

South Australia

## Summary Offences Act 1953

An Act to make provision for certain offences against public order and for other summary offences; to make provision for powers of police officers in relation to investigation of offences; and for other purposes.

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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 Act 1953*.

### **4—Interpretation**

- (1) In this Act, unless the contrary intention appears—

*the Commissioner* means the Commissioner of Police or the person for the time being acting in the office of Commissioner of Police;

*major offence* means—

- (a) an offence attracting a penalty or maximum penalty of life imprisonment or imprisonment for at least seven years; or
- (b) an offence against section 86A(1) of the *Criminal Law Consolidation Act 1935*;

*minor* means a person under the age of 18 years;

*prostitute* includes any male person who prostitutes his body for fee or reward;

*public place* includes—

- (a) a place to which free access is permitted to the public, with the express or tacit consent of the owner or occupier of that place; and
- (b) a place to which the public are admitted on payment of money, the test of admittance being the payment of money only; and
- (c) a road, street, footway, court, alley or thoroughfare which the public are allowed to use, notwithstanding that that road, street, footway, court, alley or thoroughfare is on private property;

*public venue* means a place where members of the public are gathered for an entertainment or an event or activity of any kind, whether admission is open, procured by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic, but does not include a church or place of public worship;

*senior police officer* means a police officer of or above the rank of inspector;

*telephone* includes any telecommunication device for the transmission of speech;

*to tattoo* means to insert into or through the skin any colouring material designed to leave a permanent mark.

- (2) In proceedings for an offence in which the court is authorised by this Act to award damages or compensation, or to order the forfeiture of property or the doing of any act, the award or order may be made in addition to the penalty (if any) imposed by the court.

## **5—Proof of lawful authority and other matters**

Subject to any provision to the contrary, where this Act provides that an act done without lawful authority, without reasonable cause, without reasonable excuse, without lawful excuse or without consent constitutes an offence, the prosecution need not prove the absence of lawful authority, reasonable cause, reasonable excuse, lawful excuse or consent, and the onus is upon the defendant to prove any such authority, cause, excuse or consent upon which he or she relies.

## Part 2—Assaulting and hindering police

### 6—Assaulting and hindering police

- (1) A person who assaults a police officer in the execution of the officer's duty is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (2) A person who hinders or resists a police officer in the execution of the officer's duty is guilty of an offence.  
Maximum penalty: \$2 500 or imprisonment for 6 months.
- (3) Upon convicting a person for an offence against this section, the court may order the convicted person to pay to the police officer against whom the offence was committed such sum as the court thinks just as compensation for—
  - (a) damage caused by the defendant to property belonging to the officer or to the Crown;
  - (b) bodily injury caused by the defendant to the officer.
- (4) Compensation so awarded in respect of damage to property of the Crown must be paid by the police officer to the Treasurer in aid of the Consolidated Account.
- (5) In this section—  
*hinder* includes disturb;  
*police officer* includes a special constable.



## Part 3—Offences against public order

### 7—Disorderly or offensive conduct or language

- (1) A person who, in a public place or a police station—
  - (a) behaves in a disorderly or offensive manner; or
  - (b) fights with another person; or
  - (c) uses offensive language,is guilty of an offence.  
Maximum penalty: \$1 250 or imprisonment for 3 months.
- (2) A person who disturbs the public peace is guilty of an offence.  
Maximum penalty: \$1 250 or imprisonment for 3 months.

- (3) In this section—

*disorderly* includes riotous;

*offensive* includes threatening, abusive or insulting;

*public place* includes, in addition to the places mentioned in section 4—

- (a) a ship or vessel (not being a naval ship or vessel) in a harbor, port, dock or river;
- (b) premises or a part of premises in respect of which a licence is in force under the *Liquor Licensing Act 1997*.

### 7A—Interruption or disturbance of religious worship

- (1) A person who, by noise, disorderly or offensive behaviour or language or in any other way, intentionally—
  - (a) interrupts or disturbs the order and solemnity of a congregation or meeting of persons gathered for religious worship; or
  - (b) interrupts or disturbs persons officiating at, participating in or proceeding to or from any such congregation or meeting,is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.

- (2) In this section—

*disorderly* includes riotous;

*offensive* includes threatening, abusive or insulting.

### 8—Challenges to fight and prize fights

- (1) Any person who—
  - (a) makes or accepts, either orally or in writing, any challenge to fight for money; or
  - (b) engages in a prize fight,

is guilty of an offence.

Maximum penalty: \$750.

- (2) Subsection (1) does not apply to a contestant in a professional or public boxing or martial art event, within the meaning of the *Boxing and Martial Arts Act 2000*, if—
- (a) the event is promoted by a person who is licensed or otherwise authorised to act as promoter of the event in accordance with that Act; and
  - (b) the contestants participating in the event are registered in relation to, or otherwise authorised to participate as contestants in, events of that kind under that Act.

### **9A—Supply of methylated spirits**

- (4) A person who supplies methylated spirits, or a liquid containing methylated spirits, knowing, or having reason to suspect, that it is intended to be drunk, is guilty of an offence.

Maximum penalty: \$750.

- (6) In this section—

*methylated spirits* means industrial spirit or commercial methylated spirit, that is to say, ethyl alcohol which has been denatured by the addition of methyl alcohol, benzene, pyridine or any other methylating or denaturing substance or agent.

### **10—Offence to consume etc dogs or cats**

- (1) A person who knowingly—
- (a) kills or otherwise processes a dog or cat for the purpose of human consumption; or
  - (b) supplies to another person a dog or cat (whether alive or not), or meat from a dog or cat, for the purpose of human consumption; or
  - (c) consumes meat from a dog or cat,

is guilty of an offence.

Maximum penalty: \$1 250.

- (2) In this section—

*cat* means an animal of the species *Felis catus*;

*dog* means an animal of the species *Canis familiaris*;

*meat* means the whole or part of a killed animal.

### **11A—Avoiding payment of entrance fee**

A person who, knowing that a charge is made for admission to a place of public entertainment, dishonestly gains admission to the place of public entertainment without paying the admission charge is guilty of an offence.

Maximum penalty: \$750.

## 12—Begging alms

- (1) A person who—
- (a) begs or gathers alms in a public place; or
  - (b) is in a public place for the purpose of begging or gathering alms; or
  - (c) goes from house to house begging or gathering alms; or
  - (d) causes or encourages a child to beg or gather alms in a public place, or to be in a public place for the purpose of begging or gathering alms; or
  - (e) exposes wounds or deformities with the object of obtaining alms,
- is guilty of an offence.  
Maximum penalty: \$250.

- (2) In this section—  
*house* includes a building or any separately occupied part of a building.

