

1997

THE LEGISLATIVE ASSEMBLY  
FOR THE  
AUSTRALIAN CAPITAL TERRITORY

MAGISTRATES COURT (AMENDMENT) BILL (NO. #) 1997

EXPLANATORY MEMORANDUM

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## MAGISTRATES COURT (AMENDMENT) BILL (NO. #) 1997

### Outline

The purpose of the Bill is to amend the *Magistrates Court Act 1930* consistent with amendments proposed to be made to the *Domestic Violence Act 1986* by the Domestic Violence (Amendment) Bill (No #) 1997 and to bring the penalty for breach of restraining order into line with recent amendments to a parallel provision in the latter Act.

### 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 the Principal Act.

#### Clause 4

This clause amends section 206D of the Act in a number of ways. That section presently provides that, when the Court makes a restraining order against a person (the respondent) who holds a weapons licence, that licence is cancelled unless the Court orders otherwise. It also enables the Court, in addition to making a restraining order, also to order the seizure and detention of any firearm in the possession of the respondent.

Clause 4 extends the power of the Court under a new subsection 206D(2) to enable it, as well as ordering the seizure of any firearm, to order the seizure of ammunition and a firearms licence.

In addition, clause 4 revises section 206D to provide that, when the Court makes an interim restraining order against a person who holds a firearms licence, that licence is suspended unless the Court orders otherwise and, in addition to making an interim restraining order, enables a Court to order the seizure and detention of any firearm, ammunition or firearms licence.

These further powers are to ensure that a respondent cannot use a licence during the period of an order to obtain another firearm and cannot use ammunition in another firearm.

#### Clause 5

This clause amends section 206L of the Act to increase the maximum penalty for breach of a restraining order or interim restraining order to bring it into line with amendments to the parallel provision for breach of a protection order in subsection 27(1) of the *Domestic Violence Act 1986* as amended by the *Domestic Violence (Amendment) Act (No. 2) 1996*.