

**POLICE OFFENCES AMENDMENT (KNIVES AND OTHER WEAPONS)
BILL 2025 (No. 3)**

Second Reading

The SPEAKER - Before calling the minister, I remind members that seated in the gallery today are people for whom this matter that we will be debating is personally significant. I remind you to be cautious in your contributions due to the trauma and distress that has clearly led to a lot of the work that has got this bill before the House today. Could all be conscious of that in our contributions today? Thank you.

[11.53 a.m.]

Mr ELLIS (Braddon - Minister for Police, Fire and Emergency Management) - Honourable Deputy Speaker, I move -

That the bill be now read a second time.

The Tasmanian government is pleased to introduce the Police Offences Amendment (Knives and Other Weapons) Bill 2025, which will be known as Reid's Law and referred to as such in my contribution.

The government has committed to making Tasmania's community safer through the 2030 Strong Plan for Tasmania's Future. This approach includes delivering on our commitment to address knife crime under our strong plan to crack down on crime. Reid's Law will improve the ability of police to detect and seize dangerous articles, including knives and other weapons, and deter offending through increased penalties for possessing these weapons without a lawful excuse.

To achieve this, the Tasmanian government is proposing amendments to the *Police Offences Act 1935*. The advice of Tasmania Police is that the possession and use of dangerous articles, specifically knives and items such as scissors and bladed weapons, has increased exponentially over the past decade. In 2015, Tasmania Police laid a total of 225 charges for the offence of 'possess, carry or use dangerous article in a public place.' This included 199 adults and 26 youths. Last year, Tasmania Police laid 515 charges for the same offence. That is, in 2024, 408 adults and 106 youth were charged for possessing, carrying, or using a dangerous article in a public place.

These figures represent that these changes have more than doubled for adults and there has been a staggering 308 per cent increase for youths. We all know too well the potential for catastrophic consequences arising from the use of knives and other weapons. Tragically, in 2019, Mr Reid Ludwig was stabbed to death by a youth during an altercation at a service station in Blackmans Bay. In 2023, a retail employee was stabbed in the abdomen following an altercation at their place of work in Moonah. In November last year, two stabbings occurred on Hobart's eastern shore within an hour of each other, one at a fast food restaurant and the other one at a nearby bus mall. In the same month, a man was stabbed in the early hours of the morning on the Salamanca lawns following an incident in a nearby licensed premises. In 2023, a 50-year-old man was stabbed in a shopping plaza in Launceston following a verbal altercation with youths who climbed onto the roof of the building.

I extend my sincerest condolences to all of those community members who have been

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affected by these crimes. There are many more examples which I cannot inform you, honourable Speaker, and today we are honoured by the presence of Reid's mother, Laraine in the gallery, and also Jack Beasley's mother and father, Brett and Belinda, who have come down from Queensland. We thank you all for your bravery, your courage and your service.

Not only has knife crime torn families apart, but it also has a profound impact on Tasmanian retailers. In February 2025, the Australian Retailers Association (ARA), which is Australia's largest retail body representing 1.4 million Australians, wrote to the Department of Police, Fire and Emergency Management, highlighting the number of horrific incidents involving knife crime. In their correspondence, the Australian Retailers Association expressed the view that the proposed amendments are an important step towards enhancing public safety. So, too, did other retail representative bodies. I sincerely thank them for their contributions and all those who made submissions on the bill.

The community demands action because knife crime is a serious issue that cannot be ignored. This bill is an integral component of the government's commitment to preventing, wherever possible, further crimes of this nature. The bill provides for a range of amendments to the *Police Offences Act 1935* by increasing penalties for possessing, carrying or using a dangerous article in a public place, improving powers for police officers to search a person for a dangerous article and the introduction of a new provision to provide for metal detector searches, or wandings, of persons for dangerous articles, including knives, in prescribed public places.

The centrepiece of the bill is the provision for electronic metal detection device searches, otherwise known as wand searches. Wand searches are conducted by passing an electronic metal detection device over, or in close proximity to a person's outer clothing or having a person pass through such a device. It is a non-invasive search that, unlike a general search, requires no direct contact with the person being searched.

The bill provides for a wand search in prescribed public places. Prescribed places includes those where there are often large gatherings of members of the community, either socially or in a professional capacity, as well as places of public congregation where community members may, for one reason or another, be vulnerable in that environment. With that in mind, prescribed places include:

- Educational facilities;
- Public transport hubs;
- Passenger transport service, and associated set-down and pick-up areas;
- Passenger vehicles and ferries;
- Retail precincts and premises;
- Places where sport is played or exhibited;
- Licensed premises or a place used for the assembly of the public for social, entertainment or recreational purposes;

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- Medical and healthcare facilities; and
- Places of worship.

