

8 April 2025

Members of the Legislative Council  
Parliament House  
Hobart TAS 7000

To all members of the Legislative Council,

***Re: Police Offences Amendment (Knives and Other Weapons) Bill 2025***

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Community Legal Centres Tasmania (CLC Tas) and the Tasmanian Council of Social Service (TasCOSS) have a number of concerns with the *Police Offences Amendment (Knives and Other Weapons) Bill 2025* ("the Bill") including, in particular, a provision to allow police officers to enter any school, at any time, to carry out an electronic metal detection device search ('wand search') on any student.<sup>1</sup> This amendment amounts to a significant expansion of the places where wand searches are permitted to be carried out, and is not consistent with other Australian jurisdictions.

- ***The Bill***

The Bill proposes changes to the *Police Offences Act 1935* (Tas) and the *Police Offences Regulations 2024* (Tas) to provide for a wand search in prescribed places:<sup>2</sup>

*A police officer in a prescribed place may, without a warrant, require any person within that prescribed place to undergo an electronic metal detection device search.*

Prescribed places include an 'education facility', which includes schools and other places of formal learning.<sup>3</sup>

In NSW and Queensland the use of electronic metal detection devices ('wandering') is limited to public spaces including safe night precincts, public transport facilities, licenced premises, retail premises, shopping centres and sporting or entertainment venues.<sup>4</sup> Tasmania would be the only jurisdiction to allow them in schools.

Our existing laws already grant police powers to search schools where they hold a reasonable belief that a search is warranted. As the Second Reading Speech identifies, the Bill removes any such threshold requirement.<sup>5</sup>

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<sup>1</sup> CLC Tas would like to acknowledge Katherine Weston who assisted in the research and drafting of this letter.

<sup>2</sup> Clause 5(2) of the Bill

<sup>3</sup> Clause 8(1) of the Bill

<sup>4</sup> Part 3A of the *Police Powers and Responsibilities Act 2000* (Qld). Also see Divisions 2-3 of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW).

<sup>5</sup> Tasmanian Parliament, *Hansard*, House of Assembly, 1 April 2025 (Felix Ellis, Minister for Police, Fire and Emergency Management).

We are not aware of any publicly available evidence put forward by the Bill's proponents that there exists a heightened risk of knife crime in schools, such that the current threshold is unduly onerous.

We are concerned that the Bill, as it relates to places of education, may have profound and unwanted societal consequences. That is, it has potential to make our schools less safe. We are concerned for the Bill's impact on our youth, and on the culture of our schools.

In the United States an increased police presence in schools has not increased safety:<sup>6</sup>

*The calls for action in the wake of a high-profile act of violence on a school campus typically focus on technical solutions, including enhanced surveillance, entry control, or dispatching more officers in school hallways. While simple solutions are attractive as they may be implemented quickly, the present findings suggest they may not have the desired benefits, and the search for solutions may be focussed on the wrong areas.*

Indeed, findings are emerging that the introduction of routine law enforcement practices into schools, such as electronic searches, may not only fail to meet their objective, but may have other unintended and unwanted consequences.<sup>7</sup>

- ***The risks to children and other young people***

Our concern is that at-risk students may choose to stay away from school entirely out of fear of being targeted by police.

The Bill is not directed to circumstances where an individual is reasonably believed (or suspected) to be carrying a bladed weapon. The Bill instead provides it is a particular environment rather than an identified individual that carries a risk of violence.<sup>8</sup> In such circumstances, it is known there is a real risk that particular 'types' of individual will be targeted:<sup>9</sup>

*Police officer identification of 'suspicious individuals' during stop and search tends to be based on broad generalisations and stereotypes that placed people in defined social categories, suggesting that bias can indeed inform officer decision-making.*

We are concerned that the broadening of police search powers will disproportionately target known vulnerable groups including Aboriginal and Torres Strait Islander people, young people in general, people who have impaired intellectual or physical functioning, people of non-English speaking backgrounds and people from low socio-economic backgrounds. We are also concerned at the risk of 'net widening' with vulnerable groups not only likely to be disproportionately targeted but also finding themselves at risk of further police interaction.

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<sup>6</sup> Charles Crawford and Ronald Burns, Preventing school violence: assessing armed guardians, school policy, and context (2015) 38(4) *Policing: An International Journal of Police Strategies & Management* 631 at 645.

<sup>7</sup> Ibid. Also see Gabrielle Wilcox, Maryam Hachem, Daniel Millar and Taylor Hill, Positive Police Presence in Elementary Schools: A Scoping Review (2025) 24(1) *Journal of School Violence* 138.

