

Weapons Control Act re Crossbows - Explanatory Statement

serial 29

GENERAL OUTLINE

The purpose of this Bill is to amend the *Weapons Control Act* in order to give effect to a resolution of the Australasian Council of Police Ministers to further restrict the availability of crossbows throughout Australia, and to resolve a legal uncertainty by making it clear that Police are able to conduct weapons searches on school premises where a student is believed to be carrying or using a weapon in contravention of the Act.

NOTES ON CLAUSES

Clause 1. Short Title

This is a formal clause which provides for the citation of the Bill. The Bill when passed may be cited as the *Weapons Control Amendment Act 2005*.

Clause 2. Commencement

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

Clause 3. Principal Act

This clause indicates that the Bill amends the *Weapons Control Act* (“the Act”).

Clause 4. Amendment of section 3 (definitions)

This clause inserts a new definition into the Act. The defined term is “school”. The reason this term is defined relates to the amendments under clauses 5 and 7 (see below).

Clause 5. Amendment of section 7 (controlled weapons)

This clause amends section 7 of the Act to place it beyond doubt that the offence of possessing, carrying or using a controlled weapon in a public place without lawful excuse also applies on school premises.

Clause 6. New sections 11A and 11B

This clause inserts 4 new offences into the Act as follows -

- An offence of supplying a crossbow (or any other controlled weapon prescribed by regulation for the purpose) to a person who is under 18 years of age.

- An offence of receiving a crossbow (or any other controlled weapon prescribed by regulation for the purpose) from interstate if the person knew (or would be reasonable expected to know) that the person who sent it was committing an offence in the state they were sending it from.

- An offence of directing or requesting another person to send a crossbow from interstate if the person giving the direction or making the request knew (or would be reasonable expected to know) that the person sending the weapon would be committing an offence in the state they were sending it from.

- An offence of sending a crossbow (or any other controlled weapon prescribed by regulation for the purpose) interstate if the person knew (or would be reasonable expected to know) that the person receiving it was committing an offence in the state they were receiving it in

For the purposes of these offences, a weapon includes part of a weapon meaning the offences apply to crossbow parts as well as crossbows.

A statutory defence is provided in relation to the offence of receiving where the receiver proves that the weapon was sent to them without their knowledge or approval.

Clause 7. Amendment of section 19 (search without warrant)

This clause amends section 19 of the Act to place it beyond doubt that the existing police power of search and seizure applies where the person suspected of an offence against the Act is on school premises.