Prescribed places are provided for in the *Police Offences Regulations 2024*. In those places, a police officer may, without a warrant, require a person to undergo an electronic metal detection device search. As with other search provisions, the police officer may stop and detain a person for so long as reasonably necessary to conduct the search. I draw particular attention to the fact that in a prescribed place, there is no requirement for the threshold of reasonable suspicion.

Where a person fails to comply with the requirement to undergo an electronic metal detection device search, this may constitute reasonable grounds for suspicion that the person is in possession of, or is carrying a dangerous article, as already exists in section 15C of the *Police Offences Act 1935*. Practically, if a person is asked to comply with wandering in a prescribed place and they decline, provision is made that this is grounds to suspect that they may be carrying a dangerous article and they may wand them on that basis.

The amendments proposed in the bill are similar to legislation introduced in other policing jurisdictions, but take a uniquely Tasmanian approach. In 2023, the Police Powers and Responsibilities (Jack's Law) Amendment Bill 2022 was passed by the Queensland parliament. In the Northern Territory, they followed suit in 2023 by passing the Police Legislation Further Amendment Bill 2023. In 2024, Western Australia passed the Police Legislation Amendment Bill 2024. New South Wales passed the Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024 in the same year. Victoria passed the Terrorism (Community Protection) and Control of Weapons Amendment Bill in 2024, and earlier this year South Australia introduced the Summary Offences (Knives and other Weapons) Bill 2025.

With respect to the exercise of electronic metal detection device searches, I am satisfied that sufficient safeguards currently exist, as drafted, for both the person being searched and police officers. The Tasmanian Police Manual is a compendium of the Commissioner of Police's instructions and clearly prescribes the conduct and manner in which searches of persons is to occur. All searches are to be conducted in the least intrusive manner, with reasonable action taken to minimise indignity, trauma, distress and other harm. I am encouraged by the fact that electronic metal detection device searches will accord with each of these principles, as well as protecting the human rights of community members.

Further to that, the Tasmanian Police Manual requires that, where practicable, searches are conducted by a police officer of the same gender as the person searched, and with respectful communication.

In addition to these search requirements, Tasmanian police wear body-worn cameras. It is a mandatory requirement that police officers commence body-worn camera (BWC) recording where acting in an enforcement capacity, conducting a search or where a person is stopped in a public place due to a reasonable suspicion that the person has, is, or is about to commit an offence. The activation of BWC applies an additional layer of accountability and protection to any person subject to an electronic metal detection device search.

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That being said, we can also be reassured by the recent Productivity Commission report on government services that found that Tasmania Police are the most highly-regarded police service in the nation. In fact, Tasmania Police rated the highest of all jurisdictions across all three police integrity perceptions, those being: treating people fairly and equally, performing their job professionally and honesty. These results, alongside the existing legislative frameworks, support a strong foundation for the responsible use of the proposed additional police powers.

With respect to electronic metal detection device searches, the bill includes an avoidance of doubt clause. This clause represents the government's intention that the proposed legislation does not in any way prevent the use of an electronic metal detection device as part of any other search of a person prescribed by any other legislative provision.

Further to this, the existing legislative provisions relating to searches for dangerous weapons will apply to electronic metal detection searches. It is important that the authority to search for a knife that may be in possession of, carried by or used by a person is also relevant to electronic metal detection searches. This extends to backpacks, for example, and other items in possession of a person, as the legislation currently allows.

Finally, any dangerous article located during the electronic metal detection search will still be liable to seizure and destruction, either by court order or by consent, as is currently the case.

The bill amends existing sections of the *Police Offences Act 1935* which relate to dangerous articles generally. Currently, in a public place, a police officer must have a reasonable ground for believing that a person is in possession of or is carrying a dangerous article to stop and search that person. The bill proposes that the threshold for the exercise of this power be that of reasonable suspicion. This will enhance public safety by allowing police officers to conduct a search of a person with a lowered threshold. The ability to search a person for a knife or a dangerous article as evidence of an offence is a fundamental investigative tool to determine involvement in an offence.

Turning briefly to an adjacent matter, the *Police Powers and Responsibilities Act* proposal paper produced by the Department of Justice aligns with the Tasmanian Law Reform Institute final report and the consolidation of arrest laws in Tasmania. This publication states that:

The power to search a suspect for evidence be exercised at the time that the person is suspected of being in possession of evidential material.

The paper goes on to say that such a power may also serve an immediate safety role, particularly where the offence may involve possession of a weapon or implement that may be used to cause harm.

