

TASMANIA

JUSTICE MISCELLANEOUS (EXPLOSIVES OFFENCES) BILL 2025

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JUSTICE MISCELLANEOUS (EXPLOSIVES OFFENCES) BILL 2025

*(Brought in by the Minister for Justice, Corrections and
Rehabilitation, the Honourable Guy Barnett)*

A BILL FOR

**An Act to amend the *Criminal Code Act 1924* and the *Police
Offences Act 1935***

Be it enacted by Her Excellency the Governor of Tasmania, by
and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Justice
Miscellaneous (Explosives Offences) Act 2025*.

2. Commencement

This Act commences on the day on which this
Act receives the Royal Assent.

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Part 2 – Criminal Code Act 1924 Amended

PART 2 – CRIMINAL CODE ACT 1924 AMENDED

3. Principal Act

In this Part, the *Criminal Code Act 1924** is referred to as the Principal Act.

4. Schedule 1 amended (*Criminal Code*)

Schedule 1 to the Principal Act is amended as follows:

- (a) by inserting the following definition after the definition of *Crown Law Officer* in section 1:

explosive device has the same meaning as in the *Police Offences Act 1935*;

- (b) by omitting the definition of *explosive substance* from section 1 and substituting the following definition:

explosive substance has the same meaning as in the *Police Offences Act 1935*;

- (c) by inserting the following sections after section 181:

181A. Using, &c., explosives device

- (1) In this section –

*No. 69 of 1924

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supply includes an offer to supply.

- (2) A person who, without lawful and reasonable excuse, uses, possesses or supplies an explosive device is guilty of a crime.

Charge: Using, possessing or supplying explosive device.

- (3) In proceedings for an offence under subsection (2), it is immaterial whether the device actually caused an explosion in, or with, an explosive substance.
- (4) A person who, without lawful and reasonable excuse, takes one or more of the following steps for the purposes of manufacturing an explosive device is guilty of a crime:
- (a) acquire equipment, substances or materials;
 - (b) store equipment, substances or materials;
 - (c) carry, transport, load or unload equipment, substances or materials;

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(d) guard or conceal equipment, substances or materials;

(e) provide or arrange finance, including finance for acquiring equipment, substances or materials;

(f) providing or allowing the use of premises.

Charge: Taking steps in the manufacture of explosive device.

(5) A person who, without lawful and reasonable excuse, possesses or supplies information as to how to manufacture an explosive device is guilty of a crime.

Charge: Possessing or supplying information for manufacture of explosive device.

181B. Using, &c., explosive substance

(1) In this section –

dangerous or suspicious circumstances has the same meaning as in section 43I of the *Police Offences Act 1935*;

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supply includes an offer to supply.

- (2) A person who, in dangerous or suspicious circumstances and without lawful and reasonable excuse, uses, possesses or supplies an explosive substance is guilty of a crime.

Charge: Using, possessing or supplying explosive substance.

- (3) In proceedings for an offence under subsection (2), it is immaterial whether the explosive substance actually produced a practical effect by explosion or an incendiary effect.

- (4) A person who, in dangerous or suspicious circumstances and without lawful and reasonable excuse, possesses or supplies –

- (a) equipment connected with an explosive substance; or
- (b) information as to how to manufacture an explosive substance –

is guilty of a crime.

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Part 2 – Criminal Code Act 1924 Amended

Charge: Possessing or supplying
equipment or information
for explosive substance.

181C. Bomb hoaxes

- (1) A person who places or sends, or causes to be placed or sent, by means of any form of transportation or delivery, an article or substance in or upon a place with the intention of inducing in another person the belief that the article or substance is likely to –

(a) explode or ignite; or

(b) discharge a dangerous or deleterious matter –

is guilty of a crime.

Charge: Placing or sending article or substance to induce belief of explosion, ignition or discharge.

- (2) In proceedings for an offence under subsection (1), it is not necessary to prove that the defendant had an intent to induce a specific belief in the victim.

(d) by inserting in Appendix A after

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Demanding property with menaces with intent to steal.

the following items:

Using, possessing or supplying explosive device.

Taking steps in the manufacture of explosive device.

Possessing or supplying information for manufacture of explosive device.

Using, possessing or supplying explosive substance.

Possessing or supplying equipment or information for explosive substance.

Placing or sending article or substance to induce belief of explosion, ignition or discharge.

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Part 3 – Police Offences Act 1935 Amended

PART 3 – POLICE OFFENCES ACT 1935 AMENDED

5. Principal Act

In this Part, the *Police Offences Act 1935** is referred to as the Principal Act.

6. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of *emergency services* the following definitions:

explosive device – see section 3A;

explosive substance – see section 3B;

7. Sections 3A and 3B inserted

After section 3 of the Principal Act, the following sections are inserted in Part I:

3A. Meaning of *explosive device*

(1) In this Act, *explosive device* includes the following:

(a) any apparatus, implement, machine or material that –

(i) is capable of causing, or aiding in causing, an

*No. 44 of 1935

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Part 3 – Police Offences Act 1935 Amended

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explosion in, or with, an
explosive substance; or

(ii) is adapted to cause, or aid
in causing, an explosion
in, or with, an explosive
substance;

(b) part of any apparatus, implement,
machine or material referred to in
paragraph (a), whether complete
or incomplete;

(c) a device, or class of devices,
prescribed by the regulations as
an explosive device.

