

NORTHERN TERRITORY OF AUSTRALIA  
WEAPONS CONTROL AMENDMENT ACT 2005

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Act No. 48 of 2005

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# NORTHERN TERRITORY OF AUSTRALIA

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Act No. 48 of 2005

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## AN ACT

to amend the *Weapons Control Act*

[Assented to 14 December 2005]  
[Second reading 19 October 2005]

**The Legislative Assembly of the Northern Territory enacts as follows:**

**1. Short title**

This Act may be cited as the *Weapons Control Amendment Act 2005*.

**2. Commencement**

This Act comes into operation on the date fixed by the Administrator by notice in the *Gazette*.

**3. Principal Act amended**

This Act amends the *Weapons Control Act*.

**4. Amendment of section 3 (Definitions)**

Section 3 –

*insert (in alphabetical order)*

"school" has the same meaning as in the *Education Act*.

**5. Amendment of section 7 (Controlled weapons – general)**

(1) Section 7(1), after "public place" –

*insert*

or school

(2) After section 7(2) –

*insert*

(2A) Subsections (1) and (2) do not apply to a person under 18 years of age and who possesses, carries or uses a weapon referred to in section 11A.

**6. New section 7A**

After section 7 –

*insert*

**7A. Controlled weapons – person under 18 years of age**

(1) A person under 18 years of age must not possess, carry or use a weapon referred to in section 11A.

Penalty: 200 penalty units or imprisonment for 12 months.

(2) However, if an offence against subsection (1) is committed at night-time in a public place or school, the person is liable to a maximum penalty of twice the penalty specified in the subsection.

**7. New sections 11A and 11B**

After section 11 in Part 2 –

*insert*

**11A. Supply of crossbow or other controlled weapon to person under 18 years of age**

A person must not supply any of the following weapons to a person who is under 18 years of age:

(a) a crossbow that is a controlled weapon;

(b) any other controlled weapon prescribed by regulation for this section.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

**11B. Interstate sale of crossbow or other controlled weapon**

(1) A person (the "receiver") must not receive into the Territory a prescribed weapon from another person (the "sender") in a place within Australia if the receiver knows (or would be reasonably expected to know) the sender would be, because of sending the weapon or being in possession of it in the place from which it is sent, guilty of an offence under any law in force in the place.

Penalty: If the person is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(2) It is a defence to a prosecution under subsection (1) if the defendant proves the weapon was sent to the defendant without the defendant's knowledge or approval.

(3) A person (the "procurer") must not direct or request another person (the "sender"), whether the sender is within or outside the Territory when the request is made, to send a prescribed weapon to a person in the Territory from a place within Australia if the procurer knows (or would be reasonably expected to know) the sender would be, because of sending the weapon or being in possession of it at the place from which it is sent, guilty of an offence under any law in force in the place.

Penalty: If the person is a natural person – 200 penalty units or imprisonment for 12 months.

If the offender is a body corporate – 1 000 penalty units.

(4) A person is taken to have made a request under subsection (3) if the person accepts an offer made by another person within or outside the Territory to forward the weapon by mail to an address within the Territory.

(5) A person (the "sender") must not send out of the Territory a prescribed weapon to another person (the "receiver") in a place within Australia if the sender knows (or would be reasonably expected to know) the receiver would be, because of receiving the weapon or being in possession of it at the place to which it is sent, guilty of an offence under any law in force in the place.

Penalty: If the offender is a natural person – 200 penalty units or imprisonment for 12 months.

*Weapons Control Amendment Act 2005*

If the offender is a body corporate – 1 000 penalty units.

(6) In this section –

"prescribed weapon" means –

- (a) a crossbow that is a controlled weapon; or
- (b) any other controlled weapon prescribed by regulation for this section; or
- (c) a part of a weapon referred to in paragraph (a) or (b);

"send" includes cause to be delivered.

**8. Amendment of section 19 (Search without warrant)**

Section 19(1), after "public place" –

*insert*

or school

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