

[Act 1999 No 21]



New South Wales

# Crimes Amendment (Offensive Weapons) Bill 1999

## 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 *Crimes Act 1900* to define the expression “offensive weapon or instrument” for the purposes of that Act. The expression is used in the Act to create various aggravated offences which carry higher maximum penalties (including in connection with sexual assault, robbery, burglary or resisting arrest).

The purpose of the amendment is to confirm that the expression covers not only firearms and other dangerous weapons, but also any thing (however innocent) that is used, intended for use or threatened to be used for an offensive purpose. Accordingly, the things that can be offensive weapons having regard to the particular circumstances of the case include, for example, syringes and motor vehicles (See *R v Hamilton* (1993) 66 A Crim R 575).

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## 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 *Crimes Act 1900* set out in Schedule 1.

**Schedule 1 [1]** inserts in the Principal Act a definition of “offensive weapon or instrument” in the following terms for the purposes mentioned above:

***Offensive weapon or instrument*** means:

- (a) a dangerous weapon, or
- (b) any thing that is made or adapted for offensive purposes, or
- (c) any thing that, in the circumstances, is used, intended for use or threatened to be used for offensive purposes, whether or not it is ordinarily used for offensive purposes or is capable of causing harm.

The Principal Act currently defines “dangerous weapon” as a firearm, prohibited weapon or spear gun.

**Schedule 1 [2]** makes a consequential amendment to the Principal Act to omit the definitions of “Weapon” and “Weapon, or instrument”. The definitions are no longer necessary and their omission will not affect offences under the Principal Act.