



Australian Capital Territory

Crimes Legislation Amendment Act 2017 (No 2)

A2017-9

Contents

| | Page |
|---------------|--|
| Part 1 | Preliminary |
| 1 | Name of Act 2 |
| 2 | Commencement 2 |
| 3 | Legislation amended 2 |
| Part 2 | Crimes (Child Sex Offenders) Act 2005 |
| 4 | Entry and search warrant—application Section 116C (3) (a) 3 |

J2016-636

Authorised by the ACT Parliamentary Counsel—also accessible at www.legislation.act.gov.au

| | | Page |
|---------------|--|------|
| Part 3 | Crimes (Sentence Administration) Act 2005 | |
| 5 | Automatic cancellation of parole order for ACT offence Section 149 (1) | 4 |
| Part 4 | Crimes (Sentencing) Act 2005 | |
| 6 | Non-association and place restriction orders—when may be made Section 23 (4), definition of <i>relevant offence</i> , paragraphs (a) to (c) | 5 |
| Part 5 | Criminal Code 2002 | |
| 7 | New sections 369A and 369B | 6 |
| Part 6 | Firearms Act 1996 | |
| 8 | Offences against Act—application of Criminal Code etc Section 4, note 1, 7th dot point | 7 |
| 9 | Restrictions where alcohol or other drugs concerned Section 242 (1) | 7 |
| 10 | New section 242 (4) | 7 |
| 11 | Disposal of surrendered or seized firearms Section 262 (1) | 7 |
| 12 | Licence categories and authority conferred Schedule 3, item 7, column 5 | 8 |



Australian Capital Territory

Crimes Legislation Amendment Act 2017 (No 2)

A2017-9

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

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

Part 1 Preliminary

1 Name of Act

This Act is the *Crimes Legislation Amendment Act 2017 (No 2)*.

2 Commencement

This Act commences on the day after its notification day.

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

3 Legislation amended

This Act amends the following legislation:

- [Crimes \(Child Sex Offenders\) Act 2005](#)
- [Crimes \(Sentence Administration\) Act 2005](#)
- [Crimes \(Sentencing\) Act 2005](#)
- [Criminal Code 2002](#)
- [Firearms Act 1996](#).

Part 2

Crimes (Child Sex Offenders) Act 2005

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

substitute

- (a) the immediate use of an entry and search warrant is necessary—
- (i) for the purpose of verifying the offender’s personal details; or
 - (ii) if the registrable offender is subject to an order under chapter 5A (Orders prohibiting offender conduct)—because the offender has breached, or is likely to breach, the order; and

Part 3 Crimes (Sentence Administration) Act 2005

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

substitute

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

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.

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.

**12 Licence categories and authority conferred
Schedule 3, item 7, column 5**

substitute

to—

- (a) acquire, dispose of, possess, repair, maintain, manufacture, or store, in the course of carrying on the business of a firearms dealer, and only at the registered premises, any firearm to which the licence applies; and
- (b) acquire or dispose of ammunition for those firearms; and
- (c) test those firearms—
 - (i) at the registered premises; or
 - (ii) at an approved shooting range; or
 - (iii) on rural land with the permission of the owner or occupier of the land; or
 - (iv) on public unleased land in accordance with a permit under the [Public Unleased Land Act 2013](#)

Endnotes

1 Presentation speech

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

2 Notification

Notified under the [Legislation Act](#) on 5 April 2017.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the Crimes Legislation Amendment Bill 2017 (No 2), which originated in the Legislative Assembly as the Crimes Legislation Amendment Bill 2016 and was passed by the Assembly on 28 March 2017.

Clerk of the Legislative Assembly

© Australian Capital Territory 2017