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27 March 2026

Ms Sallie McLean
Director
Policy, Reform and Legislation
Department of Communities and Justice

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

Dear Ms McLean,

STATUTORY REVIEW OF NSW KNIFE WANDING LAWS

The Law Society is grateful for the opportunity to provide feedback as part of the statutory review of Part 4A of the *Law Enforcement (Powers and Responsibilities) Act 2002* (NSW) (**LEPRA**). This submission is informed by the Law Society's Criminal Law, Indigenous Issues and Children's Legal Issues Committees.

Part 4A of LEPRA, which commenced on 9 December 2024, provides a framework enabling police, under certain circumstances, to declare public spaces as "designated areas" within which they can conduct searches using a hand-held scanning device (**wand**). Within the designated area, police can require any person to stop and submit to being scanned by the wand, without requiring a warrant or reasonable suspicion. The wand can detect knives and other metal weapons concealed on the person (**knife wand**). Part 4A (**knife wand laws**) will automatically repeal on 10 December 2027 unless the sunset provision is amended.

1. Do the policy objectives of Part 4A of LEPRA remain valid?

The stated policy objectives of the knife wand laws are to target the possession of knives (particularly among young people), reduce knife crime and boost community safety.¹

The Law Society recognises the concerns of the broader community in relation to knife crime, particularly following distressing or high-profile crime involving knives. We also highlight that, according to the NSW Bureau of Crime Statistics and Research (**BOCSAR**), violent offences involving knives are generally stable or decreasing in NSW.²

2. Are the terms of Part 4A of LEPRA operating effectively to reduce knife crime and improve community safety?

The Law Society is not aware of data demonstrating that knife wand operations, under Part 4A of LEPRA, have operated to reduce knife crime and improve community safety, beyond the general decline in knife crime recorded by BOCSAR over the past two decades. While NSW Police have collected data around the number of

¹ NSW, *Parliamentary Debates*, Legislative Assembly, 15 May 2024, 32 (Michael Daley, Attorney General).

² NSW Bureau of Crime Statistics and Research, *Offences involving weapons*, available at: <https://bocsar.nsw.gov.au/topic-areas/weapons.html>.

“weapons” detected in knife wandung operations, no further analysis has been conducted to determine whether the seizure of such weapons has contributed to a reduction in violent knife crime. We note that, according to the NSW Police Force 2024-2025 Annual Report, between 12 December 2024 and 30 June 2025, a total of 13,422 people were scanned in knife wandung operations in which a total of 193 “weapons” were located, ranging from scissors, razors and pocketknives to more serious implements, such as knuckle dusters. A “weapon” was therefore located in 1.44% of scans.³ We suggest that further data collection and analysis, beyond knife or weapon seizure numbers, is necessary to properly inform any evaluation of the efficacy of knife wandung laws.

It may be suggested that the capacity for knife wandung laws to reduce knife crime is in its deterrent effect - that is, the visibility of police knife wandung operations may discourage persons from carrying knives and, in turn, from engaging in opportunistic or planned knife crime – and that, as a result, low knife detection rates may not be indicative of the impact of knife wandung laws. However, the Law Society is not aware of any research or data demonstrating a reduction in knife crime in areas where operations have been conducted. Relevantly, a 2022 study by Griffith University reviewing knife wandung operations by Queensland Police over a 12-month period found no evidence of any deterrent effect or any significant reduction in violent crime involving knives following the rollout of such operations.⁴

Concerningly, the same study found that knife wandung in Queensland was used inconsistently across different groups in the community, including finding evidence of “inappropriate use of stereotypes and cultural assumptions by police in determining who to select for wandung”.⁵ Relevantly, our members have raised concerns about knife wandung operations in NSW, including observations that Aboriginal and Torres Strait Islander people appear to have been selected for scanning at disproportionate rates. Our members’ observations underscore the importance of robust safeguards and transparency in the conduct of knife wandung operations. We note that NSW Police data does not currently include information as to the age, gender or Aboriginal and Torres Strait Islander status of persons searched or charged in knife wandung operations. In the Law Society’s view, the absence of such data limits effective oversight and evaluation of the knife wandung operations and increases the risk that any disproportionate impacts on vulnerable groups, including Aboriginal and Torres Strait Islander people, young people and people experiencing homelessness, remain undetected and unaddressed.

