



New South Wales

Criminal Legislation Amendment (Knife Crimes) Bill 2023

Contents

		Page
	1 Name of Act	2
	2 Commencement	2
Schedule 1	Amendment of Crimes Act 1900 No 40	3
Schedule 2	Consequential amendments to other Acts	5

This public bill which originated in the Legislative Assembly, has passed and is now ready for presentation to the Legislative Council for its concurrence.

*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.

EXAMINED

Speaker

The Legislature of New South Wales enacts—

1

1 Name of Act

2

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

3

2 Commencement

4

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

5

Schedule 1	Amendment of Crimes Act 1900 No 40	1
Part 3A	Offences relating to public order	2
	Insert after division 2—	3
Division 2A	Knives in public places and schools	4
93IA	Definitions	5
	In this division—	6
	<i>blade</i> includes a knife blade and a razor blade.	7
	<i>knife</i> includes a blade, but does not include a knife of a class prescribed by the regulations.	8
	<i>public place</i> has the same meaning as in the <i>Summary Offences Act 1988</i> .	9
	<i>school</i> has the same meaning as in the <i>Summary Offences Act 1988</i> .	10
93IB	Custody of knives in public places or schools	11
(1)	A person must not have in the person’s custody a knife in a public place or a school.	12
	Maximum penalty—40 penalty units or imprisonment for 4 years, or both.	13
(2)	It is a defence to an offence under subsection (1) if the accused person proves the person had a reasonable excuse.	14
(3)	A reasonable excuse includes the person having the knife in the person’s custody—	15
(a)	because it is reasonably necessary for—	16
(i)	the lawful pursuit of the person’s occupation, education or training, or	17
(ii)	the preparation or consumption of food or drink, or	18
(iii)	participation in a lawful entertainment, recreation or sport, or	19
(iv)	the exhibition of knives for retail or other trade purposes, or	20
(v)	an organised exhibition by knife collectors, or	21
(vi)	the wearing of an official uniform, or	22
(vii)	genuine religious purposes, or	23
(b)	because it is reasonably necessary during travel to or from or incidental to an activity referred to in paragraph (a), or	24
(c)	in circumstances prescribed by the regulations.	25
(4)	It is not a reasonable excuse for the person to have a knife in the person’s custody—	26
(a)	for self-defence, or	27
(b)	for the defence of another person.	28
93IC	Using or carrying knives in public places or schools	29
(1)	A person must not use a knife, or carry a knife that is visible, if the use or carrying occurs—	30
(a)	in the presence of a person, and	31
(b)	in a public place or a school, and	32

- | | | |
|-----|---|--------|
| (c) | in a way that is likely to cause a reasonable person to reasonably fear for the person's safety. | 1
2 |
| | Maximum penalty—100 penalty units or imprisonment for 4 years, or both. | 3 |
| (2) | It is a defence to an offence under subsection (1) if the accused person proves the person had a reasonable excuse. | 4
5 |

Schedule 2	Consequential amendments to other Acts	1
2.1	Criminal Procedure Act 1986 No 209	2
	Schedule 1 Indictable offences triable summarily	3
	Insert after Table 1, Part 3, item 16D—	4
	16E Knives in public places or schools	5
	An offence under the <i>Crimes Act 1900</i> , section 93IB or 93IC.	6
2.2	Summary Offences Act 1988 No 25	7
[1]	Sections 11C, 11E and 29A	8
	Omit the sections.	9
[2]	Section 11D Parents who allow children to carry knives	10
	Omit “section 11C” wherever occurring.	11
	Insert instead “the <i>Crimes Act 1900</i> , section 93IB”.	12