

South Australia

Summary Offences (Knives and Other Weapons) Amendment Act 2025

An Act to amend the *Summary Offences Act 1953*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Summary Offences (Knives and Other Weapons) Amendment Act 2025*.

2—Commencement

- (1) Subject to subsection (2), this Act comes into operation on the day on which it is assented to by, or on behalf of, the Crown.
- (2) The following provisions of this Act come into operation on a day to be fixed by proclamation:
 - (a) sections 3 to 7 (inclusive);
 - (b) section 11.

Part 2—Amendment of *Summary Offences Act 1953*

3—Amendment of section 21A—Interpretation

- (1) Section 21A(1)—after the definition of *dangerous article* insert:

direct sales transaction, in respect of a knife, means a transaction for the sale of a knife in which—

 - (a) the knife is ordered by the purchaser by mail, telephone, facsimile transmission or internet or other electronic communication; and
 - (b) the knife is—
 - (i) delivered to the purchaser, or a person nominated by the purchaser, at the residence or place of business of the purchaser or to some other place nominated by the purchaser; or
 - (ii) picked up by or on behalf of the purchaser from premises occupied or specified by the seller of the knife;

- (2) Section 21A(1)—after the definition of *District Court* insert:

education facility means—

- (a) an early childhood education facility or childcare centre;
 - (b) a preschool or kindergarten;
 - (c) a primary or secondary school;
 - (d) a place at which an approved learning program (within the meaning of the *Education and Children's Services Act 2019*) is undertaken;
 - (e) a university, TAFE SA campus or other tertiary education facility;
- (3) Section 21A(1), definition of *offensive weapon*—delete "sword,"
- (4) Section 21A(1), definition of *school*—delete the definition

4—Amendment of section 21C—Offensive weapons and dangerous articles etc

Section 21C(7)—delete "a school" and substitute:

an education facility, place of worship

5—Amendment of section 21D—Unlawful selling or marketing of knives

- (1) Section 21D(1)—delete "who is under the age of 16 years"
- (2) Section 21D(2)(c)—delete "assumed that the minor was of or above the age of 16 years" and substitute:
- believed that the minor was of or above the age of 18 years

6—Insertion of sections 21DA, 21DB and 21DC

After section 21D insert:

21DA—Supplying knives to minors that are used in offence

- (1) A person is guilty of an offence if—
- (a) the person supplies a knife to a minor; and
 - (b) the person knew, or ought reasonably to have known, that the minor intended or was likely to use the knife in the commission of a serious offence of violence.

Maximum penalty: \$35 000 or imprisonment for 4 years.

- (2) A person is guilty of an offence if—
- (a) the person supplies a knife to a minor; and
 - (b) the person knew, or ought reasonably to have known, that the minor intended or was likely to use the knife in the commission of an offence against section 21E.

Maximum penalty: \$10 000 or imprisonment for 6 months.

- (3) In this section—

harm and *serious harm* have the same meanings as in Part 3 Division 7A of the *Criminal Law Consolidation Act 1935*;

serious offence of violence means—

- (a) an offence against the *Criminal Law Consolidation Act 1935* in which harm, serious harm or death is caused to a victim (whether caused by the use of a knife or otherwise); or
- (b) an attempt to commit, or an assault with intent to commit, an offence referred to in paragraph (a) (being an offence which, if completed, would be reasonably likely to result in harm, serious harm or death being caused to a victim); or
- (c) an offence against a law of the Commonwealth, or another State or Territory, corresponding to an offence referred to in a preceding paragraph.

21DB—Certain notices to be displayed where knives sold by retail sale

- (1) A person must not sell knives from retail premises unless the following notices are displayed in accordance with this section:
 - (a) a prohibition notice;
 - (b) any other notice prescribed by the regulations.Maximum penalty: \$10 000.
Expiation fee: \$1 000.
- (2) A prohibition notice must be displayed, in a manner likely to be seen by customers in the retail premises—
 - (a) at each point of sale in the retail premises; or
 - (b) at each area in the retail premises in which knives are displayed for sale.
- (3) A notice referred to in subsection (1)(b) must be displayed in the retail premises in accordance with any requirements set out in the regulations.
- (4) A person must not sell knives by direct sales transaction (being a transaction in which the knife is to be delivered to or picked up from an address in this State) unless—
 - (a) in the case of a direct sales transaction taking place over the Internet or using a website (however described)—the information prescribed by the regulations is, in accordance with any requirements set out in the regulations, published on the website through which the transaction occurred; or
 - (b) in any other case—the information prescribed by the regulations is given to the purchaser in accordance with any requirements set out in the regulations.

