed or be committing a domestic violence offence

Clause 8

Existing section 349ZZA requires a police officer, before entering premises under a warrant or to make an arrest, to announce that he or she is authorised to enter and to give the occupier an opportunity to allow entry. This amendment extends that provision to a police officer who enters pursuant to the power in proposed new section 349DA

Clause 9

This clause adds to the Act a schedule of criminal offences for the purposes of the new definition of 'domestic violence offence'. When one of the listed offences is committed by a person in a specified relationship with the victim of the offence it is accorded the status of a domestic violence offence