(2) A device is taken to be an explosive device under this section if the device would be an explosive device if it did not have something missing from it or a defect or obstruction in it.

(3) In this Act, a reference to an explosive device does not include a device prescribed by the regulations to be an exempt device.

3B. Meaning of *explosive substance*

(1) In this Act, ***explosive substance*** includes the following:

(a) a substance that produces, is
capable of producing or is
manufactured to produce –

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- (i) a practical effect by explosion; or
 - (ii) an incendiary effect;
 - (b) a substance, or a class of substances, prescribed by the regulations as an explosive substance.
- (2) A substance is taken to be an explosive substance under this section if the substance would be an explosive substance if it did not have something missing from it or a defect.
- (3) In this Act, a reference to an explosive substance does not include a substance prescribed by the regulations to be an exempt substance.

8. Part VB inserted

After section 43F of the Principal Act, the following Part is inserted:

PART VB – EXPLOSIVES

43G. Interpretation

In this Part –

evidentiary material means an explosive device or explosive substance, or suspected explosive

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device or suspected explosive substance, that –

- (a) has been seized by, or otherwise come into the possession of, a police officer; and
- (b) is relevant to proceedings, or prospective proceedings, for an offence;

police bomb technician means a police officer who has –

- (a) successfully completed a bomb technician course approved by Tasmania Police; and
- (b) an active membership with the Tasmania Police Bomb Response Group;

relevant offence means one or more of the following offences:

- (a) an offence against this Part;
- (b) an offence against section 170 of the *Criminal Code*;
- (c) an offence against section 181 of the *Criminal Code*;

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- (d) an offence under section 181A of the *Criminal Code*;
- (e) an offence under section 181B of the *Criminal Code*;
- (f) an offence against section 181C of the *Criminal Code*;
- (g) an offence against section 245 of the *Criminal Code*;
- (h) an offence under section 276G of the *Criminal Code*;

senior police officer has the same meaning as in section 49AA;

supply includes an offer to supply.

43H. Using, &c., explosive device

- (1) A person must not, without lawful and reasonable excuse, use, possess or supply an explosive device.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) In proceedings for an offence under subsection (1), it is immaterial whether

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the device actually caused an explosion in, or with, an explosive substance.

(3) A person must not, without lawful and reasonable excuse, take one or more of the following steps for the purposes of manufacturing an explosive device:

- (a) acquire equipment, substances or materials;
- (b) store equipment, substances or materials;
- (c) carry, transport, load or unload equipment, substances or materials;
- (d) guard or conceal equipment, substances or materials;
- (e) provide or arrange finance, including finance for the acquisition of equipment, substances or materials;
- (f) provide, or allow the use of, premises.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

(4) A person must not, without lawful and reasonable excuse, possess or supply information as to how to manufacture an explosive device.

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Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

43I. Using, &c., explosive substance

(1) In this section –

*dangerous or suspicious
circumstances*
includes circumstances –

- (a) in which a person's use, possession or supply of an explosive substance, equipment connected with an explosive substance or information as to how to manufacture an explosive substance poses, or is capable of posing, a significant risk of –
 - (i) injury to a person; or
 - (ii) damage to property; or
 - (b) which give rise to a reasonable suspicion of a police officer that the person intends to, or is preparing to, cause –
 - (i) injury to a person; or
 - (ii) damage to property –
- by means of using, possessing or supplying an explosive substance, equipment connected with an

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explosive substance or
information as to how to
manufacture an explosive
substance.

- (2) A person must not, in dangerous or suspicious circumstances and without lawful and reasonable excuse, use, possess or supply an explosive substance.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (3) In proceedings for an offence under subsection (2), it is immaterial whether the explosive substance actually produced –

- (a) a practical effect by explosion; or
- (b) an incendiary effect.

- (4) A person must not, in dangerous or suspicious circumstances and without lawful and reasonable excuse, possess or supply the following:

- (a) equipment connected with an explosive substance;
- (b) information as to how to manufacture an explosive substance.

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Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

43J. Bomb hoaxes

- (1) A person must not place or send, or cause to be placed or sent, by means of any form of transportation or delivery, an article or substance in or upon a place with the intention of inducing in another person the belief that the article or substance is likely to –
 - (a) explode or ignite; or
 - (b) discharge a dangerous or deleterious matter.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) In proceedings for an offence under subsection (1), it is not necessary to prove that the defendant had an intent to induce a specific belief in the victim.