Maximum penalty: \$10 000.

Expiation fee: \$1 000.

- (5) It is a defence to prosecution for an offence against subsection (4) to prove that the defendant did not know, and could not reasonably have been expected to have known, that the knife was to be delivered to or picked up from an address in this State.
- (6) In this section—
- point of sale*** means a cash register, counter or similar fixture where sales transactions take place;
- prohibition notice*** means a notice containing the information prescribed by the regulations;
- retail premises*** includes—
- (a) a market stall; or
 - (b) a temporary or pop-up shop (however described); or
 - (c) any other premises or place, or premises or places of a class, prescribed by the regulations.

21DC—Certain knives to be kept secured in retail premises

- (1) A person selling knives from retail premises must ensure that any prescribed knives stored in a part of the retail premises to which members of the public are permitted access are—
- (a) kept in a securely locked cabinet or container; or
 - (b) securely tethered; or
 - (c) secured in any other manner prescribed by the regulations,

such that members of the public are not able to gain access to the knives without the assistance of the person or an agent or employee of the person.

Maximum penalty: \$10 000.

Expiation fee: \$1 000.

- (2) However, subsection (1) does not apply during an inspection of a prescribed knife by a prospective purchaser.
- (3) In this section—

retail premises includes—

- (a) a market stall; or
- (b) a temporary or pop-up shop (however described); or
- (c) any other premises or place, or premises or places of a class, prescribed by the regulations.

7—Amendment of section 21E—Knives in schools and public places

- (1) Heading to section 21E—delete "schools" and substitute:
education facilities, places of worship

- (2) Section 21E—delete "a school" and substitute:
an education facility, place of worship

8—Amendment of section 21L—Power to search for prohibited weapons

Section 21L(2)(a)—delete paragraph (a) and substitute:

- (a) to a person who a police officer suspects on reasonable grounds is a person to whom a weapons prohibition order issued by the Commissioner applies; and

9—Insertion of Part 14C

After section 66V insert:

Part 14C—Searches of persons to prevent and detect certain offences

Division 1—Preliminary

66W—Interpretation

In this Part—

declared public event means an event that is the subject of a declaration under section 66ZE that is in force;

declared public transport service means a public transport service that is the subject of a declaration under section 66ZH that is in force;

declared public transport hub means a public transport hub that is the subject of a declaration under section 66ZG that is in force;

declared shopping precinct means a shopping precinct that is the subject of a declaration under section 66ZF that is in force;

licensed premises means—

- (a) licensed premises within the meaning of the *Liquor Licensing Act 1997* (other than premises, or premises of a class, declared by the regulations to be excluded from the ambit of this paragraph);
- (b) the premises defined in the casino licence, within the meaning of the *Casino Act 1997*, as the premises to which the licence relates;
- (c) premises subject to a licence, or licence of a class, prescribed by the regulations;

metal detector search means a search conducted—

- (a) using only a metal detector of a kind approved by the Commissioner; and
- (b) in accordance with any directions issued by the Commissioner;

public transport hub means a public place consisting of or including the following:

- (a) a station, platform or other structure for the taking on and letting off of passengers of public transport vehicles;
- (b) car parks and set-down facilities for passengers of public transport vehicles that make scheduled stops at such stations, platforms or structures;
- (c) a structure or facility for the use or convenience of passengers of public transport vehicles that make scheduled stops at such stations, platforms or structures;
- (d) any other public place in the immediate vicinity of a place or thing referred to in preceding paragraph;

public transport vehicle means—

- (a) a train; or
- (b) a tram; or
- (c) a bus;

retail shopping centre has the same meaning as in the *Retail and Commercial Leases Act 1995*;

shopping precinct means an area (however described) consisting of or including a retail shopping centre, a shopping mall or other area where retail shops are aggregated or concentrated and includes any—

- (a) car parks and set-down facilities for persons shopping in the area;
- (b) structures or facilities for the use or convenience of persons shopping in the area;
- (c) any other public place in the immediate vicinity of the area.

