

Control of Weapons (Amendment) Bill

No.

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LEGISLATIVE ASSEMBLY

Read 1° 20 April 1994

(Brought in by Mr McNamara and Mr Gude)

A BILL

to amend the **Control of Weapons Act 1990** and for other purposes.

Control of Weapons (Amendment) Act 1994

The Parliament of Victoria enacts as follows:

1. Purpose

The purpose of this Act is to amend the **Control of Weapons Act 1990**—

- 5 (a) to remove knives from the category of dangerous articles; and
- (b) to extend the power to search without a warrant.

Section headings appear in bold italics and are not part of the Act.
(See **Interpretation of Legislation Act 1984**.)

Control of Weapons (Amendment)

2. Commencement

- (1) Section 1 and this section come into operation on the day on which this Act receives the Royal Assent.
- (2) Subject to sub-section (3), the remaining provisions of this Act come into operation on a day to be proclaimed. 5
- (3) If a provision referred to in sub-section (2) does not come into operation within the period of 6 months beginning on, and including, the day on which this Act receives the Royal Assent, it comes into operation on the first day after the end of that period. 10

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3. Principal Act

In this Act, the **Control of Weapons Act 1990** is called the Principal Act.

4. Amendment of definition 15

In section 3 of the Principal Act, in the definition of "Dangerous article", **omit** paragraph (a).

5. Substitution of section 10

For section 10 of the Principal Act **substitute—**

"10. Search without warrant 20

(1) If—

- (a) a member of the police force has reasonable cause to believe that a person is carrying or has in his or her possession in a public place contrary to this Act a prescribed weapon or a regulated weapon; and 25

- (b) the member informs the person of the grounds for his or her belief—

the member may without warrant—

5 (c) search the person and any vehicle, package or thing in his or her possession or under his or her control for the prescribed weapon or regulated weapon; and

10 (d) seize and detain any prescribed weapon or regulated weapon which the member finds on the person or on or in the vehicle, package or thing.

15 (2) If a member of the police force carries out, or proposes to carry out, a search under sub-section (1), the person to whom the search relates may request the member to state, orally or in writing, his or her name, rank and place of duty.

20 (3) If a request under sub-section (2) is made before the search takes place, the member must comply with the request before conducting the search.”.

6. Statute law revision

In section 13 (3) (a) of the Principal Act, for “date specified” substitute “date specified”.

