

# Control of Weapons (Amendment) Bill

## EXPLANATORY MEMORANDUM

*Clause 1* states that the purpose of the Bill is to remove knives from the category of dangerous articles and extend the power of police to search without warrant.

*Clause 2* states that the first two sections of the Act will come into effect on the day the Act receives Royal Assent and that the remainder of the Act will come into effect when proclaimed. If proclamation does not occur within six months after the date on which Royal Assent is received, the Act will take effect six months after Royal Assent is received.

*Clause 3* refers to the **Control of Weapons Act 1990** as the Principal Act.

*Clause 4* deletes a reference to knives in the definition of "Dangerous article" in section 3.

*Clause 5* substitutes section 10 of the Principal Act to create a combined search power, without warrant, for prescribed and regulated weapons in public places. Police will be empowered to search a person reasonably suspected of carrying or having in his or her possession a prescribed or regulated weapon in public contrary to the Act. In the case of prescribed weapons, any carriage or possession in public will be contrary to the Act unless an exemption for that item has been granted under section 5. In the case of regulated weapons, prior to a search being conducted, police will need to satisfy themselves that a lawful excuse for the carriage of the item does not exist. Some lawful excuses for the carriage of regulated weapons are listed in section 6. Police will only be able to search a person after police have informed the person suspected of carrying the prescribed or regulated weapon of the grounds for the police belief that the item is being carried contrary to the Act.

*Clause 6* makes a minor typographical amendment to section 13 (3) (a) of the Principal Act.

