

Act 1994 No. 17

**CRIMES LEGISLATION (DANGEROUS ARTICLES)  
AMENDMENT BILL 1994**

NEW SOUTH WALES



**EXPLANATORY NOTE**

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The objects of this Bill are to amend the Crimes Act 1900 to provide a defence of self-defence for the possession of certain dangerous articles, and to amend the Prohibited Weapons Act 1989 to provide that the possession or use of certain prohibited weapons is no longer to be an offence.

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**Clause 1** specifies the short title of the proposed Act.

**Clause 2** provides that the proposed Act is to commence on assent.

**Clause 3** amends the Crimes Act 1900 to provide that a person is not guilty of an offence of possessing anything (other than a firearm) capable of discharging irritant matter or any substance capable of causing bodily harm, if the person satisfies the court that he or she possessed it for the purpose of self-defence and that it was reasonable in the circumstances to possess it for that purpose.

**Clause 4** amends the Prohibited Weapons Act 1989 to exclude articles specified in item (40) of Schedule 1 to that Act from the offence of possessing or using a prohibited weapon. Item (40) covers anything designed or intended as a defence or anti-personnel spray that is capable of discharging by any means any irritant matter in liquid, powder, gas or chemical form.

**Clause 5** is a transitional provision for the amendment (in clause 3) of the Crimes Act 1900. It enables the defence of self-defence to be raised in existing as well as new offences dealt with by the amendment, unless the accused was charged before the commencement of the proposed Act.

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