

2006

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

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(As presented)

(Mr Bill Stefaniak)

## Crimes Amendment Bill 2006

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## Crimes Amendment Bill 2006

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### A Bill for

An Act to amend the *Crimes Act 1900*, and for other purposes

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The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 **Part 1 Preliminary**

2 **1 Name of Act**

3 This Act is the *Crimes Amendment Act 2006*.

4 **2 Commencement**

5 This Act commences on the day after its notification day.

6 *Note* The naming and commencement provisions automatically commence on  
7 the notification day (see Legislation Act, s 75 (1)).

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## 1 Part 2 Crimes Act 1900

### 2 3 Legislation amended—pt 2

3 This part amends the *Crimes Act 1900*.

### 4 4 Offences against Act—application of Criminal Code etc 5 Section 7A, note 1, new dot points

6 *insert*

- 7 • s 382 (Possession of knife in public place or school)
- 8 • s 382A (Possession of knife in licensed premises etc)

### 9 5 Power to conduct search of person for knife 10 New section 193 (1A)

11 *insert*

12 (1A) If a person is in, or in the vicinity of, licensed premises, a police  
13 officer may—

- 14 (a) conduct a frisk search or an ordinary search of the person; and
- 15 (b) seize any knife found as a result of the search.

### 16 6 Section 193 (2) and (3)

17 *omit*

18 subsection (1)

19 *substitute*

20 this section

1 **7 New section 193 (4)**

2 *insert*

3 (4) In this section:

4 *licensed premises*—see the *Liquor Act 1975*, dictionary.

5 **8 Return of seized knife or thing**  
6 **Section 244 (1) (a) and (b)**

7 *omit*

8 section 382

9 *substitute*

10 section 382 or section 382A

11 **9 Forfeiture of knife**  
12 **Section 248 (1)**

13 *omit*

14 section 382 (Possession of knife in public place or school)

15 *substitute*

16 section 382 (Possession of knife in public place or school) or  
17 section 382A (Possession of knife in licensed premises etc)

18 **10 Section 248 (3) (a)**

19 *omit*

20 section 382

21 *substitute*

22 section 382 or section 382A

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1 **11 Possession of knife in public place or school**  
2 **Section 382 (1)**

3 *substitute*

4 (1) A person commits an offence if the person, without reasonable  
5 excuse—

6 (a) is in a public place or school; and

7 (b) is in possession of a knife.

8 Maximum penalty: 100 penalty units, imprisonment for 2 years or  
9 both.

10 **12 New section 382A**

11 *insert*

12 **382A Possession of knife in licensed premises etc**

13 (1) A person commits an offence if the person—

14 (a) is in licensed premises; and

15 (b) is in possession of a knife.

16 Maximum penalty: 100 penalty units, imprisonment for 2 years or  
17 both.

18 (2) A person commits an offence if the person—

19 (a) is in the vicinity of licensed premises; and

20 (b) is in possession of a knife.

21 Maximum penalty: 100 penalty units, imprisonment for 2 years or  
22 both.

- 1 (3) This section does not apply to a person in possession of a knife in,  
2 or in the vicinity of, licensed premises if—  
3 (a) the possession is necessary or reasonable for, or for a purpose  
4 incidental to, the lawful pursuit of the person's occupation; or  
5 (b) the possession is of a prescribed kind.  
6 (4) In this section:  
7 *licensed premises*—see the *Liquor Act 1975*, dictionary.

8 **13 Dictionary, new definition of *in the vicinity of***

- 9 *insert*  
10 *in the vicinity of*, licensed premises—a person is *in the vicinity of*  
11 licensed premises if the person is within 200 metres of the premises.



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## 1 Part 3 Prohibited Weapons Act 1996

### 2 14 Legislation amended—pt 3

3 This part amends the *Prohibited Weapons Act 1996*.

### 4 15 New sections 3A and 3B

5 *insert*

#### 6 3A Notes

7 A note included in this Act is explanatory and is not part of this Act.

8 *Note* See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

#### 9 3B Offences against Act—application of Criminal Code etc

10 Other legislation applies in relation to offences against this Act.

11 *Note 1 Criminal Code*

12 The Criminal Code, ch 2 applies to the following offences against this  
13 Act (see Code, pt 2.1):

- 14 • s 5 (Possession or use of prohibited weapons)
- 15 • s 6 (Possession of prohibited articles)
- 16 • s 8 (Delivery to police by unauthorised holders).

17 The chapter sets out the general principles of criminal responsibility  
18 (including burdens of proof and general defences), and defines terms  
19 used for offences to which the Code applies (eg *conduct*, *intention*,  
20 *recklessness* and *strict liability*).

21 *Note 2 Penalty units*

22 The Legislation Act, s 133 deals with the meaning of offence penalties  
23 that are expressed in penalty units.

1 **16 Sections 5 and 6**

2 *substitute*

3 **5 Possession or use of prohibited weapons**

4 (1) A person commits an offence if the person—

5 (a) possesses or uses a prohibited weapon; and

6 (b) is not authorised by this Act to possess or use the weapon.

7 Maximum penalty: 100 penalty units, imprisonment for 2 years or  
8 both.

9 (2) In subsection (1):

10 *use*, a prohibited weapon, includes—

11 (a) fire or explode the weapon; and

12 (b) whether or not the weapon concerned is capable of being fired  
13 or exploded, cause a reasonable belief that it will be fired or  
14 exploded.

15 **6 Possession of prohibited articles**

16 A person commits an offence if the person—

17 (a) uses a prohibited article; and

18 (b) is not authorised by this Act to possess or use the article.

19 Maximum penalty: 50 penalty units, imprisonment for 1 year or  
20 both.

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**17 Section 8**

*substitute*

**8 Delivery to police by unauthorised holders**

(1) A person commits an offence if the person—

(a) comes into possession of a prohibited weapon or prohibited article, but is not authorised by or under this Act to possess the weapon or article; and

(b) does not, not later than 7 days after the day the person comes into possession of the weapon or article, deliver the weapon or article to—

(i) a person who is authorised by a permit to possess it; or

(ii) a police officer.

Maximum penalty: 50 penalty units, imprisonment for 1 year or both.

(2) A person commits an offence if the person—

(a) possesses a prohibited weapon or prohibited article and ceases to be authorised to possess the weapon or article; and

(b) does not, not later than 7 days after the day the person ceases to be authorised to possess the weapon or article, deliver the weapon or article to—

(i) a person who is authorised by a permit to possess it; or

(ii) a police officer.

Maximum penalty: 50 penalty units, imprisonment for 1 year or both.

(3) A person does not contravene any other provision of this Act just by delivering or surrendering anything in accordance with this section or by accepting its delivery.

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## Endnotes

**1 Presentation speech**

Presentation speech made in the Legislative Assembly on 2006.

**2 Notification**

Notified under the Legislation Act on 2006.

**3 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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