## 13—Consorting

A person who habitually consorts with reputed thieves, prostitutes or persons having no lawful visible means of support is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

## 15—Offensive weapons etc

- (1) A person who, without lawful excuse—
- (a) carries an offensive weapon; or
  - (b) has custody or possession of an implement of housebreaking; or
  - (c) carries an article of disguise,
- is guilty of an offence.  
Maximum penalty: \$2 500 or imprisonment for 6 months.
- (1a) A person who, in a public place and without lawful excuse, carries, or has control (whether the control is immediate control or not) of—
- (a) a loaded firearm; or
  - (b) a firearm and a loaded magazine that can be attached to and used in conjunction with the firearm,
- is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (1b) A person who, without lawful excuse—
- (a) manufactures, sells, distributes, supplies, or otherwise deals in, dangerous articles; or
  - (b) has possession of, or uses, a dangerous article,
- is guilty of an offence.  
Maximum penalty: \$7 500 or imprisonment for 18 months.

- (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.
- (1c) A person who—
- (a) manufactures, sells, distributes, supplies or otherwise deals in, prohibited weapons; or
  - (b) has possession of, or uses, a prohibited weapon,
- is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (1d) It is a defence to prosecution for an offence against paragraph (b) of subsection (1c) to prove that the defendant is an exempt person under subsection (2a) in the circumstances of the alleged offence.
- (1e) Depending on the terms of a declaration under subsection (2b), it is a defence to prosecution for an offence against either paragraph (a) or (b), or both paragraphs (a) and (b), of subsection (1c) to prove that the defendant is an exempt person under subsection (2b) in the circumstances of the alleged offence.
- (1f) A person (being a person who is otherwise entitled to do so) must not—
- (a) carry or have control of—
    - (i) a loaded firearm; or
    - (ii) a firearm and a loaded magazine that can be attached to and used in conjunction with the firearm,in a public place; or
  - (b) have possession of or use a dangerous article or a prohibited weapon,
- unless he or she does so in a safe and secure manner.  
Maximum penalty: \$1 250 or imprisonment for 3 months.

- (2) A court that has convicted a person of an offence under this section may order that the firearm, magazine, offensive or prohibited weapon, implement, article of disguise or dangerous article in relation to which the offence was committed be forfeited to the Crown.
- (2a) The following persons are exempt persons for the purposes of subsection (1d) in the following circumstances:
- (a) a person who has possession of, or uses, a prohibited weapon for the purpose or in the course of conducting his or her business or for the purpose or in the course of his or her employment, but—
    - (i) only if the possession and use of the weapon is reasonably required for that purpose; and
    - (ii) not if the possession or use of the weapon is in the course, or for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapon;
  - (b) a police officer who has possession of, or uses, a prohibited weapon for the purpose or in the course of his or her duties as such an officer;
  - (c) a person who has possession of a prohibited weapon for the purposes of a museum or art gallery;
  - (d) a person who has possession of, or uses, a prohibited weapon for the purpose or in the course of providing a lawful form of entertainment of other persons that reasonably requires the possession or use of the prohibited weapon;
  - (e) a person who has possession of, or uses, a prohibited weapon for the purpose or in the course of participating in a lawful and recognised form of recreation or sport that reasonably requires the possession or use of the prohibited weapon;
  - (f) a person who has possession of, or uses, a prohibited weapon for the purpose or in the course of an official ceremony that reasonably requires the possession or use of the prohibited weapon;
  - (g) a person who has possession of, or uses, a dagger for a religious purpose.
- (2b) The following persons are exempt persons for the purposes of subsection (1e) in the following circumstances:
- (a) a person who has been declared or who is a member of a class that has been declared by the Minister under subsection (2d) to be an exempt person or exempt class in the circumstances specified in the declaration;
  - (b) a person who has been declared or who is a member of a class that has been declared by regulation to be an exempt person or exempt class in the circumstances specified in the regulation.
- (2c) The declaration of a person, or a class, as an exempt person or class for the purposes of subsection (1e) may be conditional or unconditional.
- (2d) The Minister may declare a person or a class of persons to be an exempt person or class for the purposes of subsection (1e) in the circumstances specified in the declaration.

- (2e) The Minister may delegate his or her power under subsection (2d) to any person or body.
- (2f) A delegation under subsection (2e)—
- (a) must be in writing; and
  - (b) may be conditional or unconditional; and
  - (c) does not derogate from the Minister's ability to exercise the power under subsection (2d); and
  - (d) is revocable at will by the Minister.
- (2g) An application to the Minister or the Minister's delegate for a declaration under subsection (2d) must be—
- (a) in a form approved by the Minister or delegate; and
  - (b) accompanied by the fee prescribed by regulation.
- (3) In this section—
- dangerous article*** means an article or thing declared by regulation to be a dangerous article for the purposes of this section;
- exempt person***—see subsections (2a) and (2b);
- firearm*** means—
- (a) a device designed to be carried by hand and to fire shot, bullets or other projectiles by means of burning propellant or by means of compressed air or other compressed gas;
  - (b) a device of a kind declared by regulation under the *Firearms Act 1977* to be a firearm for the purposes of that Act,
- but does not include a device of a kind excluded by regulation under the *Firearms Act 1977* from the provisions of that Act;
- implement of housebreaking*** includes a picklock key, crow, jack, bit or other implement of housebreaking;
- 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;
- offensive weapon*** includes a rifle, gun, pistol, sword, knife, club, bludgeon, truncheon or other offensive or lethal weapon or instrument but does not include a prohibited weapon;
- official ceremony*** means a ceremony conducted—
- (a) by the Crown in right of the State or the Commonwealth; or
  - (b) by or under the auspices of—
    - (i) the Government of the State or the Commonwealth; or
    - (ii) South Australia Police; or
    - (iii) the armed forces;

*prohibited weapon* means an article or thing declared by regulation to be a prohibited weapon for the purposes of this section.

- (3a) For the purposes of this section a person will be taken to be carrying a firearm or other offensive weapon or a magazine or an article of disguise if he or she has the firearm, other offensive weapon, magazine or article on or about his or her person or if it is under his or her immediate control.
- (4) For the purposes of subsection (1a) a firearm will be taken to be loaded if a round is in the breech or barrel of the firearm or in a magazine comprising part of or attached to the firearm.

### **15A—Possession of body armour**

- (1) A person who, without the approval in writing of the Commissioner—
  - (a) manufactures, sells, distributes, supplies or otherwise deals in, body armour; or
  - (b) has possession of, or uses, body armour,

is guilty of an offence.

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

- (1a) The Commissioner may, subject to such conditions and limitations as the Commissioner thinks fit, give an approval to a person or a class of persons for the purposes of subsection (1) and may revoke an approval or revoke or vary the conditions or limitations under which an approval operates.
- (1b) The giving or a variation or revocation of an approval that applies to a class of persons must be notified in the Gazette.
- (2) In this section—

*body armour* means a protective jacket, vest or other article of apparel designed to resist the penetration of a projectile discharged from a firearm.

### **16—Possession of instruments for gaming or cheating**

- (1) A person who, in a public place, without lawful excuse, has possession of an instrument for gaming or an instrument constructed as a means of cheating is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (2) Upon the conviction of a person for an offence against subsection (1), the court may order that the instrument in respect of which the person was convicted be forfeited to the Crown.

