

South Australia

# Summary Offences (Offensive Weapons) Amendment Act 2004

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

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**The Parliament of South Australia enacts as follows:**

## Part 1—Preliminary

### 1—Short title

This Act may be cited as the *Summary Offences (Offensive Weapons) Amendment Act 2004*.

### 2—Commencement

This Act will come into operation on a day to be fixed by proclamation.

### 3—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*

### 4—Amendment of section 15—Offensive weapons, etc

- (1) Section 15—after subsection (1b) insert:

(1ba) A person who, without lawful excuse, at night, in or in the vicinity of licensed premises—

- (a) carries an offensive weapon; or

(b) possesses or uses a dangerous article,  
is guilty of an offence.

Maximum penalty: \$10 000 or imprisonment for 2 years.

(1bb) It is a defence to prosecution for an offence against subsection (1ba) to prove that—

(a) if the charge relates to the defendant's being in licensed premises—the defendant did not know and had no reason to believe he or she was in premises where liquor was sold or supplied; or

(b) if the charge relates to the defendant's being in the vicinity of licensed premises—the defendant did not know he or she was in the vicinity of premises where liquor was sold or supplied.

(1bc) If on the trial of a person for an offence against subsection (1ba) the court is not satisfied that the person is guilty of the offence charged, but is satisfied that the person is guilty of an offence against subsection (1) or (1b), the court may find the person guilty of the latter offence.

(2) Section 15(3)—after the definition of *implement of housebreaking* insert:

*licensed premises* means premises licensed under the *Liquor Licensing Act 1997*;

*night* means the interval between 9 p.m. in the evening and 6 a.m. in the morning of the following day;