

Tabled, by leave,
The Hon. Daniel Hoeky
for *Janelle*
Clerk of the Parliaments
4 / 6 / 2024

LAW ENFORCEMENT (POWERS AND RESPONSIBILITIES) AND OTHER LEGISLATION
AMENDMENT (KNIFE CRIME) BILL 2024

STATEMENT OF PUBLIC INTEREST

Need: Why is the policy needed based on factual evidence and stakeholder input?

The reforms in the Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024 (**the Bill**) are an immediate response to recent incidents of knife crime. The Bill recognises that charges for knife possession remain high and reoffending is common. It further recognises that the possession of knives and other weapons is a necessary precursor to more serious offending and provides police with enhanced powers to detect knives in high risk public places.

The Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Bill 2024 (**the Bill**), Schedule 1, amends the *Law Enforcement (Powers and Responsibilities) Act 2002 (LEPRA)* to introduce Part 4A, which will authorise police to stop and scan persons using a handheld metal scanner in designated areas without a warrant. Schedule 2 to the Bill amends the *Summary Offences Act 1988 (Summary Offences Act)* to increase the maximum penalty for the offence of selling a knife to a child under the age of 16 and introduces a new offence of prohibiting a person from selling a knife to a child aged 16 or 17 without a reasonable excuse.

Under proposed Part 4A of LEPRA:

- a senior police officer of or above the rank of Assistant Commissioner will be able to declare public transport stations, shopping precincts, major sporting venues and other public places prescribed by the regulations as a designated area, provided certain legislative criteria are met. This includes a requirement for a relevant offence to have occurred at the place in the last 12 months.
- a declaration of a designated area will be in force for 12 hours.
- a police officer will be able to stop any person in the designated area and scan them with a handheld metal scanner. If the scanner indicates metal is, or is likely to be, present the police officer will be able to require the person to produce the item and resubmit to another scan.
- non-compliance with a police officer's direction will attract a maximum penalty of 50 penalty units (\$5,500).
- there are key reporting requirements and safeguards to minimise any imposition for the person being scanned.

The legislative scheme permits police to scan a person and will not expressly authorise police to search a person without a warrant. Ordinary search powers under Part 4 of LEPRA will continue to apply. The scheme will sunset after three years, with a statutory review preceding the scheduled sunset to report to Parliament on the policy and impact of the scheme.

Additionally, the Bill will amend section 11F of the Summary Offences Act, to increase the maximum penalty for the offence of selling a knife to a child under the age of 16 from 50 penalty units (\$5,500) to 100 penalty units (\$11,000), imprisonment for 12 months, or both.

The Bill will also introduce a new offence into section 11F of the Summary Offences Act that will prohibit a person from selling a knife to a child aged 16 or 17 without a reasonable excuse. It will be a reasonable excuse for a person to sell a knife to a child aged 16 or 17 if the person is satisfied the child reasonably requires the knife for the lawful pursuit of the child's occupation, education or training. This recognises that some people aged 16 or 17 may need to purchase a knife for legitimate purposes, such as hospitality students and apprentices in some trades. The maximum penalty for this new offence is 100 penalty units (\$11,000), imprisonment for 12 months, or both.

Objectives: What is the policy's objective couched in terms of the public interest?

The package of reforms in this Bill targets the possession of knives, and aims to reduce knife crime and boost community safety.

Given knife possession is the necessary precursor to violent knife crime, it is in the public interest that the current legislative framework provides a stronger deterrent against knife possession and use, and that maximum penalties are sufficient and proportionate to the serious risk of harm posed by knife crime.

Options: What alternative policies and mechanisms were considered in advance of the bill?

The reforms are an immediate and necessary response to the risk of serious knife-related incidents. The introduction of the metal detector scanning powers into LEPR and the reforms to the sale of knife offence in the Summary Offences Act can only be done through legislative amendment.

Analysis: What were the pros/cons and benefits/costs of each option considered?

The legislative scheme to authorise police to scan persons with handheld metal detection scanners is based on Queensland's 'Jack's Law', with some differences to better suit NSW. These differences are mainly in relation to the areas that can be designated for the use of the powers to enable flexibility, who is responsible for declaring an area as a designated area, and the interaction with ordinary warrantless search powers.

Additionally, the reforms in the Bill build on the knife-related reforms to the *Crimes Act 1900* that the NSW Government brought to Parliament in June 2023, which doubled the penalty for knife possession and knife use.

Pathway: What are the timetable and steps for the policy's rollout and who will administer it?

The Bill will commence by proclamation. This is necessary to enable all resourcing and training arrangements to be finalised to facilitate the use of hand-held metal scanners, and to provide sufficient time for retailers to plan for the new restrictions relating to the sale of knives to children aged 16 and 17.

The provisions of the Bill relating to the use of hand-held metal scanners will be subject to a statutory review 2 years after commencement. The review will determine whether the policy objectives of the provisions remain valid and whether the terms of the provisions remain appropriate to secure those objectives. The Department of Communities and Justice will be responsible for undertaking this review on the behalf of the Attorney General and the Minister for Police and Counter-terrorism.

Consultation: Were the views of affected stakeholders sought and considered in making the policy?

The Premier, Attorney General and Minister for Police and Counter-terrorism met with Brett and Belinda Beasley, the parents of 17 year old Jack Beasley who was tragically stabbed to death in Surfers Paradise and who Queensland's "Jack's Law" is named after, to discuss strengthening knife laws, including implementation of Jack's Law.

The Bill was drafted in consultation with the NSW Police Force and The Cabinet's Office. The Office of the Director of Public Prosecutions, Legal Aid NSW, and the Public Defender's office were consulted on the Bill. All views were considered.