

Legislative Council—No 95

As received from the House of Assembly and read a first time, 18 May 2023

South Australia

**Summary Offences (Obstruction of Public Places)
Amendment Bill 2023**

A BILL FOR

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

Contents

Part 1—Preliminary

1 Short title

Part 2—Amendment of *Summary Offences Act 1953*

2 Amendment of section 58—Obstruction of public places

The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

5 This Act may be cited as the *Summary Offences (Obstruction of Public Places) Amendment Act 2023*.

Part 2—Amendment of *Summary Offences Act 1953*

2—Amendment of section 58—Obstruction of public places

(1) Section 58(1)—delete "wilfully" and substitute:

intentionally or recklessly engages in conduct that

10 (2) Section 58(1), penalty provision—delete "\$750" and substitute:

\$50 000 or imprisonment for 3 months

(3) Section 58—after subsection (1) insert:

15 (1a) A person may be found guilty of an offence against this section whether the person's conduct directly or indirectly obstructed the free passage of a public place.

Note—

20 For example, a person's conduct may be found to have indirectly obstructed the free passage of a public place if a relevant entity needed to restrict access to the public place in order to safely deal with the person's conduct.

25 (1b) A court finding a person guilty of an offence against this section may, on application by the prosecutor, order the defendant to pay the reasonable costs and expenses of any action taken by a relevant entity for the purposes of dealing with the obstruction caused by the defendant.

30 (1c) In any proceedings for an offence against this section, a certificate apparently signed by the chief officer of the relevant entity certifying the costs and expenses of action taken by the relevant entity for the purposes of dealing with the obstruction caused by the defendant is, in the absence of proof to the contrary, to be accepted as proof of the costs and expenses so incurred.

(1d) An amount ordered to be paid by the defendant under subsection (1b) must be paid to the Treasurer in aid of the Consolidated Account.

(4) Section 58—after subsection (2) insert:

(3) In this section—

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chief officer of a relevant entity means—

- (a) in the case of SA Police—the Commissioner; or
- (b) in the case of an emergency services organisation—the person defined as the Chief Officer of the emergency services organisation under the *Fire and Emergency Services Act 2005*; or

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(c) in any other case—the person prescribed by the regulations;

emergency services organisation has the same meaning as in the *Fire and Emergency Services Act 2005*;

relevant entity means any of the following:

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- (a) SA Police;
- (b) an emergency services organisation;
- (c) a person or body prescribed by the regulations.