

Legislative Council—No 5

As introduced and read a first time, 15 February 2012

South Australia

**Summary Offences (Use of Public Address
Systems) Amendment Bill 2012**

A BILL FOR

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

Contents

Part 1—Preliminary

- 1 Short title
- 2 Amendment provisions

Part 2—Amendment of *Summary Offences Act 1953*

- 3 Insertion of section 55
 - 55 Use of public address system
-

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Summary Offences (Use of Public Address Systems) Amendment Act 2012*.

5 2—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Summary Offences Act 1953*

3—Insertion of section 55

10 After section 54 insert:

55—Use of public address system

- (1) If a person uses a public address system in a prescribed area without the relevant authorisation, a police officer may—
 - 15 (a) require the person to state his or her full name and address; and
 - (b) issue, in writing, a direction to the person to immediately stop using the system in the prescribed area.
- (2) Before a regulation is made prescribing an area that is within the area of a council, the Minister must consult with the council in such
20 manner as the Minister thinks fit.
- (3) A police officer who issues a direction to a person under subsection (1) must advise the person that—
 - 25 (a) during the period of 6 months after the issue of the direction, it is an offence for the person to use a public address system in the area identified in the direction without the relevant authorisation; and

(b) if the person refuses or fails to comply with the direction or is found using a public address system in the area identified in the direction without the relevant authorisation, the system may be seized in accordance with this section.

5 (4) If a police officer suspects on reasonable grounds that a name or address as stated in response to a requirement under subsection (1)(a) is false, he or she may require the person making the statement to produce evidence of the correctness of the name or address as stated.

10 (5) A person who—
(a) refuses or fails to comply with a requirement under subsection (1)(a) or (4); or
(b) in response to a requirement under subsection (1)(a) or (4)—
 (i) states a name or address that is false; or
 (ii) produces false evidence of his or her name or
15 address,
is guilty of an offence.

Maximum penalty: \$1 250 or imprisonment for 3 months.

(6) A person who refuses or fails to comply with a direction under subsection (1)(b) is guilty of an offence.

20 Maximum penalty: \$1 250.

(7) A person who has been issued with a direction under subsection (1)(b) must not, during the period of 6 months after the issue of the direction, use a public address system in the area identified in the direction without the relevant authorisation.

25 Maximum penalty: \$1 250.

(8) A police officer may seize and retain any public address system which is reasonably suspected of being used in the commission of an offence against subsection (6) or (7).

30 (9) If a person claiming to be the owner of a public address system seized under subsection (8)—

(a) applies to the Commissioner, in the manner determined by the Commissioner, during ordinary business hours on a day no sooner than the next business day following the day on which the seizure occurred; and

35 (b) pays to the Commissioner the fee prescribed by the regulations,

the Commissioner must make the system available for collection by the person at a time and from a place determined by the Commissioner.

40 (10) If no application is made in accordance with subsection (9) within 30 days after the day on which the seizure occurred, the public address system is forfeited to the Crown and may be sold, destroyed or otherwise disposed of as the Minister or the Commissioner directs.

(11) For the purposes of this section, a person has the *relevant authorisation* to use a public address system in an area if the public address system is used—

(a) with the consent of—

(i) the owner or occupier of the area; or

(ii) the Commissioner; or

(iii) the relevant council; or

(b) in the course of participating in an assembly that conforms with approved proposals within the meaning of the *Public Assemblies Act 1972*.

(12) In this section—

council means a council within the meaning of the *Local Government Act 1999*.