

## CLAUSE NOTES

### *Justice Miscellaneous (Explosives Offences) Bill 2025*

#### ***PART 1 – PRELIMINARY***

**Clause 1      Short title**

Specifies the name of the proposed Act.

**Clause 2      Commencement**

Provides for the Act to commence on the day it receives the Royal Assent.

#### ***PART 2 – CRIMINAL CODE ACT 1924 AMENDED***

**Clause 3      Principal Act**

Provides that the *Criminal Code Act 1924* is the 'Principal Act' referred to in this Part.

**Clause 4      Principal Act amended**

Schedule 1 to the Principal Act is amended.

Inserting new definitions into section 1

Two new definitions are inserted into section 1. In each case, the definition specifies that the term has the same meaning as in the *Police Offences Act 1935*.

Given a new definition of 'explosive substance' is being inserted, the current definition is omitted by this clause.

Inserting new sections 181A, 181B and 181C

Clause 4(c) inserts three new sections containing offences relating to explosives.

New section 181A creates three new offences relating to explosive devices.

New section 181B creates two new offences relating to explosive substances.

New section 181C creates a new offence relating to bomb hoaxes.

Some new definitions are also inserted as part of these offences.

Amendment to Appendix A

Clause 4(d) amends the list of crimes for which an offender may be arrested without warrant to include the new indictable offences created by the Bill.

### ***PART 3 – POLICE OFFENCES ACT 1935 AMENDED***

#### **Clause 5      Principal Act**

Provides that the *Police Offences Act 1935* is the 'Principal Act' referred to in this Part.

#### **Clause 6      Section 3 amended (Interpretation)**

Inserts signpost definitions for 'explosive device' and 'explosive substance'. See clause 7 for further detail.

#### **Clause 7      Sections 3A and 3B inserted**

Inserts definitions of key terms used throughout the Part (and referred to by the *Criminal Code*).

##### Inserts definition of 'explosive device'

The definition of 'explosive device' inserted is similar to the definition in the *Criminal Law Consolidation Act 1935* (SA), though some amendments have been made to reflect the Tasmanian context and drafting preferences.

##### Inserts definition of 'explosive substance'

The definition of 'explosive substance' inserted is similar to the definition in the *Criminal Law Consolidation Act 1935* (SA), though some amendments have been made to reflect the Tasmanian context and drafting preferences. Notably, the definition in the Bill refers to an 'incendiary' effect rather than a 'pyrotechnic' effect.

#### **Clause 8      Part VB inserted**

This clause inserts a new Part into the Principal Act titled 'EXPLOSIVES'. The new Part consists of 9 new sections.

##### Inserts new section 43G

Contains definitions of key terms used in the Part.

##### Inserts new sections 43H, 43I and 43J

Inserts three new sections creating offences relating to explosives.

New section 43H creates three new offences relating to explosive devices.

New section 43I creates two new offences relating to explosive substances.

New section 43J creates a new offence relating to bomb hoaxes.

Some new definitions are also inserted as part of these offences.

Inserts section 43K

Inserts a new power for police to search people or vehicles if the police officer reasonably suspects that the person is either in possession of an explosive device or substance without lawful and reasonable excuse, or, that the person has contravened a relevant offence.

Inserts section 43L

Provides a power for police to destroy, render safe or inert, or otherwise dispose of, explosive devices and substances that are in the possession of police. The provision does not apply to evidentiary material, as defined in proposed new section 43G.

Inserts section 43M

Provides a power for police to destroy, render safe or inert, or otherwise dispose of, explosive devices and substances that are 'evidentiary material' as defined in new section 43G. The section sets out the circumstances when evidentiary material may be destroyed, rendered safe etc., and the procedure that must be followed.

Inserts new section 43N

Provides for the automatic forfeiture of explosive devices or substances, instructions or other articles/materials that are in the possession of the Crown, and relate to an offence for which a person has been convicted.

Inserts new section 43O

Provides a court that convicts a person of a 'relevant offence' (as defined in new section 43G) may make an order that the defendant pay the costs associated with aspects of the investigation (such as the testing of an explosive device or substance). This power is discretionary.

***PART 4 – REPEAL OF ACT***

**Clause 9      Repeal of Act**

Provides for the repeal of the proposed Act on the first anniversary of the day on which it commences.