66X—Application of Part

- (1) Nothing in this Part limits any other search powers a police officer may have under this or any other Act or law.
- (2) To avoid doubt, the powers conferred under this Part may be exercised in relation to a minor.

Division 2—Special search powers to prevent serious violence

66Y—Special search powers to prevent serious violence

- (1) A police officer of or above the rank of Superintendent may authorise the exercise of powers under this section in relation to a specified area if there are reasonable grounds to believe—
 - (a) that an incident of serious violence involving a group or groups of people may take place in the area; and

- (b) that the exercise of such powers is reasonably necessary to prevent the incident.
- (2) An authorisation under this section, or a variation or revocation of an authorisation—
 - (a) must be granted in accordance with guidelines (if any) issued by the Commissioner; and
 - (b) must be by instrument in writing unless the police officer granting, varying or revoking the authorisation is satisfied that circumstances of urgency exist (in which case the authorisation, variation or revocation may be oral, provided that it is reduced to writing as soon as reasonably practicable); and
 - (c) must specify the area to which the authorisation relates (which must not be larger than is reasonably necessary for the purposes of the authorisation); and
 - (d) must specify the grounds for granting the authorisation; and
 - (e) must specify a period of not more than 24 hours during which the authorisation operates; and
 - (f) may be subject to conditions specified by the police officer granting the authorisation.
- (3) The period during which an authorisation under this section operates may, in the case of an area that was previously the subject of such an authorisation, only commence within 48 hours of the previous authorisation ceasing to operate with the consent of the Commissioner (which may only be given if the Commissioner is satisfied that it is in the public interest to do so).
- (4) A police officer may, for the purpose of locating weapons and other articles in an area that is the subject of an authorisation under this section, carry out a search (which may, but need not, be a metal detector search) of—
 - (a) any person who is in, or is apparently attempting to enter or to leave, the area; and
 - (b) any property in the possession of such a person.

Division 3—Metal detector searches etc for prevention and deterrence of violence or disorder in public places

66Z—Power to conduct metal detector searches to prevent violence or disorder in certain public places

- (1) The Commissioner may authorise the exercise of powers under this section in relation to a specified public place if there are reasonable grounds to believe—
 - (a) that an incident of violence or disorder may take place in the area; and

- (b) that the exercise of such powers is reasonably necessary to prevent the incident.
- (2) An authorisation under this section, or a variation or revocation of an authorisation—
 - (a) must be granted in accordance with guidelines (if any) issued by the Commissioner; and
 - (b) must be by instrument in writing unless the Commissioner is satisfied that circumstances of urgency exist (in which case the authorisation, variation or revocation may be oral, provided that it is reduced to writing as soon as reasonably practicable); and
 - (c) must specify the public place to which the authorisation relates (which must not be larger than is reasonably necessary for the purposes of the authorisation); and
 - (d) must specify the grounds for granting the authorisation; and
 - (e) must specify a period of not more than 6 hours during which the authorisation operates; and
 - (f) may be subject to conditions specified by the police officer granting the authorisation.
- (3) For the purposes of detecting the commission of an offence against Part 3A, a police officer may, in a public place that is the subject of an authorisation under this section, conduct a search of—
 - (a) any person who is in, or is apparently attempting to enter or to leave the public place; and
 - (b) any property in the possession of such a person.
- (4) The following provisions apply to a search carried out in accordance with this section:
 - (a) the search must, in the first instance, be a metal detector search;
 - (b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);
 - (c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about their person an object, possession of which constitutes an offence).
- (5) To avoid doubt, a reference in this section to a public place includes a reference to a place of worship.