- (3) In this section—

*instrument* includes machine, device or contrivance.

### **17—Being on premises for an unlawful purpose**

- (1) A person who has entered, or is present on, premises for an unlawful purpose or without lawful excuse is guilty of an offence.

Maximum penalty:

Where the unlawful purpose is the commission of an offence punishable by a maximum term of imprisonment of 2 years or more—imprisonment for 2 years.

In any other case—\$2 500 or imprisonment for 6 months.

- (1a) Despite section 5, the onus of proving absence of lawful excuse in proceedings for an offence against this section lies upon the prosecution.
- (2) Where a police officer believes on reasonable grounds that a person has entered, or is present on, premises for the purpose of committing an offence, the officer may order the person to leave the premises.
- (3) A person who fails to comply with an order under subsection (2) is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (4) In this section—

*premises* means—

- (a) any land; or
- (b) any building or structure; or
- (c) any aircraft, vehicle, ship or boat.

## 17A—Trespassers on premises

- (1) Where—

- (a) a person trespasses on premises; and
- (b) the nature of the trespass is such as to interfere with the enjoyment of the premises by the occupier; and
- (c) the trespasser is asked by an authorised person to leave the premises,

the trespasser is, if he or she fails to leave the premises forthwith or again trespasses on the premises within 24 hours of being asked to leave, guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (2) A person who, while trespassing on premises, uses offensive language or behaves in an offensive manner is guilty of an offence.

Maximum penalty: \$1 250.

- (2a) A person who trespasses on premises must, if asked to do so by an authorised person, give his or her name and address to the authorised person.

Maximum penalty: \$1 250.

- (2b) An authorised person, on asking a trespasser to leave premises or to give a name and address, must, if the trespasser so requests, inform the trespasser of—

- (a) the authorised person's name and address; and
- (b) the capacity in which the person is an authorised person under this section.

- (2c) A person must not falsely pretend, by words or conduct, to have the powers of an authorised person under this section.

Maximum penalty: \$750.

- (3) In this section—

*authorised person*, in relation to premises, means—

- (a) the occupier, or a person acting on the authority of the occupier;
- (b) where the premises are the premises of a school or other educational institution or belong to the Crown or an instrumentality of the Crown, the person who has the administration, control or management of the premises, or a person acting on the authority of such a person;

*occupier*, in relation to premises, means the person in possession, or entitled to immediate possession, of the premises;

*offensive* includes threatening, abusive or insulting;

*premises* means—

- (a) any land; or
  - (b) any building or structure; or
  - (c) any aircraft, vehicle, ship or boat.
- (4) In proceedings for an offence against this section, an allegation in the complaint that a person named in the complaint was on a specified date an authorised person in relation to specified premises will be accepted as proved in the absence of proof to the contrary.

### **17B—Interference with gates**

- (1) A person who, without the authority of the occupier of land on which animals are kept in the course of primary production—

- (a) opens and leaves open a gate on or leading to the land; or
- (b) unfastens and leaves unfastened a gate on or leading to the land; or
- (c) on finding a gate on or leading to the land open, closes it and leaves it closed,

is guilty of an offence.

Maximum penalty: \$750.

- (2) It is a defence to a charge of an offence against subsection (1) to prove that the defendant's act was not intended to cause loss, annoyance or inconvenience and was not done with reckless indifference to the interests of the owner of the animals.

### **17C—Disturbance of farm animals**

- (1) A person who, while trespassing on land on which animals are kept in the course of primary production, disturbs any animal and thus causes harm to the animal or loss or inconvenience to the owner of the animals is guilty of an offence.

Maximum penalty: \$750.

- (2) It is a defence to a charge of an offence against subsection (1) to prove that the disturbance was not intentional and did not arise from recklessness on the part of the defendant.

### **17D—Forcible entry or retention of land or premises**

- (1) A person who—
- (a) uses force, threats or intimidation to enter land or premises in order to expel a person who is in possession (whether lawfully or unlawfully) of the land or premises; and
  - (b) does so otherwise than in pursuance of an order of a court or other lawful process,

is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 1 year.

- (2) A person who—
- (a) enters onto land or premises unlawfully; and
  - (b) retains possession of the land or premises by force or in a manner that would render the use of force the only reasonably practicable means of recovering lawful possession of the land or premises,

is guilty of an offence.

Maximum penalty: \$5 000 or imprisonment for 1 year.

### **18—Order to move on or disperse**

- (1) Where a person is loitering in a public place or a group of persons is assembled in a public place and a police officer believes or apprehends on reasonable grounds—
- (a) that an offence has been, or is about to be, committed by that person or by one or more of the persons in the group or by another in the vicinity; or
  - (b) that a breach of the peace has occurred, is occurring, or is about to occur, in the vicinity of that person or group; or
  - (c) that the movement of pedestrians or vehicular traffic is obstructed, or is about to be obstructed, by the presence of that person or group or of others in the vicinity; or
  - (d) that the safety of a person in the vicinity is in danger,

the officer may request that person to cease loitering, or request the persons in that group to disperse, as the case may require.

- (2) A person of whom a request is made under subsection (1) must leave the place and the area in the vicinity of the place in which he or she was loitering or assembled in the group.

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

### **18A—Public meetings**

- (1) A person who, in, at or near a place where a public meeting is being held—
- (a) behaves in a disorderly, indecent, offensive, threatening or insulting manner;  
or
  - (b) uses threatening, abusive or insulting words; or

- (c) in any way, except by lawful authority or on some other lawful ground, obstructs or interferes with—
  - (i) a person seeking to attend the meeting; or
  - (ii) any of the proceedings at the meeting; or
  - (iii) a person presiding at the meeting in the organisation or conduct of the meeting,

is guilty of an offence.

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

- (2) Where, in the opinion of the person presiding at a public meeting, a person in, at or near the place at which the meeting is being held—
  - (a) is or has been behaving in a disorderly, indecent, offensive, threatening or insulting manner; or
  - (b) is or has been using threatening, abusive or insulting words; or
  - (c) in any way, except by lawful authority or on some other lawful ground, is or has been obstructing or interfering with—
    - (i) a person seeking to attend the meeting; or
    - (ii) any of the proceedings at the meeting; or
    - (iii) a person presiding at the meeting in the organisation or conduct of the meeting,

the person presiding may request a police officer, or the police generally, to remove that person from the place or the area in the vicinity of the place.

- (3) A request made under subsection (2) must be complied with by a police officer present or attending at the place at which the meeting is being held.
- (4) In this section—

*person presiding*, in relation to a public meeting, includes any person officiating at, or with responsibility for the organisation or conduct of, the meeting;

*place* means any place whether or not a hall, building or room;

*public meeting* includes any political, religious, social or other meeting, congregation or gathering that the public or a section of the public are permitted to attend, whether on payment or otherwise.

## 20—Permitting drunkenness and disorderly conduct

- (1) A person who keeps premises where provisions or refreshments are sold or consumed and who knowingly permits drunkenness or disorderly conduct to take place on those premises is guilty of an offence.

