

c2024-080A
GRNS--The Greens

LEGISLATIVE COUNCIL

Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024

First print

Proposed amendments

No. 1 Form of declaration

Page 4, Schedule 1, proposed section 45F. Insert after line 25—

- (2) The instrument must be in the form prescribed by the regulations.
- (3) The instrument must contain the following information—
 - (a) the location of the designated area,
 - (b) the dates and times during which the area is a designated area,
 - (c) the offences that gave rise to the declaration,
 - (d) details of the consideration given by the senior police officer of the matters in section 45G(b) and (c).
- (4) The instrument must—
 - (a) be published in the Gazette, and
 - (b) made available on a website of the NSW Police Force.

No. 2 Declaration made in relation to the same place

Page 5, Schedule 1, proposed section 45J. Insert after line 10—

- (2) Each declaration for a place that would result in the place being a designated area or part of a designated area more than 3 times in a 12 month period must not be made unless the Minister has given written approval for the declaration.

No. 3 Application to persons under 18 years of age

Page 5, Schedule 1. Insert after line 11—

45JA Application to persons under 18 years of age

- (1) A power under this part must not be exercised on a child who is under 14 years of age.
- (2) A power under this part may be exercised on a person who is at least 14 years of age and less than 18 years of age if—
 - (a) a parent or guardian of the person is present, and
 - (b) the police officer exercising the power is reasonably satisfied that the exercise of the power is necessary as a measure of last resort.

No. 4 **Safeguards before power exercised**

Page 6, Schedule 1. Insert after line 11—

45NA Safeguards before power exercised

- (1) This section applies if a police officer proposes to exercise a power under a hand-held scanner authority to require a person to stop and submit to the use of a hand-held scanner.
- (2) The police officer must before exercising the power—
 - (a) inform the person that the person may do either or both of the following—
 - (i) produce any metal object in the person’s possession before being subject to the use of a hand-held scanner,
 - (ii) leave the area without being subject to the use of a hand-held scanner, and
 - (b) if the person does not leave the area—
 - (i) offer the person an information notice that clearly explains why the power is to be exercised and the persons rights in relation to the exercise of the power, and
 - (ii) give the person a reasonably opportunity to read the notice and ask questions.

No. 5 **Detention of person**

Page 6, Schedule 1, proposed section 45O(4), line 20. Omit “as long as”. Insert instead “no longer than”.

No. 6 **Exercise of other powers**

Page 6, Schedule 1, proposed section 45O. Insert after line 23—

- (6) Nothing in this part authorises a police officer to exercise additional powers following a scan other than the powers in section 45M(2).

No. 7 **Records and reporting**

Page 6, Schedule 1, proposed section 45P(1) and (2), lines 25–29. Omit all words on the lines. Insert instead—

- (1) The Commissioner must keep records about the use of the powers under this division, including the following information—
 - (a) the date, time and location at which a power to scan was exercised,
 - (b) whether the scan indicated that metal is, or is likely to be, present,
 - (c) whether a knife or other weapon was found as a result of the scan, including details of the knife or weapon,
 - (d) whether another prohibited item or substance was detected as a result of the scan, including details of the item or substance,
 - (e) whether other police powers were exercised in conjunction with the scan, including details of the powers exercised,
 - (f) whether the scan resulted in a criminal charge or other legal action against the person subject to the scan,
 - (g) other information prescribed by the regulations.
- (2) The following information must be included in the NSW Police Force’s annual reporting information under the *Government Sector Finance Act 2018*, Division 7.3—
 - (a) the number of instruments made under section 45F during the reporting period, including for each instrument—

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- (i) the location of the designated area, and
 - (ii) the duration of the declaration,
- (b) the number of persons required to stop and submit to a scan during the reporting period, including—
- (i) the age and gender of the persons, and
 - (ii) whether the persons were Aboriginal or Torres Strait islanders,
- (c) the number of scans conducted during the reporting period,
- (d) the number of knives detected because of scans during the reporting period,
- (e) the number of other weapons detected because of scans during the reporting period,
- (f) the number of scans during the reporting period, that led to no detection of a knife or weapon,
- (g) the number of scans during the reporting period, that led to the detection of a knife or weapon,
- (h) the number and type of other police powers exercised following a scan during the reporting period,
- (i) the number of scans during the reporting period that resulted in a criminal charge or other legal action against the person subject to the scan,
- (j) other information prescribed by the regulations.
- (3) In this section—
scan means a scan using a hand-held scanner in a designated area.

No. 8 **Review of Part 4A by LECC**

Page 6, Schedule 1. Insert after line 29—

45PA Review of part by LECC

- (1) The Law Enforcement Conduct Commission (*LECC*) must continuously review the exercise of powers under this part.
- (2) The Commissioner must give LECC information that LECC requires for the purposes of the review.
- (3) LECC must prepare a report on the outcome of the review as soon as practicable after 12 months after the commencement of this part.
- (4) LECC must give a copy of the report to the Minister and the Attorney General.
- (5) The report must be tabled in each House of Parliament as soon as practicable after it is given to the Attorney General.
- (6) LECC must report on the exercise of its functions under this section in its annual report.

No. 9 **Expiry of Part 4A**

Page 6, Schedule 1, proposed section 45R, line 39. Omit “3 years”. Insert instead “18 months”.