

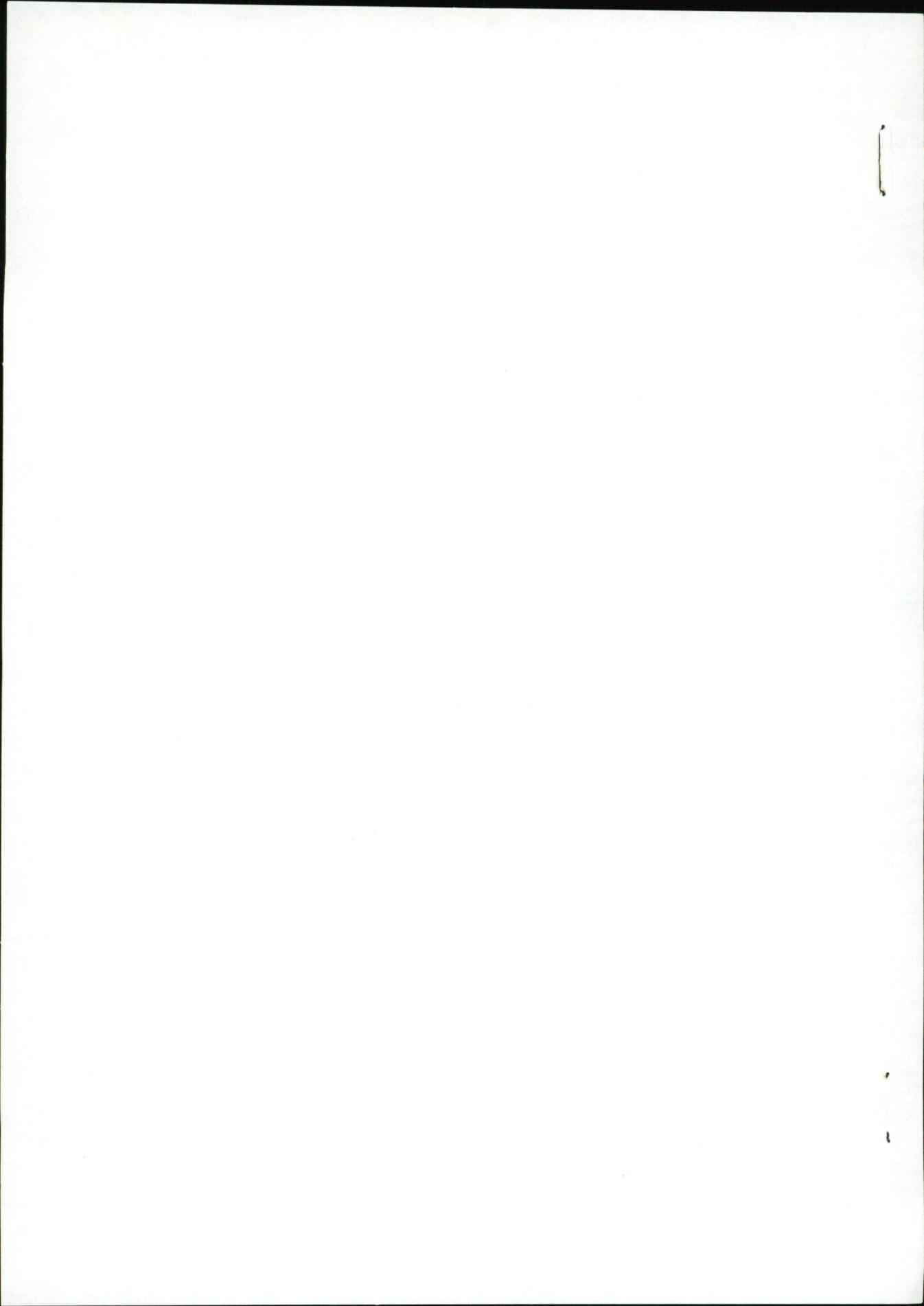
**CRIMES LEGISLATION (DANGEROUS ARTICLES)
AMENDMENT ACT 1994 No. 17**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
 2. Commencement
 3. Amendment of Crimes Act 1900 No. 40, sec. 545E (Possession of dangerous articles other than firearms)
 4. Amendment of Prohibited Weapons Act 1989 No. 26, sec. 5 (Possession or use of prohibited weapons)
 5. Transitional provision
-



**CRIMES LEGISLATION (DANGEROUS ARTICLES)
AMENDMENT ACT 1994 No. 17**

NEW SOUTH WALES



Act No. 17, 1994

An Act to amend the Crimes Act 1900 to permit the possession of certain dangerous things for the purpose of self-defence and to amend the Prohibited Weapons Act 1989 to restrict the offence of possessing or using certain prohibited weapons. [Assented to 16 May 1994]

Crimes Legislation (Dangerous Articles) Amendment Act 1994 No. 17

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes Legislation (Dangerous Articles) Amendment Act 1994.

