

FACT SHEET

Justice Miscellaneous (Explosives Offences) Bill 2025

The Justice Miscellaneous (Explosives Offences) Bill 2025 ('the Bill') amends the Criminal Code and Police Offences Act 1935 (Police Offences Act) to create new criminal offences and powers relating to the use, possession, manufacture or supply of explosive devices, substances, and related material.

The Bill aims to fill gaps in the current legislative arrangements concerning explosive devices and substances, in particular, 'homemade' or 'improvised' explosive devices. While the Bill captures all explosives (including commercial explosives and fireworks), it does not impact arrangements currently in place under legislation such as the Explosives Act 2012, Security-Sensitive Dangerous Substances Act 2005 and Work Health and Safety Act 2012. Because the offences do not apply where a person has a 'lawful and reasonable excuse' for their conduct, conduct that is authorised under those pieces of legislation (or indeed any legislative provision, permit or authority) will not be affected.

The Bill is loosely modelled on similar legislation enacted in South Australia.¹

New criminal offences

New provisions are being inserted into the Police Offences Act regarding:

- Explosive devices (proposed new section 43H),
- Explosive substances (proposed new section 43I), and
- Bomb hoaxes (proposed new section 43J).

These provisions are 'mirrored' in the Criminal Code.

The offences contained in the Police Offences Act are summary offences dealt with in the Magistrates Court. They will be punishable by a fine not exceeding 50 penalty units and imprisonment for a period not exceeding 2 years, or both.

The 'mirror' offences contained in the Criminal Code are indictable versions of the offences, and are intended to be reserved for more serious examples of the offences. As with nearly all offences in the Criminal Code, the indictable offences will be subject to a maximum penalty of 21 years imprisonment (in accordance with section 389(3) of the Criminal Code).

New police powers

Whilst the Police Offences Act contains various powers relating to search, seizure and disposal of property (see e.g. sections 4, 6B and 7), these powers are specific to certain situations. As such, the Bill inserts specific powers relating to the search for, seizure of, and disposal of, explosive substances and devices (and related material). These include powers for:

- Search of persons or vehicles for explosives (proposed new section 43K).

¹ Statutes Amendment (Explosives) Act 2017 (SA).

- Destruction, disposal etc. of explosives generally (proposed new section 43L).
- Destruction, disposal etc. of 'evidentiary material' that cannot be practicably or safely held (proposed new section 43M).

Powers upon conviction

The Bill provides for the following powers that arise upon conviction for a relevant offence:

- Automatic post-conviction forfeiture and disposal of any explosive devices, substances, instructions or related material relating to the offence that are in possession of the Crown (proposed new section 43N).
- Ability for a court convicting a person of a relevant offence to, upon application by the Crown, order that the defendant pay the reasonable costs related to the investigation (for example, the cost of testing an explosive device or substance) (proposed new section 43O). This is similar to the existing power in s 36B of the *Misuse of Drugs Act 2001*, relating to the analysis or examination of controlled substances and plants. In both cases, such an order is not automatic, and the court has a discretion whether to make the order.