

**CRIMES LEGISLATION (DANGEROUS ARTICLES)
AMENDMENT ACT 1994 No. 17**

NEW SOUTH WALES



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Act No. 17, 1994

An Act to mend the Crimes Act 1900 to permit the possession of certain dangerous things for the purpose of self-defence and to amend the Prohibited Weapons Act 1989 to restrict the offence of possessing or using certain prohibited weapons. [Assented to 16 May 1994]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes Legislation (Dangerous Articles) Amendment Act 1994.

Commencement

2. This Act commences on the date of assent.

Amendment of Crimes Act 1900 No. 40, sec. 545E (Possession of dangerous articles other than firearms)

3. The Crimes Act 1900 is amended by inserting after section 545E (2) the following subsections:

(3) A person is not guilty of an offence under this section for possessing anything referred to in subsection (a) if the person satisfies the court that he or she possessed it for the purpose of self-defence and that it was reasonable in the circumstances to possess it for that purpose.

(4) In considering a defence under subsection (3), the court must have regard to its reasonableness in all the circumstances of the case, including:

- (a) the immediacy of the perceived threat to the person charged; and
- (b) the circumstances, such as the time and location, in which the thing was possessed; and
- (c) the type of thing possessed; and
- (d) the age, characteristics and experiences of the person charged.

Amendment of Prohibited Weapons Act 1989 No. 26, sec. 5 (Possession or use of prohibited weapons)

4. The Prohibited Weapons Act 1989 is amended by inserting after section 5 (2) the following subsection:

(3) This section does not apply to a prohibited weapon specified in item (40) of Schedule 1.

Crimes Legislation (Dangerous Articles) Amendment Act 1994 No. 17

Transitional provision

5. The amendment made by this Act to the Crimes Act 1900 extends to offences committed before the commencement of this Act, but does not apply to an offence for which a person was charged before that commencement.

*[Minister's second reading speech made in—
Legislative Council on 21 April 1994
Legislative Assembly on 3 May 1994]*