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# 'Knife crime' in Australia: Incidence, aetiology and responses

Dr Lorana Bartels

**AIC Reports**  
Technical and  
Background Paper **45**



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# Foreword

The issue of ‘knife crime’ is examined in this paper. A review of the recent Australian data indicates an increase in the use of knives for homicide offences, while their use decreased or remained steady in relation to robbery, sexual assault and kidnapping/abduction.

The limited academic research on this issue reveals two discrete groups—young people who carry knives and generally ‘grow out of it’; and an older cohort who are evidenced in crime and hospitalisation data. There were also differences between the knife carriage and use patterns of ‘school’ and ‘street’ youth.

A detailed analysis of recent and proposed legislative and policy responses to knife crime in each Australian jurisdiction is presented; this demonstrates

a diversity of approaches, especially in relation to penalties. By way of international comparison, the responses in the United Kingdom are considered and the evidence on the effectiveness of interventions aimed at tackling knife crime reviewed.

The limited information available on the nature, extent, cause, motivation and possible growth of knife carriage, highlights the need for improved data collection, along with the development of clearer evidence for what works to reduce knife carrying and knife offences. Accordingly, the paper concludes by calling for better data collection, program evaluation and education campaigns.

**Adam Tomison**  
**Director**



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# Acronyms

<b>ABS</b>	Australian Bureau of Statistics
<b>AIC</b>	Australian Institute of Criminology
<b>AIHW</b>	Australian Institute of Health and Welfare
<b>BCS</b>	British Crime Survey
<b>BOCSAR</b>	Bureau of Crime Statistics and Research (NSW)
<b>DUMA</b>	Drug Use Monitoring Program
<b>NARMP</b>	National Armed Robbery Monitoring Program
<b>NHMP</b>	National Homicide Monitoring Program

# Executive summary

In this paper, an overview is presented of knife-related crimes in Australia, with some reference to international developments. In particular, the available data on the carriage and use of knives in Australia are examined. The literature on the aetiology of knife crime and the current and proposed legislative and policy responses to such crime are also considered. The key findings are:

- recent homicide data published by the Australian Institute of Criminology (AIC) (Virueda & Payne 2010) indicate an increase in the use of knives;
- recent AIC data on armed robbery (Smith & Louis 2010) indicate a decrease in the use of knives, although they remain the most commonly used weapon;
- data extracted from the AIC's Drug Use Monitoring in Australia (DUMA) program demonstrate that very few respondents report having owned, possessed or used a knife as a weapon in the preceding 12 months. Among DUMA respondents who reported having owned or possessed a knife, the primary reason for doing so was self-defence;
- data from the Australian Bureau of Statistics (ABS) (2010) show that as a proportion of all of the selected offences, there has been a dramatic increase in the use of knives in murder and a more gradual increase in relation to attempted murder, while their use has remained relatively constant for the other three offence types (sexual assault, robbery and kidnapping/abduction);
- the ABS time series information on the proportion of selected offences involving a knife in Australia for the years 2001–09 indicates that knives are most likely to be used in murder and attempted murder, and are very rarely involved in sexual assaults;
- jurisdictional data published by the ABS are presented, but the quality of the data prevents any firm conclusions being drawn about any trends over time or offence-related patterns;
- recent data from the NSW Bureau of Crime Statistics and Research (BOCSAR) (2010) for specified offences involving a knife, sword, scissors or screwdriver suggest numbers have declined or remained stable over the last two to five years;
- the limited Australian academic research (eg Bondy, Ogilvie and Astbury 2005; Brown & Sutton 2007), reveals differences between a cohort of young people who carry knives and generally 'grow out of it', and an older cohort who are evidenced in crime and hospitalisation data, as well as differences between the knife carriage and use patterns of 'school' and 'street' youth;
- there is a growing body of literature on the incidence of knife carriage and use in the United Kingdom (eg Bannister et al. 2010; Eades et al. 2007; UK HCHAC 2009), but the data are incomplete and at times contested; and
- the international literature on the aetiology of knife carriage and use is likewise limited, but suggests links with broader criminogenic risks and needs (eg social deprivation).

In the paper, a detailed analysis of the legislative and policy responses to knife crime in each Australian jurisdiction is presented, with particular emphasis on proposed and recent legislative initiatives, demonstrating divergent approaches, especially in relation to penalties.

By way of international comparison, responses to the issue of knife crime in the United Kingdom are also considered, especially non-legislative measures,

such as education programs and crime prevention strategies. The evidence on the effectiveness of interventions aimed at tackling the carriage and use of knives, and policy responses such as weapons amnesties, is also reviewed.

In conclusion, better data collection, program evaluation and education campaigns are required. Underpinning this is the need for recognition that legislative responses form only part of the required response to this complex issue.



# Introduction

In this paper, an overview of knife-related crimes in Australia is presented, with reference to developments in the United Kingdom. In particular, the available data on the carriage and use of knives in Australia are examined; the literature on the aetiology of knife crime and the current and proposed legislative and policy responses to such crime are also considered. In using the term 'knife crime', it is recognised that

'[k]nife crime' has become an expression commonly used by politicians and the media, but it is not always entirely clear what it actually is or what they actually mean when they use the term. 'Knife crime' potentially encompasses a very broad range of offences and thus causes problems in both the definition and determination of its prevalence...Whatever the meaning, the public and political debate about 'knife crime' would benefit from both an attempt to define what is actually meant by the term and a more careful, and less sensational, use of it (Eades et al. 2007: 9).

# Data on the carriage and use of knives in Australia

Eades et al. (2007) drew on the British Crime Survey, police-recorded crime figures and the Offending, Crime and Justice Survey and Youth Surveys in relation to young people to determine the incidence of knife crime in the United Kingdom. On the basis of these sources, they ultimately concluded (2007: 10) that

it is very difficult to make accurate and precise claims about the levels of knife carrying or the use of knives in violence. None include all possible knife-related offences.

In particular, surveys on knife carriage often fail to distinguish between people who carry knives only infrequently and those who do so regularly (Eades et al. 2007), although a proper understanding of the frequency of knife carriage is clearly a relevant consideration for developing appropriate policy responses to knife use. The following section provides an overview of recent Australian data on the use of knives in selected offences and knife carrying behaviour.

## Australian Institute of Criminology

According to the most recent *National Homicide Monitoring Program* (NHMP) report (Virueda & Payne 2010), more homicide victims in 2007–08 died from

stab wounds than from any other single cause of death. The number of homicides involving knives had remained relatively unchanged since 1989–90, although, due to the decline in firearm homicides, knife-related homicides comprised a larger proportion of homicides recorded in the more recent data. In both 2006–07 and 2007–08, knives/sharp instruments were involved in 43 percent of homicides; by way of comparison, in 2000, knives and other sharp instruments accounted for only 30 percent of homicides.

Table 1 sets out the number of homicide victims in 2007–08 by cause of death and jurisdiction. The vast majority of victims who died as a result of a stab wound in 2007–08 (92%) were stabbed with a knife. Stab wounds were the most common cause of death in Victoria, where they accounted for 59 percent of homicides; they were least common in Tasmania (20%) and the Australian Capital Territory (0%), although the small number of overall homicides ( $n=5$  and  $n=3$  respectively) should be acknowledged. Acquaintance homicides were particularly likely to result from stabbing (52% compared with 43% for domestic homicides and 20% for stranger homicides; Virueda & Payne 2010). As can be seen, the largest number of homicides caused by stabbing were in New South Wales, which accounted for 31 percent of such victims nationally and 36 percent of NSW victims. The latter figure is broadly consistent with analysis by BOCSAR, whose data on domestic

**Table 1** Victims by cause of death, 2007–08 (n)

	Gunshot wound	Stab wound	Beating	Strangulation/suffocation	Other <sup>a</sup>	Unknown/not stated
NSW	13	35	22	5	18	5
Vic	7	26	4	5	2	0
Qld	8	22	14	5	6	2
WA	0	14	9	2	4	1
SA	0	8	5	1	2	2
Tas	1	1	1	0	2	0
NT	0	8	9	0	1	0
ACT	1	0	0	0	2	0
Australia	30	114	64	18	37	10

a: Includes drug overdose, drowning/submersion, neglect, smoke inhalation/burns, shaking, pushed from a high place and other cause of death

Source: Virueda & Payne 2010

**Table 2** Weapons<sup>a</sup> used in armed robberies by victim gender and age group, 2007 (%)<sup>b</sup>

Age group (yrs)	Males					Females				
	Firearm	Knife	Syringe	Other	n	Firearm	Knife	Syringe	Other	n
<15 years	7	63	1	29	150	23	53	3	20	30
15–17	5	52	1	42	481	11	64	0	24	70
18–19	9	54	3	35	434	16	53	8	23	99
20–24	11	54	3	32	807	14	52	3	32	234
25–29	13	53	3	30	534	14	61	6	19	147
30–34	16	50	3	31	318	20	47	9	24	113
35–39	15	53	3	29	240	20	56	1	23	80
40–44	21	46	4	29	212	18	65	4	13	78
45–49	18	53	3	26	188	12	58	12	18	91
50–54	24	56	2	19	135	26	52	6	16	69
55–59	19	46	4	31	110	24	55	3	18	38
60–64	26	51	0	23	73	44	41	0	15	27
>65	14	54	1	30	69	15	54	10	21	39
Total (%)	13	53	3	32		17	55	5	22	

a: Based on most serious weapon listed in a weapon combination, assuming order of decreasing seriousness of firearm, knife, syringe, other weapon

b: Excludes individual victim records with weapon type unspecified, unknown, not applicable and those in which victim age or sex is not stated or gender is missing

Note: Percentages may not total 100 due to rounding. n=4,866

Source: Smith & Louis 2010

homicide in New South Wales for 2003–08 indicated that knives were used in about a third of cases, with their use increasing, while firearms decreased during the period under review (Ringland & Rodwell 2009).

Analysis of more recent NHMP data indicates that:

- victims aged less than 25 years were more likely to be killed with a knife than any other weapon;
- 42 percent of male homicide victims aged 18 to 24 years were killed with a knife, compared with 20 percent who were killed with a firearm;
- 31 percent of female homicide victims aged 18 to 24 years were killed with a knife, compared with 15 percent who were killed with a firearm; and
- where the offender was under 25 years of age, knives were used in 34 percent of homicides (Unpublished data from the NHMP).

The most recent analysis of the AIC's National Armed Robbery Monitoring Program (NARMP) data (Smith & Louis 2010) sets out a wealth of information on the use of knives, which were the most commonly used weapon in armed robberies, accounting for 47 percent of cases (down from 53% in 2006). Smith and Louis (2010) also found that knives were used against at least half of all victims, regardless of age or gender, although there were some age and gender differences in patterns of weapon use. In particular, women aged 40 to 44 years were victims of robberies where knives were used more often than any other age group (65%), as set out in Table 2.

Consideration of organisational victims of armed robbery indicated that there was a small increase in the use of knives for the most commonly targeted organisation, namely retail venues (37% up from

34% in 2006). Service stations were the next most common target, at 18 percent (down from 26% in 2006). Overall, 50 percent of armed robberies of organisations involved a knife, compared with 53 percent for individual targets. A single knife was used in 45 percent of incidents in 2007, compared with 51, 53 and 52 percent in 2006, 2005 and 2004 respectively.

Only a minority of jurisdictions were able to supply information regarding victim injury as a result of armed robbery; injury data were available for approximately one in 10 victims (n=745). Due to the small number of cases, however, Smith and Louis (2010) cautioned that the results should not be interpreted as representative of all armed robbery victims. Nevertheless, as set out in Table 3, knives were the weapon least likely to result in no injury and were almost as likely as firearms to result in emotional trauma (61% vs 62%). Only three percent of knife victims sustained trauma requiring immediate emergency medical treatment.

In Table 4, the most serious weapon used in armed robberies in different locations is presented. Knives were the most common weapon used in the majority of locations, accounting for 62 percent of armed robberies in post offices and newsagents; 59 percent in open spaces; and 56 percent of incidents in corner stores, supermarkets and takeaways.

Knives were generally less likely to be used when more offenders were involved in the commission of the offence, as set out in Table 5. In particular, knives were used in 46–48 percent of offences involving one or two offenders, compared with 36–37 percent for offences involving four or five offenders.

**Table 3 Injury from weapon inflicted on individual victims by weapon type<sup>a</sup>, 2007 (%)<sup>b</sup>**

	Firearm	Knife	Syringe	Other	All weapons
No injury	16	10	18	19	14
Minor injury	20	26	36	45	32
Serious injury <sup>c</sup>	2	3	0	5	4
Emotional trauma	62	61	45	31	51
Total (n)	86	397	11	251	745

a: Based on most serious weapon listed in a weapon combination, assuming order of seriousness of firearm, knife, syringe and other weapon

b: Excludes individual victim records with missing injury information and/or unspecified weapon type, or weapon types of unknown, not applicable or not stated

c: Serious injury refers to that requiring immediate emergency medical treatment

Note: Percentages may not total 100 due to rounding

Source: Smith & Louis 2010



**Table 4** Most serious weapon<sup>a</sup> used by location, 2007 (%)<sup>b</sup>

	Firearm	Knife	Syringe	Other	Non-specific/missing	Total (n)
Residential	17	42	2	31	8	576
Recreational	6	49	1	37	6	264
Transport-related	10	56	2	25	8	433
Open spaces (excluding street and footpath)	7	59	1	26	6	69
Street and footpath	9	51	3	30	7	2,033
Educational, health, religious, justice and other community	13	52	5	22	8	77
Administrative and professional	35	47	0	6	12	17
Wholesalers, warehouses, manufacturing and agricultural	26	37	0	26	11	19
Retail	21	51	5	18	5	986
Banking and financial	49	26	0	14	11	84
Pharmacies and chemists	21	57	7	10	6	115
Service stations	24	47	3	19	7	442
Licensed premises	44	31	1	18	6	377
Newsagents and post offices	19	62	4	12	3	94
Corner stores, supermarkets and takeaways	17	56	4	16	7	415
Unspecified and other	8	49	6	24	13	85
All locations	16	49	3	25	7	6,086

a: Based on most serious weapon listed in derived weapon combination, assuming order of decreasing seriousness of firearm, knife, syringe, other weapon

b: Excludes incident records with missing location

Note: Percentages may not total 100 due to rounding. n=6,086

Source: Smith & Louis 2010

Analysis of the average monetary gain for armed robberies indicated that knives averaged a net of \$860, compared with \$1,726 for robberies with a firearm and \$483 for those with a syringe. Overall, the highest value gain for a weapon/location combination was for knife robberies at banking and financial locations (\$18,091 compared with \$11,237 for such robberies involving a firearm; Smith & Louis 2010).