<sup>8</sup> Tasmanian Parliament, *Hansard*, House of Assembly, 1 April 2025 (Felix Ellis, Minister for Police, Fire and Emergency Management).

<sup>9</sup> Winifred Agnew-Pauley, Caitlin Hughes and Alex Stevens, A realist review on the police use of stop and search powers (2025) *European Journal of Criminology*, 12.

Both these concerns are well-founded, with a recent review in Queensland finding “evidence of inappropriate use of stereotypes and cultural assumptions by a small number of officers in determining who to select for wandering”<sup>10</sup> and “net-widening among minor offenders who are not carrying weapons, but nevertheless come to police attention purely because of wandering practices”.<sup>11</sup>

Attendance at school is compulsory and attendees are children. The proposed laws must be conceptualised differently to wandering in a nightlife area or a retail precinct, which are entered voluntarily. Safe night zones and retail precincts have less formal capacity to be regulated than a place of education, which has internal rules of governance that already place students under authority.

Increasing early contact with law enforcement may decrease overall societal safety:<sup>12</sup>

*surveillance can affect the identity and sense of belonging of those stopped by classifying and labelling them as suspicious, threatening or criminal. Labelling not only affects how these individuals are perceived by others ... but also influences their self-identity and behaviour, which can potentially lead to further patterns of criminality.*

As such, the proposed changes contrast the policy position of the Tasmanian government’s *Youth Justice Blueprint*, which identifies children and young people in contact with justice mechanisms as “vulnerable”, and “in need of support” rather than “punishment or fear”.<sup>13</sup> The *Blueprint* acknowledges the crucial contribution that education and community connection make to meet those needs.<sup>14</sup>

The Tasmanian Government’s *Youth Justice Model of Care* echoes this approach:<sup>15</sup>

*A child-centred approach views children and young people who engage in behaviours that are legally defined as offences, as children first, rather than offenders, which includes the child or young person’s best interests and encourages participation, engagement and social inclusion that promotes the development of a prosocial identity. It also focuses on prevention and diversion, seeking to divert children away from criminal justice responses and the stigma of justice system contact.*

The school search provisions of the Bill are in contrast with the Tasmanian Government’s own *Youth Justice Model of Care* which emphasises how youth contact with the criminal justice system should be minimised as much as possible. A therapeutic approach is equally appropriate in any setting entrusted with the care of our youth, such as places of education.

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<sup>10</sup> Griffith Criminology Institute, *Review of the Queensland Police Service Wandering Trial* (August 2022) at iv.

<sup>11</sup> *Ibid* at v.

<sup>12</sup> Winifred Agnew-Pauley, Caitlin Hughes and Alex Stevens, A realist review on the police use of stop and search powers (2025) *European Journal of Criminology*, 12 at 13.

<sup>13</sup> Tasmanian Government, *Youth Justice Blueprint 2024-2034* (December 2023) at 9.

<sup>14</sup> *Ibid*.

<sup>15</sup> Tasmanian Government, *Youth Justice Model of Care* (December 2024) at 13.

- ***Impact on school culture and community***

We are concerned that, by targeting vulnerable youth, the encroachment of police on places of learning would negatively influence the culture we create in our broader community.

A core value and goal of our society is to provide educational opportunities to children, young people, and the broader community. Indeed, there is much research confirming that childhood education has a direct impact on the quality of life throughout adulthood:

- Adults with higher educational attainment live healthier and longer lives compared to their less educated peers;<sup>16</sup> and
- ABS reports Australian finding of correlation between higher levels of Aboriginal education and better health;<sup>17</sup> and
- Numerous studies conclude that children's academic performance and educational attainment affect their health outcomes throughout their life course.<sup>18</sup>

In our opinion, in circumstances where no warrant has been issued, schools should be safe from the risk of undue police intervention.

We call on you to support the removal of 'school' from the list of prescribed places set out in the Bill.



Benedict Bartl  
Policy Officer  
**Community Legal Centres Tasmania**



Adrienne Picone  
Chief Executive Officer  
**TasCOSS**

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<sup>16</sup> Anna Zajacova and Elizabeth Lawrence, The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach, *Annual Review of Public Health* (2018) (39) 273 at 289.

<sup>17</sup> Australian Bureau of Statistics, *The Health and welfare of Australia's Aboriginal and Torres Strait Islander Peoples* (2010).

<sup>18</sup> Nadav Sprague, Charles Branas, Andrew Rundle, Pam Factor-Litvak, Educational outcomes are an underused metric for child and life course health (2024) 114(9) *American Journal of Public Health* 864 at 865.