

SUMMARY OFFENCES (KNIVES AND OTHER WEAPONS) AMENDMENT BILL 2025

MARCH 2025

The Australian Retailers Association (ARA) and National Retail Association (NRA), which propose to amalgamate into the Australian Retail Council (ARC), represent a **\$430 billion sector** that accounts for **18% of Gross Domestic Product**, and **employs 1.4 million Australians** – making retail the largest private sector employer in the country and a significant contributor to the Australian economy

Our membership spans the full spectrum of Australian retail, from family-owned small and independent retailers that make up 95% of our membership, through to our largest national and international retailers that employ thousands of Australians and support both metropolitan and regional communities every day.

We would like to thank the Attorney General for the opportunity to provide feedback on the South Australian Government ***Summary Offences (Knives and Other Weapons) Amendment Bill 2025***, aimed at improving police operations for the detection of dangerous articles, including knives and to deter offending through increased penalties.

We consider that the proposed legislation is necessary for enhancing the safety and security of our community, including frontline workers and customers in retail precincts, and we believe they will have a significant impact on reducing crime rates.

When crime is out of control, it becomes a cost-of-living issue. The costs of crime worn by businesses – not only from stock losses, but from the real impacts on violence and attacks on frontline workers and property – are ultimately passed on to customers through higher prices. Businesses are frequently targeted by various forms of crime, including youth crime, which can have devastating effects. The following key factors explain why businesses often fall victim to crime, and the subsequent consequences:

1. **Employee Safety:** Ensuring the safety of employees is a major concern for retailers. High crime rates can lead to difficulties in retaining staff and attracting new talent, further impacting business operations.
2. **Consumer Behaviour:** High crime rates can deter customers from visiting certain areas, impacting local businesses. Consumers may avoid areas perceived as unsafe, leading to reduced foot traffic and sales.
3. **Economic Crimes:** Businesses are prime targets for economic crimes such as fraud, theft, and embezzlement. These crimes can lead to substantial financial losses, sometimes even resulting in the closure of businesses.
4. **Direct and Indirect Costs:** The financial impact of crime on businesses includes both direct costs, such as stolen goods and damaged property, and indirect costs, such as increased insurance premiums and loss of customer trust.
5. **Operational Disruptions:** Crime can disrupt business operations, causing downtime and reduced productivity. This disruption can significantly affect the overall efficiency and profitability of a business.
6. **Psychological Impact:** The psychological effects on business owners and employees can be profound, leading to stress, fear, and a sense of insecurity. This can affect employee morale and productivity in addition to the significant personal psychological impacts.

For the reasons above, retail crime – especially the costs associated with high-harm, repeat offenders is putting significant upward pressure on prices in several States and Territories across Australia.

PART ONE – KNIVES TO BE KEPT IN SECURE RETAIL PREMISES

The National Retail Association and Australian Retailers Association supports the intention of the ***Summary Offences (Knives and Other Weapons) Amendment Bill 2025***.

The National Retail Association and Australian Retailers Association recommends that the South Australian Government work with the Queensland State Government and adopt the definition of a knife, and other prohibited weapons. Under the Queensland Amendment of the *Summary Offences Act 2005*, a controlled item is defined as:

- i) a knife other than an exempt knife;
- (ii) a sword, machete or axe;
- (iii) a sickle or scythe;
- (iv) a spear gun;
- (v) a spear;
- (vi) a restricted item under the [Weapons Act 1990](#), section 67 that is a replica of a firearm under that Act; and
- (b) includes a thing prescribed by regulation to be a controlled item; and
- (c) does not include a thing prescribed by regulation not to be a controlled item.

In Queensland, sellers are required to understand if their range constitutes exempt, controlled, controlled-secured or restricted.

Exempt Items

Exempt knives include knives with rounded or dull tips (e.g., a butter knife), plastic or wooden knives for eating, cheese knives and items that are not likely to be considered knives, such as scissors, shears, secateurs, most shaving razors, and replacement blades for box-cutters or scalpels.

Controlled Items

Controlled items include knives with one single blade, including: kitchen or steak knife, utility knife or box-cutter, fishing knife, craft scalpel, cut-throat razor, a single-sided knife within a multi-tool or kit.

For controlled items, we submit that many retailers are implementing best-practice approach, including complete tamper-proof packaging that covers the entire product, and a barrier covering the tip or edge of the knife, as part of the tamper-proof packaging. The National Retail Association and Australian Retailers Association proposes this as an industry-best approach and believe this policy should extend to bricks and mortar, and online retailers.

We note that the Bill will introduce a new requirement for persons from retail premises to ensure that any prescribed knives stored must be securely locked in a cabinet or container, securely tethered or secured in any other manner prescribed by the regulations. We recommend that the South Australian Government follow the the Queensland Government regulations, where single-edged knives are not subject to mandatory secure storage.

Secure storage constitutes a locked room, cage, counter or cabinet, or some form of secure tethering cord or device which allows customers to inspect but not remove the product. Sellers may also use empty packaging or images on display while the actual items are locked away.

