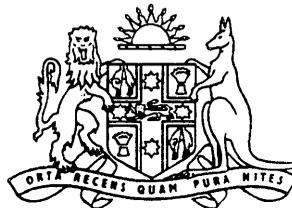


[Act 1997 No 148]



New South Wales

Summary Offences Amendment Bill 1997

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* so as:

- (a) to expand the offence of a person having custody of an offensive implement in a public place to having custody of an offensive implement in a school, and
- (b) to increase the penalty for a person having custody of an offensive implement in a public place or a school from 20 penalty units or imprisonment for 12 months to 50 penalty units or imprisonment for 2 years, and
- (c) to make it an offence for a person to use a knife or to carry a knife that is visible to another person in a public place or a school in a manner that would cause a person of reasonable firmness to fear for his or her personal safety, and

* Amended in committee—see table at end of volume.

- (d) to make it an offence for a person to sell a knife or a knife blade to a child under the age of 16 years, and
- (e) to make it an offence for a minor who consumes or possesses liquor in a public place to refuse or fail to provide his or her name or residential address or to fail to provide evidence of his or her age, or to give a false name or residential address, to a police officer who requires the minor to provide that information to the police officer.

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 a day or days to be appointed by proclamation.

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

Schedule 1 Amendments

Custody of offensive implements

Schedule 1 [2] amends the Principal Act as outlined in paragraph (a) of the Overview of Bill.

Section 10 currently provides that it is an offence for a person (without reasonable excuse) to have in his or her custody an offensive implement in a public place. The proposed amendment expands that offence so that it will now be an offence for a person (without reasonable excuse) to have in his or her custody an offensive implement in a public place or a school.

Schedule 1 [3] gives effect to the amendment described in paragraph (b) of the Overview of Bill.

Wielding of knives in a public place or school

Schedule 1 [4] amends the Principal Act as outlined in paragraph (c) of the Overview of Bill by inserting proposed section 10AA.

Proposed section 10AA makes it an offence for a person, without reasonable excuse, to use a knife or to carry a knife that is visible, in the presence of any person, in a public place or a school in a manner that would cause a person of reasonable firmness present at the scene to fear for his or her personal safety.

Sale of knives and knife blades to children under 16 years of age

Schedule 1 [4] amends the Principal Act as described in paragraph (d) of the Overview of Bill by inserting proposed section 10AB.

Proposed section 10AB (1) makes it an offence for a person to sell a knife or knife blade to a child under 16 years of age. However it will be a defence to such a prosecution if the person who sells the knife or knife blade establishes that he or she believed on reasonable grounds that the child was of or above 16 years of age.

Proposed section 10AB (3) makes an employer liable for the actions of an employee who contravenes proposed section 10AB (1) unless the employer had no knowledge of the contravention and could not, by exercise of due diligence, have prevented the contravention.

Possession of liquor by minors

Schedule 1 [8] amends section 11 of the Principal Act as described in paragraph (e) of the Overview of Bill by inserting proposed section 11 (5A) and (5B).

Proposed section 11 (5A) provides that a police officer who reasonably suspects that a person who is in possession of or is consuming liquor in a public place is under the age of 18 years may require that person to state his or her full name and residential address and produce evidence of age. Proposed section 11 (5B) makes it an offence for the person to refuse to provide his or her name and address, evidence of the person's age, or to provide a false name or residential address in such circumstances.

Other amendments

Schedule 1 [7] makes an amendment consequential on the insertion of proposed section 11 (5A) and (5B) in the Principal Act. **Schedule 1 [1], [5]** and **[6]** make amendments by way of statute law revision.