Smith and Louis (2010) indicated that there was little variation in the patterns of weapon use as a function of the various age and gender groupings of co-offenders; however, they found that mixed male and female offender groups aged 35–49 years used knives more frequently than all other groups (71%). As set out in Table 6, knives were least likely to be used in the >50 year age group, regardless of gender groupings.

Since 1999, the AIC has managed the DUMA program, which involves the quarterly collection of information on drug use and crime from police detainees in selected police stations and watch houses and is Australia's only nationwide survey of drug use and criminal offending among police detainees. DUMA also records data on the use of knives by police detainees and provides information on the relationship between offending behaviour and contributing variables such as drug use, mental health and the possession of weapons.

Mouzos and Borzycki (2006) presented data on the DUMA addenda on weapons, which were administered on three occasions (2001, 2002 and 2004). They found that, of the 138 detainees who reported having owned a knife, the typical profile was of a man (84%) aged 30 years and under (78%)

**Table 5** Most serious weapon<sup>a</sup> used in armed robberies by number of offenders, 2007<sup>b</sup> (%)

	Number of offenders					
	One	Two	Three	Four	Five	All incidents (n)
Firearm	20	15	17	22	7	18
Knife	46	48	39	36	37	45
Syringe	4	2	3	0	0	3
Other weapon	21	25	32	38	48	24
Non specific or missing	9	10	9	4	7	9
Total (n)	1,285	475	150	72	27	2,009

a: Based on most serious weapon listed in derived weapon combination, assuming order of decreasing seriousness of firearm, knife, syringe, other weapon

b: Based on offender information for first-listed victim in incident. Excludes incident records in which offender information was not included

Note: Percentages may not total 100 due to rounding

Source: Smith & Louis 2010

**Table 6** Proportion of incidents involving knife as most serious weapon<sup>a</sup> by sex and age group<sup>b</sup> (%)

	All male	All female	Mixed male and female
<18 yrs	58	62	32
18–34 yrs	48	46	60
35–49 yrs	49	54	71
>50 yrs	33	0	0
Multiple age categories	41	43	67
Total	49	51	58

a: Based on most serious weapon listed in derived weapon combination, assuming order of seriousness of firearm, knife, syringe and other weapon. Excludes incident records missing or unspecified weapons

b: Based on up to 5 listed offenders, for first-listed victim in incident. Records with information concerning only 1 offender are included in the relevant gender/age category. Excludes offenders with age and/or gender missing or not supplied. Excludes incident records for which offender information was not included

Note: Percentages may not total 100 due to rounding. n=1,816

Source: Smith & Louis 2010

who had been arrested in the previous 12 months (73%). Just over half of the respondents (54%) had completed Year 10 at school, with a small minority (14%) working full-time. Almost one-third (32%) had been in prison in the previous year; 51 percent had been charged with a violent offence or property offence in the previous 12 months, compared with 14 percent having been charged with a drug offence. Almost all of the respondents (90%) reported having used illicit drugs during the previous 12 months, with most (76%) having used multiple drugs. The most common drug used was cannabis (80%), followed by methamphetamine (64%). Urinalysis for 80 respondents indicated that 80 percent had used an illicit drug in the previous 30 days, with 35 percent revealing multiple drug use. Cannabis (70%) and

methamphetamine (32%) were again the most commonly used drugs (Mouzos & Borzycki 2006).

The following information presents previously unpublished data from the weapons grid that was included in the core survey between 2005 and 2009. These questions, which overlapped to some extent with the questions in the 2001–04 addenda, collected information on detainees' possession and ownership of weapons, their use of weapons in crime, how often they usually carried their weapon and the licensing/registration status of weapons owned. Although issues about the validity and reliability of self-report data of this nature are acknowledged, it is argued that this information makes a valuable contribution to the field by providing important

quantitative data on detainees' experiences, thoughts and attitudes on weapon carriage and use that could not otherwise be obtained. It should be noted that respondents are told when asked the following questions to only respond in relation to 'objects that you own or use as a weapon'; accordingly, kitchen knives and the like would not be included.

As set out in Table 7, in response to the question *In the past 12 months how many of the following weapons have you owned or possessed?* the overwhelming majority of respondents (90%) answered 'none'. The next most common response was one knife (5%). By way of comparison, Mouzos and Borzycki (2006) found that 36 percent of respondents reported having owned a knife in the

previous 12 months (n=1,365), suggesting a significant decrease in the latter period. Of the 88 respondents to the question of whether they had used or threatened to use a knife to commit a crime in the previous 12 months, 65 (74%) responded *no*, compared with 23 (26%) who indicated they had used or threatened to use a knife.

Table 8 sets out the responses to the question *What is your main reason for owning or possessing a knife?* for each of the respondents' (n=89) first three listed weapons. The most common justification given was protection/self defence (accounting for 67%, 54% and 45% of responses for the first, second and third knife respectively). This is broadly consistent with Mouzos and Borzycki's (2006) findings, where 47 percent of respondents reported owning a

**Table 7** Ownership or possession of knife in previous 12 months

Number of knives	n	%
0	809	90
1	43	5
2	13	1
3	12	1
4–5	5	1
6–10	9	1
11–20	8	1
Total	899	100

Source: Unpublished data from DUMA

**Table 8** Main reason for owning or possessing knife

	First weapon		Second weapon		Third weapon	
	n	%	n	%	n	%
Hunting/target shooting	5	6	3	7	2	6
Job requirement	1	1	0	0	0	0
Protection/self defence	60	67	25	54	15	45
Use in criminal activity	1	1	2	4	3	9
Part of being in a gang	0	0	0	0	0	0
Collector	18	20	13	28	11	33
Other	4	4	3	7	2	6
Total	89	100	46	100	33	100

Note: Percentages may not total 100 due to rounding

Source: Unpublished data from DUMA

knife for self-defence. The second most common justification was being a collector (20%, 28% and 33% respectively). Use in criminal activity was rarely cited for the first weapon owned or possessed, but rose to nine percent for the third weapon, although the relatively small number of respondents (n=33) should be noted. Despite media representations about the prevalence of knife crime, use in criminal activity was only cited as the main reason for possessing a knife by four to five percent of respondents, while being in a gang was not cited by any respondents. However, this may be due to the reliance of the study on respondents' self-report of the reasons why they carried a knife.

Table 9 sets out the responses to the question *Where did you get the knife?* with the main source

being retail sale (58%, 65% and 64% for the first, second and third knife respectively), followed by family member or friend (15%, 20% and 24%). None of the respondents had obtained their knives from a drug dealer or over the internet (see Mouzos & Borzycki 2006 for earlier findings in response to this question, although changes to the wording mean the responses are not directly comparable).

Respondents were also asked *How often do you usually carry a knife?* as set out in Table 10. Notwithstanding the fact that responses were only obtained from people who said they had owned or possessed a knife in the previous 12 months, the most common response was that the person never carried a knife (38%, 46% and 45% for the first, second and third knife respectively), or did so rarely

**Table 9** How knives obtained

	First weapon		Second weapon		Third weapon	
	n	%	n	%	n	%
On the street	5	6	1	2	0	0
Drug dealer	0	0	0	0	0	0
Family member/friend	13	15	9	20	8	24
Private sale	8	9	1	2	0	0
Retail sale	52	58	30	65	21	64
Internet	0	0	0	0	0	0
Other	11	12	5	11	4	12
Total	89	100	46	100	33	100

Source: Unpublished data from DUMA

**Table 10** Frequency of knife carriage

	First weapon		Second weapon		Third weapon	
	n	%	n	%	n	%
Every day	11	12	4	9	4	12
Most days	12	13	8	17	6	18
Some days	15	17	6	13	3	9
Rarely	17	19	7	15	5	15
Never	34	38	21	46	15	45
Total	89	100	46	100	33	100

Source: Unpublished data from DUMA

(19%, 15% and 15%). However, nine to 12 percent of respondents indicated that they carried a knife every day and a further 13–18 percent that they did so most days.

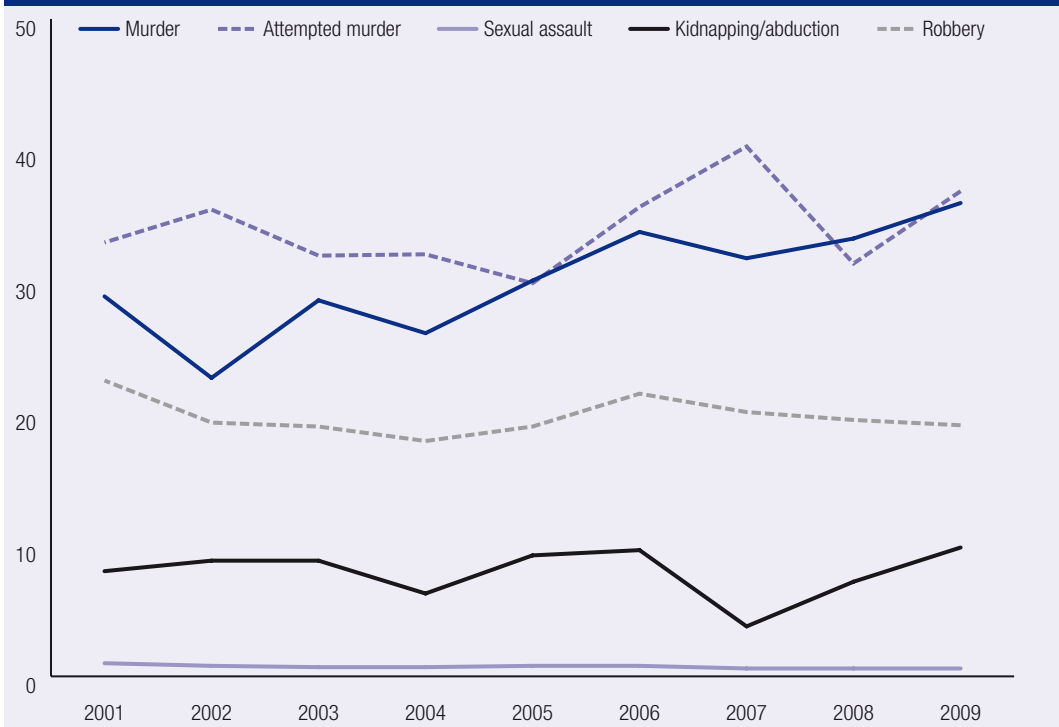
Finally, the AIC is currently proposing to undertake exploratory research into the demographic drivers of weapon crime in homicide and armed robbery in Australia. Using data from the AIC's NHMP and NARMP, the proposed research will examine a possible relationship between the demographic and/or situational features of the crime incident (such as number of victims, location and motive) and an offender's choice of weapon (knives, firearms, syringe, or no weapon ie fists and feet). Data will be analysed using Alternative Specific Conditional Choice Models, a derivation of regression analysis where outcome is influenced by choice rather than by quantity. This method will also enable researchers to model the relationship between crime and weapon choice, allowing the likelihood of an offender possessing a particular weapon to be predicted based on characteristics of the situation.

## Australian Bureau of Statistics

The following data from the ABS report on the use of a weapon in the commission of selected offences. The trend lines in Figure 1 suggest that as a proportion of all of the selected offences, there has been a dramatic increase in the use of knives in murder and a more gradual increase in relation to attempted murder, while their use has remained relatively constant for the other three offence types.

Table 11 sets out the time series information on the number and proportion of selected offences involving a knife in Australia for the years 2001–09. As can be seen, knives are most likely to be used in murder (23–36% of all such offences) and attempted murder (30–40% of such offences) but are very rarely involved in sexual assaults (1%). Their use in kidnapping/abduction has ranged from four percent to 10 percent over the last nine years, while the range for robbery has been smaller, between 18 and 23 percent. When offence numbers are considered, however, it can be seen that there have been large

**Figure 1** Trends in the use of a knife for selected offences, 2001–09



Source ABS 2010

**Table 11** Use of knives for selected offences, 2001–09

	Murder		Attempted murder		Sexual assault		Kidnapping/abduction		Robbery	
	n	%	n	%	n	%	n	%	n	%
2001	90	28.9	151	33.0	174	1.0	61	8.0	5,982	22.5
2002	72	22.7	142	35.5	142	0.8	62	8.8	4,051	19.3
2003	86	28.6	115	32.0	120	0.7	61	8.8	3,748	19.0
2004	69	26.1	100	32.1	131	0.7	48	6.3	2,960	17.9
2005	78	30.1	81	29.9	146	0.8	67	9.2	3,142	19.0
2006	95	33.8	86	35.7	150	0.8	70	9.6	3,734	21.5
2007	81	31.8	100	40.3	117	0.6	28	3.8	3,615	20.1
2008	87	33.3	74	31.4	111	0.6	57	7.2	3,225	19.5
2009	94	36.0	87	36.9	116	0.6	56	9.8	2,914	19.1

Source: ABS 2010: Table 2.7

decreases in the use of knives in attempted murder (from 151 in 2001 to 87 in 2009), sexual assault (174 to 116) and robbery (5,982 to 2,914), as well as a small decrease in kidnapping/abduction (from 61 to 56). The use of knives in murder has ranged from 69 to 95 per year, with 2009 the second highest on record.

