

Passed by both Houses



New South Wales

Criminal Legislation Amendment (Knife Crimes) Bill 2023

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I certify that this public bill, which originated in the Legislative Assembly, has finally passed the Legislative Council and the Legislative Assembly of New South Wales.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney,*

, 2023



New South Wales

Criminal Legislation Amendment (Knife Crimes) Bill 2023

Act No _____, 2023

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.

I have examined this bill and find it to correspond in all respects with the bill as finally passed by both Houses.

Assistant Speaker of the Legislative Assembly.

The Legislature of New South Wales enacts—

1 Name of Act

This Act is the *Criminal Legislation Amendment (Knife Crimes) Act 2023*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

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.

Maximum penalty—100 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.

Schedule 2 Consequential amendments to other Acts

2.1 Criminal Procedure Act 1986 No 209

Schedule 1 Indictable offences triable summarily

Insert after Table 1, Part 3, item 16D—

16E Knives in public places or schools

An offence under the *Crimes Act 1900*, section 93IB or 93IC.

2.2 Summary Offences Act 1988 No 25

[1] Sections 11C, 11E and 29A

Omit the sections.

[2] Section 11D Parents who allow children to carry knives

Omit “section 11C” wherever occurring.

Insert instead “the *Crimes Act 1900*, section 93IB”.