Division 4—Metal detector searches etc of certain persons

66ZA—Power to conduct metal detector search etc of certain persons

- (1) This section applies in relation to the following persons:
 - (a) a person who has, within the 5 years immediately preceding the relevant time, been found guilty of a prescribed offence;
 - (b) a person who was, at any time within the 5 years immediately preceding the relevant time, a member of a criminal organisation (within the meaning of Part 3B Division 1 or Division 2 of the *Criminal Law Consolidation Act 1935*);
 - (c) any other person, or person of a class, prescribed by the regulations.
- (2) Subject to this Part, a police officer may, for the purpose of detecting the commission of an offence against Part 3A, carry out a search of—
 - (a) a person to whom this section applies who is in, or is apparently attempting to enter or to leave, a public place; and
 - (b) any property in the possession of such a person.
- (3) Before carrying out a search under this section, a police officer must—
 - (a) give the person to be searched the following information:
 - (i) the grounds for the search;
 - (ii) any other information required by the regulations; and
 - (b) if the person so requests, give the person to be searched the identification number of the police officer; and
 - (c) explain to the person to be searched the effect of section 66ZJ(6), and the penalty for contravening that subsection,however a failure to comply with this subsection does not, of itself, affect the validity of a search.
- (4) The following provisions apply to a search carried out under this section:
 - (a) the search must, in the first instance, be a metal detector search;

- (b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);
- (c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about their person an object, possession of which constitutes an offence).

Division 5—Metal detector searches etc at certain events and places

66ZB—Power to conduct metal detector searches at certain events and places

- (1) This section applies to the following areas and vehicles:
 - (a) licensed premises;
 - (b) a declared place of worship;
 - (c) a public place holding a declared public event;
 - (d) a declared shopping precinct;
 - (e) a declared public transport hub;
 - (f) a car parking area specifically or primarily provided for the use of patrons and customers of an area referred to in a preceding paragraph;
 - (g) a public transport vehicle providing a declared public transport service;
 - (h) any other place prescribed by the regulations.
- (2) Subject to this Part, a police officer may, for the purpose of detecting the commission of an offence against Part 3A, carry out a search in relation to—
 - (a) any person who is in, or is apparently attempting to enter or to leave, an area or vehicle to which this section applies; and
 - (b) any property in the possession of such a person.
- (3) The following provisions apply to a search carried out under this section:
 - (a) the search must, in the first instance, be a metal detector search;

- (b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);
 - (c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about their person an object, possession of which constitutes an offence).
- (4) Nothing in this section authorises a police officer to carry out a search of a person, or property of a person, in their place of residence or in a hotel room, lodging room or any other place in which they are temporarily residing.

66ZC—Police officer to give notice before exercising powers under Division

- (1) Before the powers to search persons pursuant to a particular declaration under this Division are exercised, a police officer must, unless it is not reasonably practicable to do so in the circumstances, notify the prescribed person or persons in respect of the relevant place or public transport vehicle of—
 - (a) the terms of the declaration (including the period during which the declaration is in force); and
 - (b) the intention to search persons pursuant to the declaration during specified times, or during a specified period.
- (2) To avoid doubt, a police officer need only notify the prescribed person or persons once in relation to each declaration.
- (3) However, a failure to comply with subsection (1) does not, of itself, invalidate the exercise or purported exercise of a power under this Division.
- (4) In this section—

prescribed person, in respect of a place or public transport vehicle, means—

- (a) in the case of licensed premises—the licensee or a responsible person for the licensed premises under the *Liquor Licensing Act 1997*; or
- (b) in the case of a declared public event—the organiser of the event; or
- (c) in the case of a declared shopping precinct—the person or persons prescribed by the regulations in respect of a shopping precinct of the relevant kind; or

- (d) in the case of a declared public transport hub or declared public transport service—the person or persons prescribed by the regulations in respect of a hub or service of the relevant kind; or
- (e) in any other case—the person or persons prescribed by the regulations.

66ZD—Declaration of place of worship

- (1) The Commissioner may, by notice in the Gazette, declare a place of worship to be a ***declared place of worship*** for the purposes of this Division.
- (2) Before making a declaration under this section, the Commissioner must—
 - (a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the place of worship; and
 - (b) be satisfied that the exercise of powers under section 66ZB—
 - (i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the place of worship; and
 - (ii) will not unduly affect lawful activity in the place of worship; and
 - (c) in the case of a place of worship that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.
- (3) A declaration under this section—
 - (a) must specify the area that comprises the declared place of worship (which may, to avoid doubt, include specified premises); and
 - (b) may be subject to conditions specified in the notice; and
 - (c) must comply with any other requirements set out in the regulations; and
 - (d) remains in force until revoked under this section.
- (4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).

