




Tabled by Mr Mookhey
27/6/23


CRIMINAL LEGISLATION AMENDMENT (KNIFE CRIMES) BILL 2023

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The Criminal Legislation Amendment (Knife Crimes) Bill 2023 amends the *Crimes Act 1900* (**Crimes Act**) to transfer the offences of having custody of a knife in a public place or school, and wielding a knife in a public place or a school, from sections 11C and 11E of the *Summary Offences Act 1988* (**Summary Offences Act**).

The Bill doubles the current maximum penalties for these offences. The maximum term of imprisonment for these offences will increase from 2 years to 4 years. The maximum fine for possession of a knife will increase from 20 penalty units to 40 penalty units (or \$4,400), and for wielding a knife from 50 penalty units to 100 penalty units (or \$11,000). The offences are being moved from the Summary Offences Act to the Crimes Act as they will no longer be summary offences.

The Bill will make consequential amendments to other legislation which include:

- Amending the *Criminal Procedure Act 1986* to provide that the offences created in the Crimes Act will be Table 1 offences, meaning they will be tried summarily unless the prosecution or defendant elects otherwise.
- Amending the Summary Offences Act to repeal sections 11C, 11E and 29A.

Repealing section 29A will mean that a penalty infringement notice for a first offence of having custody of a knife in a public place or school will no longer be able to be issued under that provision. However, the new Crimes Act custody of a knife offence will be inserted into Schedule 4 to the Criminal Procedure Regulation 2017. This will ensure a police officer can continue to issue a penalty infringement notice for a first offence of having custody of a knife.

The reforms in this Bill are an immediate response by this Government to numerous serious knife-related incidents in NSW.

These reforms address the significant risk posed by the possession and use of knives by individuals in public places and schools, and highlight that acts of knife violence on members of the community are unacceptable. The reforms provide strong penalties for those that perpetuate such acts.

Objectives: What is the policy's objective couched in terms of the public interest?

The NSW law must appropriately criminalise knife crime. It is in the public interest that the penalty framework for existing knife-related offences provides a stronger deterrent, and that maximum penalties are sufficient and proportionate to the serious risk of harm posed by knife crime, and meet community standards.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The reforms are an immediate and necessary response to serious knife-related incidents that took place in 2022 and early 2023. Increasing the penalties for existing knife offences can only be done through legislative amendment.