



AUSTRALIAN CAPITAL TERRITORY

Magistrates Court (Amendment) Act 1997

No. 25 of 1997

An Act to amend the *Magistrates Court Act 1930*

[Notified in ACT Gazette S136: 29 May 1997]

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

Short title

1. This Act may be cited as the *Magistrates Court (Amendment) Act 1997*.

Commencement

2. (1) Sections 1, 2 and 3 commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on the day on which section 4 of the *Crimes (Amendment) Act (No. 2) 1997* commences.

Principal Act

3. In this Act, “Principal Act” means the *Magistrates Court Act 1930*.¹

Seizure of firearms

4. Section 206D of the Principal Act is amended by omitting subsections (2), (3), (4), (5) and (6) and substituting the following subsections:

“(2) If the Court makes such a restraining order, the Court may also order—

- (a) the seizure of any firearm and any ammunition for a firearm in the respondent’s possession; and
- (b) the seizure of the licence.

“(3) Where an interim restraining order is made in respect of a person who is the holder of a licence under the *Firearms Act 1996*, the licence is by force of this section suspended until the order is confirmed or revoked unless, on application made at the time of the making of the order, the Court is satisfied that the licence should not be suspended.

“(4) Where a licence is suspended under subsection (3), the Court may order—

- (a) the seizure of the licence for the period specified in the order; and
- (b) the seizure and detention for that period of any firearm and any ammunition for a firearm in the respondent’s possession.

“(5) In determining an application under subsection (1) or (3), the Court shall have regard to the matters specified in section 204.

“(6) An expression used in this section that is defined in the *Firearms Act 1996* has, in this section, the same meaning as in that Act.”.

Offence

5. Section 206L of the Principal Act is amended by omitting from subsection (1) “not exceeding 6 months, or both” and substituting—

“not exceeding—

- (d) in the case of a first offence—2 years; or
- (e) in any other case—5 years;

or by both fine and imprisonment”.

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NOTE

Principal Act

1. Reprinted as at 10 April 1995. See also Acts Nos. 41 and 46, 1995; Nos. 6, 68, 74 and 82, 1996.

[Presentation speech made in Assembly on 10 April 1997]

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