

LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

CRIMES (AMENDMENT) BILL (NO 3) 1998

EXPLANATORY MEMORANDUM

Circulated by authority of
Dave Rugendyke MLA
Independent

Crimes (Amendment) Bill (No3) 1998

OUTLINE

The purpose of this Bill is to enact commonsense and workable legislation to enable Police to deal with the increasing prevalence of violent offences involving knives in our community. The Bill has no financial implications.

Clauses 1,2 &3 are formal requirements. They refer to the short title of the Bill, specify that the Bill will commence upon being notified in the gazette and identify the Title of the Act being amended.

Clause 4 includes definitions of 'knife' and 'school' for interpretation of this amendment.

Clause 5 describes the Police power to conduct a search of a person for a knife. For this amendment to be workable, Police must have the mechanism to search. The safeguards are in place for the civil rights of prospective offenders to be catered for.

Clause 6 provides for the return of a knife located during a search to be returned to its lawful owner.

Clause 7 provides for the forfeiture, and destruction of a knife located during a search under appropriate circumstances.

Clause 8 creates the offence of carrying a knife without reasonable excuse. This section also offers circumstances which constitute a reasonable excuse without limiting the excuses to those listed.

It also creates the offence of selling a knife to a person under the age of 16.