Insufficient storage: The permitted range of secure storage options is specific in the legislation. Placing items under or behind unlocked counters, on high shelves, or in unlocked storerooms, is not sufficient.

Similarly, it is not sufficient to install tether cords or devices where multiple items are secured to each other but could be removed as a whole. Installing security tags or alarms is also not sufficient. At all times: Items must remain securely stored at all times prior to sale, except while in physical possession of a staff member. Ensure that all rooms, cages, cabinets and tethers remain locked when unattended.

Controlled-Secured Items

Controlled-secured items include a dagger that has a double-edged blade, a knife (or multi-tool) with a blade at each end, a sword, a machete, an axe or tomahawk, a sickle or scythe, a spear gun or spear. Additional bladed items can also be prescribed through regulation.

Restricted Items

Restricted items include replica weapons under the *Weapons Act 1990* (items that are designed to look like real weapons but lack functional capability, e.g., guns and swords, deactivated guns, inert hand-grenades, and replica guns, longbows or crossbows) and certain gel blasters which could be mistaken for a real firearm.

For both controlled-secured, and restricted items, we recommend that retailers adopt the approach to mitigate the display of these items, where possible.

PART TWO – POLICE OFFICER TO GIVE NOTICE BEFORE EXERCISING POWERS

The National Retail Association and Australian Retailers Association supports the intention of the **Summary Offences (Knives and Other Weapons) Amendment Bill 2025**, to introduce a provision to provide for metal detector searches (wanding) of persons for weapons offences in public spaces.

We share concerns that under the proposed legislation, the provision for a metal detector (wanding) search would be applicable in prescribed public places. While we note the intent, we strongly recommend that *specified public places* is amended to *any private or public space whether or not the police officer has formed a reasonable suspicion that the person has in their possession, is carrying or using a dangerous article*.

The National Retail Association and Australian Retailers Association does not believe that restrictions in the use of wanding powers should apply to particular places, rather, that the Police should be empowered to conduct wanding for dangerous articles, in any private or public space. Under the current proposal, this will provide a loophole for offenders and will limit the capacity of Police to undertake wanding, where there is a necessity to do so. Overly complex regulation, and specified places under this legislation will increase the administrative burden of Police, and add additional, and unnecessary complexity and guidelines. Police should have the power to wand or search, anywhere at any time. We note that for planned operations, informing a landlord should not be mandatory, and purely as a courtesy, if there is sufficient time, and not an additional burden on Police. For wanding, we do not believe that notice should be required, similar to the operations of RBT and drug testing.

Currently, body cameras provide a substantial amount of evidence, and record the interactions between Police and suspected, or alleged offender/s. We note that South Australian Police must be empowered to exercise discretion with respect to wanding, and that there should be minimal administrative burden via pre-approval process, post-interaction reviews, and specified places for wanding. We recommend therefore, that the South Australian Government use the guidance under the current *Police Powers and Responsibility Act 2000*, and the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023* to amend the current *Summary Offences (Knives and Other Weapons) Amendment Bill 2025* and allow wanding in any private or public space.

In the context of *prescribed persons*, we submit that the definition of prescribed persons is *a member/s of the public that the police officer has formed a reasonable suspicion that the person has in their possession or is carrying or using a dangerous article*.

Under the Queensland *Police Powers and Responsibility Act 2000*, and the *Police Powers and Responsibilities (Jack's Law) Amendment Act 2023*, Queensland Police do not have restrictions on the place of use, and there are safeguards in place to protect the suspected, or alleged offender/s during the wandering and searching process. We note however that the administrative burden on Police is too onerous, and in this case, can require significant resourcing and time. We, therefore, strongly recommend a more liberal use of Police powers in South Australia.

PART THREE – ITEMS FOR FURTHER CONSIDERATION

The information which must be contained within a prohibition notice which must be displayed at a retail premises selling knives

The National Retail Association and Australian Retailers Association recommends that the South Australian Government consider the following for signage requirements. Sellers must display clearly visible signs advising that the sale of controlled, controlled-restricted or restricted items is prohibited.

Prohibition signs which use the prescribed wording, colour and font must be displayed either at each point-of-sale in the outlet so it is clearly visible when a person is purchasing a controlled item, or at each place where a controlled item is displayed in the outlet so it is clearly visible when a person is viewing the displayed products. If there is no display location, then a sign must be at each point-of-sale. A retail outlet includes any physical premises where the item is sold to customers.

The information that must be published on a website through which direct sales transactions of knives take place, and any requirements for publication

We recommend, for business continuity, information must be clear, communication materials must be developed in consultation with Industry and Government, and as a free resource with campaign materials to communicate the changes to all customers, businesses, and the public. We submit that this information must be consistent for online, and bricks and mortar retailers, to mitigate the risk to staff, or create confusion. We recommend this rule apply for all online sellers including all retailers, such as supermarkets, hardware, sporting, outdoor, fishing, craft, discount, convenience, kitchenware and other outlets. It also applies to members of the public or non-business organisations who sell controlled items, such as sporting groups, online sales, second-hand sales, market sellers or events.

