

Frequently asked questions.

**NEW WA
LAWS**

Effective 20 December 2024, the Western Australian Government have enacted legislative amendments to the *Criminal Investigation Act 2006*, *Weapons Act 1999*, and *Young Offenders Act 1994* via the *Police Legislation Amendment Act 2024* in an effort to reduce knife crime.

Legislation amendments

Amendments to the *Criminal Investigation Act 2006* include:

- allowing police officers to require a person to stop and undergo a metal detector scan without a warrant in designated areas.

Amendments to the *Weapons Act 1999* include:

- the creation of edged weapon as a category which includes, but not limited to, knives, machetes, sickles, scythes, axes or axe heads
- a person carrying an edged weapon without a lawful excuse commits an offence with a maximum penalty of 3 years imprisonment and a fine of \$36,000
- a person who sells or supplies a person under 18 years of age with an edged weapon commits an offence with a maximum penalty of 3 years imprisonment and a fine of \$36,000.

Visit legislation.wa.gov.au for all amendments to the *Criminal Investigation Act 2006* and the *Weapons Act 1999*.

Metal detector scanning

What does the hand-held metal detector scan process involve?

The hand-held metal detector scan is a non-invasive scan where an officer will pass a hand-held metal detector over the outer layer of a person's clothing or possessions, to detect if they are concealing a metal object.

Will I be detained to conduct the metal detector scan?

A police officer may detain a person for as long as reasonably necessary to complete the metal detector scan.

What happens if I refuse to take part in a metal detector scan?

Refusal to take part in a metal detector scan, without reasonable excuse, is an offence with a maximum penalty of 12 months imprisonment and a fine of \$12,000.

Can I be searched if I refuse to take part in a metal detector scan?

If you are suspected of being in possession of anything relevant to an offence you may be subject to a search.

Can a child be scanned with a metal detector?

There are no age restrictions for metal detector scanning. Anyone of any age may be scanned with a metal detector.

How do metal detector scanners work?

Hand-held metal detectors consist of two parts, a transmitter coil that creates the electromagnetic field and a receiver coil that receives electromagnetism.

An electromagnetic field will be generated around the transmitter coil through a brief pulse of electrical current.

When the metal detector is passed over a metal object that object enters the generated electromagnetic field, and the return signal triggers the haptic alert for the operator.

Do the hand-held metal detector scanners emit radiation and are they safe?

They emit an electromagnetic field, however it is very low power and doesn't emit ionizing radiation like an X-ray scanner. Yes, they are safe.



What if the hand-held metal detector locates my keys or another metal object I am in possession of?

If the hand-held scanner detects metal, the police will require you to produce the metal object.

Once the metal object is produced, you will then be required to re-submit to a scan.

Is it an offence to refuse to produce the metal object that is detected by the metal detector scanner?

Yes. A person who, without reasonable excuse, fails or refuses to produce the object detected by the metal detector scanner commits an offence with a maximum penalty of 12 months in imprisonment and a fine of \$12,000.

You may be arrested, and if the police reasonably suspect you are in possession of anything relevant to an offence you may be searched.

What locations will metal detector scanning occur in?

The use of metal detector scanners, including hand-held scanners and arch scanners, may occur in any designated areas.

What is a designated area?

Any area can be declared as a designated area. If a senior police officer is of the opinion that the declaration is needed to safeguard an area or place, or people who are in or may enter it, and considers that metal detectors are likely to be effective in detecting or deterring the commission of an offence involving a knife or other weapon, they can declare a designated area.

All Protected Entertainment Precincts are permanent designated areas.

What is a Protected Entertainment Precinct?

Under the *Liquor Control Act 1988* there are five areas established as Protected Entertainment Precincts (PEPs) within the suburbs of Hillarys, Scarborough, Perth and Northbridge, Fremantle, and Mandurah. People who behave in an antisocial, violent, or threatening way may be banned from entering these precincts.

Visit the Department of Local Government, Sport and Cultural Industries website dlgsc.wa.gov.au/racing-gaming-and-liquor/liquor/protected-entertainment-precincts for more information about Protected Entertainment Precincts.

Edged weapons

Under the amendments to the *Weapons Act 1999* it is an offence to carry or possess an edged weapon (including a knife) without a lawful excuse anywhere in the state of WA.

What is an edged weapon?

As defined in the *Weapons Act 1999* an edged weapon means the following:

- a knife
- a machete
- a sickle
- a scythe
- a blade from any of the above
- an axe or axe head
- most articles with a sharpened edge that could be used to injure or disable a person.

Visit legislation.wa.gov.au for the full definition of edged weapon.

An edged weapon does not include:

- a plastic or wooden knife designed to be used for eating
- a knife with a rounded tip and dull edge.

Lawful excuse

There are some circumstances in which a person has a lawful excuse for carrying or possessing an edged weapon.

These include:

- lawful employment, duty, or activity
- lawful sport, recreation, or entertainment
- lawful collection, display, or exhibition.

It does not include carrying or possessing a weapon for defence.

Visit legislation.wa.gov.au for the statutory definition of lawful excuse in relation to edged weapons.



Penalties relating to metal detector scanning, edged weapons and prohibited weapons

Amendments to the *Weapons Act 1999* include the introduction of the following offences:

Edged weapons

It is an offence to:

- carry or possess an edged weapon without a lawful excuse
- carry or possess an edged weapon with a lawful excuse but in a manner that could be reasonably expected to cause someone to be injured or disabled, or to fear someone will be injured or disabled
- sell or supply an edged weapon to a person under 18 years of age.

Penalty for the above is a maximum of 3 years imprisonment and a fine of \$36,000.

Prohibited weapons

It is a crime to:

- bring or send a prohibited weapon into the state
- carry or possess a prohibited weapon
- purchase, sell or supply a prohibited weapon
- manufacture a prohibited weapon.

Penalty for the above is a maximum of 5 years' imprisonment and a fine of \$60,000.

Amendments to the *Criminal Investigation Act 2006* include the introduction of the following offences:

Metal detector scanning

It is an offence to:

- fail or refuse to take part in a metal detector scan, without reasonable excuse
- fail or refuse to produce the object detected by the scanner, without reasonable excuse.

Penalty for the above is a maximum of 12 months imprisonment and a fine of \$12,000.

Visit legislation.wa.gov.au for all penalty amendments made to the *Criminal Investigation Act 2006* and the *Weapons Act 1999*.