*Appendix A* sets out the available jurisdictional data on the use of a knife for the foregoing offences, as well as assault, for which the ABS does not publish national data. The quality of the data is such that no firm conclusions can be drawn about any trends over time or offence-related patterns. However, there appear to be some similarities among jurisdictions, for example, the use of knives in sexual assault is around one percent for all jurisdictions, but robbery with a knife appears to be consistently lower in Western Australia (11–12%) than in the other jurisdictions (16–26%). The use of knives for murder in 2009 ranged from 17 percent in Western Australia to 64 percent in the Northern Territory. South Australia also had the highest use of knives for attempted murder in 2009, at 53 percent, compared with Victoria, which was the lowest at 22 percent.

## Other sources of data in Australia

BOCSAR recently released a summary of NSW recorded crime trends for offences where a knife,

sword, scissors or screwdriver was used as a weapon. As can be seen in Table 12, there were insufficient numbers in Sydney to determine any changes for murder and sexual assault. Non-domestic violence-related assault fell by five percent in the five years under review and by 11 percent in the most recent two years. For domestic violence-related assault, the most recent data are stable, compared with a fall of 3.5 percent over the previous five years. Malicious damage to property has also stabilised in the most recent two years reported, compared with a fall of seven percent over five years, while robbery with a weapon not a firearm has shown fairly consistent declines of 11–12 percent over the periods under review. Throughout New South Wales, the use of knives and similar weapons was stable for murder for both two and five years. The patterns for the remaining offences were very similar to the Sydney data, except for robbery with a weapon not a firearm, which showed a 12 percent decline over five years but was stable over the last two years; although both the ABS and BOCSAR figures recorded a decrease in the number of robberies involving knives, the difference in magnitude of the decrease is likely due to differences in counting rules and timeframes.

BOCSAR has also recently released research on assaults on school premises in New South Wales for 2005–09 (Trimboli 2010), which indicates that between knives were used in 4.1–6.5 percent of assault incidents on school premises during school

**Table 12** Sydney/New South Wales offences where a knife, sword, scissors or screwdriver used as a weapon, 2005–09

	2005	2006	2007	2008	2009	Trend <sup>b</sup> and annual percentage change (24 months )	Trend <sup>b</sup> and annual percentage change (60 months)
<b>Sydney</b>							
Murder <sup>a</sup>	20	16	22	17	18	nc	nc
Non-domestic violence-related assault	744	753	731	674	599	-11.1	-5.3
Domestic violence-related assault	577	552	589	507	500	Stable	-3.5
Sexual assault	21	20	12	11	21	nc	nc
Indecent assault, act of indecency and other sexual offences	9	6	3	5	4	nc	nc
Robbery with a weapon not a firearm	1,508	1,450	1,272	1,009	901	-10.7	-12.1
Malicious damage to property	130	118	111	109	98	Stable	-6.8
<b>NSW<sup>c</sup></b>							
Murder <sup>a</sup>	29	30	31	29	30	Stable	Stable
Non-domestic violence-related assault	1,178	1,206	1,134	1,094	981	-10.3	-4.5
Domestic violence-related assault	1,021	956	1,080	884	884	Stable	-3.5
Sexual assault	32	34	27	16	27	nc	nc
Indecent assault, act of indecency and other sexual offences	9	6	3	5	6	nc	nc
Robbery with a weapon not a firearm	1,729	1,683	1,458	1,194	1,060	Stable	-11.5
Malicious damage to property	253	226	195	198	190	Stable	-6.9

a: Number of victims

b: Shows the results of a statistical test for a significant upward or downward trend in the monthly number of incidents recorded from 2008 to 2009 and from 2005 to 2009. Where the trend is significant (ie  $p < 0.05$ ) the percentage change in the number of incidents between the last 12 month period and the preceding 12 month period is shown. 'Stable' indicates there was no significant upward or downward trend and 'nc' indicates that the number of incidents recorded was too small for a reliable trend test to be performed

c: Incidents occurring in prisons are excluded

Source: BOCSAR 2010

hours involving school children (n=201). In the overwhelming majority of cases (90.5–92.4% of cases), there was no weapon used (ie fists, feet and body were used instead).

As the AIC (2009) has noted, there has been little academic research conducted in Australia on the carriage and use of knives. One Victorian study, *Living on Edge: Understanding the Social Context of Knife Carriage Among Young People* by Bondy, Ogilvie and Astbury (2005) investigated the perceptions, motivations and experiences of young people (aged between 10 and 25 years) regarding the acquisition, carriage and criminal use of weapons, particularly knives.

Bondy, Ogilvie and Astbury (2005) examined data from several sources, including qualitative data from 82 young people, with an average age of 16 years. The methodology included focus groups with young people in five areas of Melbourne considered to be weapon hotspots by Victoria Police, two focus groups in rural Victoria and interviews with key stakeholders in the youth, health and criminal justice sectors. The limitations of this study must also be acknowledged; notably, the small sample size (which limits generalisability) and the self-report methodology (Merner & Delacorn 2010). Nevertheless, the report provides an important insight into this issue, at least in relation to young people. The findings will be discussed further in the

following section, however, it should be noted that the study found that the majority of young people do not carry weapons, with only 15 percent of respondents (n=72) reportedly carrying a knife regularly. Bondy, Ogilvie and Astbury (2005: 112) also found that there appeared to be two distinct populations

the younger cohort who carry these weapons and ultimately grow out of the habit and an older cohort who, primarily through association with drug-related crime, are evidenced in crime and hospitalisation data.

They also found that there had not been any longitudinal work indicating any change in the characteristics or nature of knife carriage over time. These findings were recently endorsed by Hugh de Krestler, the head of Smart Justice, who commented on the need to

...clearly distinguish between knife violence, which we think from the police data is decreasing, and knife carrying, where we don't have good data on the incidence of it, and they're two different crimes, so we need different policy responses, and yet what we're seeing is a blurring of this so-called knife crime wave, and it's simply not backed by the evidence ('Crime statistics and the trouble with knives' *The Law Report* 12 October 2010: np).

A recent survey by Brown and Sutton (2007) involving 150 'street youth' and 184 'school youth' in Sydney also provides a key insight into knife carriage and use by young people, although the limitations of the study, in particular, the small sample size and the poor response rate and corresponding possible bias in the school sample was noted. The study sought to answer the following research questions:

- How many young people carry, or are aware of others who carry, knives/offensive implements? Knives/offensive implements were defined as objects made or adapted to threaten/hurt another person or to damage property including screwdrivers, scissors, syringes or other items;
- How did they get these implements and where do they take them?;
- What has been their experience with police searching them?; and
- Why do they carry them?

The mean age of the street youth, who were without stable accommodation and were accessed via youth drop-in centres, was 18 years (range 14–21 years), compared with a mean age of 15 years for the school youth (range 13–17 years). The former group was more evenly balanced in terms of gender, with 55 percent male respondents, compared with 95 percent for the school youth. The survey yielded the following key results in relation to knife carriage and use:

- for the street sample, 49 percent reported that they knew people who frequently or sometimes carried knives/offensive implements. For the school sample, 27 percent reported that they knew others who frequently carried these implements and 74 percent who sometimes did so;
- 57 and 23 percent respectively admitted that they carried implements at least occasionally;
- 58 percent of the street sample had carried a knife/implement in the previous week and a further 23 percent (total of 81%) in the previous few weeks. The figures for the school sample were 36 and 21 percent (57% in total) respectively;
- the most common age at which both groups reported beginning to carry a knife/offensive implement was 13–14 years (street sample 42%; school sample 69%); a smaller yet substantial number admitted carrying them between five and 12 years of age (street sample 23%; school sample 32%);
- similar proportions of both groups reported carrying the implements in public places such as sporting events (44%) and concerts (53% vs 51%), but the street sample were much more likely than the school sample to carry them at railway stations (91% vs 63%) or at home (64% vs 30%; Brown and Sutton did not explain how 'home' was defined for the street sample). In the school sample, 47 percent reported carrying the implements at school;
- of the respondents who carried the implements, 15 percent of the street sample and 27 percent of the school sample had used them at least once as a weapon, while 59 percent and 32 percent respectively had used them on more than one occasion;



- seventy-one and 38 percent respectively reported having been threatened or assaulted with a knife or offensive implement, including 64 percent of the street sample reportedly being assaulted or threatened by their parents; and
- seventy-seven percent of the street sample had been stopped and searched at least once by the police, compared with 17 percent of the school sample.

Another means of ascertaining the incidence of offences involving knives is by examining hospital data. For example, Bondy, Ogilvie and Astbury (2005) examined the Victorian Injury Surveillance System for hospital admission data from 1987 to 1999. Earlier this year, the head of trauma at a major Melbourne hospital indicated that the hospital had experienced a 70 percent increase in stab wounds since 2008 (Flower & Buttler 2010). Some data are maintained by the Australian Institute of Health and

Welfare (AIHW) and the National Injuries Surveillance Unit. The most recent data of this nature indicate that contact with a knife, sword or dagger accounted for three percent (n=3,543) of external causes of morbidity and mortality in Australia in 2005–06 (Kreisfeld & Harrison 2010). It should be acknowledged, however, that these data focus on hospital admissions and do not include injuries where the victim is released directly from Accident and Emergency. It is also relevant to note that

[e]mergency hospital staff agree that the number of knife attacks is rubbery. Some go unreported because victims do not tell anyone, or hospital staff do not notify police (Rule 2010: np).

As a result, earlier this year, Bob Falconer, a former Victoria Police deputy commissioner and West Australian police commissioner, called for medical officers to automatically report knife wounds to police, as they do gunshot wounds (Rule 2010).

# Data on the carriage and use of knives in the United Kingdom

The issue of knife crime has received considerable media and research attention in the United Kingdom in recent years. As with Australia, there are no national data there on knife carriage and use to support the growing concern about the issue (Youth Justice Board 2007). It has recently been suggested that there is anecdotal evidence that knife carrying may be increasing, particularly among children and young people, at a national level, but that the number of ‘sharp instrument’ homicides in the United Kingdom has fallen (Wood 2010). Wood also commented on media reports that the knife crime statistics released by the Home Office were ‘contested’ (Wood 2010: 98; see also Easton 2009; ‘New attack on stabbing statistics’ *BBC News* 5 February 2009).

Since late 2008, the Ministry of Justice has released a quarterly brief on sentencing patterns for knife possession. The most recent of these, which covers July to September 2010 (UK Ministry of Justice 2010), indicated that between the third quarters of 2009 and 2010, the proportion of offences receiving cautions, suspended sentences and immediate custodial sentences for knife or offensive weapon possession decreased slightly; however, where an immediate custodial sentence was ordered, these had increased in length. Other issues relevant to sentencing for such offences include the Court of Appeal’s decision in Povey’s case in 2008 that

because of prevalence, magistrates should normally sentence those convicted of knife crime possession offences at the top end of the range and advice from the Sentencing Guidelines Council, with effect from 4 August 2008, which clarified that the starting point for the lowest level of knife possession by an adult should be 12 weeks’ custody. Such a penalty would apply where a first time offender pleads not guilty to possession of a knife in non-dangerous circumstances. A guilty plea would attract a discount, as would any personal mitigation, and could take the sentence below the custody threshold (UK Ministry of Justice 2010).

In June 2009, the Home Affairs Committee released its report, *Knife Crime* (UK HCHAC 2009), in which it was found, inter alia, that:

- after a decline in violent knife offending since the mid 1990s, there was a rise knife homicides and other serious offences in 2006–07;
- knives were used in six percent of British Crime Survey (BCS) violent incidents in 2007–08;
- twenty-one percent of people convicted of possessing an offensive weapon were jailed in the last quarter of 2008;
- the organisation Kids Count estimated that knife crime cost the state in the region of £1.25b per year;

- the majority of knife victims and perpetrators were young men in their late teens and early twenties, with a significant proportion of knife offending linked to domestic violence;
- knife violence was concentrated in the deprived parts of big cities;
- there are fears it was becoming 'normal' in some areas for young people to carry knives, mostly for protection, status and peer pressure; and
- kitchen knives were more commonly used in stabbings than pen or flick knives.

Some important caveats on the data cited above are that until January 2009, the BCS did not include children under 16 years, one of the key target groups for offences involving knives. From January 2009, the BCS was extended to include 10–16 year olds. In addition, police only started publishing data on knife use in serious offences in July 2008. Another aspect is that it was estimated that only 50 percent of stab victims who present at hospital reported their assault to the police. It would be of interest to see any comparable data in the Australian context.

The Committee also referred to a 2008 MORI youth survey which found that 17 percent of 11–16 year olds in mainstream education reported having carried a penknife in the previous 12 months, but this rose to 54 percent for excluded young people (ie those not in the education system), although 32 percent of young people who admitted to carrying a knife said they did so 'for hobbies, activities or sports' (UK HCHAC 2009: 15). By way of comparison, a representative sample of eight to 17 year olds surveyed by a children's charity, together with a sample of young people living in 'high risk' areas found that only four percent of 12–17 year olds admitted to carrying a knife at any time, and for the majority, this was an infrequent occurrence.

The Scottish Government has also recently released two reports on knife crime. McVie (2010) presented key findings on gang membership and weapon and knife carrying among a cohort of approximately 4,300 12–17 year olds collected over six years. In particular, the data indicated:

- twenty-nine percent of young people had carried a knife at some point between the age of 12 and 17 years;
- weapon carriage peaked at 14 years of age; 23 percent of 14 year old respondents indicated they had done so in the previous year, compared with nine percent for 17 year olds;
- among those who had carried a knife at some point, the average number of times they reported carrying any weapon increased from 3.1 at age 12 years to 4.2 at age 17 years;
- six percent of weapon carriers were responsible for 25 percent of all weapon carriage incidents;
- knife carriers were less likely to use a weapon against someone and when they did, were much less likely to inflict injuries on the victim compared with those who carried some other kind of weapon (40% vs 80%), suggesting that when young people carry knives they are used sparingly and, when used, this may often be with the aim of warning off or threatening others rather than to attack them aggressively (McVie 2010: 34);
- most knife carriers were not persistent offenders over a long time period. Only 28 percent of knife carriers at 13 years of age reported they were also knife carriers at 16 years of age; and
- knife carriers were predominantly male at both age 13 and 16 years (74% and 70%), compared with non-knife carriers (48% and 49%).

