



Office of Minister for Police

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Mr Garry Mallard OAM
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28 JAN 2011

Dear Mr Mallard

I refer to your letter to the Minister for Sport and Recreation, the Hon Kevin Greene MP, regarding places which are permissible for archery practice. The Minister for Police, Mr Michael Daley MP, has asked me to reply on his behalf.

Under Schedule 1 of the *Weapons Prohibition Act 1998*, a crossbow (or any similar device) consisting of a bow fitted transversely on a stock that has a groove or barrel designed to direct an arrow or bolt is designated as a prohibited weapon.

However, as you correctly identify, other varieties of bow, in themselves, are not prohibited weapons but depending upon how they are handled may constitute an element of an offence.

For example, section 11B of the *Summary Offences Act 1988* provides that a person shall not, without reasonable excuse, have in his or her custody an offensive implement in a public place or a school, an *offensive implement* for the purpose of this section meaning:

- (a) anything made or adapted for use for causing injury to a person, or
- (b) anything intended, by the person having custody of the thing, to be used to injure or menace a person or damage property.

Clearly, a significant aspect of using a bow and arrow is the risk of injury to people and property. Section 35 of the *Crimes Act 1900* makes it an offence for a person to recklessly cause grievous bodily harm to another person.

Therefore, criminal liability may attach to an archer who causes injury in circumstances in which a culpable disregard for the victim's safety can be proven.

I have, however, referred a copy of your letter to the Commissioner of Police who will consider what steps may be needed to apprise police officers of the correct law relating to archery practice being conducted in public places.

I have also referred a copy of your letter to the Minister for Local Government, the Hon Barbra Perry MP, who administers the *Local Government Act 1993*.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Penny Sharpe', with a long horizontal flourish extending to the right.

Penny Sharpe MLC
Parliamentary Secretary for Police