Commencement

2. This Act commences on the date of assent.

Amendment of Crimes Act 1900 No. 40, sec. 545E (Possession of dangerous articles other than firearms)

3. The Crimes Act 1900 is amended by inserting after section 545E (2) the following subsections:

(3) A person is not guilty of an offence under this section for possessing anything referred to in subsection (1) (a) if the person satisfies the court that he or she possessed it for the purpose of self-defence and that it was reasonable in the circumstances to possess it for that purpose.

(4) In considering a defence under subsection (3), the court must have regard to its reasonableness in all the circumstances of the case, including:

- (a) the immediacy of the perceived threat to the person charged; and
- (b) the circumstances, such as the time and location, in which the thing was possessed; and
- (c) the type of thing possessed; and
- (d) the age, characteristics and experiences of the person charged.

Amendment of Prohibited Weapons Act 1989 No. 26, sec. 5 (Possession or use of prohibited weapons)

4. The Prohibited Weapons Act 1989 is amended by inserting after section 5 (2) the following subsection:

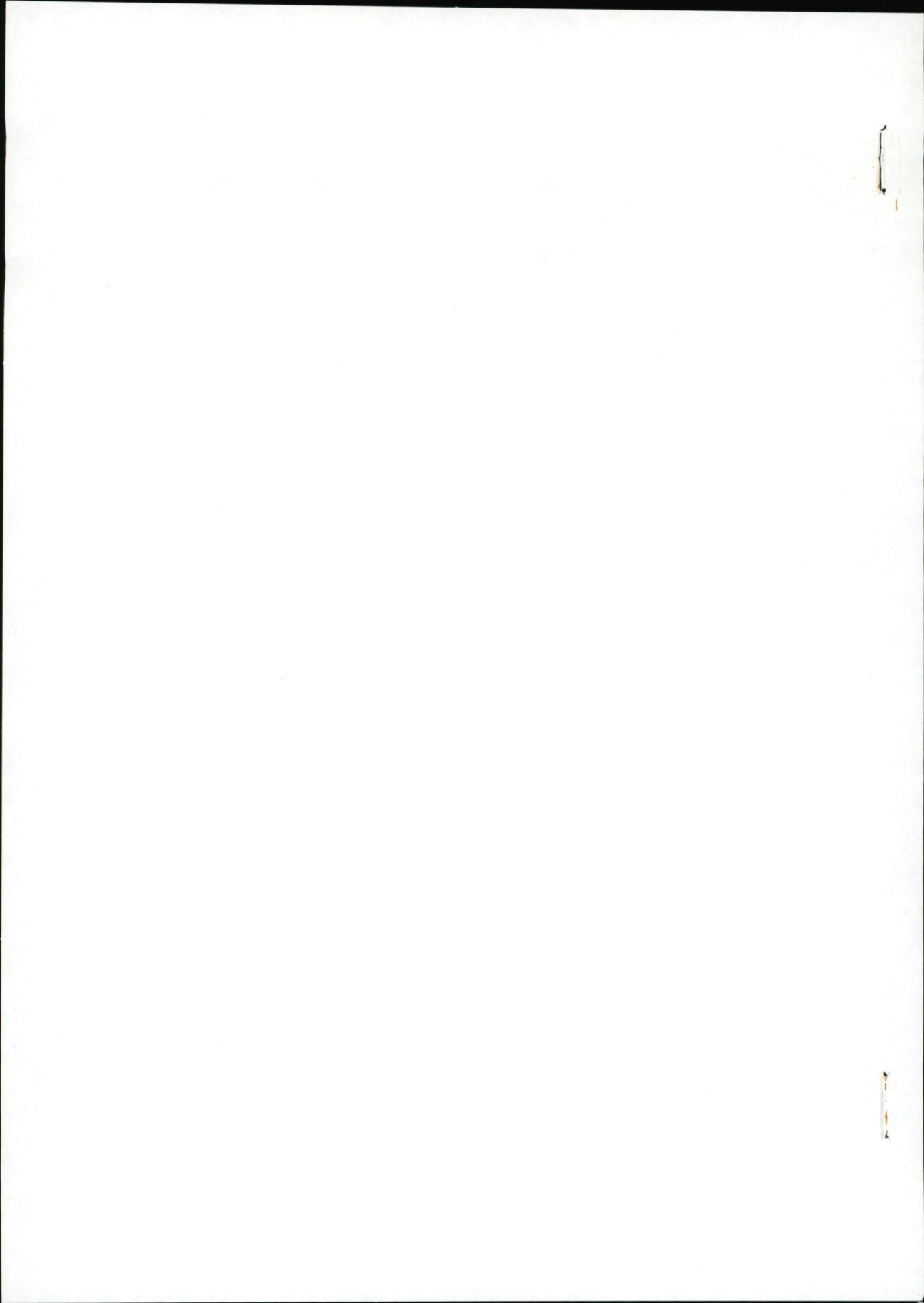
(3) This section does not apply to a prohibited weapon specified in item (40) of Schedule 1.