# Understanding the aetiology of knife crime

Eades et al. (2007: 7) have noted that

relatively little detailed information exists on 'knife crime' and knife carrying: who is committing it, who is suffering it, the reasons for it and what might be the best ways of reducing it.

Eades et al. (2007) later commented on the lack of information on the motivations for knife carrying, adding that much of the information is anecdotal and provided by youth workers, teachers and other professionals. They therefore concluded that 'without definitive information it is very difficult indeed to make any serious attempt to reduce the practice' (Eades et al. 2007: 21). One significant finding was that prior victimisation was correlated with knife carriage—among children in school, twice as many children who claimed to have been a victim of crime carried a knife compared with those who had claimed not to have experienced victimisation (36% vs 18%). The differences were not so great, although the overall rates of knife carriage were higher, among excluded young people (62% vs 51%). Eades et al. (2007) called for more detailed research on carrying a knife as a weapon, the motivations for it and the incidences of such weapon carrying by those who have witnessed or experienced violent crime compared with those who have not. In terms of victimisation, Eades et al. (2007) found that males,

children and young people, those living in poor areas and members of black and minority ethnic communities were most likely to be the victims of crimes involving knives.

McVie (2010) found in research with young people in Scotland that those who carried knives or got involved in a gang had more difficult and problematic backgrounds than other young people and were more likely to have experienced parental separation and poor parental supervision, to have been involved in a range of offending and antisocial behaviours, to have poorer school attendance, to have more problematic personality traits and to have been in trouble with the police. In addition, although there was a strong overlap between the background characteristics and behaviours of gang members and knife carriers, there were also some distinct differences (eg social class), suggesting two discrete cohorts. She also determined that deprivation and disadvantage—both at the individual level and the neighbourhood level—proved to be significant in terms of predicting gang membership, but not knife carrying. Finally, the strongest influence on carrying a knife at 16 years of age was carrying a knife at 13 years of age, suggesting that early intervention targeted at those who carry weapons at young ages could have a significant preventative impact.

Bannister et al. (2010) also conducted research commissioned by the Scottish Government, reporting on research in five case study locations, including analysis of crime data, intelligence reports and qualitative interviews with key service providers dealing with problematic youth behaviour (n=55) and young people who were associated with gangs and/or knife carrying behaviour (n=95). The principal findings that emerged were:

- those who carried knives did so for a variety of reasons, including as self protection (with no intention of use), as a weapon (with the intention of use) and to promote their reputation (use and non-use);
- young people who carried knives with the intention of using them tended to be engaged in serious individual (non-group) and collective violent behaviours; and
- most were aware of the physical and social risks of knife carrying and/or use, however, recognition of the risks appeared to have a limited impact upon carrying or using knives.

Bannister et al. (2010) called for improved official data sources on youth crime, including knife carrying, suggesting that developing national standards and collating data on the qualities of knife carriers would enable a more nuanced probing of the aetiologies of such behaviour.

In the primary Australian research on this issue, Bondy, Ogilvie and Astbury (2005) examined the literature on why young people carry weapons (generally) and pointed to problem proneness (eg drug use and sales, aggressive attitudes and fighting, mental health problems, risky sexual behaviour, poor academic behaviour), fear and vulnerability, and social influence, with the latter two apparently better predictors of weapon carriage than problem proneness. Overall, however, they argued that the decision to acquire, carry or use a weapon 'must ultimately be viewed within a broad social framework' and that failure to do so would result in 'poorly designed and ineffectual interventions' (Bondy, Ogilvie & Astbury 2005: 113).

Bondy Ogilvie and Astbury (2005: 114) called for 'continued efforts to engage young people in pro-social activities and reduce the perceived and actual level of risk in the environment'. The authors also found that:

- students aged 14 to 15 from low socioeconomic backgrounds who become involved in delinquent peer-group activities were most likely to carry a knife;
- young people's perceptions of safety, specifically in public spaces and at night, influenced knife carriage; and
- there was no causal evidence that suggested that a particular ethnic group was more likely to carry a knife (Bondy, Ogilvie & Astbury 2005: 111).

As noted above, Brown and Sutton (2007) conducted research with young people in Sydney and found that young people's carriage of knives appeared to be associated with the same factors related to juvenile delinquency more widely, that is, young men who have a history of victimisation and exposure to violence are fearful and/or engage in risky behaviours (eg drug use/sale, fighting and joining gangs). Peer and family influences also contributed to weapon carrying and were compounded by socioeconomic disadvantage, illicit drug activity, community disintegration, the availability of weapons and a lack of educational and employment opportunities. Brown and Sutton (2007) examined why street and school youth reported carrying knives and found the key associated factors were—internal and external pressure, power/control and safety. There were differences in the reasons why the two samples chose not to carry a knife. The authors noted that a surprisingly high number of the young people in the study had been subjected to threats and assaults with knives/offensive weapons by family and friends. Accordingly, they observed

It is sobering to realise that many of these assaults are conducted not only by strangers, but also by family members and friends. Thus, in the context of a society that condones this type of behavior, it is hardly surprising that young people would use these methods to protect themselves as well as to bolster their own sense of power and self-esteem (Brown & Sutton 2007: 57).

# Australian responses to knife crime

It has previously been noted in AIC research that the legislative focus upon knives and weapons other than firearms is only very recent. This focus has emerged in the context of only the most limited research into the question of how knives and other weapons are actually used in crime (Ogilvie 2000: 4).

Although the evidence on the use of knives remains incomplete, there have been a number of legislative developments on this issue in the last decade. This paper therefore draws on current and proposed legislation and regulations, parliamentary debates and reports, media reports and media releases to present an overview of current and proposed laws relating to knives around Australia.

## New South Wales

Division 1, Subdivision 2 of the *Summary Offences Act 1988* (NSW) deals with 'knives and offensive implements'. An 'offensive implement' is defined in s 11B(3) as

anything made or adapted for use for causing injury to a person, or...anything intended, by the person having custody of the thing, to be used to injure or menace a person or damage property.

It is an offence under s 11B to have an offensive implement in one's custody in a public place or a school without a reasonable excuse (maximum penalty—50 penalty units (\$5,500) or 2 years imprisonment). There is no legislative guidance as to what might constitute a reasonable excuse under s 11B, but there is a non-exhaustive list of reasonable excuses under s 11C(2). It is not a reasonable excuse to have a knife solely for the purpose of self-defence or defence of another (s 11C(3)). Section 11C specifically relates to the custody of a knife without a reasonable excuse at a public place or school (20 penalty units or 2 years). The penalty for this offence was recently increased by the *Crimes Legislation Amendment (Possession of Knives in Public) Act 2009* (NSW). The previous provision had a graduated model of penalties, ranging from five penalty units for a first offence to the current maximum that applies only to offenders dealt with more than once previously. In his second reading speech for that legislation, which was introduced as a private member's bill by Fred Nile, the Attorney-General stated:

It appears that the Government's tough approach to dealing with knife-related crime may be having an effect. I am advised that statistics from the Bureau of Crime Statistics and Research show that, as at June 2009, prohibited and regulated

weapons offences have been stable over the past two years. Furthermore, as at June 2009, the number of offences where a knife, sword, scissors or screwdriver was used as a weapon has actually declined by 5 per cent over the past five years...While these figures are certainly encouraging, the Government is determined to keep driving down rates of crime in this area. We intend to send the strongest deterrent message possible, and we therefore support the provisions of this bill (Hatzistergos 2009: 18495).

Under s 11D of the *Summary Offences Act 1988* (NSW), parents who allow their children to carry a knife in breach of s 11C are guilty of an offence (5 penalty units), even if the child has not been dealt with under s 11C (s 11D(2)). Section 11E makes it an offence to use a knife or carry a knife that is visible 'in the presence of any person in a public place or a school in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety is guilty of an offence' (50 penalty units or 2 years). It is also an offence under s 11F to sell a knife to a child under the age of 16 years (50 penalty units). Under cl 11 of the *Summary Offences Regulation 2010* (NSW), plastic knives designed for eating and blades other than knife blade or blades forming part of a machete, cleaver or sword (ie razor blades), are exempt from this offence.

Under the *Weapons Prohibition Act 1998* (NSW), it is an offence to be in possession of, or use a prohibited weapon without a permit, or to use a prohibited weapon in contravention of the conditions of a permit (s 7). There are seven types of knives included as prohibited weapons in Schedule 1 of the Act. The maximum penalty for this offence was recently increased by the *Weapons and Firearms Legislation Amendment Act 2010* (NSW) to 14 years in all cases. Previously, the maximum penalty was 100 penalty units and/or two years' imprisonment where the matter was dealt with summarily. Other offences under the *Weapons Prohibition Act 1998* include:

- the unauthorised purchase of a prohibited weapon (5 years; s 23);

- the unauthorised sale of a prohibited weapon (14 years; s 23A). Where a person commits three or more such offences over 12 months, the penalty rises to 20 years (s 24);
- the unauthorised sale or receipt of a prohibited weapon (50 penalty units; s 25); and
- the unauthorised manufacture of prohibited weapons (14 years; s 25A).

As in other jurisdictions, there are a number of other offences which might involve the use of a knife (eg armed robbery). In addition, there is a specific offence under s 114 of the *Crimes Act 1900* (NSW) of being armed 'with any weapon, or instrument, with intent to commit an indictable offence' (7 years), with an aggravated offence for convicted offenders (10 years; s 115). Another relevant offence is possessing or using an offensive weapon or instrument to resist arrest (12 years or 15 years if committed in company; s 33B). Also, the actual or threatened use of a weapon is a general aggravating factor that must be taken into account by the court when determining any sentence under s 21A(2)(c) of the *Crimes (Sentencing Procedure) Act 1999* (NSW).

Police powers of search and seizure without a warrant are contained in Part 4 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW). General search and seizure powers are outlined in ss 20–24, but police also have additional powers in public places and schools under ss 25–28. In particular, s 26 empowers a police officer to request a person who is in a public place or a school to submit to a frisk search if the police officer suspects on reasonable grounds that the person has a dangerous implement (other than a laser pointer) in his or her custody. When determining 'reasonable grounds', the fact that the person is located in an area with a high incidence of crime can be taken into account (s 26(3)). The police may also search a student's bag, locker and personal effects contained in the locker. Section 26(4) provides for a student to nominate an adult who is on the school premises to be present during the search. Finally, the penalty for failing to comply with a police request to submit to a frisk search was recently raised by the *Crimes Legislation Amendment (Possession of Knives in Public) Act 2009* (NSW) from five to 50 penalty units.

# Victoria

The issue of knife crime has perhaps received more attention in recent times in Victoria than anywhere else in Australia. Recent data cited by Victorian Police suggest a nine percent increase in knife-armed robberies in the last 12 months ('Crime statistics and the trouble with knives' *The Law Report* 12 October 2010). The ABS data set out in *Appendix A*, by contrast, indicate that 2009 had the lowest incidence of knife-armed robbery on record, with only 556 instances, compared with 707 in 2008. Robberies of this nature also represented the smallest proportion of robberies since data collection commenced in 2004, at 18 percent, compared with 21–26 percent in previous years.

In 2009, police powers to search for weapons were significantly enhanced through the *Summary Offences and Control of Weapons Acts Amendment Act 2009* (Vic), which empowered police to search any person without warrant in a public place in an area specifically designated for the purposes of this search power (Merner & Delacorn 2010). In April 2010, the *Herald Sun* ran a series of articles highlighting the perceived growing impact of knife crime. The Labor Government made a number of legislative changes on this issue in recent years, including the introduction of new laws which make it illegal for people to carry a knife without a lawful reason (Hudson 2010). Notably, the *Control of Weapons Amendment Act 2010* (Vic) was assented to on 10 August 2010 and the majority of it came into effect on 22 August 2010. When introducing the Bill, then Police Minister, Bob Cameron, asserted that:

The changes to weapons laws proposed in this bill are designed to encourage a fundamental change in community attitudes about the carriage of weapons such as knives. They will send a clear message to all Victorians that it is not appropriate to carry weapons in public places and that weapons should be left at home when not necessary for lawful occupations or other purposes (Cameron 2010c: 2002).

Under the *Control of Weapons Act 1990* (Vic), a dangerous article is an article that has been adapted or modified so it is capable of being used as a weapon, or any other article that is carried with the intention of being used as a weapon. A controlled

weapon is a knife, other than a knife that is a prohibited weapon, or an article prescribed as such by the regulations (s 3). A prohibited weapon is an article prescribed as such by the regulations. Various types of knives, including flick knives and butterfly knives, are listed among 47 prohibited weapons under the *Control of Weapons Regulations 2000* (Vic) (Sch 2). A bayonet is the only type of knife listed as a controlled weapon under Schedule 3 of the Regulations, but as was noted in the second reading speech introducing the 2010 amendments, controlled weapons 'include all knives other than prohibited knives such as ordinary kitchen knives and pocket knives' (Cameron 2010c: 2002).

