TASMANIA

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POLICE OFFENCES AMENDMENT (KNIVES AND PROHIBITED WEAPONS) BILL 2026

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POLICE OFFENCES AMENDMENT (KNIVES AND PROHIBITED WEAPONS) BILL 2026

(Brought in by the Minister for Police, Fire and Emergency Management, the Honourable Felix Ashton Ellis)

A BILL FOR

An Act to amend the *Police Offences Act 1935* and the *Police Offences Regulations 2024*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Police Offences Amendment (Knives and Prohibited Weapons) Act 2026*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

PART 2 – POLICE OFFENCES ACT 1935 AMENDED

3. Principal Act

In this Part, the *Police Offences Act 1935** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3(1) of the Principal Act is amended by inserting after the definition of *emergency services* the following definition:

exempt knife means a knife, or class of knives, prescribed as an exempt knife or class of exempt knives;

5. Part II, Division IB inserted

After section 14D of the Principal Act, the following Division is inserted in Part II:

Division IB – Prohibited weapons

14E. Interpretation

In this Division –

Department website has the same meaning as in section 34C;

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prohibited weapon means the following:

(a) a machete;

(b) a thing, item or article prescribed as a prohibited weapon;

(c) a class of things, items or articles prescribed as prohibited weapons;

sell has the same meaning as in section 34C.

14F. Prohibited weapons

(1) A person must not, without lawful excuse (proof of which lies on the person) possess, use or purchase a prohibited weapon.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 3 years, or both.

(2) Subsection (1) does not apply to –

(a) a police officer acting in the performance of the officer's duties; or

(b) a State Service employee, or State Service officer, acting in the

performance of the person's duties.

(3) For the purposes of this section, a lawful excuse includes the following:

(a) the pursuit of a lawful occupation, duty or activity using a prohibited weapon;

(b) the participation in a lawful sport, recreation or entertainment using a prohibited weapon;

(c) the lawful collection, display or exhibition of a prohibited weapon;

(d) the use of a prohibited weapon for the specific lawful purpose for which it was manufactured;

(e) a religious observance that necessitates the use of a prohibited weapon;

(f) any prescribed excuse.

(4) For the purposes of this section, a lawful excuse does not include self-defence.

(5) If a police officer forms a reasonable suspicion that a person has contravened subsection (1), the officer may, without a warrant, seize and retain a prohibited

weapon found in relation to the contravention.

(6) If a person is convicted, or found guilty, of an offence under subsection (1), the prohibited weapon to which the offence relates is forfeited to the Crown.

(7) If a prohibited weapon, that is not related to an offence or court proceedings in relation to this section, is found and retained by a police officer –

(a) the weapon is forfeited to the Crown if the owner of the weapon –

(i) has been identified; and

(ii) has not demonstrated, to the Commissioner, a lawful reason to have possession of the weapon or have the weapon returned to the owner's possession; or

(b) the weapon is forfeited to the Crown if –

(i) a continuous period of 6 months has lapsed since the weapon was retained; and

(ii) after reasonable inquiries have been made to identify the owner, the owner of the weapon has not been identified.

(8) A prohibited weapon that is forfeited to the Crown in accordance with subsection (6) or (7) may be sold, retained or disposed of as the Commissioner determines.

6. Part II, Division VIII inserted

After section 34B of the Principal Act, the following Division is inserted in Part II:

Division VIII – Sale of knives to youths

34C. Interpretation

In this Division –

Department website means the website available to the public that is operated by, or on behalf of, the Department;

employee, of a relevant business, means a person employed or contracted by, or an agent of, the relevant business;

employer, of a relevant business, means the person or entity that is

the employer, owner or manager of the relevant business;

genuine reason has the meaning given to it by section 34E;

relevant business means a business that lawfully sells a knife;

sell means one or more of the following:

(a) to deliver, supply, trade, give, issue or distribute for monetary consideration or other consideration;

(b) to offer or agree to deliver, supply, trade, give, issue or distribute;

(c) to cause or permit delivery, supply, trade, giving, issuing or distribution;

(d) to hold in possession for the purpose of delivery, supply, trade, giving, issuing or distributing;

(e) to produce or package for delivery, supply, trade, giving, issuing or distributing;

(f) to authorise, direct or attempt any act referred to in paragraph (a), (b), (c), (d) or (e).

34D. Application of Division

In this Division, a reference to a knife –

(a) is a reference to a knife that is for sale by, or through, a relevant business; and

(b) does not include an exempt knife.