Maximum penalty: \$750.

- (2) In this section—

*premises* includes a shop, restaurant or other premises to which the public are admitted.

## **21—Permitting premises to be frequented by thieves etc**

- (1) A person who—
- (a) is the occupier of premises frequented by reputed thieves, prostitutes, persons without lawful means of support or persons of notoriously bad character; or
  - (b) is, without reasonable excuse, in premises frequented by any such persons,
- is guilty of an offence.

Maximum penalty: \$750.

- (2) In a prosecution under this section, it is not necessary for the prosecutor to prove that the defendant knew that the persons frequenting the premises were reputed thieves, prostitutes, persons without lawful means of support or persons of notoriously bad character, but it is a defence that the defendant did not know and could not, by the exercise of reasonable diligence, have ascertained that the persons frequenting the premises were such persons.

## **Part 4—Tattooing etc**

### **21A—Tattooing of minors**

- (1) A person who tattoos a minor is (except where the tattoo is performed for medical reasons by a legally qualified medical practitioner or a person working under a legally qualified medical practitioner's direction) guilty of an offence.

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

- (2) It is a defence to a charge of an offence under subsection (1) to prove that, at the time the tattoo was performed, the defendant had reasonable cause to believe, and did believe, that the person tattooed was of or over the age of 18 years.



## Part 5—Offences against decency and morality

### 22—Indecent language

- (1) A person who uses indecent or profane language or sings any indecent or profane song or ballad—
- (a) in a public place; or
  - (b) in a police station; or
  - (c) which is audible from a public place; or
  - (d) which is audible in neighbouring or adjoining occupied premises; or
  - (e) with intent to offend or insult any person,

is guilty of an offence.

Maximum penalty: \$250.

- (2) In this section—  
*indecent* includes obscene.

### 23—Indecent behaviour and gross indecency

- (1) A person who behaves in an indecent manner—
- (a) in a public place, or while visible from a public place, or in a police station;  
or
  - (b) in a place, other than a public place or police station, so as to offend or insult any person,

is guilty of an offence.

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

- (2) A person who, in a public place, or while visible from a public place or from occupied premises, wilfully does a grossly indecent act, whether alone or with another person, is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

### 23A—Certain acts not an offence

An act consisting of being in an unclad state in an area dedicated or reserved under an Act for unclad bathing (whether or not that area is so dedicated or reserved for any other purpose), or an act of being in an unclad state in waters adjacent to such an area, is not of itself an offence against an Act or law in force in this State.

### 24—Urinating etc in a public place

A person who urinates or defecates in a public place within a municipality or town, elsewhere than in premises provided for that purpose, is guilty of an offence.

Maximum penalty: \$250.

## 25—Soliciting

A person who—

- (a) in a public place, or within the view or hearing of any person in a public place, accosts or solicits a person for the purpose of prostitution; or
- (b) loiters in a public place for the purpose of prostitution,

is guilty of an offence.

Maximum penalty: \$750.

## 25A—Procurement for prostitution

- (1) A person must not engage in procurement for prostitution.

Maximum penalty:

For a first offence—\$1 250 or imprisonment for 3 months.

For a subsequent offence—\$2 500 or imprisonment for 6 months

- (2) A person engages in procurement for prostitution if the person—
  - (a) procures another to become a prostitute; or
  - (b) publishes an advertisement to the effect that the person (or some other person) is willing to employ or engage a prostitute; or
  - (c) approaches another person with a view to persuading the other person to accept employment or an engagement as a prostitute.

- (3) In this section—

*advertisement* includes a notice exhibited in, or so that it is visible from, a public place.

## 26—Living on the earnings of prostitution

- (1) A person who knowingly lives, wholly or in part, on the earnings of prostitution of another person is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (2) In proceedings for an offence against subsection (1), the fact that a person lives with, or is habitually in the company of, a prostitute and has no visible lawful means of support is, in the absence of proof to the contrary, proof that that person is knowingly living on the earnings of prostitution.

## **Part 6—Brothels**

### **27—Interpretation**

In this Part—

*brothel* means premises—

- (a) to which persons resort for the purpose of prostitution; or
- (b) occupied or used for the purpose of prostitution;

*premises* includes a part of premises.

### **28—Keeping and managing brothels**

(1) A person who—

- (a) keeps or manages a brothel, or assists in keeping or managing a brothel; or
- (b) receives money paid in a brothel in respect of prostitution,

is guilty of an offence.

Maximum penalty: For a first offence—\$1 250 or imprisonment for 3 months.

For a subsequent offence—\$2 500 or imprisonment for 6 months.

(2) A person who acts or behaves as master or mistress, or as a person having the control or management, of a brothel will, for the purposes of this section, be taken to keep that brothel, whether he or she is or is not the keeper.

### **29—Permitting premises to be used as brothels**

A person who—

- (a) lets or sublets premises knowing that they are to be used as a brothel; or
- (b) permits premises to be used as a brothel,

is guilty of an offence.

Maximum penalty:

For a first offence—\$1 250 or imprisonment for 3 months.

For a subsequent offence—\$2 500 or imprisonment for 6 months.

### **30—Prosecutions**

- (1) A prosecution cannot be instituted under this Part without the written consent of the Commissioner or a senior police officer.
- (2) An apparently genuine document produced by the prosecutor and purporting to authorise a prosecution under this Part and purporting to be signed by the Commissioner or a senior police officer will be accepted, in the absence of proof to the contrary, as evidence of the consent of the Commissioner or senior police officer to the prosecution.

### **31—Determination of tenancy of brothels**

- (1) Upon the conviction of the tenant, lessee or occupier of premises for permitting the premises, or a part of the premises, to be used as a brothel, the landlord or lessor may require the person so convicted to assign the lease or other contract under which the premises are held to some person approved by the landlord or lessor (which approval must not be unreasonably withheld).
- (2) If a person so convicted fails within one month to assign the lease or contract in accordance with a requirement made under subsection (1), the landlord or lessor may determine the lease or other contract, but without prejudice to any rights or remedies of a party to the lease or contract in respect of anything done or omitted before the determination of the lease or contract.
- (3) If the landlord or lessor, after such a conviction has been brought to his or her notice, fails to exercise the rights under subsection (1) and subsequently during the subsistence of the lease or contract the premises are again used as a brothel, the landlord or lessor will be taken to have permitted the premises to be used as a brothel.
- (4) Where a landlord or lessor determines a lease or other contract under the powers conferred by this section and subsequently grants another lease or enters into another contract of tenancy to, with or for the benefit of the same person, without causing to be inserted in the lease or contract reasonable and adequate provisions for preventing the premises from being used as a brothel, he or she will, if the premises are subsequently used as a brothel, be taken to have permitted the premises to be used as a brothel.

### **32—Power of police to enter suspected brothels**

The Commissioner or a senior police officer, or any other police officer authorised in writing by the Commissioner or a senior police officer, may at any time enter and search premises which he or she suspects on reasonable grounds to be a brothel.