The Act sets out the following key offences:

- bringing into Victoria, or causing to be brought or sent into Victoria, or manufacturing, displaying or advertising for sale, selling, possessing, using or carrying a prohibited weapon without an exemption under s 8B (*Exemptions for prohibited weapons and body armour*) or an approval under s 8C (*Approvals for prohibited weapons and body armour*). These offences attract a maximum penalty of two years' imprisonment or 240 penalty units (currently \$28,668; s 5(1), (1AA), (1AC));
- purchasing a prohibited weapon without a relevant exemption or approval (240 penalty units and 2 years for an adult or 25 penalty units for a child; s 5 (1AB), (1AD));
- possessing, carrying or using a prohibited weapon without a relevant exemption or approval in licensed premises or in a public place in the immediate vicinity of licensed premises (480 penalty units or 4 years; s 5(1A)); and
- possessing or carrying a dangerous article without lawful excuse (60 penalty units or 6 months, or 120 penalty units or 1 year in or near licensed premises; s 7(1), (1A)). Subsections (2) and (4) relate to lawful excuses but exclude self-defence.

Offences under s 5A relate to identifying persons buying prohibited weapons, while s 5B relates to recording sales of prohibited weapons. Section 6 relates to the control of controlled weapons, with s 6(1) prohibiting the possession, carrying or use of a controlled weapon without a lawful excuse (120 penalty units and 1 year; the penalties are doubled where the offence occurs on or near licensed premises (s 6(1A)). Subsections (3) and (4)



relate to possible lawful excuses, which, as in other jurisdictions, exclude self-defence. New provisions which prevent a child from purchasing a controlled weapon (12 penalty units), and prevent a person from selling a controlled weapon to a child (20 penalty units; ss 6(1AA), (1AB)), came into effect on 1 January 2011. The 2010 amendments also introduced on-the-spot fines for these offences. Pursuant to s 11B, police are empowered to issue infringement notices to people aged 16 years and over. The infringement penalty for offences under s 6(1) is \$1,000 (s 11C(a)) and \$2,000 for offences under s 6(1A) (see s 11C(c)). Under s 11C(b), an on the spot fine of two penalty units (\$238.90) arises where a child purchases a controlled weapon.

The 2010 amendments also included new provisions relating to the forfeiture of controlled weapons if an infringement notice is served (s 9A) and changes to the recording and reporting of searches (ss 10A–10B). Section 10 allows a police member to search a person for weapons where the member has a reasonable belief that the person is carrying or has in their possession in a public place a prohibited weapon, a controlled weapon or a dangerous article. Subsection (2) provides that the fact that a person is present in a location with a high incidence of violent crime may be taken into account in determining whether there are reasonable grounds for suspecting that the person is carrying a weapon or has a weapon in their possession.

In addition, ss 10C–10L, introduced by the 2009 amendments, provide new forms of weapons stop and search powers that may be exercised in public places with designated areas. For a planned designated area, this is where the Chief Commissioner is satisfied that

- (i) more than one incident of violence or disorder has occurred in that area in the previous 12 months that involved the use of weapons; or
  - (ii) an event is to be held in that area and incidents of violence or disorder involving the use of weapons have occurred at previous occasions of that event (wherever occurring); and
- (b) there is a likelihood that the violence or disorder will recur (s 10D).

There are also powers relating to the unplanned designation of an area (s 10E). Once an area has been designated, the police powers include the power to conduct strip searches without a search warrant (s 10G) and the power to search a vehicle (s 10H). The conduct of searches is governed by Schedule 1 of the Act and

sets out a graduated scheme for the conduct of weapons searches in public places that is designed to preserve the dignity and comfort of the person being searched (Cameron 2010c: 2002).

Finally, it should be noted that under s 31B(2) of the *Crimes Act 1958* (Vic), it is an offence to be armed with a prohibited or controlled weapon with intent (5 years).

The 2010 amendments were accompanied by a month long amnesty on weapons, which ‘resulted in 810 knives, edged and other dangerous weapons being surrendered to police’, an increase of 78 percent on the same weapon categories surrendered during the previous amnesty in October 2009 (Government of Victoria 2010: np), although it has been suggested that such approaches are ineffective in reducing knife carriage, especially given the wide availability of knives generally (Bannister et al. 2010; Smart Justice 2010; UK HCHAC 2009).

Another, perhaps more promising, initiative taken by the Victorian Government is their public education campaign, *Knives Scar Lives*. The campaign used outdoor, print and online advertising to target young people and involved key sporting figures (Cameron 2010b; Government of Victoria 2010). The campaign has been described as a positive development, particularly for its use of role models to promote its message (Smart Justice 2010). It was recently announced that the Western Bulldogs had joined the campaign, which already has partnerships with a range of organisations, including the Collingwood Football Club and the Salvation Army (Cameron 2010a). A similar approach has been adopted in the United Kingdom, with David Beckham part of the *It Doesn't Have to Happen* campaign, although it was acknowledged that such programs need to be part of a broader approach (Children and Young People Now 2009).

## Queensland

The key offence relating to knives in Queensland is s 51 of the *Weapons Act 1990* (Qld), which prohibits possession of a knife in a public place or school without a reasonable excuse (20 penalty units, \$2,000 or 6 months). A list is provided of reasonable excuses, namely, performing a lawful activity, duty or employment, participating in a lawful entertainment, recreation or sport, or exhibiting the knife or for use for a lawful purport (s 51(2)), with examples also provided for each subsection. Pursuant to s 51(3), self-defence is not a reasonable excuse. In addition, in deciding what is a reasonable excuse, regard may be had to whether how, when and where the knife is held would cause a reasonable person concern about someone being threatened or harmed (s 51(4)). Other offences relate to the:

- acquisition of weapons (20 penalty units or 6 months for Category M weapons, which include knives; s 35);
- sale or disposal of weapons (20 penalty units or 6 months for Category M weapons; s 36);
- unlawful possession of a weapon (100 penalty units or 2 years for Category M weapons; s 50); and
- unlawful supply or a prohibited weapon (200 penalty units or 4 years; s 50B).

In addition, s 15(1c) of the *Summary Offences Act 2005* (Qld) prohibits a person from carrying an implement that is being, or is to be, used to unlawfully injure a person (20 penalty units or 1 year). Police powers for searching a person reasonably suspected of carrying a knife are contained in the *Police Powers and Responsibilities Act 2000* (Qld) (ss 29(1), 30(a)(i)).

In July 2008, Premier Anna Bligh and Judy Spence, then Minister for Police, Corrective Services and Sport, released a media statement proposing new weapons laws, notwithstanding their assertion that Queensland already has the toughest weapons laws in the country. The proposed changes included doubling the penalties for misuse of weapons offences to up to \$15,000 and introducing tougher knife laws, including an expanded definition of bladed weapons to include daggers (such as fantasy

knives). The media release indicated that in 2006–07, knives were used in:

- 48 percent of all homicides;
- 26 percent of all assaults;
- 55 percent of all sexual offences;
- 52 percent of all robberies; and
- 34 percent of all person offences (Bligh & Spence 2008).

On 4 August 2010, Police Minister Neil Roberts released a discussion draft of the *Weapons Bill 2010* (Qld), which sought to simplify the *Weapons Act 1990* (Qld). Other proposed amendments include:

- expanding the definition of bladed weapons in line with national standards;
- introducing a requirement for prospective weapons licensees to complete an approved safety training course;
- clarifying legislation in respect of a Sikh possessing a Kirpan (dagger) in a public place for genuine religious purposes;
- introducing online processing of licence applications and permits; and
- introducing new fees for selected weapons transactions (Roberts 2010).

It is also proposed to double the maximum penalties for possession of a knife in a public place or school, to 40 penalty units or 12 months' imprisonment. Various types of knives, including butterfly and star knives are listed as prescribed weapons under Category M, which proposes extending the list from 14 to 26 items (Sch 4). Submissions on the Bill were due by 14 September 2010 but there had been no legislative amendments on this issue as at April 2011.

## Western Australia

There is no express mention of knives in the *Weapons Act 1999* (WA), however, the Act defines a weapon as 'a prohibited weapon, a controlled weapon or an article to which s 8 applies'. Section 8 relates to 'other articles carried or possessed as weapons'. Prohibited weapons and controlled weapons are defined as articles prescribed as such in the regulations, but a controlled weapon can also be

any other article, not being a firearm or a prohibited weapon, made or modified to be used to injure or disable a person; to cause a person to fear that someone will be injured or disabled by that use; or for attack or defence in the practice of a martial sport, art or similar discipline (s 3).

The *Weapons Act 1999* was substantially amended in late 2009 by the *Acts Amendment (Weapons) Act 2009 (WA)*, which purported to

strengthen the existing offences in the Weapons Act 1999 by increasing the relevant penalties... [and] create[d] new offences placing restrictions on the sale and supply of controlled weapons to persons under 18 years of age' (Johnson 2009: np).

Pursuant to s 6, it is an offence to bring or send a prohibited weapon into the state, or carry, possess, purchase, sell, supply or manufacture a prohibited weapon or attempt to do so (\$36,000 and 3 years; s 6).

Section 7(1) relates to controlled weapons and provides that, subject to certain exceptions in s 10, a person who, without a lawful excuse, carries or possesses a controlled weapon commits an offence (\$24,000 and 2 years). The same penalty applies for offences where a person who has a lawful excuse to carry or possess a controlled weapon carries or possesses it in a manner that could reasonably be expected to cause someone to be injured or disabled or to fear that someone will be injured or disabled (s 7(2)). Subsection (3) provides that a lawful excuse to carry or possess a controlled weapon does not include self-defence purposes. In 2009, the WA Police also released a policy *Carrying of the Kirpan by Sikhs*, to explain to frontline police that a Kirpan carried for religious purposes generally meets the threshold required to satisfy a lawful excuse for carrying a weapon in public ('Knife laws: Carrying of the Kirpan by Sikhs' *Newsbeat* Summer 2009).

Section 8A provides that it is an offence to sell or supply a controlled weapon to a person under 18 (\$24,000 and 2 years). Section 8, referred to above, makes it an offence to carry or possess an article, not being a firearm or a prohibited or controlled weapon, with the intention of using it to injure or disable any person or to cause them to fear

someone will be injured or disabled (\$24,000 and 2 years). Exceptions to the offence under s 8 are keeping the article at one's home for the purpose of lawful defence (s 8(3)), keeping it in a private section of business premises (s 8(5)), or in a person's capacity as a police officer (s 10).

The following knives are listed under the Weapons Regulations 1999 (WA) as prohibited weapons—ballistic knife, butterfly knife, disguised knife or sword, flick knife or switchblade and knuckle knife (Sch 1). The following are knives listed as controlled weapons under Schedule 2—dagger, double-end knife, halberd, machete, sickle or scythe weapon, sword and throwing knife or blade.

The *Acts Amendment (Weapons) Act 2009 (WA)* also introduced ss 68A–68E of the *Criminal Code 1973 (WA)*. Section 68B provides that it is an offence for any person who, without lawful excuse, is armed with any dangerous or offensive weapon or instrument in, or with intent to enter, a prescribed place (5 years, or 3 years with a maximum fine of \$36,000 if the matter is dealt with summarily). The same penalties apply for the offence of being armed with a dangerous or offensive weapon or instrument in a public place when in company with two or more other persons (s 68C). The new offences of having ready access to both weapons and cash (s 68D) or weapons and drugs (s 68E) should also be noted. The Code also has an offence of being, or pretending to be, armed with any dangerous or offensive weapon or instrument in circumstances that are likely to cause fear to any person (7 years, or 3 years and a fine of \$36,000 if dealt with summarily; s 68).

In June 2010, it was reported that Western Australia was planning to introduce new police powers allowing officers to randomly stop and search the public for knives and other weapons which would abandon the need for a reasonable suspicion before searching, following a parliamentary committee report which was then expected to be released shortly (Parry 2010). On 21 October 2010, the Legislative Council Standing Committee on Legislation (2010) released its report on the proposed legislation, the Criminal Investigation Amendment Bill 2009 (WA). A majority of the Committee could find no justification for the Bill, while a minority was of the view that there might be circumstances in which it could be justified. The

Committee made 46 recommendations in relation to the Bill, with the government reportedly prepared to agree to at least 36 of the recommendations (Parker 2010), but the legislation has nevertheless been pronounced a ‘lost cause’ after the Nationals, whose support the government needed to pass the Bill, refused to support it even in its amended form. The Police Minister, Rob Johnston, indicated his intention to ‘leave it on the notice paper until the next election’ (Sonti 2010: np).

## South Australia

In November 2008, the Rann government announced its intention to investigate ‘new laws aimed at cutting the rate of knife-related violence in South Australia’ and set out a number of proposals including banning the sale of knives to children under 16 years (Rann & Atkinson 2008: 1). The Attorney-General, Michael Atkinson, also announced a more comprehensive review of South Australia’s knife-related laws, indicating that ‘there may be further legislative change from that review’ (Rann & Atkinson 2008: 2).

In March 2009, the Adelaide Advertiser reported that the knife laws had been approved by State Cabinet, but in September that year, the Opposition accused the government of ‘dragging its feet’ on the issue, suggesting that the laws should have been implemented months earlier (Vaughan 2009: np). The SA Government ultimately released a discussion paper on the draft Summary Offences (Offensive Weapons) Amendment Bill 2009 (SA) for consultation (SA AGD 2009). Submissions were sought by October 2009 and in December 2009 it was reported that submissions felt that the proposed search powers were too wide and might affect innocent parties (‘Knife law changes go too far’ *The Adelaide Advertiser* 22 December 2009). As set out in the discussion paper, it is currently an offence in South Australia to:

- carry an ‘offensive weapon’ without lawful excuse (6 months or \$2,500) (*Summary Offences Act 1953* (SA), s 15(1)). An ‘offensive weapon’ is defined in s 15(3) as including ‘a rifle, gun, pistol, sword, knife, club, bludgeon, truncheon or other offensive or lethal weapon or instrument but does not include a prohibited weapon’;

- carry, without lawful excuse, an offensive weapon or a dangerous article in, or in the vicinity of, licensed premises at night (2 years or \$10,000; *Summary Offences Act 1953* (SA), s 15(1ba));
- manufacture, sell, distribute, supply or otherwise deal in, possess or use a dangerous article without lawful excuse (18 months or \$7,500; *Summary Offences Act 1953* (SA), s 15(1b));
- manufacture, sell, distribute, supply or otherwise deal in, possess or use a prohibited weapon, with 13 categories of knives classified as prohibited weapons (2 years or \$10,000; *Summary Offences Act 1953* (SA), s 15(1c));
- have a knife with intent to use it or permit another to use it to kill or harm another person (10 years for intent to kill; *Criminal Law Consolidation Act 1935* (SA), s 31); and
- be armed at night with a dangerous or offensive weapon (including a knife) intending to use it to commit an offence against the person or other specified offences (7–10 years, depending on the offender’s criminal history; *Criminal Law Consolidation Act 1935* (SA), s 171).