34E. Genuine reason

In this Division, a genuine reason to possess or use a knife means one or more of the following:

(a) a lawful occupation;

(b) a lawful educational or training activity;

(c) a lawful activity in respect of collection, display or exhibition;

(d) a lawful religious observance;

(e) an activity or purpose that is prescribed as a genuine reason.

34F. Sale of knives to youths

(1) In this section –

genuine reason evidence, in relation to a youth, means evidence –

(a) of the youth's genuine reason; and

(b) that complies with the prescribed requirements;

identification evidence, in relation to a youth, means evidence –

(a) of the youth's identity and age; and

(b) that complies with a prescribed document that may be used to establish identity and age.

(2) A person must not, without lawful excuse, sell a knife to a youth.

Penalty: Fine not exceeding 50 penalty units or a term of imprisonment not exceeding 12 months, or both.

(3) For the purposes of this section, a person referred to in subsection (2) has a lawful excuse if the person establishes that, at the time of the sale –

(a) the person, or another person acting on behalf of the person, required the youth to produce genuine reason evidence and identification evidence; and

(b) the youth produced the evidence in response to that requirement; and

(c) the person reasonably believed, on the basis of that evidence, that the youth –

(i) had a genuine reason to use or possess the knife; and

(ii) had attained the age of 16 years of age at the time of sale.

(4) A person who relies on a lawful excuse to sell a knife to a youth must –

(a) make and keep a record of the genuine reason evidence and identification evidence produced by the youth; and

(b) keep the record referred to in paragraph (a) for a period of not less than 2 years commencing on the day on which the evidence was produced under subsection (3)(b); and

(c) if a police officer requests to inspect the record within the period specified in paragraph (b), produce the record to the police officer for inspection.

Penalty: Fine not exceeding 20 penalty units.

34G. Liability of employer

(1) If an employee of a relevant business commits an offence under section 34F(2), the employer of the relevant business is taken to have committed the same offence.

(2) It is a defence in proceedings for an offence under subsection (1) if the defendant establishes that the defendant could not, despite taking all reasonable steps, have known of or prevented the commission of the offence.

(3) An employer of a relevant business may be proceeded against for, and found guilty or convicted of, an offence pursuant to this section whether or not the employee of that relevant business has been –

(a) proceeded against for the offence; or

(b) convicted, or found guilty, of the offence.

(4) An employer of a relevant business must not permit an employee of the relevant business to sell a knife, unless the employee has attained the age of 18 years.

Penalty: Fine not exceeding 20 penalty units.

34H. False or misleading information

A person must not knowingly –

(a) make a false or misleading statement; or

(b) use, provide or produce false or misleading information or evidence –

for the purposes of, or in connection with, obtaining, or attempting to obtain, by any means, a knife from a relevant business.

Penalty: Fine not exceeding 10 penalty units.

34I. Mandatory sign requirements

(1) In this section –

approved age restriction sign means a sign approved in accordance with subsection (2);

business website, in relation to an employer of a relevant business, means the website available to the public that is operated by, or on behalf of, the employer.

(2) The Commissioner is to approve the form of signage to be displayed by an employer of a relevant business for the purposes of this section.

(3) An approval under subsection (2) –

(a) is to be published, as soon as practicable after it is made, on the Department website; and

(b) is to apply to a specified employer or a specified class of employers, of a relevant business;

(c) may be subject to any conditions or limitations as are specified in the approval; and

(d) may be made so as to apply differently according to any matter or circumstance in respect of a relevant business that operates on premises or online.

(4) The employer of a relevant business must display an approved age restriction sign –

(a) in a conspicuous position –

(i) at each public entrance to the premises; and

(ii) at each point of sale within the premises; and

(b) on any website of the business; and

(c) in any advertisement, information or communication in connection with the sale of knives that is published, whether electronically or otherwise, by or on behalf of the business.

Penalty: A fine not exceeding 20 penalty units.

(5) The Commissioner may exempt an employer of a relevant business, or class of employers of a relevant business, from the application of all or part of subsection (4).

(6) An exemption under subsection (5) –

(a) is to be published, as soon as practicable after it is made, on the Department website; and

(b) may be subject to such conditions or limitations as are specified in the exemption.

34J. Storage &c. of prohibited weapons and knives

(1) The Commissioner may approve the manner in which the employer of a relevant business must –

(a) display for sale a prohibited weapon or a knife; and

(b) store a prohibited weapon or a knife that is intended to be for sale.

