

### Agreement in Principle

**Mr PETER DRAPER** (Tamworth) [4.28 p.m.]: I move:

That this bill be now agreed to in principle.

Having received almost unanimous support in the other place, and being aware of the concerns that many members in this place hold regarding knife crime, I hope that the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 will find bipartisan support in this House. As I pointed out yesterday when I sought priority to move this motion, the object of the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 is to further deter the possession of knives in public places and schools by increasing the maximum penalty for certain offences under the Summary Offences Act 1988 and the Law Enforcement (Powers and Responsibilities) Act 2002 relating to the possession of knives and other dangerous implements in public places and schools.

The prohibition on carrying knives in public, plus related police powers to search people suspected to be carrying knives, was introduced on 1 July 1998 under the Crimes Legislation Amendment (Police and Public Safety) Act 1998. Under the Summary Offences Act 1988 there is currently a range of offences for selling, carrying and using knives. Section 11C of that Act prohibits the carrying of a knife in a public place or a school without reasonable excuse. The Weapons Prohibition Act 1998 also makes it an offence to possess, use, or deal in weapons prohibited under the Act without authorisation. The maximum penalty for that offence is imprisonment for 14 years. Schedule 1 of the Act lists a number of knives as prohibited knives.

This bill will increase penalties under the Summary Offences Act 1988. Section 11C of that Act currently makes it an offence to carry a knife in a public place or a school without reasonable excuse and the current penalty structure provides for a \$550 fine, for a first offence; a \$1,000 fine, or 12 months imprisonment, or both, for a second offence; and a \$2,200 fine, or two years imprisonment, or both, for a third or subsequent offence. The bill also will increase penalties for failing to comply with search powers. Under section 27 of the Law Enforcement (Powers and Responsibilities) Act 2002, police are able to request a person in a public place or school to submit to a frisk search if the officer suspects on reasonable grounds that the person has a dangerous implement, which includes any knife. Police may also confiscate the implement under such circumstances.

This bill is not simply about being tough on crime and criminals. Its aim is to prevent offences from happening. It is already illegal to have a knife in a public place without good reason, but these changes look to prevent crimes, rather than just punish the offender after the event. Data from the Bureau of Crime Statistics and Research reveal that in 2008 a weapon was used in 79 per cent of attempted murders, 67 per cent of actual murders and 41 per cent of robberies, and a knife was the most common type of weapon used in committing these offences. Moreover, 31 per cent of attempted murder victims, 34 per cent of murder victims and 19 per cent of robbery victims were subjected to an offence involving a knife. By comparison, a firearm was involved in 30 per cent of attempted murders, 12 per cent of murders and only 6 per cent of robbery offences.

While the media have concentrated attention on a knife epidemic in metropolitan Sydney, the problem extends right across New South Wales. Rural and regional communities are not immune, as confirmed by 2007 statistics that show there were 1,300 stabbings in Sydney, whereas for the whole of the State the figure was 2,319. While about 39 per cent of the State's population lives outside Sydney, 44 per cent of knife crimes took place in other areas, which suggests that, per head of population, the epidemic is actually greater outside Sydney. In the Oxley Local Area Command, which largely encompasses the electorate of Tamworth, there were 37 legal actions for custody of a knife in a public place and one relating to an offence in a school between October 2008 and September 2009. There were 723 people searched for knives across the command during the same period.

Based on those figures, I am not surprised that respondents to a crime, law and order survey I conducted earlier this year are very concerned about crime levels in the region. Obviously knives play a big part in this equation. The survey shows that half of the total survey respondents believe crime levels are high while 58.3 per cent believe there has been an increase in crime. Of great concern to me is that one-fifth of respondents stated that they do not feel safe in their own home, and over 30 per cent do not feel safe away from home. Over 80 per cent of respondents answered yes to the question whether they believed there were no-go zones in the electorate. Some 446 respondents listed domestic violence as their prime concern and 491 listed assault. It is well known that knives often play a part in these crimes. Interestingly, 91.6 per cent of total people who responded believe that penalties currently do not fit the crime, and 93 per cent of total respondents believe that the judiciary does not support police when dealing with offenders.

The Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 will address some of these concerns. I know that concerns have been expressed by some civil libertarians about the bill, particularly regarding police searches and the possibility of a jail term for a first offence. I have given this careful consideration. I am a firm believer in allowing people to get about the place responsibly, minding their own business, and respecting other people's rights to do likewise—and doing so without intrusion by the state. When

I look at the alarming figures for knife crimes, it reinforces why so many people are frightened in their own homes and in public places. Far too many innocent people have ended up as victims of this insidious epidemic and increasingly young people are becoming victims. Given the current climate in which schoolchildren and teachers have been threatened and assaulted in school grounds, some sacrifices must be made for the good of the broader community.

In addition, there is a massive economic cost to this knife epidemic—costs to the health system, costs in police investigations, costs to the judicial system, costs in lost time and unfortunately the ultimate cost, which is the cost of 34 lives in the past three years. We are not alone in having to deal with the issue of knife crime. In fact, we must ensure the epidemic does not escalate to the extremes of the United Kingdom, the United States of America and many other countries. Earlier this year I saw a report from the United Kingdom that examined the cost of the knife problem there. It stated:

The economic cost of all murders with firearms amounted to more than £200 million. When murders with knives are included, the cost is approximately £628 million. The number of knife murders has increased by 23% over the past ten years; injuries caused by knives have increased by 30% from 1997, and police arrests for carrying a weapon with a blade or point in and near schools went up 500% from 1999 to 2005.

It is interesting to note that the report says that, like Australia, in the United Kingdom:

Culprits are younger, and the fear that they spread is driving more young people to carry knives for self-protection.

I would hope the Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 can resolve an issue that many in our own communities consider to be a major political law and order issue. I must point out that this legislation does not target people who are using a knife in a lawful manner as part of their work or pleasure. It is not aimed at fishermen, butchers, farmers, caterers or anyone else who has a reasonable excuse to use a knife. It is squarely aimed at those people who wish to misuse knives as weapons, or to threaten other members of the community with them.

This bill is not a magic wand that will eliminate all knife crime. We have a developing culture that needs to be nipped in the bud, but it will not happen overnight. This bill will increase the deterrents that are available to the community to deal with people who lack the respect and responsibility for others that our society expects. Success when dealing with problems like the knife culture and associated crimes might be measured in generations, not weeks or months. I thank Reverend the Hon. Fred Nile in the other place for developing this important legislation. I also thank the Opposition and the Government for their support of the bill. In any crime reduction approach, the first thing to do is arrest the increase in occurrences and turn that cycle around. The Crimes Legislation Amendment (Possession of Knives in Public) Bill 2009 is an important tool in efforts to reduce crime in this State. As such, I commend the bill to the House.