In addition, police powers to stop, search and detain any person who is reasonably suspected of carrying a weapon are contained in s 68 of the *Summary Offences Act 1953* (SA).

In the discussion paper, the penalty for the final offence listed above was limited to 12 months and/or a \$10,000 fine but did not include a penalty of half of the possible jail term for the offence committed. Other measures considered in the discussion paper included authorisation of special powers to prevent or control public disorder in a public place and options for identifying persons purchasing prohibited weapons. Creating new offences of marketing a knife as suitable for combat and possessing or wielding a knife in a public place or school was also considered. However the final offence proposed above appears to no longer be on the agenda for South Australia.

The Summary Offences (Weapons) Amendment Bill 2010 (SA) was introduced in the House of Assembly on 15 November 2010. An amended version of the Bill passed the House of Assembly on 11 November 2010 and was introduced into the Legislative Council on the same day. The Bill was expected to be

debated in early 2011, however, it was still before the House as at April 2011. The key amendments in the Bill include:

- making it an offence to sell a knife to a minor under the age of 16 years, with a maximum penalty of \$20,000 or two years' imprisonment. It is a defence to the charge if the seller took certain steps to verify the minor's age and they made a false statement or produced false evidence (cl 21D);
- making it an offence of possessing a knife in a school or public place, with a maximum penalty of \$2,500 or imprisonment for six months for a first offence, or double that for a subsequent offence. Where a person uses or carries a knife that is visible in the presence of any person in a school or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety, the maximum penalty is a fine of \$10,000 or imprisonment for two years (cl 21E);
- empowering the Commissioner of Police to make a weapons prohibition order against a specified person, subject to certain conditions (cl 21G). Such an order makes it an offence for a person to whom a weapons prohibition order applies to manufacture, sell, distribute, supply, deal with, use or possess a prohibited weapon. The maximum penalty is a fine of \$35,000 or imprisonment for four years (cl 21H);
- empowering police to search people, premises, vehicles, vessels and aircraft for prohibited weapons. The powers may only be exercised as reasonably required for the purpose of ensuring compliance with a weapons prohibition order issued by the Commissioner (cl 21J);
- empowering a police officer to conduct a metal detector test for the purpose of detecting the commission of one of the foregoing offences where a person is in, or is apparently attempting to enter or to leave, licensed premises, the vicinity of licensed premises or a public place holding an event declared by the Commissioner by notice in the Gazette (cl 72A); and

- empowering a police officer to carry out a search for the purpose of locating weapons and other articles in a particular area where a person is in, or is apparently attempting to enter or to leave, the area, and to any property in the possession of the person in the area and a senior police officer authorises the search, having reasonable grounds to believe that an incident involving serious violence may occur in the area and that the search is necessary to prevent the incident (cl 72B).

## Tasmania

Knives are not mentioned expressly in any Tasmanian legislation, but s 15C(1) of the *Police Offences Act 1935* (Tas) provides that a person must not have possession of, or carry or use, a dangerous article in a public place without lawful excuse (10 penalty units (currently \$1,200)). A dangerous article is defined as including any weapon other than a firearm, any article adapted or modified so as to be capable of being used as such a weapon and any other article that is intended to be used as such a weapon (s 3). A lawful excuse excludes self defence but includes:

- the pursuit of a lawful occupation, duty or activity using that dangerous article;
- the participation in a lawful sport, recreation or entertainment using that dangerous article;
- the lawful collection, display or exhibition of that dangerous article; and
- the use of that dangerous article for the lawful purpose for which it was intended (s 15C(4)).

Pursuant to s 15C(2), a police officer may stop, detain and search, without a warrant, any person or their vehicle in a public place whom the police officer reasonably believes has possession of, or carries, any dangerous article without lawful excuse (s 15C(2)).

There have been no amendments to these provisions since 2004. In December 2008, Rene Hidding (2008: np), the Shadow Police Minister, indicated that the provisions would

seek to bring Tasmania into line with all other States with new laws to prohibit the ownership of dangerous weapons such as throwing and fighting knives and extending the prohibition of the carrying of such knives to include private functions

and that the provisions would seek

to legislate so that anyone in possession of a dangerous knife, for any unlawful reason, will find themselves subject to the same laws that have been agreed to by all other States. We look forward to the government's support for this sensible community safety measure (Hidding 2008: np).

The Police Minister, Jim Cox, responded by asserting that Tasmania already had 'sensible legislation that makes the carriage of dangerous items without lawful excuse, including knives, illegal', suggesting that the Opposition's 'calls to ban types of knives were simplistic, and overlooked the fact that knife crimes were often committed with ordinary household knives' (Cox 2008: np).

In February 2009, the Opposition introduced a Bill to 'to strengthen the powers of the police in relation to persons carrying knives and other dangerous articles' (Hidding 2009: np). The Police Offences (Dangerous Knives and Weapons) Amendment Bill 2009 (Tas) proposed making it an offence to possess a dangerous article in any place outside the person's own residence and included a new provision that it would be a defence to a charge if the person could show that the particular dangerous article or weapon was dismantled or otherwise rendered harmless. As at April 2011, however, the proposed legislation had not progressed past the first reading.

In February 2010, it was reported that the number of crimes involving knives had fallen in Tasmania in the previous year. In 2008–09, knives were used in two murders, two attempted murders, 25 armed robberies and nine attempted armed hold-ups. Assistant Commissioner Michael Brazendale noted that police had the power to stop and search anyone in a public place if they believed they might be carrying a dangerous item but indicated that Tasmania Police would not comment on whether it was planning any specific crackdown on knives (Kempton 2010).

## Northern Territory

Under the *Weapons Control Act 2001* (NT), a controlled weapon means 'a knife, other than a knife that is a prohibited weapon; or an article that is prescribed by regulation to be a controlled weapon'. The Weapons Control Regulations (NT) set out a number of knife types, including daggers and scythes, as controlled weapons (Sch 1) and a number of other knife types, including butterfly, flick and trench knives, as prohibited weapons (Sch 2), as well as an offence relating to the failure to provide records of sale for prohibited weapons (cl 5(4)).

Section 7(1) of the *Weapons Control Act 2001* (NT) provides that a person must not, without lawful excuse, proof of which is on the person, possess, carry or use a controlled weapon in a public place or school (12 months or 200 penalty units—currently \$26,000 for a natural person; 1,000 penalty units for a body corporate). A further offence under s 7(2) prohibits carrying a controlled weapon except in a safe and secure manner consistent with the reason for which it is possessed, carried or is to be used and attracts the same penalty. The penalty for these offences is doubled for offences committed at night-time (between 9 pm and 6 am; s 7(3)). However, the offences do not apply to a person under 18 years of age and who possesses, carries or uses a weapon referred to in s 11A, discussed further below (s 7(2A)).

Pursuant to s 7(4), lawful excuse does not include self-defence purposes, but includes:

- the pursuit of a lawful employment or lawful duty;
- participation in a lawful sport, lawful recreation, lawful entertainment or lawful activity; and
- the legitimate collection, legitimate display or legitimate exhibition of weapons.

In considering whether a person has a lawful excuse to possess, carry or use a controlled weapon, the court must have regard to the circumstances (including the time and location) of the incident (s 7(5)). It was suggested in the second reading speech introducing the Bill that this meant that 'a person found with a fishing knife outside a nightclub at 2.00 am would be liable to prosecution' (Reed 2001: np).

Section 8 relates to offensive weapons and is in similar terms to s 7 but is not limited to being in

public place or school. An offensive weapon means an article which is

- made or adapted to cause damage to property or to cause injury or fear of injury to a person; or
- by which the person having it intends to cause damage to property or to cause injury or fear of injury to a person, but does not include a prohibited weapon, controlled weapon or body armour.

Section 7A prohibits a person under 18 years of age must from possessing, carrying or using a weapon referred to in s 11A (which relates to the supply of crossbows and controlled weapons prescribed by regulation to persons under the age of 18 years; 12 months or 200 penalty units), but if the offence is committed at night-time in a public place or school, the penalty is doubled (s 7A(2)).

Pursuant to s 10, a person must not purchase a prohibited weapon or body armour unless they are the holder of a specific purchase authority permitting them to purchase it (2 years or 400 penalty units). Section 11 relates to the offence of selling a prohibited weapon or body armour and ss 11A and 11B relate to the sale of crossbows and controlled weapons to minors and interstate respectively. It should be noted that ss 7A, 11A and 11B were introduced in 2005 by the *Weapons Control Amendment Act 2005* (NT), which related principally to the sale and purchase of crossbows. There do not appear to have been any more recent developments in relation to the regulation of knives or knife crime in the Northern Territory.

## Australian Capital Territory

Section 382 of the *Crimes Act 1900* (ACT) provides that a person shall not, without reasonable excuse, have a knife in their possession in a public place or school (6 months imprisonment and/or 10 penalty units—\$1,100). A non-exhaustive list of reasonable excuses is set out in s 382(2) and includes the preparation and consumption of food and religious purposes; however, possessing a knife solely for the purpose of self-defence or defence of another is not a reasonable excuse (s 382(3)). In addition, s 383 makes it an offence to sell a knife to a person under 16 years of age (6 months and/or 10 penalty units), while s 384 requires a retail supplier of knives to display a sign which stipulates, inter alia, that it is an offence to sell a knife to a person under the age of 16 years. Police powers to search a person reasonably suspected of being in possession of a knife in a public place or school are set out in s 193(1) of the *Crimes Act 1900* (ACT). There are also a number of provisions in the *Criminal Code 2002* (ACT) which refer to offensive weapons, which are defined as including ‘a knife, or anything that may reasonably be taken in the circumstances to be a knife’.

Nine types of knives, including flick, sheath and butterfly knives are listed as prohibited weapons under Part 1.1, Schedule 1 of the *Prohibited Weapons Act 1996* (ACT). The principal offence under the *Prohibited Weapons Act 1996* is the unauthorised possession or use of a prohibited weapon. The penalty for this offence is imprisonment

**Table 13** Total knife crimes, 2000–01 to 2007–08 (n)

Year	Total knife crimes	Death	Grievous bodily harm	Actual bodily harm
2000–01	236	0	4	16
2001–02	196	2	7	15
2002–03	204	0	1	18
2003–04	166	0	1	7
2004–05	176	0	1	4
2005–06	251	0	4	26
2006–07	323	4	7	19
2007–08	232	0	1	7

Source: Corbell 2008

for five years and/or 500 penalty units, which was increased from two years and 200 penalty units by the *Firearms Amendment Act 2008* (ACT).

In November 2006, the Leader of the Opposition introduced a number of proposed amendments relating to knives in the Crimes Legislation Bill 2006 (ACT), which included a new power for police to search a person for a knife in or in the vicinity of license premises and a proposed increase in the penalty for possessing a knife in a public place or school to two years' imprisonment and/or 100 penalty units. The Bill ultimately lapsed in October 2008 when the ACT election was called and there do not appear to be any further legislative initiatives underway in the ACT on this issue. It should be noted, however, that on 7 August 2008, the Attorney-General responded to the following questions on notice:

How many knife crimes have been reported in the ACT in each of the last eight financial years?

What is the breakdown of (a) reported knife crimes and (b) severity of injury by type of knife for each of the last eight financial years? (Corbell 2008: 3165).

The following information and the data set out in Table 13 were tabled in response:

'Knife crime' has been defined as all homicide, assault, sexual, robbery and weapon offences where a knife was listed as being used or a knife was seized by police. This does not include incidents where a 'sharp instrument' has been recorded as the weapon used. It is only possible to give 'severity of injury' information in relation to knife offences by reference to injury descriptions at law. All murders or manslaughter (death), and assaults occasioning either actual or grievous bodily harm where a knife was involved have been included...

Information on weapon type by severity of injury has not been provided due to the low numbers in some categories and the potential identification of victims or offenders. However, it is possible to report that the most common type of knife used in knife offences during this period was foldable knives, followed by kitchen knives (Corbell 2008: 3165–3166).

## Federal response

The issue of knife crime is generally regarded as a matter for the states and territories, but on 29 July 2010, as part of the federal election campaign, Prime Minister Gillard announced that weapons such as knuckledusters, flick knives and stun guns would become much harder to import under a re-elected Gillard government, with Labor to release a list of 22 weapons it would effectively ban (Hudson 2010). Items on the list of restricted weapons would include butterfly knives, sheath knives and trench knives. Brendan O'Connor, the Minister for Home Affairs, suggested the proposal would 'mean fewer fatalities and injuries by knives and other weapons' (Hudson 2010: np). O'Connor also indicated that the proposed approach would give Customs more power by forcing the person wanting to import the weapon to prove a legal purpose, with 16,700 bladed weapons confiscated by Customs in 2009 (Hudson 2010). The proposal came shortly after a recent agreement by state police ministers to review their laws on possession and regulation of knives and weapons in a bid to create uniform national laws rather than having different rules in each state (Hudson 2010).

