

New South Wales

Crimes Amendment (Defence of Dwellings and Other Premises) Bill 2025

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to amend the *Crimes Act 1900* and other legislation to—

- (a) permit an act of self-defence that involves the infliction of death to protect a dwelling-house or prevent, or remove a person committing, criminal trespass on a dwelling-house in certain circumstances, and
- (b) permit the possession of anti-personnel spray by a person, on a 12-month trial basis, but only if the person is over the age of 18, has not committed certain offences and is not the subject of an apprehended violence order or interim apprehended violence order.

Outline of provisions

Clause 1 sets out the name, also called the short title, of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 gives effect to the object set out in the overview. **Schedule 2** makes a consequential amendment to the *Weapons Prohibition Act 1998*.



New South Wales

Crimes Amendment (Defence of Dwellings and Other Premises) Bill 2025

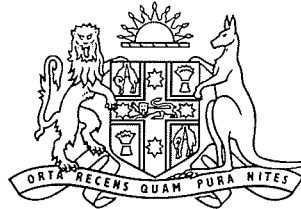
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This PUBLIC BILL, originated in the LEGISLATIVE COUNCIL and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.

Legislative Council

Clerk of the Parliaments



New South Wales

Crimes Amendment (Defence of Dwellings and Other Premises) Bill 2025

No , 2025

A Bill for

An Act to amend the *Crimes Act 1900* and other legislation in relation to the carrying out of acts in self-defence; and for related purposes.

The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with/without amendment.

Legislative Assembly

Clerk of the Legislative Assembly

Tabling copy

The Legislature of New South Wales enacts—	1
1 Name of Act	2
This Act is the <i>Crimes Amendment (Defence of Dwellings and Other Premises) Act 2025</i> .	3
	4
2 Commencement	5
This Act commences on the date of assent to this Act.	6

Schedule 1 Amendment of Crimes Act 1900 No 40

[1] Section 93FB Possession of dangerous articles other than firearms

Insert after section 93FB(1)—

- (1A) A person is not guilty of an offence under this section for possessing an anti-personnel spray if the person—
- (a) is over the age of 18, and
 - (b) has not been convicted in New South Wales or elsewhere of an offence prescribed for the *Weapons Prohibition Act 1998*, section 10(3)(a), whether or not the offence is an offence under New South Wales law, and
 - (c) is not subject to an apprehended violence order or interim apprehended violence order.

[2] Section 93FB(5)

Insert after section 93FB(4)—

- (5) In this section—
- anti-personnel spray*** means a device designed or intended as a defence or anti-personnel spray and that is capable of discharging an irritant matter comprising or containing one or more of the following substances in liquid, powder, gas or chemical form—
- (a) chloroacetophenone, known as CN,
 - (b) orthochlorobenzalmalononitrile, known as CS,
 - (c) dypenylaminechloroarsone, known as DM or Adamsite,
 - (d) oleoresin capsicum, known as OC,
 - (e) another substance capable of being discharged as an irritant matter.
- (6) Subsections (1A), (5) and this subsection are repealed 12 months after the subsections commence.

[3] Section 420

Omit the section. Insert instead—

420 Self-defence—protection of dwelling-house

- (1) This division does not apply if the person uses force against another person (an ***intruder***) that involves the infliction of death—
- (a) to protect a dwelling-house, or
 - (b) to prevent criminal trespass or to remove a person committing criminal trespass on a dwelling-house.
- (2) Subsection (1) does not apply if—
- (a) the intruder—
 - (i) is, or threatens to be, violent, or
 - (ii) is in the company of another person, or
 - (iii) damages, or threatens to damage, the dwelling-house, or
 - (b) the person believes the force is necessary—
 - (i) to defend the person or another person, including an unborn person, from the intruder, or

- (ii) to prevent or terminate the unlawful deprivation of the person’s liberty or the liberty of another person, or 1
 - (iii) to protect the dwelling-house from damage. 2
- (3) In this section— 3
- dwelling-house*, in relation to person, means a dwelling-house the person 4
- owns, occupies, manages or is currently residing at. 5
- 6

Schedule 2	Amendment of Weapons Prohibition Act 1998 No 127	1
		2
Schedule 1 Prohibited weapons		3
Omit item 2(22) and (23).		4