

10 April 2026

NSW Department of Communities and Justice
Policy, Reform and Legislation Branch

By email: policy@dcj.nsw.gov.au

Dear Department of Communities and Justice

Submission to statutory review of NSW knife wandung laws

1. The Justice and Equity Centre ('JEC'), formerly the Public Interest and Advocacy Centre ('PIAC'), welcomes the opportunity to make this submission to the statutory review of the knife wandung laws under Part 4A of the *Law Enforcement (Powers and Responsibilities) Act 2002* ('LEPRA').
2. The JEC is a leading, independent law and policy centre that works alongside people and communities experiencing marginalisation or disadvantage. We have a long history of representing clients subjected to unlawful, unfair and discriminatory uses of police powers, including stop and search practices.

Part 4A should not be continued

3. The JEC opposed the passage of the *Law Enforcement (Powers and Responsibilities) and Other Legislation Amendment (Knife Crime) Act 2024*, which introduced Part 4A into LEPRA, and we continue to oppose its extension or expansion.
4. We previously raised concerns that expanding police powers under this scheme would exacerbate over-policing of already targeted communities, while failing to address the underlying causes of knife-related violence.¹ Instead, the JEC has consistently advocated for community-led diversion programs as an alternative to improving community safety.²

Lack of evidence to support the effectiveness of knife wandung powers

5. Despite heightened media attention on knife-related violence, recorded crime data indicates that knife-related offending in NSW has remained stable or has reduced over

¹ Jacqueline So, 'Legal bodies push back against pitched NSW knife 'wandung' legislation', *Australasian Lawyer* (6 June 2024) <<https://www.thelawyermag.com/au/news/general/legal-bodies-push-back-against-pitched-nsw-knife-wandung-legislation/492151>>.

² Jordyn Beazley, 'NSW knife laws allowing suspects to be scanned without a warrant could be 'abused by police'', *The Guardian* (4 June 2024) <<https://www.theguardian.com/australia-news/article/2024/jun/04/nsw-police-knife-laws-stabbings-no-warrant-potential-abuse>>.

time.³ For example, the rate at which knives are used in assault and robbery offences steadily declined from 2005-2025.⁴

6. While jurisdictions across Australia, and overseas, have introduced police-led 'crackdowns' involving expanded stop and search powers to deter knife-carrying, there is little evidence that these approaches reduce violent crime.⁵ Data on operational outcomes recorded under Part 4A demonstrates its limited utility in meeting its stated objectives of deterring knife possession and reducing knife crime. For example, since Part 4A's commencement, very few individuals have been charged with knife-related offences following a warrantless search conducted with a hand-held scanner in a designated area, as at 25 September 2025,⁶ and 'weapons' were only found in 1.4% of knife wandings scans between December 2024 and June 2025.⁷
7. NSW should not follow Queensland, where the equivalent scheme was made permanent in 2025 and expanded to allow wandings in almost all public places.⁸ The Queensland law simultaneously removed key safeguards, including prior authorisation by a senior officer, reporting requirements and a further mandatory review of impacts on crime and on civil liberties. This expansion occurred notwithstanding a recent evaluation found no evidence wandings actually reduced knife carrying or crime rates and that, while wandings may increase detection, this does not translate into crime prevention.⁹
8. These findings are consistent with research from the United Kingdom and Victoria showing 'stop and search' laws have little or no impact on rates of violent crime.¹⁰ Moreover, a significant portion of weapons-related violence occurs in domestic and family violence

³ NSW Bureau of Crime Statistics and Research ('BOCSAR'), Offences involving weapons (as at December 2025) <<https://bocsar.nsw.gov.au/topic-areas/weapons.html>>; BOCSAR, NSW Recorded Crime Statistics quarterly update September 2022 (12 December 2022) <<https://bocsar.nsw.gov.au/media/2022/mr-nsw-recorded-crime-statistics-quarterly-update-sept-2022.html>>.

⁴ Ibid.

⁵ See, eg, Jessica Bahr, 'Knife laws are under scrutiny after stabbing attacks. These are the rules across Australia', SBS (18 April 2024) <<https://www.sbs.com.au/news/article/knife-laws-are-under-scrutiny-after-stabbing-attacks-these-are-the-rules-across-australia/9jzhtf20i>>; KD Browne et al, 'Knife crime offender characteristics and interventions – A systematic review', *Aggression and Violent Behavior* (2022) Vol. 67 <<https://www.sciencedirect.com/science/article/pii/S1359178922000556#:~:text=Drug%20use%2C%20mental%20health%20issues,risk%20factors%20for%20knife%20crime>>.

