

Introduced by Revd the Hon F J Nile, MLC

Passed by both Houses



New South Wales

# Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009

## Contents

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	Page
1 Name of Act	2
2 Commencement	2
Schedule 1 Amendment of Summary Offences Act 1988 No 25	3
Schedule 2 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002 No 103	4

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*I certify that this PUBLIC BILL, which originated in the LEGISLATIVE COUNCIL, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.*

*Legislative Council*  
2009

*Clerk of the Parliaments*



New South Wales

## **Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009**

Act No     , 2009

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*An Act to amend the Summary Offences Act 1988 and the Law Enforcement (Powers and Responsibilities) Act 2002 to increase the maximum penalty for certain offences relating to the possession of knives and other dangerous implements in public places and schools.*

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

**1 Name of Act**

This Act is the *Crimes Legislation Amendment (Possession of Knives in Public) Act 2009*.

**2 Commencement**

This Act commences on the date of assent to this Act.

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## **Schedule 1      Amendment of Summary Offences Act 1988 No 25**

**[1]    Section 11C Custody of knife in public place or school**

Omit the maximum penalty from section 11C (1). Insert instead:

Maximum penalty: 20 penalty units or imprisonment for 2 years,  
or both.

**[2]    Section 11C (4) and (5)**

Omit the subsections.

**[3]    Section 29A Penalty notices: custody of knives in public place or school**

Omit “as referred to in section 11C (4) and (5)” from section 29A (6).

**[4]    Section 29A (7) and (8)**

Insert after section 29A (6):

- (7) For the purposes of subsection (6), a person is taken to have been dealt with previously for a knife-related offence if the person:
  - (a) has been issued with a notice under this section in respect of the offence and the person has paid the amount specified in the notice or the amount specified in any process issued subsequent to such a notice, or
  - (b) has been convicted of the offence, or
  - (c) has been charged with the offence and the court hearing the charge has made an order in relation to the offence under section 10 of the *Crimes (Sentencing Procedure) Act 1999*.
- (8) In this section, *knife-related offence* means:
  - (a) an offence under section 11B, 11C or 11E, or
  - (b) any other offence that is punishable on conviction by imprisonment for 2 years or more if a knife was used in the commission of the offence, or
  - (c) an offence under a law of the Commonwealth or of another State or of a Territory that is punishable on conviction by imprisonment for 2 years or more if a knife was used in the commission of the offence.

Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009

Schedule 2      Amendment of Law Enforcement (Powers and Responsibilities) Act 2002  
No 103

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**Schedule 2      Amendment of Law Enforcement  
(Powers and Responsibilities) Act 2002  
No 103**

**Section 27 Failure to comply with requests relating to search and  
dangerous implements**

Omit “5 penalty units”. Insert instead “50 penalty units”.