## Part 7—Indecent or offensive material

### 33—Indecent or offensive material

(1) In this section—

**computer data** means electronic data from which an image, sound or text may be created by means of a computer;

**computer record or system** means a computer disk or tape or other object or device on which computer data is stored;

**indecent material** means material that is, in whole or in part, of an indecent, immoral or obscene nature;

**indecent or offensive aspects** of indecent material or offensive material means those aspects or characteristics of the material by virtue of which it is indecent material or offensive material;

**material** includes—

- (a) any written or printed material; or
- (b) any picture, painting or drawing; or
- (c) any carving, sculpture, statue or figure; or
- (d) any photograph, film, video tape or other object from which an image may be reproduced; or
- (da) any computer data or the computer record or system containing the data; or
- (e) any other material or object on which an image or representation is recorded or from which an image or representation may be reproduced;

**offensive material** means material—

- (a) of which the subject matter is or includes—
  - (i) violence or cruelty; or
  - (ii) the manufacture, acquisition, supply or use of instruments of violence or cruelty; or
  - (iii) the manufacture, acquisition, supply, administration or use of drugs; or
  - (iv) instruction in crime; or
  - (v) revolting or abhorrent phenomena; and
- (b) which would cause serious and general offence amongst reasonable adult members of the community;

**sell** includes—

- (a) barter, exchange or let on hire; or
- (b) offer or have in possession for sale, barter, exchange or hire; or
- (c) deliver for the purpose of, or in pursuance of, sale, barter, exchange or hire, and **sale** has a corresponding meaning.

- (2) A person who—
- (a) produces, or takes any step in the production of, indecent or offensive material for the purpose of sale; or
  - (b) sells indecent or offensive material; or
  - (c) exhibits indecent or offensive material in a public place or so as to be visible from a public place; or
  - (d) deposits indecent or offensive material in a public place or, except with the permission of the occupier, in or on private premises; or
  - (e) exhibits indecent material to a person so as to offend or insult that person; or
  - (f) delivers or exhibits indecent or offensive material to a minor (other than a minor of whom the person is a parent or guardian); or
  - (g) being a parent or guardian of a minor, causes or permits the minor to deliver or exhibit indecent or offensive material to another person; or
  - (h) causes or permits a person to do an act referred to in a preceding paragraph of this subsection,

is guilty of an offence.

Maximum penalty: \$20 000 or imprisonment for 6 months.

- (4) In proceedings for an offence against this section, the circumstances of the production, sale, exhibition, delivery or possession of material to which the charge relates and its use or intended use may be taken into account in determining whether the material was indecent or offensive material, but, if the material was inherently indecent or offensive material, the circumstances of its production, sale, exhibition, delivery or possession or its use or intended use cannot be taken to have deprived it of that character.
- (5) Despite the preceding provisions of this section—
- (a) no offence is committed by reason of the production, sale, exhibition, delivery or possession of material in good faith and for the advancement or dissemination of legal, medical or scientific knowledge; and
  - (b) no offence is committed by reason of the production, sale, exhibition, delivery or possession of material that constitutes, or forms part of, a work of artistic merit if, having regard to the artistic nature and purposes of the work as a whole, there is no undue emphasis on its indecent or offensive aspects.
- (6) A prosecution for an offence against this section cannot be commenced without the written consent of the Minister.
- (7) In deciding whether to consent to a prosecution under this section, the Minister must have regard to any relevant decision of the South Australian Classification Council.
- (8) In proceedings for an offence against this section, an apparently genuine document purporting to be signed by the Minister and to be a consent to a prosecution under this section will be accepted by the court, in the absence of proof to the contrary, as proof of that consent.

- (9) Upon finding a person guilty of an offence against this section, a court may, upon the application of the prosecutor or of its own motion, order that indecent or offensive material to which the proceedings relate be forfeited to the Crown.
- (10) This section does not derogate from the *Classification (Publications, Films and Computer Games) Act 1995*.

### 35—Restriction on reports of immorality etc

- (1) A person must not—
  - (a) print, or cause to be printed; or
  - (b) offer for sale or sell, or cause to be offered for sale or sold; or
  - (c) have possession of for sale or distribution,  
a newspaper in which any one report—
    - (d) relating to legal proceedings involving questions of sexual immorality, unnatural vice or indecent conduct; or
    - (e) containing other material descriptive of, or relating to, sexual immorality, unnatural vice or indecent conduct,

occupies more than 50 lines of 13 ems wide, or an equivalent space, in any kind of type, or carries a heading composed of type larger than 10 point capitals.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (2) In this section—

*legal proceedings* includes coroner's inquests and sittings of Royal and other commissions of inquiry and of select committees of Parliament;

*newspaper* means a copy of a periodical publication which is published at intervals not exceeding three months, or any part of such a copy.
- (3) For the purposes of this section, separate articles in the same newspaper relating to the same matter will be taken to form the one report, and all photographs illustrative of, or connected with, a report will be taken to form part of the report.
- (4) Subsection (1)(b) and (c) prohibit, within the State, the sale, offering for sale, causing to be offered for sale or sold, or having in possession for sale or distribution, of a newspaper containing a report contrary to subsection (1), whether the newspaper was printed or published within or outside the State and whether the report relates to legal proceedings and other matters taking place within or outside the State.
- (5) It is a defence to a charge of an offence against this section for the defendant to prove that the report to which the charge relates—
  - (a) was published at the direction of a court or other body conducting legal proceedings; or
  - (b) forms part of a genuine series of law reports that does not form part of any other publication and consists solely of reports of proceedings in courts of law; or
  - (c) is a publication of a technical character genuinely intended for circulation among members of the legal or medical professions.

- (6) A prosecution for an offence against this section cannot be instituted without the written consent of the Commissioner.
- (7) An apparently genuine document purporting to authorise a prosecution under this section and to be signed by the Commissioner will, in the absence of evidence to the contrary, be accepted by a court as proof of the consent of the Commissioner to the prosecution.

## **Part 8—Fraud, unlawful possession etc**

### **38A—Sale of books and educational matter**

- (1) A person who, in order to induce another person to purchase or to agree to purchase books or other educational matter, states, holds out or represents, directly or indirectly, that he or she is a representative of, or is in any way connected with, or has the approval of, the Minister responsible for administration of the *Education Act 1972*, an administrative unit of the Public Service responsible to that Minister for the administration of that Act or any educational institution under the control of, or connected with, the Government of the State is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (2) If a person is induced to enter into an agreement to purchase books or other educational matter by unreasonable persuasion on the part of a person acting or appearing to act on behalf of the seller or the seller's agent, the agreement will be taken to have been induced by undue influence and is voidable at the option of the first mentioned person if repudiated by notice in writing given to the seller within a period of 28 days after the making of the agreement, and any affirmation of, or agreement purporting to waive any right to avoid, the agreement to purchase will, upon the giving of the notice, be void and of no effect.

