



New South Wales

Crimes Legislation Amendment (Possession of Knives in Public) Act 2009 No 80

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Crimes Legislation Amendment (Possession of Knives in Public) Act 2009 No 80

Act No 80, 2009

An Act to amend the *Summary Offences Act 1988* and the *Law Enforcement (Powers and Responsibilities) Act 2002* to increase the maximum penalty for certain offences relating to the possession of knives and other dangerous implements in public places and schools. [Assented to 3 November 2009]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes Legislation Amendment (Possession of Knives in Public) Act 2009*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Summary Offences Act 1988 No 25

[1] Section 11C Custody of knife in public place or school

Omit the maximum penalty from section 11C (1). Insert instead:

Maximum penalty: 20 penalty units or imprisonment for 2 years,
or both.

[2] Section 11C (4) and (5)

Omit the subsections.

[3] Section 29A Penalty notices: custody of knives in public place or school

Omit “as referred to in section 11C (4) and (5)” from section 29A (6).

[4] Section 29A (7) and (8)

Insert after section 29A (6):

- (7) For the purposes of subsection (6), a person is taken to have been dealt with previously for a knife-related offence if the person:
 - (a) has been issued with a notice under this section in respect of the offence and the person has paid the amount specified in the notice or the amount specified in any process issued subsequent to such a notice, or
 - (b) has been convicted of the offence, or
 - (c) has been charged with the offence and the court hearing the charge has made an order in relation to the offence under section 10 of the *Crimes (Sentencing Procedure) Act 1999*.
- (8) In this section, ***knife-related offence*** means:
 - (a) an offence under section 11B, 11C or 11E, or
 - (b) any other offence that is punishable on conviction by imprisonment for 2 years or more if a knife was used in the commission of the offence, or
 - (c) an offence under a law of the Commonwealth or of another State or of a Territory that is punishable on conviction by imprisonment for 2 years or more if a knife was used in the commission of the offence.

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Schedule 2 Amendment of Law Enforcement (Powers and Responsibilities) Act 2002
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**Schedule 2 Amendment of Law Enforcement
(Powers and Responsibilities) Act 2002
No 103**

**Section 27 Failure to comply with requests relating to search and
dangerous implements**

Omit “5 penalty units”. Insert instead “50 penalty units”.

[Second reading speech made in Legislative Council on 24 September 2009
Agreement in principle speech made in Legislative Assembly on 29 October 2009]

BY AUTHORITY