

1991

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

WEAPONS (CONSEQUENTIAL AMENDMENTS) BILL 1991

EXPLANATORY MEMORANDUM

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WEAPONS (CONSEQUENTIAL AMENDMENTS) BILL 1991

The Weapons Bill 1991 repeals the Gun Licence Act 1937 and introduces new provisions regulating the acquisition, possession, use and disposal of weapons.

The Weapons (Consequential Amendments) Bill 1991 (the Bill) makes various amendments of the Crimes Act 1900 of the State of NSW in its application in the Territory (the Crimes Act 1900 (NSW)), the Domestic Violence Act 1986 and the Magistrates Court Act 1930 which are necessary as a consequence of the Weapons Bill 1991.

The Crimes Act 1900 (NSW) relates to the criminal law of the Territory, the Domestic Violence Act 1986 affords protection for a person in a threatening domestic situation by providing for the making by the Magistrates Court of protection orders and interim protection orders and the Magistrates Court Act 1930 establishes the Magistrates Court and, in Part X, enables the Court to make an order restraining a person from engaging in behaviour causing personal injury or damage to property or which is provocative or offensive.

The provisions of the Bill are detailed in the Attachment.

The Bill will not have any effect on revenue.

ATTACHMENT

WEAPONS (CONSEQUENTIAL AMENDMENTS) BILL 1991

Clause 1 provides that the Bill, when enacted, may be cited as the Weapons (Consequential Amendments) Act 1991.

Clause 2 provides that sections 1 and 2 commence operation on the day of notification of the Act in the Gazette. The remaining provisions commence when the Weapons Bill 1991 commences, other than clauses 1 and 2 of that Bill.

Clause 3 provides that the Acts specified in the Schedule are amended as therein specified.

The Schedule provides for the amendment of the Crimes Act 1900 (NSW) by inserting a new section 349D.

Sections 349A, 349B and 349C of the Crimes Act 1900 (NSW) provides generally for a police officer to enter premises in circumstances where entry is required in order to prevent the commission or repetition of an offence or of a breach of the peace or to protect life or property.

New section 349D makes it clear that where entry is effected under sections 349A, 349B or 349C a police officer may seize any dangerous weapon or restricted weapon on the premises where seizure is reasonably believed necessary for the purposes for which entry was effected. This is intended to minimise instances of weapons misuse.

New section 349D, at subsection (2), provides for the return of a dangerous weapon to the registered owner and the return of a restricted weapon to the licensee where a prosecution for an offence arising out of the entry of the police officer on the premises is not commenced within 60 days.

Subsection 349D(3) is an interpretation provision which ties the meaning of expressions in new section 349D to the meaning those expressions have in the Weapons Bill 1991.

The Schedule amends sections 14A and 19 of the Domestic Violence Act 1986. Section 14A provides for the cancellation or suspension of the gun licence of a person against whom a protection order or interim protection order is made and for the seizure of the gun or pistol of such a person. Section 19 provides for a copy of an order under the Act to be forwarded to the Registrar of Gun Licences.

In section 14A a reference to the Gun Licence Act 1937 becomes a reference to the Weapons Act 1991 and a reference to a gun or pistol becomes a reference to a dangerous weapon or restricted weapon.

In section 19 a reference to the Registrar of Gun Licences becomes a reference to the Registrar of Weapons.

The Schedule also amends section 206D of the Magistrates Court Act 1930. Section 206D is in similar terms to section 14A of the

Domestic Violence Act 1986 and provides for the cancellation or suspension of the gun licence of a person against whom a restraining order or interim restraining order is made and for the seizure of the gun or pistol of such a person.

In section 206D a reference to the Gun Licence Act 1937 becomes a reference to the Weapons Act 1991 and a reference to a gun or pistol becomes a reference to a dangerous weapon or restricted weapon.