Shortly after the Labor announcement, Tony Abbott announced the Coalition's policy on violent gang and knife crime, the key elements of which included:

- providing an extra \$179m over four years 'to tackle violent gangs and knife crime and build safer communities';
- establishing a National Violent Gangs Database to effectively track the activities of gangs around Australia;
- establishing a National Violent Gangs Squad through the Australian Crime Commission;
- implementing a National Knife Crime Action Plan 'to tackle the growing incidence of knife crime in the community'; initiatives would include additional funding of \$1m for hand-held metal detectors to help police detect concealed weapons; and
- working with the states and territories to 'harmonise knife crime laws and penalties' (Abbott 2010: np).



The Labor Minister for Home Affairs responded to the Coalition's policy by asserting it would result in more state police officers being taken off the beat and put behind desks ('Policy will make more desk police: govt' *The West* 29 July 2010). On 7 September, it was announced that the Labor Government would be returned. In October 2010, the Minister for Home Affairs announced a crackdown on the importation of prohibited weapons (O'Connor 2010a) and reaffirmed that the Gillard Government would

move to restrict the import of weapons—especially knives, unless there is a legitimate purpose...[having] really shifted the onus now onto the importer to justify the legitimate purpose of the weapon' (O'Connor 2010b: np).

# Responses to knife crime in the United Kingdom

In order to contextualise the Australian responses to this issue, it should be noted that there has been extensive discussion on and regulation of knives in the United Kingdom in recent years. As Silvestri et al. (2009) acknowledged, the fact that data on illegal knife possession offences are not routinely collected makes it difficult to establish the impact of strategies aimed at deterring young people from carrying such weapons, including searches and detectors, public safety education campaigns and knife amnesties.

The UK House of Commons Home Affairs Committee (UK HCHAC 2009: 3) concluded that its findings 'convinced us of the need to target knife-carriers and violent offenders separately'. The Committee called for increased education in schools and measures to help young people feel safer, as well as the adoption of a long-term violence reduction strategy that focuses on prevention. Specifically, better data sharing about knife violence at a local level, early intervention with babies and toddlers born into dysfunctional families and a more strategic approach to providing diversionary activities and support for excluded young people were recommended.

Much of the Committee's discussion focused on issues specific to the United Kingdom, for example, particular locations for knife carrying and violence. One interesting aspect, however, is the discussion about the differences between the knives most

commonly carried by young people (penknives) and those most involved in injuries (kitchen knives), which led the Committee to infer that 'the knives used to cause serious injury may differ from those that are routinely carried' (UK HCHAC 2009: 26). The Committee's analysis of causes is also of relevance. The main factors cited in connection with the carriage of knives were protection, the influence of media coverage, status and the ready availability of knives. The key causes of violent behaviour were identified by the Committee as social deprivation, childhood experiences and exposure to violent entertainment media. The Committee commented that solutions to the issue of knife crime should focus 'in part on helping young people to feel safer' (UK HCHAC 2009: 30) and 'on dealing with dysfunctional and violent families and providing opportunities for young people to develop self-worth' (UK HCHAC 2009: 36).

The legislation in the United Kingdom:

- prohibits the marketing of a knife in such a way which 'indicates or suggests that it is suitable for combat', or 'is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon' (*Knives Act 1997* (UK), s 1);
- prohibits the manufacture, sale, or hiring of an 'offensive weapon' (as defined by the *Criminal Justice Act 1988* (Offensive Weapons) Order 1988 (UK)) (*Criminal Justice Act 1988* (UK), s 141);

- prohibits carrying an offensive weapons in public (*Prevention of Crime Act 1953* (UK), s 1);
- prohibits carrying an article with a blade or point in a public place without a reasonable excuse, although knives with blades not exceeding three inches (*Criminal Justice Act 1988* (UK), s 139);
- empowers police to enter school premises and search the premises and any person on the premises for knives or offensive weapons if there are reasonable grounds for doing so (*Criminal Justice Act 1988* (UK), s 139B);
- enables police to designate an area where there is a reasonable suspicion people are carrying weapons and stop and search any pedestrian or vehicle in the area (*Criminal Justice and Public Order Act 1994* (UK), s 60); and
- provides general police stop and search powers in relation to prohibited weapons (*Police and Criminal Evidence Act 1984* (UK), s 1).

The Committee 'did not find any need for further legislation to tackle the sale or use of knives' (UK HCHAC 2009: 38). It did note that searches in London had yielded only a two percent return in knives seized but concluded that stop and search powers were 'an important short term measure to tackle knife offences', so long as they were carried out in an appropriate and sensitive manner (UK HCHAC 2009: 42–43). Interestingly, earlier this year it was reported that one analysis by Professor Marian Wilkinson not only found little connection between the use of stop and search powers and reductions in knife crime, but that in one part of London, 'a huge expansion in the use of "section 60" stop and search powers has actually been accompanied by an increase in knife crime' (Travis 2010: np).

One of the key government responses in the United Kingdom is the Tackling Knives Action Programme, a Home Office-led intensive, time limited initiative which aimed to reduce the carrying of knives, related homicides and serious stabbings among teenagers (aged 13–19) in ten police force areas (Ward & Diamond 2009: ii).

The program initially ran from June 2008 to March 2009 but was then extended with an extra £5m of funding and a total of 16 police forces included (Wood 2010). The program involves:

- increased use of searches, in targeted and intelligence-led operations, to complement new portable knife arches and search wands;

- fast-tracking the 'knife referral project' in which all young people convicted of a knife offence are taught the consequences of knife crime; and
- home visits and letters to parents of young people known to carry weapons (UK HCHAC 2009: 17).

In addition, it provided 7,000 places through the Department for Children, Schools and Families for young people to take part in diversionary activities on Friday and Saturday nights. Provisional hospital data indicated a decrease of eight percent in hospital admissions for the year the program was established, which the Committee described as a 'notable reduction', observing however that the program did not 'appear to have had a significant effect on reducing police recorded crime' (UK HCHAC 2009: 18). This caution would seem to be confirmed by monitoring by the Home Office (Ward & Diamond 2009), which indicated an overall decline in recorded knife crime and hospital admissions in the target age group (19 years and under) but found that the start of the decrease appeared to predate the initiative. Furthermore, there were a number of limitations to the data and the 'decrease in teenage knife-related crime may have been influenced by other initiatives' (Ward & Diamond 2009: iii). Ultimately Ward and Diamond (2009: iii) concluded only that the program 'may well have contributed to a decline in some measures and persisting reductions in others'.

A key aspect of the Committee's report was the emphasis on educating young people on the realities of knife carriage. Like the Victorian education program discussed above, the UK *It Doesn't Have To Happen* media campaign involves billboards, radio and viral advertising and

aims to dissuade young people from carrying knives by depicting graphic images of knife wounds and encouraging them to make and share anti-knife pledges (UK HCHAC 2009: 49).

The Committee found, however, that the campaign might not reach those most at risk and recommended that

all Year Seven school children should participate in an assembly or lesson, delivered by trained individuals to whom children can relate, that focuses on the dangers of knife-carrying and the consequences for victims, their families and offenders (UK HCHAC 2009: 53).

The Committee also suggested a short film about knives should be adapted for local contexts.

The Committee did not support the widespread installation of metal detectors in schools. Similarly, earlier this year the WA Department of Education indicated after the fatal stabbing of a 12 year old Brisbane schoolboy that it did not think such measures were required in Perth schools (Hickey 2010) and Silvestri et al. (2009) did not find such measures supported by evidence.

Other measures which the Committee considered more promising included the Safer Schools Partnership, whereby a police officer is stationed in a school or linked with a series of schools, with about 45 percent of UK high schools covered by the program. Anecdotally, the program appeared to be effective and the Committee recommended evaluating such programs in order to promote best practice. It was also suggested that schemes that break down barriers between police and young people (including the Safer Schools Partnerships) and involved police officers as mentors to young people were an important development.

The Committee also examined measures to reduce violence by working with offenders in prison and juvenile detention, as well as upon release. It indicated its support for the Knife Possession Prevention Programme, which is undertaken by all offenders convicted of knife possession in the Tackling Knives Action Programme and aims to try to instil an understanding of the consequences of carrying a knife in terms of the damage that can be inflicted on victims and the legal implications for offenders. The Committee had 'heard anecdotally' that the program had 'had a positive influence' and again recommended the program be evaluated (UK HCHAC 2009: 61). Finally, the Committee considered evidence on gang exit strategies, youth inclusion programs, adopting a public health approach to violence including the need for better data sharing between hospitals and police, measures to break the intergenerational cycle of violence, for example, through restrictions on violent DVDs, providing positive diversion for young people and the need for early intervention programs for young children born into highly dysfunctional families. Clearly the scope of the Committee's inquiry goes far beyond the scope of knife crime specifically, but the

fact that the Committee made a number of recommendations while finding the legislative framework to be appropriate indicates both the complexity of the issues associated with knife carriage and use and the need to think more broadly in response to these issues.

Eades et al. (2007) of the Centre for Crime and Justice Studies undertook an analysis of 'what works for "knife crime"?', noting that it was currently 'far from clear what actually works to reduce knife carrying and knife offences' (2007: 27). They made the following observations on efforts to do so:

- *knife amnesties*—although little research has assessed the impact of amnesties on knife carrying and offences, the data on recent amnesties led them to conclude that although removing offensive weapons was to be welcomed, it did not address the underlying causes of the problem;
- *stop and search*—these powers were described as 'a problematic response to knife offences... unlikely to impact significantly on the number of children and young people carrying and using knives' (Eades et al. 2007: 28);
- *increased prison sentences*—these were considered unlikely to have an impact on knife carriage, particularly given such behaviour is most common among young people who are less likely to foresee the consequences of their actions and appreciate cause and effect;
- *education and awareness raising*—it was considered that campaigns of this nature 'might help to reduce' the prevalence of knife carriage and use, but except for the school-based Be Safe program, which had reportedly shown 'some impressive results', few programs had been evaluated (Eades et al. 2007: 29). Accordingly, the authors called for more systematic evaluation and assessment of educational programs; and
- *prevention and the causes of crime*—Eades et al. (2007) criticised the UK Government's piecemeal approach to crime prevention and considered it to lack a coherent framework. It was suggested that social and economic developments could not be ignored in any strategy which seeks to prevent an increase in victimisation and perpetration of knife-related violence.

In 2009, the Centre for Crime and Justice Studies released a further report on this issue *Young People, Knives and Guns*, an 'extensive review' of English language evidence about the effectiveness of interventions aimed at tackling young people's involvement in gun and knife crime (Silvestri et al. 2009: 5). The key findings of the report of relevance to Australia were:

- remarkably few interventions on youth knife and gun crime, nationally and internationally, had been subjected to rigorous research and/or independent assessment;
- independent evaluations seemed particularly important in helping establish whether new strategies can claim to be successful and the degree (if any) of their impact on levels of knife crime;
- despite the wealth of anti-knife crime initiatives being carried out in the United Kingdom, there was very little research about their impact on knife use. The only evaluations so far which had been carried out at scientific level showed the success of hospital-based nurse counselling programs, but these measured reductions in alcohol abuse (one of the causes behind violence) rather than in injuries caused by knives and other weapons; and
- there was an absence of clear evidence about the need to tailor interventions specifically to the issue of guns and knives.

Silvestri et al. (2009) reported on the findings of two randomised controlled trials carried out in UK hospitals that delivered brief motivational interventions (nurse counselling/psychological support) to patients aged 16 years and over who attended hospital with an alcohol-related facial injury (often caused by knives; Oahey et al. 2008; Smith et al. 2003). The interventions consisted of a session with a specialist trauma nurse for five to 65 minutes. The aim was for nurses to offer counselling, advice and information to patients to help them understand how they got the injury in the first place and to help prevent them incurring further injuries. Both programs were considered to have shown consistently promising results in terms of a 'significant' reduction in alcohol consumption, especially at 12 months follow-up when the most marked differences between intervention and control groups manifested. The findings illustrate

that...brief interventions can be cost effective and not necessarily labour intensive (Silvestri et al. 2009: 55).

Silvestri et al. (2009) also made a number of findings about risk; for example, that interventions should take into account the variety of influences and exposure to risk factors that shape children's behaviour, as well as disadvantage; for example, rates of crime in disadvantaged areas. The report made the following observations:

- while young people say they carry weapons to protect themselves in areas they perceive to be unsafe, it is the presumption that others are armed that helps (re)produce fear and insecurity;
- policies to disarm weapon carriers are restricting themselves to symptoms, unless they also tackle the fears and insecurities articulated by young people and the concentrations of violence in particular areas;
- interventions need to concentrate on 'what works' for whom and in which circumstances, rather than simply on finding 'what works' in some general sense. However, the complexity of circumstances affecting behaviour (coupled with the complexity of social meanings as (re)negotiated by young people), are bound to make it difficult for researchers to isolate and identify the direct effects of specific interventions, especially for behaviour involving 'everyday' implements such as knives;
- focusing upon the weapons themselves may prove something of a distraction. A long-term and multifaceted approach is needed to understand and tackle the conditions in which weapon carrying and use comes to be considered an option, or even a necessity;
- a public health approach underpins some the most promising youth violence prevention strategies. It is characterised by a multi-agency approach and early identification of problems. It aims to address multiple risk factors and to introduce protective factors;
- some preventive interventions that target family-related risk factors (eg nurse visitation programs) in early childhood and strategies that seek to influence knowledge, attitudes and behaviour (such as therapeutic foster care) appear to be promising; and

- research evidence indicates that a ‘zero tolerance’ approach to weapon possession/punitiveness is ineffective in reducing crime or changing attitudes.