(2) An approval under subsection (1) –

(a) is to be published, as soon as is practicable after it is made, on the Department website; and

(b) may be subject to such conditions or limitations as are specified in the approval.

(3) The employer of a relevant business must not contravene an approval under subsection (1).

Penalty: Fine not exceeding 20 penalty units.

7. Section 55 amended (Arrest)

Section 55(1) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

(ab) Division IB of Part II;

8. Section 61 amended (Infringement notices)

Section 61(1) of the Principal Act is amended by inserting "section 34F(2) and (4), section 34G(4), section 34H, section 34I(4), section 34J(3)," after "section 26(1),".

PART 3 – POLICE OFFENCES REGULATIONS 2024 AMENDED

9. Principal Regulations

In this Part, the *Police Offences Regulations 2024** are referred to as the Principal Regulations.

10. Part 3A inserted

After regulation 7 of the Principal Regulations, the following Part is inserted:

PART 3A – KNIVES AND PROHIBITED WEAPONS

7A. Exempt knife

(1) For the purposes of the definition of ***exempt knife*** in section 3 of the Act, a knife, or class of knives, is prescribed as an exempt knife, or class of exempt knives, if the knife or class of knives is –

(a) designed, manufactured, supplied or sold as a tool that is used for the purposes of consuming food, or assisting in consuming food; or

(b) generally applicable as a tool that is used for the purposes of

*S.R. 2024, No. 75

consuming food or assisting in consuming food.

(2) For the avoidance of doubt, a knife, or class of knives, is not an exempt knife or class of exempt knives if the knife or class of knives is –

(a) designed, manufactured, supplied or sold as a tool that is used for the purposes of preparing or cooking food; or

(b) generally applicable as a tool that is used for the purposes of preparing or cooking food.

7B. Prescribed requirements for genuine reason evidence

(1) In this regulation –

validity period, in relation to genuine reason evidence, means the 3-month period commencing on the day on which the genuine reason evidence is dated.

(2) For the purposes of paragraph (b) of the definition of *genuine reason evidence* in section 34F(1) of the Act, the following requirements are prescribed:

(a) genuine reason evidence must be in writing;

(b) genuine reason evidence must –

(i) be signed by the relevant author; and

(ii) be dated; and

(iii) specify the contact information of the relevant author;

(c) genuine reason evidence must specify particulars in relation to –

(i) the identity of the youth to whom the evidence relates; and

(ii) the genuine reason on which the youth relies; and

(iii) the relevant author's involvement with, or connection to, the youth and the youth's genuine reason; and

(iv) confirmation from the relevant author that the youth specified in accordance with subparagraph (i) requires the knife for the purposes of the genuine reason

specified in accordance with subparagraph (ii);

(d) genuine reason evidence must be within the validity period.

(3) For the purposes of this regulation, the ***relevant author***, of genuine reason evidence, is –

(a) if a youth's genuine reason for possessing or using the knife is for the pursuit of a lawful occupation, an employer, or prospective employer, of the youth; or

(b) if a youth's genuine reason for possessing or using the knife is for participation in a lawful educational or training activity, a provider or facilitator of the activity; or

(c) if a youth's genuine reason for possessing or using the knife is for participation in a lawful activity in respect of collection, display or exhibition activity, an organiser or facilitator of the activity; or

(d) if a youth's genuine reason for possessing or using the knife is for participation in a lawful

religious observance, an organiser or facilitator of the observance; or

(e) if a youth's genuine reason for possessing or using the knife is for participation in an activity or purpose for the purposes of section 34E(1) of the Act, an organiser or facilitator of the activity or purpose.

7C. Prescribed requirements for identification evidence

For the purposes of paragraph (b) of the definition of *identification evidence* in section 34F(1) of the Act, the following documents are prescribed as documents that may be used to establish a youth's identity and age:

(a) a current student identification card, issued in Australia, that contains a photograph of the card holder;

(b) a birth certificate;

(c) a current passport that contains a photograph of the passport holder;

(d) a current driver's licence, issued in Australia, that contains a photograph of the licence holder;

(e) a current document issued by a government department of the Commonwealth, or of a State or Territory, that contains the document holder's name, photograph and date of birth or age.

11. Schedule 3 amended (Infringement notices)

Schedule 3 to the Principal Regulations is amended by inserting after item 25 the following items:

25A.	Section 34F(2)	3
25B.	Section 34F(4)	1
25C.	Section 34G(4)	1
25D.	Section 34H	1
25E.	Section 34I(4)	1
25F.	Section 34J(3)	1

PART 4 – REPEAL OF ACT

12. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.