

TASMANIA

POLICE OFFENCES AMENDMENT (KNIVES AND OTHER WEAPONS) BILL 2025

CONTENTS

PART 1 – PRELIMINARY

1. Short title
2. Commencement

PART 2 – POLICE OFFENCES ACT 1935 AMENDED

3. Principal Act
4. Section 15C amended (Dangerous articles)
5. Section 15CAA inserted
15CAA. Use of electronic metal detection device
6. Section 70 inserted
70. Information be included in annual report
7. Sections 75 and 76 inserted
75. Further amendment of regulations not prevented
76. Review of provisions relating to electronic metal
detection device searches

PART 3 – POLICE OFFENCES REGULATIONS 2024 AMENDED

8. Principal Regulations
9. Regulation 8A inserted
8A. Prescribed places for purposes of section 15CAA of
Act

PART 4 – REPEAL OF ACT

10. Repeal of Act

POLICE OFFENCES AMENDMENT (KNIVES AND OTHER WEAPONS) BILL 2025

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

LAURA ROSS, *Clerk of the House*
1 April 2025

(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 Other Weapons) Act 2025*.

2. Commencement

This Act commences on the day on which this Act receives the Royal Assent.

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

s. 3

Part 2 – Police Offences Act 1935 Amended

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 15C amended (Dangerous articles)

Section 15C of the Principal Act is amended as follows:

- (a) by omitting the penalty from subsection (1) and substituting the following penalty:

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

- (b) by omitting from subsection (2) “whom the police officer reasonably believes” and substituting “who the police officer has reasonable grounds for suspecting”;
- (c) by inserting the following subsection after subsection (4):
 - (4A) A failure to comply with a requirement to undergo an electronic metal detection device search in accordance with

*No. 44 of 1935

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

Part 2 – Police Offences Act 1935 Amended

s. 5

section 15CAA(2) may constitute a reasonable ground for suspicion that a person has possession of, or carries, a dangerous article without lawful excuse.

5. Section 15CAA inserted

After section 15C of the Principal Act, the following section is inserted in Division II:

15CAA. Use of electronic metal detection device

(1) In this section –

electronic metal detection device
means an electronic device that is capable of detecting the presence of metallic objects;

electronic metal detection device search means a search of a person conducted by –

- (a) passing an electronic metal detection device over or in close proximity to the person's outer clothing; or
 - (b) requiring the person to pass through such a device.
- (2) A police officer in a prescribed place may, without a warrant, require any

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

s. 6

Part 2 – Police Offences Act 1935 Amended

person within that prescribed place to undergo an electronic metal detection device search.

- (3) A police officer may stop and detain a person for so long as is reasonably necessary to conduct an electronic metal detection device search in accordance with subsection (2).
- (4) For the avoidance of doubt, nothing in this provision affects the lawful use of an electronic metal detection device by a police officer including, but not limited to, as part of a search or other police operation.

6. Section 70 inserted

After section 69 of the Principal Act, the following section is inserted in Part IX:

70. Information be included in annual report

- (1) In this section –

*electronic metal detection device
search* has the same meaning as
in section 15CAA.

- (2) The Commissioner must ensure that the annual report submitted to the Minister by the Secretary of the Department under section 36 of the *State Service Act 2000* in respect of a 12-month period includes

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

Part 2 – Police Offences Act 1935 Amended

s. 7

the following information in relation to that period:

- (a) the number of people who were required by a police officer to submit to an electronic metal detection device search;
 - (b) the number of knives or other weapons that were detected by police officers conducting electronic metal detection device searches;
 - (c) the number and the nature of the charges made against persons as a result of electronic metal detection device searches undertaken by police officers.
- (3) The information specified in subsection (2) must not include any information that identifies, or is likely to lead to the identification of, an individual.

7. Sections 75 and 76 inserted

After section 74 of the Principal Act, the following sections are inserted in Part IX:

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

s. 7

Part 2 – Police Offences Act 1935 Amended

75. Further amendment of regulations not prevented

The amendment by an Act of subordinate legislation made for the purposes of this Act does not bar the subsequent amendment or repeal of that subordinate legislation by later subordinate legislation.

76. Review of provisions relating to electronic metal detection device searches

(1) In this section –

independent review means a review carried out by persons –

- (a) who, in the Minister’s opinion, are appropriately qualified for that task; and
- (b) the majority of whom are not employees of the State or of any agency of the State.

(2) The Minister is to cause an independent review of the operation of the provisions inserted into this Act by the *Police Offences Amendment (Knives and Other Weapons) Act 2025* to be completed within 6 months after the first anniversary of the commencement of that Act.

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

Part 2 – Police Offences Act 1935 Amended

s. 7

-
- (3) The Minister is to cause a copy of the review to be tabled in each House of Parliament within 10 sitting-days of that House after it is given to the Minister.

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

s. 8

Part 3 – Police Offences Regulations 2024 Amended

**PART 3 – POLICE OFFENCES REGULATIONS 2024
AMENDED**

8. Principal Regulations

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

9. Regulation 8A inserted

After regulation 8 of the Principal Regulations, the following regulation is inserted in Part 4:

8A. Prescribed places for purposes of section 15CAA of Act

(1) In this regulation –

education facility means the following places:

- (a) a school;
- (b) a university;
- (c) a TasTAFE facility;
- (d) a technical institute or vocational education facility;

*S.R. 2024, No. 75

*Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025*

Part 3 – Police Offences Regulations 2024 Amended

s. 9

- (e) a place used for the purposes of education, learning or teaching;

public transport area means the following places:

- (a) a bus mall within the meaning of section 67B(1)(n) of the *Public Health Act 1997*;
- (b) a bus interchange or bus transit centre;
- (c) a bus stop or bus shelter;
- (d) a jetty or wharf that is being used in the operation of a passenger ferry service;
- (e) an airport;

retail precinct means the following places:

- (a) a shopping centre;
- (b) a shopping area in which 2 or more retail premises are situated, including the footpath immediately adjacent to the retail premises;

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

s. 9

Part 3 – Police Offences Regulations 2024 Amended

- (c) a pedestrian mall within the meaning of section 67B(1)(m) of the *Public Health Act 1997*;

retail premises means premises that are used primarily for either or both of the following:

- (a) the sale of goods;
- (b) the provision of services;

set down area means an area used to allow passengers to enter or exit –

- (a) a private vehicle; or
- (b) a vehicle that is being used in the operation of a passenger transport service within the meaning of the *Passenger Transport Services Act 2011*.

- (2) For the purposes of section 15CAA of the Act, the following places are prescribed:

- (a) a public transport area;
- (b) a retail precinct;
- (c) a large passenger vehicle within the meaning of the *Passenger Transport Services Act 2011*;

*Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025*

Part 3 – Police Offences Regulations 2024 Amended

s. 9

-
- (d) a vessel used in the operation of a public ferry service;
 - (e) a place where sport is played or exhibited;
 - (f) a licensed premises or any place used for the assembly of members of the public for social, entertainment or recreational purposes;
 - (g) a facility or place where medical or health services are provided;
 - (h) an education facility;
 - (i) a place of worship or place where individuals or a group of persons congregate for religious or ritual purposes or to perform acts of devotion;
 - (j) a car park or set down area that forms part of, or is used for the purpose of access to, a place specified in this regulation.

Police Offences Amendment (Knives and Other Weapons) Act
2025
Act No. of 2025

s. 10

Part 4 – Repeal of Act

PART 4 – REPEAL OF ACT

10. Repeal of Act

This Act is repealed on the first anniversary of the day on which it commenced.