⁶ NSW Government, Budget Estimates 2025-26, Responses to Supplementary Questions -The Hon. Yasmin Catley MP (21 October 2025), pages 9-11 <<https://www.parliament.nsw.gov.au/lcdocs/other/22525/ASQ - Hon Yasmin Catley MP - Police and Counter-terrorism - Received 22 Oct 2025 - Corrected.pdf>>.

⁷ NSW Police Force, *Annual Report 2024-25*, page 164 <https://www.police.nsw.gov.au/__data/assets/pdf_file/0007/920617/Annual_Report_2024_-_25.pdf>.

⁸ Police Powers and Responsibilities (Making Jack's Law Permanent) and Other Legislation Amendment Bill 2025 <<https://www.parliament.qld.gov.au/Work-of-Committees/Committees/Committee-Details?cid=0&id=4513>>.

⁹ Griffith University, *Review of the Queensland Police Service Wanding Trial* (14 November 2022) <<https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wanding-trial/>>. See also Queensland Government, 'A Fresh Start for Queensland: Jack's Law becomes permanent in Queensland' (11 June 2025) <<https://statements.qld.gov.au/statements/102736>>.

¹⁰ UK Parliament, 'Macpherson Report: Twenty Two Years On' (July 2021) <<https://publications.parliament.uk/pa/cm5802/cmselect/cmhaff/139/13902.htm>>; Office of Police Integrity, 'Review of Victoria Police Stop and Search Powers' (3 May 2012) <<https://www8.austlii.edu.au/cgi-bin/viewdoc/au/other/vic/VicOPIRp/2012/1.html>>.

contexts and in private settings.¹¹ Knife wandering does little to protect victims in those circumstances.

NSW Government should invest in more effective, longer-term solutions to crime prevention

9. Knife-carrying, particularly among young people, is more effectively addressed through targeted and evidence-based supports that respond to underlying crime drivers such as mental health, domestic and family violence, housing insecurity, education and unemployment.¹² A 2021 report by the NSW Government found that mentoring programs are linked to reduced youth justice involvement, anti-social behaviour and criminal activity, particularly where programs involve life-skills development and community engagement.¹³
10. For these reasons, the JEC opposes any continuation or expansion of Part 4A beyond its scheduled repeal on 10 December 2027, and **recommends** that the NSW Government invest in sustainable, long-term solutions to crime reduction and community safety.
11. In the event Part 4A is continued, we make the following recommendations to strengthen safeguards and improve transparency and oversight of NSW's knife wandering scheme.

Stronger safeguards to prevent risk of misuse

12. The JEC continues to hold serious concerns about the ambiguity of the Part 4A provisions and the way those powers are being exercised by NSW Police.

No requirement for reasonable suspicion and lack of appropriate safeguards

13. Part 4A is drafted in broad and ambiguous terms. It empowers police to 'scan' any person for knives in declared 'designated areas'¹⁴, including shopping precincts, public transport stations and certain sporting venues, without a warrant and without any requirement of reasonable suspicion.¹⁵

¹¹ See, eg, Janet Ransley, 'Governments and police are tackling weapons in public – but they're ignoring it in our homes', *The Conversation* (5 August 2025) <<https://theconversation.com/governments-and-police-are-tackling-weapons-in-public-but-theyre-ignoring-it-in-our-homes-260097>>.

¹² See, eg, DJ Williams et al, 'Addressing gang-related violence in Glasgow: A preliminary pragmatic quasi-experimental evaluation of the Community Initiative to Reduce Violence (CIRV)', *Aggression and Violent Behavior* (December 2014) Vol 19. Issue 6 <<https://www.sciencedirect.com/science/article/abs/pii/S1359178914001074>>; KD Browne et al, 'Knife crime offender characteristics and interventions – A systematic review', *Aggression and Violent Behavior* (2022) Vol. 67 <<https://www.sciencedirect.com/science/article/pii/S1359178922000556#:~:text=Drug%20use%2C%20mental%20health%20issues,risk%20factors%20for%20knife%20crime>>.

¹³ NSW Government, 'Youth Mentoring: diverting young people from justice involvement' (June 2021) <https://www.nsw.gov.au/sites/default/files/2022-05/Youth_Mentoring_diverting_young_people_from_justice_involvement.pdf>.

