



New South Wales

Criminal Legislation Amendment (Knife Crimes) Bill 2023

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 create offences of—

- (a) having custody of a knife in a public place or a school, and
- (b) using or visibly carrying a knife in a public place or a school.

The offences are currently in the *Summary Offences Act 1988* and are being transferred to the *Crimes Act 1900* with increased maximum penalties.

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.

Schedule 1 Amendment of Crimes Act 1900 No 40

Schedule 1 gives effect to the object described in the above overview by including in the *Crimes Act 1900*, offences of having custody of a knife in a public place or a school and of using or visibly carrying a knife in a public place or a school. These are similar to the offences currently found in the *Summary Offences Act 1988*, sections 11C and 11E. The proposed offences have double the maximum penalty of the existing offences.

Schedule 2 Consequential amendments to other Acts

Schedule 2 amends the following Acts consequent on Schedule 1—

- (a) the *Criminal Procedure Act 1986*,
- (b) the *Summary Offences Act 1988*.



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Criminal Legislation Amendment (Knife Crimes) Bill 2023

No , 2023

A Bill for

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.

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Criminal Legislation Amendment (Knife Crimes) Act 2023</i> .	3
2 Commencement	4
This Act commences on a day or days to be appointed by proclamation.	5

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. 1
- Maximum penalty—100 penalty units or imprisonment for 4 years. 2
- (2) It is a defence to an offence under subsection (1) if the accused person proves the person had a reasonable excuse. 3

Schedule 2	Consequential amendments to other Acts	1
2.1	Criminal Procedure Act 1986 No 209	2
	Schedule 1 Indictable offences triable summarily	3
	Insert after Table 1, Part 3, item 16D—	4
	16E Knives in public places or schools	5
	An offence under the <i>Crimes Act 1900</i> , section 93IB or 93IC.	6
2.2	Summary Offences Act 1988 No 25	7
[1]	Sections 11C, 11E and 29A	8
	Omit the sections.	9
[2]	Section 11D Parents who allow children to carry knives	10
	Omit “section 11C” wherever occurring.	11
	Insert instead “the <i>Crimes Act 1900</i> , section 93IB”.	12