Crimes Legislation (Dangerous Articles) Amendment Act 1994 No. 17

Transitional provision

5. The amendment made by this Act to the Crimes Act 1900 extends to offences committed before the commencement of this Act, but does not apply to an offence for which a person was charged before that commencement.

*[Minister's second reading speech made in—
Legislative Council on 21 April 1994
Legislative Assembly on 3 May 1994]*



FIRST PRINT

**CRIMES LEGISLATION (DANGEROUS ARTICLES)
AMENDMENT BILL 1994**

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The objects of this Bill are to amend the Crimes Act 1900 to provide a defence of self-defence for the possession of certain dangerous articles, and to amend the Prohibited Weapons Act 1989 to provide that the possession or use of certain prohibited weapons is no longer to be an offence.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act is to commence on assent.

Clause 3 amends the Crimes Act 1900 to provide that a person is not guilty of an offence of possessing anything (other than a firearm) capable of discharging irritant matter or any substance capable of causing bodily harm, if the person satisfies the court that he or she possessed it for the purpose of self-defence and that it was reasonable in the circumstances to possess it for that purpose.

Clause 4 amends the Prohibited Weapons Act 1989 to exclude articles specified in item (40) of Schedule 1 to that Act from the offence of possessing or using a prohibited weapon. Item (40) covers anything designed or intended as a defence or anti-personnel spray that is capable of discharging by any means any irritant matter in liquid, powder, gas or chemical form.

Clause 5 is a transitional provision for the amendment (in clause 3) of the Crimes Act 1900. It enables the defence of self-defence to be raised in existing as well as new offences dealt with by the amendment, unless the accused was charged before the commencement of the proposed Act.

FIRST PRINT

**CRIMES LEGISLATION (DANGEROUS ARTICLES)
AMENDMENT BILL 1994**

NEW SOUTH WALES



TABLE OF PROVISIONS

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**CRIMES LEGISLATION (DANGEROUS ARTICLES)
AMENDMENT BILL 1994**

NEW SOUTH WALES



No. . . , 1994

A BILL FOR

An Act to amend the Crimes Act 1900 to permit the possession of certain dangerous things for the purpose of self-defence and to amend the Prohibited Weapons Act 1989 to restrict the offence of possessing or using certain prohibited weapons.

Crimes Legislation (Dangerous Articles) Amendment 1994

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Crimes Legislation (Dangerous Articles) Amendment Act 1994.

5 Commencement

2. This Act commences on the date of assent.

Amendment of Crimes Act 1900 No. 40, sec. 545E (Possession of dangerous articles other than firearms)

3. The Crimes Act 1900 is amended by inserting after section 545E
10 (2) the following subsections:

(3) A person is not guilty of an offence under this section for
possessing anything referred to in subsection (1) (a) if the person
satisfies the court that he or she possessed it for the purpose of
self-defence and that it was reasonable in the circumstances to possess
15 it for that purpose.

(4) In considering a defence under subsection (3), the court must
have regard to its reasonableness in all the circumstances of the case,
including:

- (a) the immediacy of the perceived threat to the person charged; and
20 (b) the circumstances, such as the time and location, in which the
thing was possessed; and
(c) the type of thing possessed; and
(d) the age, characteristics and experiences of the person charged.

**Amendment of Prohibited Weapons Act 1989 No. 26, sec. 5
25 (Possession or use of prohibited weapons)**

4. The Prohibited Weapons Act 1989 is amended by inserting after
section 5 (2) the following subsection:

(3) This section does not apply to a prohibited weapon specified in
item (40) of Schedule 1.

Crimes Legislation (Dangerous Articles) Amendment 1994

Transitional provision

5. The amendment made by this Act to the Crimes Act 1900 extends to offences committed before the commencement of this Act, but does not apply to an offence for which a person was charged before that commencement.