The Law Society also expresses significant concern in relation to relevant NSW Police data demonstrating that the knife wandung laws have resulted in a wide range of charges being brought against persons for offences other than possession of a knife in a public place, including charges for minor drug possession, possession of equipment for administering drugs, and goods in custody suspected of being stolen.⁶ We are concerned that the knife wandung laws have, in effect, resulted in the bypassing of reasonable suspicion safeguards for police searches, resulting in a net-widening effect among low-level offenders beyond the stated objective of reducing the possession of knives and violent knife crime.⁷ Consistent with this data, our members have reported that a disproportionate number of Aboriginal and Torres Strait Islander people who have had an interaction with police in the context of knife wandung operations were subsequently charged with offences unrelated to knife crime, such as for drug possession.

³ NSW Police Force, Annual Report 2024-25, p 159-175, available at: https://www.police.nsw.gov.au/_data/assets/pdf_file/0007/920617/Annual_Report_2024_-_25.pdf (NSW Police Force Annual Report).

⁴ Ransley, J, Connell, N, van Felius, M and, Walding, S. (2022) *Review of the Queensland Police Service Wandung Trial*, Griffith Criminology Institute, p 81-82. Available at <<https://research-repository.griffith.edu.au/server/api/core/bitstreams/231360c5-d77d-4438-9b3e-8a12cc16af5c/content>> (Griffith University study).

⁵ Ibid, p iv.

⁶ NSW Police Force Annual Report, 168-175.

⁷ The Griffith University study observed a similar increase in the number of drug detections linked to knife wandung operations: see Key Finding 9.

2a. Is there a need to widen the powers so that wandering can apply to certain crowded places that meet the criteria without the need for a declaration to be made, noting that the NSW Coroner's report into the deaths at Westfield Bondi Junction has recommended that the NSW Government consider this possibility?

We acknowledge that the State Coroner in the *Inquest into the deaths at Westfield Bondi Junction on 13 April 2024* recommended the NSW Government consider whether knife wandering laws should apply to certain "crowded places" without the need for a declaration to be made.⁸

The Law Society shares the community's distress following the attack at Westfield Bondi Junction and extends its sincere condolences to the victims of this attack and the broader community affected. In our view, however, weakening procedural protections in relation to knife wandering operations, by removing the requirement for a police declaration to be made, is unlikely to meaningfully increase community safety or reduce knife crime.

Part 4A of LEPRa currently requires a very low threshold to be met before a declaration can be made by police, with minimal administrative requirements under subsections 45F-45J. A senior police officer may make the declaration and it must be published on the NSW Police Force website as soon as practicable after the declaration is made.⁹ While the making of a declaration by police has a low statutory threshold, we consider it an important procedural safeguard that ought to be retained. Requiring police to make a declaration prior to commencing a knife wandering operation may better ensure operations are conducted appropriately and in response to identified community safety concerns, with appropriate data recording and post-operation evaluation.

3. Should the knife wandering scheme under Part 4A of LEPRa be allowed to sunset or continue to operate past the sunset period, noting that the NSW Coroner's report into the deaths at Westfield Bondi Junction has recommended that Government consider whether the trial should be made permanent?

In determining whether the knife wandering laws should be extended beyond the sunset period, the Law Society suggests the NSW Government closely review the evidence to determine whether the knife wandering laws have demonstrably reduced, and/or had a deterrent effect on, violent knife crime in areas where operations have been conducted.

Given the reports from our members that a disproportionate number of Aboriginal and Torres Strait Islander people have been scanned in knife wandering operations and subsequently charged with criminal offences unrelated to knife crime, we suggest that the continuation of the scheme may sit in tension with the NSW Government's commitments under the National Agreement on Closing the Gap, and in particular, commitments to reduce overrepresentation of Aboriginal and Torres Strait Islander people in the criminal justice system.¹⁰ The potential for the scheme to undermine these commitments is particularly concerning when there has not been a demonstrable community safety benefit as a result of the knife wandering laws.

If the knife wandering scheme is extended, we suggest the records required to be kept under section 45P of LEPRa should include the age, gender and Aboriginal and Torres Strait Islander status of persons charged in knife wandering operations. We consider this data will, in future, better inform evaluations of the impact of knife wandering laws on vulnerable persons and minority groups.

⁸ *Inquest into the deaths at Westfield Bondi Junction on 13 April 2024*, Findings of Magistrate Teresa O'Sullivan New South Wales State Coroner (5 February 2026), Recommendation 12, xxx.

⁹ LEPRa, ss 45G-45H.

¹⁰ *National Agreement on Closing the Gap* (2020), Target 10: <https://www.closingthegap.gov.au/national-agreement/national-agreement-closing-the-gap/7-difference/b-targets/b10>.

The Law Society remains available for further consultation. Inquiries in the first instance may be directed to Jade Fodera, Policy Lawyer, on 02 9926 0218 or jade.fodera@lawsociety.com.au.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Ronan MacSweeney', with a stylized flourish at the end.

Ronan MacSweeney
President