- (5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

66ZE—Declaration of public events

- (1) The Commissioner may, by notice in the Gazette, declare a community, cultural, arts, entertainment, recreational, sporting or other similar event to be a ***declared public event*** for the purposes of this Division.
- (2) A declaration under this section—
- (a) must specify the public event and any public place to which the declaration relates; and
 - (b) must specify the period during which the declaration is in force (being a period commencing no earlier than the start of the day on which the event starts and ending no later than the end of the day on which the event ends); and
 - (c) may be subject to conditions specified in the notice; and
 - (d) must comply with any other requirements set out in the regulations.
- (3) The Commissioner must cause a copy of any declaration under this section to be published on the Commissioner's website before the commencement of the period during which the declaration will operate.

66ZF—Declaration of shopping precincts

- (1) The Commissioner may, by notice in the Gazette, declare a specified area to be a ***declared shopping precinct*** for the purposes of this Division.
- (2) Before making a declaration under this section, the Commissioner must—
- (a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the shopping precinct; and
 - (b) be satisfied that the exercise of powers under section 66ZB—
 - (i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the shopping precinct; and
 - (ii) will not unduly affect lawful activity in the shopping precinct; and

- (c) in the case of a shopping precinct that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.
- (3) A declaration under this section—
 - (a) must specify the area that comprises the declared shopping precinct (which may, to avoid doubt, include specified premises); and
 - (b) may be subject to conditions specified in the notice; and
 - (c) must comply with any other requirements set out in the regulations; and
 - (d) remains in force until revoked under this section.
- (4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).
- (5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

66ZG—Declaration of public transport hubs

- (1) The Commissioner may, by notice in the Gazette, declare a specified place to be a ***declared public transport hub*** for the purposes of this Division.
- (2) Before making a declaration under this section, the Commissioner must—
 - (a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the public transport hub; and
 - (b) be satisfied that the exercise of powers under section 66ZB—
 - (i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the public transport hub; and
 - (ii) will not unduly affect lawful activity in the public transport hub; and

- (c) in the case of a public transport hub that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.
- (3) A declaration under this section—
 - (a) must specify the area that comprises the declared public transport hub (which may, to avoid doubt, include specified premises or structures); and
 - (b) may be subject to conditions specified in the notice; and
 - (c) must comply with any other requirements set out in the regulations; and
 - (d) remains in force until revoked under this section.
- (4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).
- (5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

66ZH—Declaration of public transport services

- (1) The Commissioner may, by notice in the Gazette, declare a specified public transport service to be a ***declared public transport service*** for the purposes of this Division.
- (2) Before making a declaration under this section, the Commissioner must be satisfied that—
 - (a) the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons on public transport vehicles providing the public transport service; and
 - (b) the exercise of powers under section 66ZB—
 - (i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons on public transport vehicles providing the public transport service; and
 - (ii) will not unduly affect lawful activity on public transport vehicles providing the public transport service.
- (3) A declaration under this section—
 - (a) must set out sufficient details (such as route numbers or route names) to enable persons using public transport services to identify the declared public transport service; and

- (b) may be subject to conditions specified in the notice; and
 - (c) must comply with any other requirements set out in the regulations; and
 - (d) remains in force until revoked under this section.
- (4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).
- (5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

Division 6—Maintaining public order and safety

66ZI—Request to leave certain areas or vehicles

- (1) If a person is in an area or on a vehicle to which section 66ZB applies, or a group of persons is assembled in such an area or on such a vehicle, and a police officer believes or apprehends on reasonable grounds that—
- (a) an offence of a kind that may pose a risk to public order and safety has been, or is about to be, committed by that person or by 1 or more of the persons in the group; or
 - (b) the presence of that person, or of the group of persons, poses a risk to public order and safety,
- the officer may order that person, or persons in that group, to leave the area or vehicle.
- (2) An order under subsection (1)—
- (a) must be by notice in writing served on the person personally; and
 - (b) must be in a form approved by the Commissioner; and
 - (c) must specify the area to which the order relates or, if the order relates to a public transport vehicle, the public transport service which the vehicle is providing; and
 - (d) must comply with any other requirements set out in the regulations.
- (3) A person who, having been ordered to leave an area or vehicle pursuant to this section—
- (a) remains in the area or vehicle after having been so ordered; or
 - (b) re-enters, or attempts to re-enter, the area or a vehicle providing the public transport service specified in the order within a 24 hour period commencing at the time the order was served on the person,

is guilty of an offence.