43K. Search of persons or vehicles for explosives

- (1) A police officer may take any of the actions specified in subsection (2), in relation to a person, without warrant and using such force, means and assistance as is reasonably necessary, if the officer reasonably suspects that the person –

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- (a) is in possession of an explosive device or explosive substance without lawful and reasonable excuse; or
 - (b) has contravened a relevant offence.
 - (2) The following are specified as actions that a police officer may take for the purposes of subsection (1):
 - (a) detain and search a person, including –
 - (i) any clothing, accessory and shoes worn by the person; and
 - (ii) any item or article that the person has in their possession at the time at which the person is searched;
 - (b) stop and detain a vehicle in or on which a person is, or was, when the officer formed the reasonable suspicion, and enter and search the vehicle, including –
 - (i) a container found in or on the vehicle; and
 - (ii) an article or item found in or on the vehicle;

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- (c) break into or open any clothing, container, item or article found or seized in a search conducted under this subsection;
 - (d) seize any clothing, container, item or article, found during a search conducted under this subsection, that the police officer reasonably suspects is –
 - (i) an explosive device; or
 - (ii) an explosive substance; or
 - (iii) equipment or material used, or intended to be used, in connection with an explosive device or explosive substance.
- (3) Subsection (1) does not apply to private premises unless the police officer forms a reasonable suspicion, after having lawfully entered the premises, that an explosive device or explosive substance is –
 - (a) in the possession of a person in any place on the premises; or
 - (b) on or in a conveyance in any place on the premises; or
 - (c) on an animal in any place on the premises.

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43L. Destruction, &c., of explosives generally

- (1) A senior police officer may direct that an explosive device or explosive substance, or suspected explosive device or suspected explosive substance, in the possession of police, be –
 - (a) destroyed; or
 - (b) rendered safe or inert; or
 - (c) otherwise disposed of.
- (2) A direction under subsection (1) must only be issued in relation to an explosive device or explosive substance, or suspected explosive device or suspected explosive substance –
 - (a) that –
 - (i) was seized by a police officer in accordance with this Part; or
 - (ii) was surrendered to a police officer; or
 - (iii) otherwise came into the possession of a police officer; and
 - (b) that is not evidentiary material.
- (3) A direction under subsection (1) may be issued –

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- (a) orally or in writing; and
- (b) to one or more of the following:
 - (i) a police bomb technician;
 - (ii) a class of police officer;
 - (iii) a suitably qualified person employed by the Department.

43M. Disposal, &c., of evidentiary material that cannot be held practicably or safely

- (1) If a senior police officer is satisfied on reasonable grounds that it is impracticable or unsafe to hold, or continue holding, evidentiary material, the senior police officer must –
 - (a) take samples of the material in accordance with subsection (2); and
 - (b) issue a direction in relation to the material in accordance with subsection (3).
- (2) Before action is taken under subsection (3), a senior police officer, to whom this section applies, must –
 - (a) if the officer is satisfied that it is safe and practicable in the circumstances, ensure that 2 or more samples of the evidentiary

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material are taken and stored in a safe manner; and

- (b) ensure that the samples of the evidentiary material that are taken and stored under paragraph (a) are a true representation of the nature of the material to which that sample relates.
- (3) A senior police officer, to whom this section applies, may direct that evidentiary material be –
 - (a) destroyed; or
 - (b) rendered safe or inert; or
 - (c) otherwise disposed of.
- (4) A direction under subsection (3) may be issued –
 - (a) orally or in writing; and
 - (b) to one or more of the following:
 - (i) a police bomb technician;
 - (ii) a class of police officer;
 - (iii) a suitably qualified person employed by the Department.
- (5) If a senior police officer, to whom this section applies, takes an action under subsection (3) in relation to evidentiary

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material, the officer must, as soon as is reasonably practicable after taking that action, prepare a written record detailing –

- (a) the action that was taken; and
- (b) the time at which and date on which the action was taken; and
- (c) the grounds on which the officer was satisfied that it was impracticable or unsafe to hold, or continue holding, the evidentiary material.

43N. Forfeiture of explosives, &c, on conviction

- (1) If a person is convicted of a relevant offence, the following items, used in the commission of, or in connection with, the offence that are lawfully in the possession of the Crown, are forfeited to the Crown:
 - (a) an explosive device;
 - (b) an explosive substance;
 - (c) information as to how to manufacture an explosive device or explosive substance;
 - (d) articles or materials.
- (2) An item referred to in subsection (1) that is forfeited to the Crown pursuant to that

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subsection is to be disposed of as the Commissioner determines.

43O. Recovery of certain costs

A court that convicts a person of a relevant offence may, on an application by the Crown, order that, in addition to any other penalty, the defendant must pay any costs, or part of such costs, that were reasonably incurred in, and directly related to, the investigation of one or more of the following costs:

- (a) testing an explosive device or explosive substance;
- (b) analysing an explosive device or explosive substance;
- (c) storing an explosive device or explosive substance;
- (d) transporting an explosive device or explosive substance;
- (e) destroying, or otherwise disposing of, an explosive device or explosive substance.

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Part 4 – Repeal of Act

PART 4 – REPEAL OF ACT

9. Repeal of Act

This Act is repealed on the first anniversary of the day on which this Act received the Royal Assent.