Further, the proposal paper would suggest that the higher threshold of reasonable belief is too high, as police would be empowered to arrest a person should they establish such a belief; that is, if an officer has formed a reasonable belief, then they could already perform an arrest. It follows that reasonable suspicion is an appropriate threshold for this non-invasive search.

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A search must be considered a preliminary action to any decision to proceed against a person, with arrest an action of last resort. The threshold of reasonable suspicion as the search threshold is also consistent with other jurisdictions in Australia. In New South Wales, reasonable suspicion is the threshold for dangerous article searches as well as searches for other items used in connection with an offence. In Queensland, reasonable suspicion is the threshold for weapons offence searches. In Western Australia, reasonable suspicion is the threshold for possession of a thing relevant to an offence. In the Australian Capital Territory, reasonable suspicion is the threshold for searching for a thing relevant to a serious offence, and in the NT, reasonable suspicion is the threshold for anything connected with an offence search.

Currently, the maximum penalty for possessing a dangerous article in a public place without lawful excuse is a fine not exceeding 50 penalty units and imprisonment for a period not exceeding two years. This bill will increase this to a fine not exceeding 100 penalty units and imprisonment for a period not exceeding three years, or both. It is important to note that the court will still be able to exercise its sentencing discretion. However, the increase in the maximum penalty reflects the seriousness of the offence. There is nothing in this bill that will impede any sentencing option or other orders available to the courts, including those in relation to a young person.

On the subject of youths, there is some concern that the proposed amendments - in particular, electronic metal detection device searches - will bring more youths into contact with police. This may well be the case, considering knives and other weapons offences involving young persons have increased by more than 300 per cent over the last decade. These amendments are designed to enhance public safety and the government is steadfast in this approach. However, this may also present an opportunity for early intervention with young offenders and diversion away from the justice system.

The Tasmanian government is committed to the Youth Justice Blueprint 2024-2034. The blueprint adopts a broader definition of youth justice with a focus on prevention, early intervention and diversion. It is hoped that a holistic approach with a range of support options for young persons and their families, alongside therapeutic initiatives, will reduce anti-social behaviour and repeat offending.

However, we cannot detract from the real and present dangers associated with knives and other weapon crime and the need to keep our community safe, including young people. In that sense, the Youth Justice Blueprint provides a platform whereby the government can support the safety and wellbeing of young persons while also maintaining our responsibility towards public safety.

Concerns have been raised regarding what is referred to as 'net widening'. This is referring to the notion that increased police powers and presence will, in certain locations, result in the detection of offences outside that of the purpose of the police power or presence, for example, minor drug possession offences being detected through wandering operations.

A 2022 review by Griffith University into the Queensland wandering trial, or Jack's Law, although in some degrees flawed due to the analysis constraints, found that net widening had the potential to cause the entry of individuals into the formal criminal justice process, which

could ultimately cause adverse flow-on effects. The review added that care needs to be taken to ensure that wandering operations do not lead to 'bypassing of reasonable suspicion safeguards.'

I heed these concerns and hold the view that where, for example, a minor drug offence is detected, the person may have an opportunity to access therapeutic approaches through the drug diversion process and, in the case of youth, the integrated support mechanisms underpinned by the Youth Justice Blueprint, such as access to early intervention support services, protective behaviours and other wellbeing considerations.

That being said, I note also that the Griffith University review stated that police officers involved in wandering operations indicated that their interactions with young people seem to have improved, with feedback generally considering the wandering initiative a positive step towards enhancing community safety. Not only was there no evidence to suggest significant community concerns with wandering operations, but there was also some evidence of improved perceptions, both of police and community safety.

The carriage of knives, weapons and other dangerous articles has the potential for very serious and life-altering consequences, and the carriage and possession of these items has become too prevalent in our community.

A recent trial by Tasmania Police using electronic metal detection devices for public place dangerous article searches in December through January highlights the extent of the issue we are facing. In Hobart, over the trial period, 50 searches were conducted, with 10 knives and dangerous articles seized. In Launceston, over the same period, 43 searches were conducted with 9 dangerous articles seized.

In light of these results, Tasmania Police undertook to continue a trial to 2 April 2025. During this second phase, in Hobart another 42 searches were conducted with 9 dangerous articles seized, in Launceston 41 searches were conducted with 11 dangerous articles seized, and in the north-west 29 searches were conducted with 4 knives and other dangerous articles seized.

We are all aware of the tragic consequences of knife crime in Tasmania and throughout our country. It is imperative that the government and parliament do all they can to minimise those risks and to curb the incidence of knife crime.

Honourable Deputy Speaker, I commend the bill to the House.