In the recent Scottish research discussed above, many of the conclusions and policy implications echo other recent research. Notably, McVie (2010) suggested that interventions aimed at reducing gang membership might best be concentrated within specific geographic localities and more socially disadvantaged demographic groups. She suggested that strategies involving socioeconomic improvement and increased opportunities for groups of young people were likely to be particularly beneficial, but that such an approach may not have such a high impact on knife carrying, which appears to be more evenly distributed across the population. She also found that knife carriers appear to be a highly vulnerable and at-risk group, for whom carrying a knife is a rational choice based on the fear of experiencing violent victimisation. Accordingly, educational strategies that demonstrate the dangers and risks of carrying weapons, as well as making available resources and services aimed at helping and supporting very vulnerable young people who live in regular fear of persecution, might be beneficial in tackling this form of behaviour. Bannister et al. (2010) found in their research that:

- stop and search strategies led some to no longer carry a knife, although others reported carrying alternate weapons. Older gang members and weapon carriers were more sensitive to these strategies;
- the ease with which young people reported gaining access to knives and their ability to substitute a knife for another weapon suggests that knife amnesties will have a limited impact on violent behaviours using weapons; and
- stand alone and one-off awareness raising (educational) strategies appear to have a limited impact in changing behaviours.

In light of these findings, it is worth noting that on 3 February 2011, the British Home Secretary announced that her department will provide up to £1m (\$1.6m) to develop a good practice website to enable local projects to share knowledge and expertise, and provide education materials for schools (‘Home Office plans anti-knife crime website’ *Guardian Government Computing* 3 February 2011). In addition, the Home Secretary pledged £10m (\$16m) for prevention work, up to £3.75m (\$6m) for the three police force areas where more than half of the country’s knife crime occurs and up to £4m (\$6.3m) for a Communities against Gangs, Guns and Knives Fund, for local voluntary organisations across England and Wales to work with young people to stop involvement in knife and gang violence. These initiatives followed the release of the Kinsella (2010) report, which commented on the isolation of community schemes and called for agencies and called for better information sharing processes.



# Conclusion

This paper has presented an overview of data on the incidence of certain knife-related offences in Australia and the current research on the aetiology of 'knife crime', although the research on these issues is far from settled. Eades et al. (2007: 14) have noted,

this area still suffers from a lack of useful, specific, reliable, longitudinal research on the nature, extent, cause, motivation, frequency and possible growth of knife carrying. Without such research, designing and implementing programmes to reduce the incidence of knife carrying will be difficult.

The paper's primary focus is on the current and proposed legislative responses to knife crime in Australia, which principally relate to the regulation of controlled and prohibited weapons and restrictions on the possession and use of knives in public. As can be seen, there have been divergent approaches to this issue, especially in relation to penalties. By way of example, the maximum financial penalty attaching to the unauthorised purchase of a prohibited weapon or body armour is in the Northern Territory at \$104,000, while a similar offence attracts a maximum financial penalty of \$28,668 in Victoria. Although there are obviously subtle differences in the parameters of the offence, the financial penalty for possessing a knife in public without a lawful excuse ranges from \$1,100 in the Australian Capital Territory and \$1,200 in Tasmania to \$24,000 and \$26,000 in

Western Australia and the Northern Territory respectively. The most common maximum term of imprisonment for such an offence is six months (in Victoria, Queensland, South Australia and the Australian Capital Territory).

Several Australian jurisdictions have sought to toughen their regimes in recent years. In particular, both New South Wales and Victoria amended their legislation in 2010 and proposals are currently underway in South Australia and Queensland. Recent federal initiatives in relation to the importation of prohibited weapons should also be noted. In Western Australia, proposals to toughen the legislative regime were defeated in Parliament, while the Northern Territory has not amended its legislation since 2005. Tasmania and ACT governments also appear to have resisted the trend towards more restrictive legislation.

Bondy, Ogilvie and Astbury (2005) suggested that legislative approaches play a subsidiary role in reducing young people's weapon possession and carriage. As the AIC (2009) has previously acknowledged, further research is required to assess the effectiveness of legislative reforms that seek to reduce the acquisition and carriage of knives. It would also be instructive for Australian research to document any correlation between increased police search powers and the incidence of knife crime in a

particular area, especially in light of statements by Victorian Police to the effect that it 'cannot guarantee the [new Victorian] legislation will reduce crime' ('Stop-and-search powers not police idea' *ABC News* 2 February 2010: np). This is especially the case given that the experience in the United Kingdom suggests that tougher penalties have not had a deterrent effect on the carriage of knives and that increasing the rate of imprisonment merely increases reoffending on release (see Eades et al. & Silvestri et al. cited in *Smart Justice* 2010).

Finally, whether or not legislative measures prove to be effective, these should be accompanied by improved data collection, especially by health agencies, and program evaluation, as well as public education about the carriage and use of knives. Falconer (2010: np) has drawn analogies with drink-driving, speeding, the use of seatbelts and smoking, arguing that the

education campaign against a knife culture needs to target young people who might be in the next wave of potential weapons carriers, as well as those who currently carry them.

This approach is consistent with Bondy, Ogilvie and Astbury's (2005: 115) observation that

[c]ommunity and education-based early intervention initiatives across a diverse range of levels and settings offer the most promise in addressing the long-term factors underlying youth weapon carriage.

Some of the measures they consider, which have also been adopted by some jurisdictions in Australia, include mass media, parent education and support services. Law enforcement initiatives, which have not been considered in detail in this paper, clearly also have a significant role to play and are considered by Bondy, Ogilvie and Astbury (2005).

The experience in the United Kingdom provides some examples of future directions Australia should—and should not—take in relation to this issue, bearing in mind the assertion by Eades et al. (2007: 32) that the government

seem[ed] to be acting in response to a problem without knowing the full nature and extent of that problem and while overlooking the fundamental causes.

As Silvestri et al. (2009: 73) later observed, although weapon availability is a clear factor,

attempts to deny young people access to knives (as opposed to guns) would seem a strategy doomed to failure. More important is addressing the factors that motivate young people's desire, or perceived need, for weapons. Here, addressing the violence, victimisation and risk that currently surrounds their lives would seem an essential starting point.

Somewhat tellingly, one of the co-authors of both of the foregoing reports, Dr Roger Grimshaw, Research Director of the UK Centre for Crime and Justice Studies, recently added:

If I were advising the Victorians or NSW, I would argue that resources need to be placed into long-term planning which aligns social policy with an assessment of what harms can be prevented. What has been found to work, at least in the short to medium term, is prevention of violence through targeted support to families and individuals (Totaro 2010: np).

Accordingly, future research should not only examine the apparent effectiveness of legislative measures that seek to reduce the acquisition and carriage of knives, but other approaches to dealing with the issue of 'knife crime'.



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# Legislation

*Acts Amendment (Weapons) Act 2009 (WA)*

*Control of Weapons Act 1990 (Vic)*

*Control of Weapons Amendment Act 2010 (Vic)*

*Control of Weapons Regulations 2000 (Vic)*

*Crimes (Sentencing Procedure) Act 1999 (NSW)*

*Crimes Act 1900 (ACT)*

*Crimes Act 1900 (NSW)*

*Crimes Act 1953 (Vic)*

*Crimes Legislation Amendment (Possession of Knives in Public) Act 2009 (NSW)*

*Crimes Legislation Bill 2006 (ACT)*

*Criminal Code 2002 (ACT)*

*Criminal Investigation Amendment Bill 2009 (WA)*

*Criminal Justice Act 1988 (Offensive Weapons) Order 1988 (UK)*

*Criminal Justice Act 1988 (UK)*

*Criminal Justice and Public Order Act 1994 (UK)*

*Criminal Law Consolidation Act 1935 (SA)*

*Firearms Amendment Act 2008 (ACT)*

*Knives Act 1997 (UK)*

*Law Enforcement (Powers and Responsibilities) Act 2002 (NSW)*

*Police and Criminal Evidence Act 1984 (UK)*

*Police Offences (Dangerous Knives and Weapons) Amendment Bill 2009 (Tas)*

*Police Offences Act 1935 (Tas)*

*Prevention of Crime Act 1953 (UK)*

*Prohibited Weapons Act 1996 (ACT)*

*Summary Offences (Offensive Weapons) Amendment Bill 2009 (SA)*

*Summary Offences (Weapons) Amendment Bill 2010 (SA)*

*Summary Offences Act 1953 (SA)*

*Summary Offences Act 1988 (NSW)*

*Summary Offences and Control of Weapons Acts Amendment Act 2009 (Vic)*

*Summary Offences Regulation 2010 (NSW)*

*Weapons Act 1990 (Qld)*

*Weapons Act 1999 (WA)*

*Weapons and Firearms Legislation Amendment Act 2010 (NSW)*

*Weapons Bill 2010 (Qld)*

*Weapons Control Act 2001 (NT)*

*Weapons Control Amendment Act 2005 (NT)*

*Weapons Control Regulations (NT)*

*Weapons Prohibition Act 1998 (NSW)*

*Weapons Regulation 2010 (Qld)*

*Weapons Regulations 1999 (WA)*



# Appendix

# Appendix 1 — ABS data on the use of knives for selected offences

The following data on the use of knives for selected offences are taken from the ABS annual reporting on recorded crime victims. There are a number of limitations to these data. In particular, details of weapon use were not reported for South Australia and Western Australia between 2005 and 2007. For Tasmania, the Australian Capital Territory and the Northern Territory, only two years of data (2004 and 2009) and different offence types were reported, making any attempt at comparison meaningless. The ABS also cautions that comparison among jurisdictions is not possible for assault due to differences in counting rules. Notwithstanding these limitations, there appear to be some similarities among jurisdictions. For example, the use of knives in sexual assault is around one percent for all jurisdictions. Robbery with a knife appears to be consistently lower in Western Australia (11–12%) than in the other jurisdictions (16–26%). The use of knives for murder in 2009 ranged from 17 percent in Western Australia to 46 percent in South Australia. South Australia also had the highest use of knives for attempted murder in 2009, at 53 percent, compared with Victoria, which was the lowest at 22 percent.

New South Wales														
	Murder		Attempted murder		Assault		Sexual assault		Kidnapping/abduction		Robbery		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
2004	20	27.8	25	33.3	n/a	n/a	n/a	n/a	43	9.3	1,442	16.2	1,530 <sup>a</sup>	16.1 <sup>a</sup>
2005	33	38.4	13	21.3	2,646	3.3	41	0.6	52	11.3	1,594	17.8	4,379	4.5
2006	34	33.3	17	23.9	2,709	3.3	52	0.8	50	11.1	2,033	22	4,895	4.9
2007	28	29.8	17	28.3	2,973	3.5	21	0.3	n/a	n/a	2,045	21.9	5,084	5
2008	31	39.7	18	27.7	2,401	3	23	0.3	33	6.1	1,540	19	4,046	4.2
2009	31	36	14	28	2,345	3.1	38	0.5	48	12.5	1,324	19.6	3,800	4.2

a: Not all categories included so totals incomplete

n/a=Data not available

Source: ABS 2005–10

## Victoria

	Murder		Attempted murder		Assault		Sexual assault		Kidnapping/abduction		Robbery		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	2004	19	37.3	14	31.1	n/a	n/a	n/a	n/a	5	4.5	590	25.8	628 <sup>a</sup>
2005	16	22.2	13	25.5	815	4.2	36	1.3	10	8.5	539	21.9	1,429	5.8
2006	30	50	16	34.8	851	4.3	29	1	11	11.7	615	23.7	1,552	6.1
2007	14	30.4	23	46	912	4.1	29	0.7	N/A	n/a	673	21.1	1,651 <sup>a</sup>	5.6 <sup>a</sup>
2008	16	28.6	8	19.5	726	3.4	38	1	12	13.6	707	21.7	1,507	5.2
2009	22	43.1	14	22.2	818	2.9	15	0.4	N/A	n/a	556	18	1,427 <sup>a</sup>	4.1 <sup>a</sup>

a: Not all categories included so totals incomplete

n/a=Data not available

Source: ABS 2005–10

## Queensland

	Murder		Attempted murder		Assault		Sexual assault		Kidnapping/abduction		Robbery		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	2004	19	34.5	30	32.3	n/a	n/a	n/a	n/a	6	5.3	415	21.5	470 <sup>a</sup>
2005	12	25	28	34.1	894	4.6	n/a	n/a	n/a	n/a	454	23.4	1,388 <sup>a</sup>	5.3 <sup>a</sup>
2006	16	27.1	28	41.2	967	4.9	31	0.7	n/a	n/a	463	24.1	1,505 <sup>a</sup>	5.7 <sup>a</sup>
2007	16	30.8	32	45.7	914	4.7	30	0.7	n/a	n/a	352	19.9	1,344 <sup>a</sup>	5.3 <sup>a</sup>
2008	20	36.4	24	32.9	818	4.2	24	0.5	3	5	429	23.8	1,318	5.1
2009	14	26.4	32	44.4	853	4.2	28	0.6	4	9.1	496	24.9	1,427	5.3

a: Not all categories included so totals incomplete

n/a=Data not available

Source: ABS 2005–10

## South Australia

	Murder		Attempted murder		Assault		Sexual assault		Kidnapping/abduction		Robbery		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
	2004	5	19.2	19	37.2	n/a	n/a	n/a	n/a	3	8.6	193	15.6	220 <sup>a</sup>
2008	7	28	20	54.1	669	3.9	0	0	4	6.8	258	21.2	958	4.8
2009	13	46.4	19	52.8	709	4.3	13	0.9	0	0	231	18.9	985	5.1

a: Not all categories included so totals incomplete

n/a=Data not available

Source: ABS 2005–10

Western Australia														
	Murder		Attempted murder		Assault		Sexual assault		Kidnapping/abduction		Robbery		Total	
	n	%	n	%	n	%	n	%	n	%	n	%	n	%
2004	3	8.6	5	17.9	n/a	n/a	n/a	n/a	3	11.1	206	11.8	217 <sup>a</sup>	11.8 <sup>a</sup>
2008	3	11.1			489	2.3	20	1.1	n/a	n/a	189	11.1	701 <sup>a</sup>	2.9 <sup>a</sup>
2009	4	17.4			389	1.8	13	0.8	n/a	n/a	180	11.3	586 <sup>a</sup>	2.3 <sup>a</sup>

a: Not all categories included so totals incomplete

n/a=Data not available

Source: ABS 2005–10