



1 June 2010

## **Police convenience topples children's right**

Knife crime is unacceptable. So are Government responses to knife crime that prioritise operational law enforcement considerations over the rights of children and young people.

Less than six months after introducing a range of new police powers and offences as part of their "*crackdown on weapons related violence*", the Government has proposed a suite of additional changes to the *Control of Weapons Act* that expand police search powers in order to '*improve the operational effectiveness of police tackling knife crime and unlawful carrying of weapons*'.

### Less protection for searched children

Minister Cameron has already admitted that the proposed changes to the weapon search powers further violate the rights of children.

Under the changes, unplanned weapon searches to children may take place in the presence of another police officer if it's not practicable or time efficient for weapon searches to be conducted in the presence of parent, guardian or independent third person.

Currently the law requires children to be supported in a police interview by a parent, guardian or independent person. This should continue to apply to weapons searches when children are particularly vulnerable. In the absence of a parent or guardian the independent person comforts, supports and protects the child, as well as ensuring they are aware of his or her legal rights.

### No written search records required

Additionally police will no longer have to make written record of weapons searches conducted in a designated area (including of children) except in relation to strip searches.

### Harsher fines for children who cannot afford to pay them

The Government continues to fuel the community perception that children are responsible for a culture of knife violence. They declare the proposals are about "*making it more difficult for children to access weapons*" and to "*curb the development of a 'knife culture' among children under 18.*"

Accordingly under 18 year olds will be banned from buying **prohibited** weapons e.g. flick knives, daggers and swords (maximum penalty of \$2986.25) or **controlled** weapons (including kitchen and pocket knives) (maximum penalty of \$1433.40)

Police will be able to issue an on-the-spot fine of \$1000 to those aged 16 years and above caught unlawful carrying controlled weapons. \$2000 for those caught in or near a licensed venue.

### The truth about knife violence

Putting aside media report and anecdotes, there is little evidence suggesting that knife carrying is increasing. And research suggests that the vast majority of those carrying knives never use them in violent crime, and grow out of the habit after a peak age of 14 years<sup>1</sup>.

In relation to knife violence Victoria Police crime statistics for 2008-9 show that adults, not children are overwhelmingly responsible for drunken violence and knife crimes with a 7% increase in adult violent crime, and a 3.3% decrease youth violent crime.

### The Government's strategy is ineffective

The Government assumes that these powers and offences will reduce knife-related offending. All the evidence and research suggests otherwise. Research of similar powers in the UK question the effectiveness of the powers in reducing knife carrying and knife violence. Worse the powers are counterproductive as they disproportionately affect young people, straining relations with police and leading to greater insecurity – a major motivation for young people to carry knives.

*“As long as young people feel unsafe in their communities, weapon carrying will continue. We need community responses designed to create safer communities which value young people as part of the solution”,* says Youthlaw Director Ariel Couchman.

Youthlaw a specialist law centre for young people under 25 years.

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<sup>1</sup> Bondy and others, *Living on Edge: Understanding the social context of knife carriage among young people* (2005)