

NORTHERN TERRITORY OF AUSTRALIA
SUMMARY OFFENCES AMENDMENT ACT (No. 2) 1996

No.22 of 1996

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NORTHERN TERRITORY OF AUSTRALIA

No. 22 of 1996

AN ACT

to amend the *Summary Offences Act*

[Assented to 17 June 1996]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

1. SHORT TITLE

This Act may be cited as the *Summary Offences Amendment Act (No. 2) 1996*.

2. COMMENCEMENT

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3. PRINCIPAL ACT

The *Summary Offences Act* is in this Act referred to as the Principal Act.

4. INTERPRETATION

Section 5 of the Principal Act is amended by inserting after the definition of "member" the following:

"'night-time' means the interval between 9 o'clock in the evening and 6 o'clock in the morning;"

5. THREATENING VIOLENCE

Section 47AB of the Principal Act is amended by omitting "night" and substituting "night-time".

Summary Offences Amendment (No. 2)

6. OFFENCES

Section 56 of the Principal Act is amended by omitting subsections (1)(d), (3) and (4).

7. NEW SECTION

The Principal Act is amended by inserting after section 56 the following:

"56A. POSSESSION, &c., OF OFFENSIVE WEAPON

"(1) A person shall not, without lawful excuse, proof of which is on the person, possess, carry or use an offensive weapon.

Penalty: \$2,000 or imprisonment for 12 months.

"(2) Where a person is found guilty of an offence against subsection (1) committed at night-time, the person is liable to twice the penalty prescribed by that subsection.

"(3) On a finding of guilt for an offence against subsection (1), the offensive weapon is, by force of this subsection, forfeited to the Territory and shall be destroyed in such manner as the Commissioner directs.

"(4) In this section -

'lawful excuse' includes -

- (a) the pursuit of any lawful employment, duty or activity;
- (b) participation in any lawful sport, recreation or entertainment; and
- (c) the legitimate collection, display or exhibition of an offensive weapon,

but does not include for the purpose of self-defence;

'offensive weapon' means a gun, pistol, sword, knife or bludgeon, or any article made or adapted to cause damage to property or to cause injury or fear of injury to the person or by which the person having it intends to cause damage to property or to cause injury or fear of injury to the person."
