

Control of Weapons Bill

EXPLANATORY MEMORANDUM

Clause 1 sets out the purpose of the Bill.

Clause 2 is the commencement provision.

Clause 3 defines the terms used in the Bill.

Clause 4 notes that this Bill applies to weapons other than firearms; and provides a general exemption for museums.

Clause 5 re-enacts the provisions of the *Prescribed Weapons Act 1989* to prohibit the manufacture, sale, purchase, possession, carriage, and use of weapons prescribed in regulations. Exemptions may be made by the Governor in Council.

Clause 6 provides an offence to possess, carry, or use an article which is prescribed to be an offensive weapon, unless the person has a lawful excuse.

Clause 7 provides that a person must not possess or carry a dangerous article in a public place unless that person has a lawful excuse. Self-defence may be a defence to a charge under this clause where the person can show that this was reasonable in all the circumstances.

Clause 8 provides for the forfeiture of any articles seized under this Bill, unless the court orders otherwise, or an application for return is made where the police have not proceeded with charges within 3 months.

Clause 9 provides a search power in relation to offences under this Bill.

Clause 10 provides for the issue of search warrants in relation to offences against clause 4.

Clause 11 provides a regulation making power.

Clause 12 repeals the *Prescribed Weapons Act 1989* but provides for the regulations and exemptions made under that Act to continue under this Bill. The relevant sections of the *Summary Offences Act 1966* and the *Vagrancy Act 1966* are also repealed.

Clause 13 amends the *Firearms Act 1958* so that the term 'prohibited firearm' is used rather than 'prohibited weapon'.

Clause 14 makes a consequential amendment to the *Summary Offences Act 1966*.

Clause 15 makes a consequential amendment to the *Crimes Act 1958*.

Clause 16 makes a consequential amendment to the *Vagrancy Act 1966*.