Maximum penalty: \$1 250.

- (4) If a person fails to leave an area or vehicle when ordered to under subsection (1), or re-enters an area or uses a public transport service in contravention of subsection (3)(b), a police officer may use necessary and reasonable force to remove the person from the area or vehicle.
- (5) In this section—
public order and safety has the same meaning as in section 66M.

Division 7—General provisions relating to operation of Part

66ZJ—General provisions relating to operation of Part

- (1) The Commissioner must establish procedures to be followed by police officers in the exercise of powers under this Part, being procedures designed to prevent, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to the powers.
- (2) A police officer must ensure that any exercise of powers under this Part does not unreasonably interfere with a person's right to participate in lawful advocacy, protest, dissent or industrial action.
- (3) A police officer may, in exercising powers under this Part, be assisted by such persons as the officer considers necessary or desirable in the circumstances (provided that a person who is not a police officer may only provide assistance at the direction of, and in the presence of, a police officer).
- (4) A police officer conducting a search under this Part may—
 - (a) enter and remain in any premises or place necessary for the purpose of conducting the search; and
 - (b) give such directions as are reasonably necessary for, or incidental to, the effective conduct of the search; and
 - (c) give such directions as are reasonably necessary to determine the nature of anything found as a result of the search.
- (5) A police officer may only detain a person, by directions given under this Part, for so long as is reasonably necessary to carry out a search in relation to the person and any property in the possession of the person.
- (6) A person must not—
 - (a) hinder or obstruct a police officer, or a person accompanying a police officer, in the exercise of the powers conferred by this Part; or

- (b) refuse or fail to comply with a requirement made of the person, or a direction given to the person, under this Part.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (7) To avoid doubt, a search may be conducted in accordance with this Part whether or not it would be lawful to conduct a search in accordance with any other provision of this Act or any other Act or law.

Division 8—Miscellaneous

66ZK—Reporting

The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation) in respect of the period to which the report relates (the *relevant period*):

- (a) the number of declarations made under this Part during the relevant period;
- (b) the number of declarations revoked under this Part during the relevant period;
- (c) the number of declarations in force at the end of the relevant period, and confirmation that the Commissioner remains satisfied that the criteria in respect of those declarations still applies;
- (d) the number of metal detector searches carried out under this Part during the relevant period;
- (e) the number of occasions on which a metal detector search carried out during the relevant period indicated the presence, or likely presence, of any metal;
- (f) the number of occasions on which weapons or articles of a kind referred to in Part 3A were detected in the course of such searches and the types of weapons or articles so detected;
- (g) the number of authorisations granted under section 66Y and 66Z during the relevant period and, in relation to each authorisation (identified by location and date)—
 - (i) the nature of the incident in relation to which the authorisation was granted; and
 - (ii) the number of people searched in the exercise of powers under the relevant section; and
 - (iii) whether weapons or articles of a kind referred to in Part 3A were detected in the course of the exercise of powers under the relevant section; and
 - (iv) the types of weapons or articles so detected; and

- (v) in relation to an authorisation granted under section 66Y—whether the Commissioner gave consent under section 66Y(3);
- (h) any other information requested by the Minister.

66ZL—Evidentiary provision

In any proceedings, an apparently genuine document purporting to be a certificate signed by the Commissioner and certifying that—

- (a) a particular event, area or public transport service was subject to an authorisation or declaration properly granted in accordance with this Part during a period specified in the certificate; or
- (b) a device used during a specified period to carry out metal detector searches within a specified area, or at a specified place, was a metal detector approved by the Commissioner,

constitutes proof, in the absence of proof to the contrary, of the matters so certified.

10—Repeal of sections 72A, 72B and 72C

Sections 72A, 72B and 72C—delete the sections

11—Amendment of Schedule 2—Exempt persons—prohibited weapons

Schedule 2—after clause 24 insert:

25—Machetes

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to a machete if the use or possession of the machete is for the purposes of gardening or camping.