### **39—Valueless cheques**

- (1) A person who obtains any chattel, money, valuable security, credit, benefit or advantage by passing a cheque which is not paid on presentation is guilty of an offence.

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

- (2) It is a defence to a charge for an offence against subsection (1) to prove that the defendant—
  - (a) had reasonable grounds for believing that the cheque would be paid in full on presentation; and
  - (b) had no intent to defraud.
- (3) The fact that at the time when the cheque was passed there were some funds to the credit of the account on which the cheque was drawn is not of itself a defence.

### **40—Acting as a spiritualist, medium etc with intent to defraud**

A person who, with intent to defraud, purports to act as a spiritualist or medium, or to exercise powers of telepathy or clairvoyance or other similar powers, is guilty of an offence.

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

### **41—Unlawful possession of personal property**

- (1) A person who has possession of personal property which, either at the time of possession or at any subsequent time before the making of a complaint under this section in respect of the possession, is reasonably suspected of having been stolen or obtained by unlawful means, is guilty of an offence.

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

- (2) It is a defence to a charge for an offence against this section to prove that the defendant obtained possession of the property honestly.
- (3) If personal property is proved to have been in the possession of a person, whether in a building or otherwise and whether the possession had been parted with before the hearing or not, it will, for the purposes of this section, be taken to have been in the possession of that person.

## **Part 9—Offences with respect to property**

### **43—Interference with railways and similar tracks**

- (1) A person must not, without lawful authority to do so, and knowing that no such lawful authority exists—
  - (a) interfere with any part of a railway, tramway or track designed for the passage of a vehicle; or
  - (b) interfere with any signal or machinery used in connection with any such railway, tramway or track; or
  - (c) place any obstruction on any such railway, tramway or track or in any other manner obstruct or cause the obstruction of a vehicle using any such railway, tramway or track; or
  - (d) do anything else that is likely to result in damage to a vehicle using any such railway, tramway or track.

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

- (2) For the purposes of subsection (1), a reference to a railway, tramway or track includes a rail, sleeper, support or other related structure.

### **44—Unlawful operation of computer system**

- (1) A person who, without proper authorisation, operates a restricted-access computer system is guilty of an offence.
- (2) The maximum penalty for an offence against subsection (1) is as follows:
  - (a) if the person who committed the offence did so with the intention of obtaining a benefit from, or causing a detriment to, another—\$2 500 or imprisonment for 6 months;
  - (b) in any other case—\$2 500.
- (3) A computer system is a restricted-access computer system if—
  - (a) the use of a particular code of electronic impulses is necessary in order to obtain access to information stored in the system or operate the system in some other way; and
  - (b) the person who is entitled to control the use of the computer system has withheld knowledge of the code, or the means of producing it, from all other persons, or has taken steps to restrict knowledge of the code, or the means of producing it, to a particular authorised person or class of authorised persons.

### **44A—Unauthorised impairment of data held in credit card or on computer disk or other device**

- (1) A person who—
  - (a) causes (directly or indirectly) an unauthorised impairment of data held in a credit card or on a computer disk or other device used to store data by electronic means; and
  - (b) knows that the impairment is unauthorised; and

- (c) intends, by that impairment, to cause harm or inconvenience, or is reckless as to whether harm or inconvenience will ensue,
- is guilty of an offence.
- Maximum penalty: Imprisonment for 2 years.
- (2) An impairment of data is unauthorised unless it is made by the owner of the data or some other person who has an authorisation or licence (express or implied) from the owner of the data to cause the impairment.
- (3) A person is to be regarded as the owner of data if—
- (a) the person brought the data into existence or stored the data in the credit card or on the computer disk or other device for his or her own purposes; or
  - (b) the data was brought into existence or stored in the credit card or on the computer disk or other device at the request or on behalf of that person; or
  - (c) the person has a proprietary interest in, or possessory rights over, the medium in which the data is stored entitling the person to determine what data is stored in the medium and in what form.
- (4) The onus of establishing that an impairment of data was unauthorised lies on the prosecution.

#### **45—Using vehicles or animals without consent of owner**

- (1) A person who uses any vehicle (other than a motor vehicle as defined in Part 1 of the *Road Traffic Act 1961*), horse or other beast of burden without the consent of the owner is guilty of an offence.
- Maximum penalty: \$2 500 or imprisonment for 6 months.
- (2) Upon convicting a person for an offence against this section, the court may order the convicted person to pay to the owner of the vehicle, horse or other beast such sum as the court thinks just by way of compensation for the loss caused to the owner by the convicted person.

#### **46—Interference with ships and boats without consent**

- (1) A person who, without lawful authority to do so, and knowing that no such lawful authority exists, casts away or uses any boat or uses any equipment or article in, upon, or forming part of a boat is guilty of an offence.
- Maximum penalty: \$5 000 or imprisonment for 1 year.
- (2) Upon convicting a person for an offence against this section, the court may order the convicted person to pay to the owner of the boat, equipment or article in respect of which the offence was committed such sum as the court thinks just by way of compensation for the loss caused to the owner by the convicted person.
- (3) In this section—
- boat* includes canoe, dinghy, yacht, raft, pontoon, ship and other similar vessel.

#### **47—Interference with homing pigeons**

- (1) A person who—
- (a) without lawful authority, kills, injures or takes any homing pigeon; or

- (b) enters upon any land for the purpose of killing, injuring or taking any homing pigeon without lawful authority,

is guilty of an offence.

Maximum penalty: \$250.

- (2) Upon the conviction of a person for an offence against subsection (1), the court may order the convicted person to pay to the owner of the pigeon killed, injured or taken in contravention of that subsection a sum equal to the value of that pigeon.
- (3) It is a defence to a charge of killing, injuring or taking a homing pigeon contrary to subsection (1) to prove that the defendant was the owner or occupier of improved or cultivated land, or a person acting under the instructions of any such owner or occupier, and killed, injured or took the pigeon while it was actually upon that land or any building on that land.
- (4) In this section—

*homing pigeon* means a pigeon having a ring affixed or attached to either or both legs; *take* includes to ensnare or catch.

#### **48—Posting bills**

- (1) A person who, without lawful authority, posts a bill on property is guilty of an offence.
- Maximum penalty: \$2 500 or imprisonment for 6 months.
- (2) Where a bill is posted without lawful authority, a person who distributed or authorised the distribution of such bills for posting is guilty of an offence unless it is proved—
- (a) that the person did not foresee and could not be reasonably expected to have foreseen the likelihood that such bills would be posted unlawfully; or
- (b) that the person took reasonable precautions to ensure that such bills were not posted unlawfully.

Maximum penalty: \$2 500 or imprisonment for 6 months.

- (3) Where a person is convicted of an offence against subsection (1) or (2), the court may order the convicted person to pay to the owner or occupier of the property in relation to which the offence was committed such compensation for damage caused by the convicted person as the court consider just.
- (5) In this section—

*property* includes a building, structure, road, paved surface or object of any kind.