The information that must be given to the purchaser in the case of a direct sales transaction that does not take place over the Internet, and any associated requirements

We recommend, for business continuity, that sellers and their employees must not sell a controlled or restricted item to a minor aged under 18 years. Additionally, businesses must take all reasonable steps to verify a customer is not a minor and must cite acceptable evidence of age. Sellers should have the right to refuse to sell a controlled item without repercussions under the *Anti-Discrimination Act* if the item is being purchased by a minor, as is the law in Queensland.

We recommend that sellers must display clearly visible signs advising that the sale of controlled items to minors is prohibited. Prohibition signs must use the prescribed wording, colour and font, and must be displayed at each point of sale in the outlet so it is clearly visible when a person is purchasing a controlled item, or at each place where a controlled item is displayed in the outlet, so it is clearly visible when a person is viewing the displayed products. In cases where there is no display location, a sign must be provided at each point of sale.

We recommend introducing mandatory signage requirements, including specifications on minimum size, display wording, colours, and specific wording. The National Retail Association have worked closely with Queensland Police Service to develop these resources and would be happy to meet on this issue separately.

Whether any other premises or place, or premises or places of a class, should be prescribed by the Regulations to be retail premises for the purpose of secure storage and prohibition notice requirements

We recommend, for business continuity that the laws apply to all persons, businesses and places which sell impacted items outside South Australia and/or to a person in South Australia. Sellers include all retailers, such as supermarkets, hardware, sporting, outdoor, fishing, craft, discount, convenience, kitchenware and other outlets. It also applies to members of the public or non-business organisations who sell controlled items, such as sporting groups, online sales, second-hand sales, market sellers or events.

Whether any premises or premises of a class should be excluded from the definition of licensed premises by the Regulations

The National Retail Association and Australian Retailers Association does not believe there are any relevant premises where the sale prohibited, controlled-secured or restricted items should be eligible for exemption. We submit however, that on a case-by-case basis, organisations may be able to apply for an exemption through the Office of the Police Commissioner.

The definition of machete and swords for the purposes of prescribing those weapons as prohibited weapons

Under the Queensland Government *Weapons Categories Regulation 1997 (Category M)*, a machete or sword can be defined as a single-edged or multi-edged blade, knife or spike of any length or of any material. We recommend this definition, to ensure consistency and clear instructions for retailers and suppliers.

The exclusion of knives with a rounded edge (e.g., butter knives) from the ambit of the offence of selling knives to minors.

We support that for exempt items, sales to minors are not prohibited, staff are not required to sign a written acknowledgement understanding their obligations (as is often required for the sale of prohibited items), and that there is no requirement to display signages on legal age restrictions (as would be required for restricted items). Additionally, the allowed items can still be promoted and are not required to be stored as restricted items would.

The potential impacts on business and timeframes required

We propose that the introduction of new regulations must be accompanied by an extensive retailer engagement program, and that businesses must have a timeframe for implementation, with a minimum of 12 to 18 months from the commencement of the legislation. For small and medium businesses, the proposed reforms will require significant changes to infrastructure, resourcing and training, and an education first approach is strongly recommended.

ADDITIONAL FEEDBACK ON SENTENCING REFORM

Concerns around magistrates not sentencing offenders in line with community expectations often stems from a perceived leniency in the judicial system. Many people believe that harsher sentences are necessary to ensure justice and deter future crimes. This perception is fuelled by high-profile cases where the public feels the punishment did not match the severity of the crime. However, it is important to recognise that sentencing is a complex process that involves balancing multiple objectives, including punishment, deterrence, rehabilitation, and community protection.

Judges and magistrates must consider a wide range of factors when determining sentences. These include the nature and severity of the offence, the offender's criminal history, and any mitigating or aggravating circumstances. Subsequently, this often leads to sentences that may appear lenient given the circumstances of the case.

To bridge the gap between judicial decisions and community expectations, it is crucial to enhance public understanding of the sentencing process. This can be achieved through better communication and education about how sentences are determined and the rationale behind them.

Additionally, involving community representatives in discussions about sentencing reforms can help align judicial practices with societal values, ensuring that the justice system remains both fair and responsive to public concerns.

CONCLUSION

The proposed legislation targets individuals who repeatedly engage in disruptive behaviour and sends a clear message to offenders, often by prevention. Wandering powers act as a considerable deterrent to offenders, and the South Australian Government must send a strong message that not only deters potential offenders but also reassures law-abiding citizens that their safety is paramount.

The behaviour of aggressive individuals needs to be addressed, and governments need to demonstrate that there are consequences for their actions.

Introducing clear definitions on what constitutes dangerous articles, and the ability of Police to undertake wandering in public and private spaces will contribute to the long-term safety and well-being of our communities.

The National Retail Association and Australian Retailers Association considers that the proposed reforms are consistent with these priorities and our society deserves to feel safe, and these legislative measures are an important step in achieving that goal.

Should you have any questions or wish to discuss this submission, please do not hesitate to policy@nationalretail.org.au