

**AUSTRALIAN CAPITAL TERRITORY
LEGISLATIVE ASSEMBLY**

PROHIBITED WEAPONS BILL 1996

EXPLANATORY MEMORANDUM

**Circulated by the authority of
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Attorney General**



ACT GOVERNMENT

PROHIBITED WEAPONS BILL 1996

OUTLINE

The underlying principle of the proposed Act is to improve public safety by very strictly controlling the possession and use of a range of dangerous weapons and articles other than firearms.

The objects of the proposed Act are :

- (a) to prohibit the possession and use of dangerous weapons and articles except in special circumstances; and
- (b) to provide for permits to be issued, subject to conditions, for the possession and use of prohibited weapons.

This Bill replaces the Weapons Act 1991 in so far as that Act controls prohibited weapons other than firearms and should be considered in conjunction with the Firearms Bill 1996.

DETAILS OF THE BILL

PART I - PRELIMINARY

Short title and Commencement

Clauses 1 & 2 These clauses specify the name (also called the short title) of the proposed Act and provide for the commencement of sections 1 and 2 of the proposed Act on the day in which it is notified in the Gazette and the

remaining provisions on a day or days to be notified in the Gazette or after 6 months

Interpretation

Clause 3 Certain words and expressions used in the proposed Act are defined. The term "firearm" has the same meaning as in the *Firearms Act 1996*. "Prohibited weapons" are specified in the Schedule to the Act

The executive can make regulations to amend the Schedule.

Application

Clause 4 Members of the police force, the Defence Force (including visiting forces), the Cadet Corps, the Council of the War Memorial (and staff) and the Council of the National Museum of Australia (and staff) are exempted from the offence provisions in the proposed Act while acting in the ordinary course of their duties

PART II - PROHIBITED WEAPONS AND PROHIBITED ARTICLES

Possession or use of prohibited weapons

Clause 5 This clause prohibits the possession or use of prohibited weapons without authorisation

Possession of prohibited articles

Clauses 6 This clause prohibits the possession of prohibited articles without authorisation

Inspection of prohibited weapons or articles by police

Clause 7 Persons who possess a prohibited weapon or article must allow a police officer to examine the weapon or article and any relevant permit.

Delivery to police by unauthorised holders

Clause 8 A person who possess a prohibited weapon or article without authorisation must deliver it to an authorised person or police officer.

PART III - PERMITS

Permits

- Clause 9 This clause enables the Registrar to issue permits (which may be subject to conditions) for the possession and use of prohibited weapons and the possession of prohibited articles on grounds prescribed in the regulations. The Registrar can revoke permits for any sufficient reason.

Applications - false or misleading particulars

- Clause 10 It will be an offence to make a false or misleading application.

Contravention of conditions

- Clause 11 It will be an offence to contravene a condition of a permit.

Production of permit

- Clause 12 Persons who hold permits must allow a police officer to examine the permit.

Surrender of cancelledp permit

- Clause 13 Revoked or expired permits are to be surrendered to the Registrar.

Review of decisions

- Clause 14 Applications may be made to the Administrative Appeals Tribunal for a review of decisions by the Registrar to refuse to issue, or cancel, a permit

PART IV - MISCELLANEOUS

Information to be supplied

- Clause 15 This clause requires a person in possession of a prohibited weapon or article to disclose who it was acquired from and when it was acquired

Disposal of surrendered or seized prohibited weapons or prohibited articles

- Clause 16 This clause enables a Magistrate to order that a surrendered or seized prohibited weapon or article be

forfeited to the Territory, returned to the owner or otherwise disposed of

Weapons seized in connection with an offence that is proved are automatically forfeited to the Territory

Evidentiary provisions

Clause 17 The specified certificates are admissible in court proceedings

Regulations

Clause 18 This clause enables the Executive to make regulations for the purposes of the proposed Act

SCHEDULE

Schedule 1 Lists the weapons that are prohibited weapons for the purposes of the proposed Act.