#### **48A—Advertising rewards for the return of property stolen or lost**

Where a person publicly advertises a reward for the return of any property that has been stolen or lost and by that advertisement indicates—

- (a) that no questions will be asked of the person returning the property; or
- (b) that the person returning the property will be safe from apprehension or investigation; or
- (c) that money paid for the purchase of the property or advanced by way of loan on the property will be repaid,

the person, and any person who prints or publishes the advertisement, is guilty of an offence.

Maximum penalty: \$500.

## **Part 10—Nuisances and annoyances**

### **50—Unlawfully ringing doorbells**

A person who, without reasonable excuse, disturbs another by wilfully pulling or ringing the doorbell of a house or by knocking at the door of a house is guilty of an offence.

Maximum penalty: \$250.

### **51—Use of firearms**

- (1) A person who discharges a firearm or throws a stone or other missile, without reasonable cause and so as to injure, annoy or frighten, or be likely to injure, annoy or frighten, any person, or so as to damage, or be likely to damage, any property, is guilty of an offence.

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

- (2) In this section—

*firearm* means a gun or device, including an airgun, from or by which any kind of shot, bullet or missile can be discharged;

*throw* includes to discharge or project by means of any mechanism or device.

### **52—Throwing fireworks**

A person who throws, sets fire to or explodes a firework or explosive material so as to injure, annoy or frighten, or be likely to injure, annoy or frighten, persons in any public place is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

### **53—Playing games so as to cause damage**

- (1) A person who, in a public place or in a place adjacent to a public place, plays any game so as to injure, or be likely to injure, persons in a public place, or so as to damage, or be likely to damage, property, is guilty of an offence.

Maximum penalty: \$250.

- (2) This section does not apply to the playing of a game on an oval, court or other ground constructed for the purpose of such a game.

### **54—Emitting excessive noise from vehicle by amplified sound equipment or other devices**

- (1) If excessive noise is emitted from a vehicle by amplified sound equipment or other devices, a police officer may—

- (a) require the vehicle to stop; and
- (b) require the driver and any other occupant of the vehicle to state his or her full name and address; and
- (c) issue, in writing, a direction to the driver and any other occupant of the vehicle to immediately abate the excessive noise.

- (2) A police officer who issues a direction to a person under subsection (1), must advise the person that, during the period of 6 months after the issue of the direction, it is an offence to cause or allow excessive noise to be emitted from a vehicle driven or otherwise occupied by the person by amplified sound equipment or other devices.
- (3) Noise emitted from a vehicle is excessive for the purposes of this section if it is such as is likely to unreasonably disturb persons in the vicinity of the vehicle.
- (4) If a police officer suspects on reasonable grounds that a name or address as stated in response to a requirement under subsection (1)(b) 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.
- (5) A person who—
- (a) refuses or fails to comply with a requirement under subsection (1)(a) or (1)(b) or subsection (4); or
  - (b) in response to a requirement under subsection (1)(b) or subsection (4)—
    - (i) states a name or address that is false; or
    - (ii) produces false evidence of his or her name or address,

is guilty of an offence.

Maximum penalty: \$1 250 or imprisonment for 6 months.

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

Maximum penalty: \$1 250.

- (7) A person who has been issued with a direction under subsection (1)(c) must not, during the period of 6 months after the issue of the direction, cause or allow excessive noise to be emitted from a vehicle driven or otherwise occupied by the person by amplified sound equipment or other devices.

Maximum penalty: \$1 250.

- (8) In any proceedings for an offence against this section where it is alleged that excessive noise was emitted from a vehicle, evidence by a police officer that he or she formed the opinion based on his or her own senses that the noise emitted from a vehicle was such as was likely to unreasonably disturb persons in the vicinity of the vehicle constitutes proof, in the absence of proof to the contrary, that the noise was excessive.

## 56—Depositing or leaving dead animals in streets etc

A person who deposits the carcass of an animal, or leaves the carcass of an animal, belonging to the person upon—

- (a) a street, road or other thoroughfare; or
- (b) a public park or reserve; or
- (c) land or premises abutting any such place as is mentioned in paragraph (a) or (b),

to the annoyance of persons in any such place, land or premises is guilty of an offence.

Maximum penalty: \$750.

### **57—Depositing rubbish on land**

- (1) A person who deposits rubbish on land without the consent of the owner or occupier or other lawful authority is guilty of an offence.  
Maximum penalty: \$750.
- (2) The court by which a person is found guilty of an offence against subsection (1) may, whether or not a fine is imposed, order the person to remove, within the time specified by the court, the rubbish from the land on which it was deposited.
- (3) If a person makes default in complying with an order under subsection (2)—
  - (a) the person is guilty of an offence and liable to a maximum penalty of \$125; and
  - (b) the court may order the person to pay to the owner or occupier of the land the cost of removing the rubbish.
- (4) In this section—  
*land* includes roads, streets and other public places, as well as private land;  
*rubbish* includes soil, stone, rubble, animal or vegetable matter and other debris, waste or refuse.

### **58—Obstruction of public places**

- (1) Subject to subsection (2), a person who wilfully obstructs the free passage of a public place is guilty of an offence.  
Maximum penalty: \$750.
- (2) This section does not prohibit a person from, or restrict a person in, the exercise of rights arising by reason of a legal or equitable interest that the person has in property constituting, or forming part of, a public place.

### **58A—Objectionable persons in public passenger vehicles**

- (1) The driver or conductor of a public passenger vehicle or a police officer may request a person to leave the vehicle if—
  - (a) before, or at the time when, the person entered the vehicle he or she was informed by the driver or conductor that it was fully loaded with passengers; or
  - (b) the person, being under the influence of intoxicating liquor, is causing, or is likely to cause, annoyance to any passenger in the vehicle; or
  - (c) the person's attire or person soils or damages, or is likely to soil or damage, any part of the vehicle or the attire or belongings of any such passenger; or
  - (d) the person acts in a noisy, violent or abusive manner, or uses obscene or indecent language, or consumes intoxicating liquor, in the vehicle, after having been requested to cease doing so.
- (2) A person who, upon being requested to depart from the vehicle, fails to comply with the request forthwith, is guilty of an offence.  
Maximum penalty: \$750.

- (3) A person who, upon being so requested, fails to comply with the request may be removed from the vehicle by the driver, conductor or police officer and any person or persons whom the driver, conductor or officer may call to assist.
- (4) The driver, conductor or police officer may require a person who fails to comply with the request to state his or her correct full name and correct address and a person who fails to comply with that requirement forthwith is guilty of an offence.  
Maximum penalty: \$750.
- (5) If the driver, conductor or police officer has reasonable cause to suspect that the name or address stated by the person is incorrect or false in any particular, the person must, if required to do so by the driver, conductor or officer, produce evidence of the correctness of the name or address so stated.  
Maximum penalty: \$750.
- (6) Any such person who produces false evidence with respect to his or her name or address is guilty of an offence.  
Maximum penalty: \$750.

