

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Summary Offences Act 1988* to authorise a police officer to confiscate a spray paint can from a person in a public place who is under 18 years of age, unless the officer is satisfied that the person has possession of the spray paint can for a purpose that is not unlawful.

The Bill also amends the regulations under that Act to provide for police procedures in connection with the seizure of spray paint cans and procedures for the making of application for the return of seized spray paint cans.

Confiscated spray paint cans are forfeited to the Crown (subject to any provision of the regulations for their return).

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Clause 3 is a formal provision that gives effect to the amendments to the *Summary Offences Act 1988* set out in Schedule 1.

Clause 4 is a formal provision that gives effect to the amendments to the *Summary Offences Regulation 2005* set out in Schedule 2.

Clause 5 provides for the repeal of the proposed Act after all the amendments made by the proposed Act have commenced. Once the amendments have commenced the proposed Act will be spent and section 30 of the *Interpretation Act 1987* provides that the repeal of an amending Act does not affect the amendments made by that Act.

Schedule 1 Amendment of Summary Offences Act 1988

Schedule 1 [4] makes the amendments to the *Summary Offences Act 1988* referred to in the Overview. **Schedule 1 [1]–[3]** make consequential amendments.

Schedule 2 Amendment of Summary Offences

Regulation 2005

Schedule 2 makes the amendments to the *Summary Offences Regulation 2005* referred to in the Overview.