¹⁴ LEPR, s 45F.

¹⁵ LEPR, ss 45K and 45L.

14. This represents a departure from the ordinary safeguards in LEPRA, where warrantless searches are generally conditioned on reasonable suspicion.¹⁶ Under Part 4A, the mere fact that a person is present within a designated area is sufficient to enliven the power, regardless of conduct or any ascertainable risk. The conferral of such expansive discretion creates a heightened risk of arbitrary, inconsistent or discriminatory application, particularly in communities already subject to disproportionate levels of policing.
15. Part 4A contains some safeguards, but we suggest that these are insufficient to protect against arbitrary or excessive use. Section 45O requires only that police exercise the power in the 'least invasive way practicable in the circumstances,' and permits detention for 'as long as is reasonably necessary' to carry out the scan. These constraints provide little practical guidance to officers exercising powers under Part 4A.

Declaration of designated areas

16. The JEC opposes expanding the power to declare 'designated areas,' including to permit police to designate areas without the need for a formal declaration. The threshold for declaration is already a low bar.¹⁷
17. Under the existing framework, a designated area may be declared where, in the preceding 12 months, at least one knife-related or weapons offence, or a serious indictable offence involving violence, has occurred, and where police consider that scanners are likely to be effective in deterring knife or weapons offences.¹⁸ This is a very broad discretion conferred upon police and is not subject to review or challenge. There is little meaningful constraint on the exercise of the power, or safeguards to ensure that designations are being made in ways that will not improperly target or impact certain communities.
18. The JEC is concerned that designations may be made over places or at times where increased police presence and broad powers to stop and search would not be appropriate or could exacerbate tensions between police and the community – for example during religious festivals, significant cultural events or at protests. A member of the public aggrieved by a declaration should have a means of raising such concerns, and having a designation reconsidered.
19. If Part 4A is not repealed, the JEC **recommends** the insertion of additional safeguards including:
 - a. the creation of a right of review to a more senior officer or to an external body such as the NSW Civil and Administrative Tribunal, for an organisation or member of the public aggrieved by the declaration of a place as a designated area under s 45F;

¹⁶ See, eg, LEPRA, s 45.

¹⁷ LEPRA, s 45F.

¹⁸ LEPRA, s 45G.

- b. an obligation to consult, unless there is an urgent and unforeseen need to make a declaration, with event organisers, local government and local community groups before making a declaration of an area as a designated area. Clause 47A of the Regulations should be updated to require record keeping of consultations that have taken place and the outcomes of those consultations;
- c. raising the threshold for declarations, so that designations are limited to places where data demonstrates a sustained and proportionately higher prevalence of knife offences, compared with the rest of the state;¹⁹ and
- d. amending s 45G to clarify that the assessment is based on knife or other relevant offences that have led to conviction, rather than merely been charged, to avoid reliance on untested allegations as a basis for the expansion of police powers.

Greater transparency, oversight and reporting

- 20. Section 45P requires the Commissioner to keep records about the use of knife wandering powers and to include this in NSW Police's annual reporting.²⁰ However, there remains a lack of transparency around how knife wandering operations, searches conducted under those operations, and the reasons for declaring 'designated areas', are being recorded by NSW Police.
- 21. Further, while NSW Police have committed to publishing data about knife wandering powers, including wandering volumes, demographic information about people subject to scanning and outcomes of searches,²¹ as at September 2025, NSW Police indicated that they do not record demographic data relating to people scanned under Part 4A.²²
- 22. The absence of data makes it difficult to assess whether Part 4A powers are being exercised appropriately, proportionately and in a non-discriminatory manner. Transparency and oversight of police use of broad powers is essential, particularly in light of over-policing and targeting of certain communities. For example, between 2020 and

¹⁹ This is consistent with the recommendation made by Griffith University following their review of Queensland's knife wandering laws: Griffith University, *Review of the Queensland Police Service Wandering Trial* (14 November 2022), page 81 <<https://blogs.griffith.edu.au/gci-insights/2022/11/14/review-of-the-queensland-police-service-wandering-trial/>>.

²⁰ *Law Enforcement (Powers and Responsibilities) Regulation 2016*, reg 47A.

