



New South Wales

# Criminal Legislation Amendment (Knife Crimes) Act 2023 No 12

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New South Wales

# **Criminal Legislation Amendment (Knife Crimes) Act 2023 No 12**

Act No 12, 2023

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An Act to amend the *Crimes Act 1900* to create offences of having custody of a knife, or using or carrying a knife, in a public place or a school; and to make consequential amendments to other legislation. [Assented to 13 July 2023]

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**The Legislature of New South Wales enacts—**

**1 Name of Act**

This Act is the *Criminal Legislation Amendment (Knife Crimes) Act 2023*.

**2 Commencement**

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

## Schedule 1 Amendment of Crimes Act 1900 No 40

### Part 3A Offences relating to public order

Insert after division 2—

### Division 2A Knives in public places and schools

#### 93IA Definitions

In this division—

*blade* includes a knife blade and a razor blade.

*knife* includes a blade, but does not include a knife of a class prescribed by the regulations.

*public place* has the same meaning as in the *Summary Offences Act 1988*.

*school* has the same meaning as in the *Summary Offences Act 1988*.

#### 93IB Custody of knives in public places or schools

- (1) A person must not have in the person's custody a knife in a public place or a school.  
Maximum penalty—40 penalty units or imprisonment for 4 years, or both.
- (2) It is a defence to an offence under subsection (1) if the accused person proves the person had a reasonable excuse.
- (3) A reasonable excuse includes the person having the knife in the person's custody—
  - (a) because it is reasonably necessary for—
    - (i) the lawful pursuit of the person's occupation, education or training, or
    - (ii) the preparation or consumption of food or drink, or
    - (iii) participation in a lawful entertainment, recreation or sport, or
    - (iv) the exhibition of knives for retail or other trade purposes, or
    - (v) an organised exhibition by knife collectors, or
    - (vi) the wearing of an official uniform, or
    - (vii) genuine religious purposes, or
  - (b) because it is reasonably necessary during travel to or from or incidental to an activity referred to in paragraph (a), or
  - (c) in circumstances prescribed by the regulations.
- (4) It is not a reasonable excuse for the person to have a knife in the person's custody—
  - (a) for self-defence, or
  - (b) for the defence of another person.

#### 93IC Using or carrying knives in public places or schools

- (1) A person must not use a knife, or carry a knife that is visible, if the use or carrying occurs—
  - (a) in the presence of a person, and
  - (b) in a public place or a school, and

(c) in a way that is likely to cause a reasonable person to reasonably fear for the person's safety.

Maximum penalty—100 penalty units or imprisonment for 4 years, or both.

(2) It is a defence to an offence under subsection (1) if the accused person proves the person had a reasonable excuse.

## **Schedule 2 Consequential amendments to other Acts**

### **2.1 Criminal Procedure Act 1986 No 209**

#### **Schedule 1 Indictable offences triable summarily**

Insert after Table 1, Part 3, item 16D—

#### **16E Knives in public places or schools**

An offence under the *Crimes Act 1900*, section 93IB or 93IC.

### **2.2 Summary Offences Act 1988 No 25**

#### **[1] Sections 11C, 11E and 29A**

Omit the sections.

#### **[2] Section 11D Parents who allow children to carry knives**

Omit “section 11C” wherever occurring.

Insert instead “the *Crimes Act 1900*, section 93IB”.

[Second reading speech made in—  
Legislative Assembly on 20 June 2023  
Legislative Council on 29 June 2023]