



New South Wales

Summary Offences Amendment (Public Safety) Act 2002 No 48

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Act No 48, 2002

An Act to amend the *Summary Offences Act 1988* to increase the penalty for the offence of having a knife in a public place or school in the case of repeat offenders and to modify the procedural requirements in relation to the giving of directions by police officers in public places. [Assented to 4 July 2002]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Summary Offences Amendment (Public Safety) Act 2002*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

3 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 1.

Schedule 1 Amendments

(Section 3)

[1] Section 11C Custody of knife in public place or school

Omit the penalty at the end of section 11C (1). Insert instead:

Maximum penalty:

- (a) 5 penalty units, or
- (b) in the case of a person dealt with once previously for a knife-related offence—10 penalty units or imprisonment for 12 months, or both, or
- (c) in the case of a person dealt with more than once previously for a knife-related offence—20 penalty units or imprisonment for 2 years, or both.

[2] Section 28F Power to give reasonable directions in public places

Omit “initially refuses” from section 28F (5). Insert instead “fails”.

[3] Section 28F (6)

Omit “or refuse”.

[4] Section 28F (7A)–(7D)

Insert after section 28F (7):

- (7A) A police officer may give a direction under this section to persons comprising a group.
- (7B) In the case of a direction that is given to a group of persons under subsection (1), the police officer is not required to repeat the direction, or to repeat the information and warning referred to in subsection (4), to each person in the group.
- (7C) In the case of a direction that is given to a group of persons in accordance with subsection (5), the police officer is not required to repeat the direction, or to repeat the warning referred to in that subsection, to each person in the group.

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Schedule 1 Amendments

(7D) However, just because the police officer is not required to repeat any such direction, information or warning does not in itself give rise to any presumption that each person in the group has received the direction, information or warning.

[5] Section 28F (8A)

Insert after section 28F (8):

(8A) For the purposes of this section, a reference to failing to comply with a direction includes a reference to refusing to comply with the direction.

[Second reading speech made in—
Legislative Council on 18 June 2002
Legislative Assembly on 26 June 2002]

BY AUTHORITY