²¹ NSW Government, Budget Estimates 2025-26, Portfolio Committee No.5 Justice and Communities, Transcript (27 February 2026), page 66 <[https://www.parliament.nsw.gov.au/lcdocs/transcripts/3697/Transcript%20-%20PC5%20-%2027%20February%202026%20-%20Budget%20Estimates%20\(Catley\)%20-%20UNCORRECTED.pdf](https://www.parliament.nsw.gov.au/lcdocs/transcripts/3697/Transcript%20-%20PC5%20-%2027%20February%202026%20-%20Budget%20Estimates%20(Catley)%20-%20UNCORRECTED.pdf)>.

²² NSW Government, Budget Estimates 2025-26, Responses to Supplementary Questions -The Hon. Yasmin Catley MP (21 October 2025), page 12 <<https://www.parliament.nsw.gov.au/lcdocs/other/22525/ASQ%20-%20Hon%20Yasmin%20Catley%20MP%20-%20Police%20and%20Counter-terrorism%20-%20Received%2022%20Oct%202025%20-%20Corrected.pdf>>.

2023, First Nations people were 5.6 times more likely to be stopped and searched than people identified as Caucasian in NSW.²³

23. We echo concerns raised by the Aboriginal Legal Service that the highest number of knife wand operations have been conducted in Greater Western Sydney which has one of the largest urban populations of Aboriginal and Torres Strait Islander people in Australia.²⁴ Repeated and suspicionless encounters risk further eroding the already tenuous trust in NSW Police among historically overpoliced groups, particularly First Nations people, young people and people experiencing homelessness.
24. The JEC therefore **recommends** Part 4A be amended to require NSW Police to record and publish more detailed data on their use of knife wand powers. Police should be required to publish at regular intervals the number of people scanned, the number of knives detected, the number of children and First Nations people subject to detection, and other relevant demographic information.

Law Enforcement Conduct Commission oversight

25. If Part 4A is not repealed, the JEC strongly recommends that the Law Enforcement Conduct Commission ('LECC') be given a statutory oversight and review role.
26. The LECC currently lacks authority to proactively oversight the exercise of knife wand powers until there is evidence of serious misconduct or maladministration.²⁵ In practice, complaints to the LECC remain the primary accountability mechanism, despite uncertainty about what information NSW Police are capturing when wand does not lead to formal search outcomes, in which case the identity of the person scanned may not be recorded. This reactive approach limits transparency and public confidence in police use of such powers, and is insufficient to mitigate risks of harm to marginalised groups.
27. The JEC therefore **recommends** expanding the LECC's ability to oversight the knife wand powers by enabling proactive monitoring to reassure the public that these powers are being exercised lawfully and appropriately.²⁶ We further **recommend** that the LECC

²³ Ahmed Yussuf, 'First Nations and diverse communities disproportionately stopped and searched in NSW', ABC (14 February 2025) <<https://www.abc.net.au/news/2025-02-14/first-nations-cald-disproportionately-searched-nsw-police/104642914>>.

²⁴ Daniel Lo Surdo, 'The suburbs where police are using new powers to fight knife crime', Sydney Morning Herald (4 September 2025) <<https://www.smh.com.au/national/nsw/the-suburbs-where-police-are-using-new-powers-to-fight-knife-crime-20250821-p5mor6.html>>; Ricky Kirby, 'It's home to the biggest urban Indigenous population. Here's what they're voting on in Western Sydney', NITV (2 May 2025) <<https://www.sbs.com.au/nitv/article/its-home-to-the-biggest-urban-indigenous-population-heres-what-theyre-voting-on-in-western-sydney/172bxp31d>>.

²⁵ Committee on the Ombudsman, the LECC and the Crime Commission, 2024 review of annual and other reports of oversight bodies: *Response from the Law Enforcement Conduct Commission to supplementary questions for witnesses* (24 April 2025), page 4 <[https://www.parliament.nsw.gov.au/ladocs/other/21576/Law Enforcement Conduct Commission.pdf](https://www.parliament.nsw.gov.au/ladocs/other/21576/Law%20Enforcement%20Conduct%20Commission.pdf)>.

²⁶ Ibid page 2.

be required to report on the exercise of police powers under Part 4A after a further 12 months of operation, to ensure robust, timely and independent monitoring of the scheme.

28. For any questions about this submission, please contact Senior Solicitor Nicola Colagiuri on +61 2 8898 6500 or at ncolagiuri@jec.org.au.

Yours sincerely

Justice and Equity Centre

Justice and Equity Centre