#### **58B—Sale of certain refrigerators etc**

- (1) A person must not sell or hire, or offer or expose for sale or hire, a refrigerator, ice chest or icebox having in it a compartment of a capacity of 42.5 litres or more unless that compartment is so constructed or equipped that every door or lid can be opened easily from the inside of the compartment when any lock or catch that can be operated from the outside of the compartment is fastened.
- (2) In a prosecution for an offence against subsection (1), it is a defence if the defendant proves that the refrigerator, ice chest or icebox with respect to which the offence is alleged to have been committed was manufactured in, or imported into, the State before 1 January, 1962.
- (3) A person must not place any of the following articles, that is to say, a refrigerator, ice chest, icebox, article of furniture, trunk or other similar article upon any dump, tip, sanitary depot, public reserve, public place or unfenced vacant land if that article has in it a compartment of a capacity of 42.5 litres or more unless, before so placing that article, that person has removed from the compartment every door and lid, or their locks and hinges, or has otherwise rendered every such door and lid incapable of being fastened, but a person is not prevented by this subsection from placing any such articles upon a public reserve, public place or unfenced vacant land for his or her own use while residing on that public reserve, public place or unfenced vacant land.
- (4) After the making of regulations for the purposes of this subsection, a person must not, except as prescribed, sell or hire, or offer or expose for sale or hire, any prescribed domestic or commercial appliance, equipment, container or other article which is of such a kind, or is so constructed, that it might be dangerous to young children.  
Maximum penalty: \$750.

## Part 11—Control of traffic on special occasions

### 59—Regulation of traffic in certain cases

- (1) In this section—

*special occasion* means a period during which, in the opinion of the person giving a direction under this section, a street, road or public place will be unusually crowded.
- (2) The Commissioner, or the mayor or chairman of a council, may give reasonable directions, either orally or in writing, or in any other manner, for—
  - (a) regulating traffic of all kinds;
  - (b) preventing obstructions;
  - (c) maintaining order,in any street, road or public place on any special occasion.
- (3) Any such direction—
  - (a) if given by the Commissioner, may apply within the whole or any part of the State;
  - (b) if given by the mayor or chairman of a council, may apply only within the area of the council.
- (4) If a direction given by the Commissioner under this section is in conflict with a direction given by a mayor or chairman of a council, the direction of the Commissioner prevails.
- (5) The Commissioner may delegate the power to give directions under this section to a senior police officer, subject to any limitations or conditions which the Commissioner thinks it proper to impose.
- (6) A direction under this section must be given—
  - (a) by publication of the direction in a newspaper circulating generally throughout the State; or
  - (b) in such other manner as to ensure as far as reasonably practicable that, prior to the special occasion, the direction will come to the attention of those who, by their actions or presence, are likely to cause, or contribute to, the crowding of the street, road or public place.
- (7) Where a direction has been given under this section, a police officer may, upon the occurrence of the special occasion, give to any person, orally or in writing, such orders as are reasonably calculated to ensure compliance with the direction.
- (8) A person who fails to comply forthwith with an order under this section is guilty of an offence.

Maximum penalty: \$750.
- (9) An allegation in a complaint for an offence against this section that a direction under subsection (6) was given or published and was given or published in a particular manner is, in the absence of evidence to the contrary, proof that that direction was given or published and that it was given or published in that manner.



## Part 12—Bribery of police

### 61—Bribery

- (1) A person who gives, or offers or promises to give, a bribe to, or makes any collusive agreement with, a police officer to induce the officer to neglect his or her duty, or to conceal or connive at an act by which a regulation or order relating to the appointment and duties of police officers may be evaded, is guilty of an offence.

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

- (2) In this section—

*bribe* includes any form of inducement.



## Part 13—False reports to police

### 62—False reports to police

- (1) Where—
  - (a) a person makes a false representation—
    - (i) to a police officer; or
    - (ii) to a person who is not a police officer knowing that it is likely that the representation will be communicated by that person to a police officer,knowing the representation to be false; and
  - (b) the representation is such as would reasonably call for investigation by the police,

the person by whom the representation was made is guilty of an offence.

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

- (2) Upon convicting a person of an offence against this section, the court may order the convicted person to pay to the complainant a reasonable sum for the expenses of or incidental to any investigation made by a police officer as a result of the false representation.
- (3) An amount received by the complainant under this section must be paid to the Treasurer in aid of the Consolidated Account.

### 62A—Creating false belief as to events calling for police action

- (1) A person who intentionally creates a false belief that an offence has been committed, or that life has or may have been lost or is endangered, is guilty of an offence.  
Maximum penalty: \$10 000 or imprisonment for 2 years.
- (2) Upon convicting a person of an offence against this section, a court may order the convicted person to pay to the complainant a reasonable sum for the expenses of or incidental to any investigation made by a police officer as a result of the offence.
- (3) An amount received by the complainant under this section must be paid to the Treasurer in aid of the Consolidated Account.
- (4) In this section—  
*belief* includes suspicion.



## **Part 14—Proceedings by councils for certain offences**

### **65—Payment of certain fines**

If—

- (a) a report is made by a police officer to a municipal or district council with respect to the commission of an offence and, arising out of that report, proceedings are taken in a court and a fine is imposed upon the offender; and
- (b) it is provided by an Act that the fine is to be paid to any municipal or district council,

then, despite that Act, one-half of the fine must be paid to the Treasurer and will be credited to the Consolidated Account.



## Part 14A—Impounding and forfeiture of motor vehicles

### 66—Interpretation

(1) In this Part—

***impounding authority*** means—

- (a) in relation to seizure and impounding of a motor vehicle under section 66B—a police officer;
- (b) in relation to seizure and impounding or forfeiture of a motor vehicle in accordance with an order under section 66D—the Sheriff;

***impounding offence*** means—

- (a) an offence against section 54; or
- (b) an offence against section 44B of the *Road Traffic Act 1961*; or
- (c) any other prescribed offence involving the misuse of a motor vehicle;

***motor vehicle*** means a vehicle built to be propelled by a motor that forms part of the vehicle;

***prescribed offence*** means—

- (a) an offence against section 54; or
- (b) an offence against any of the following provisions of the *Road Traffic Act 1961*:
  - (i) section 44B;
  - (ii) section 46;
  - (iii) section 47;
  - (iv) section 47B; or
- (c) an offence against section 19A of the *Criminal Law Consolidation Act 1935*;

***registered owner*** of a motor vehicle means a person recorded in a register kept under the *Motor Vehicles Act 1959* or the law of another State or Territory of the Commonwealth as an owner of the motor vehicle.

- (2) An offence will be taken to involve the misuse of a motor vehicle for the purposes of paragraph (c) of the definition of ***impounding offence*** if the offence involves—
- (a) driving a motor vehicle, in a public place, in a race between vehicles, a vehicle speed trial, a vehicle pursuit or any competitive trial to test drivers' skills or vehicles; or
  - (b) operating a motor vehicle in a public place so as to produce sustained wheel spin; or
  - (c) driving a motor vehicle in a public place so as to cause engine or tyre noise, or both, that is likely to disturb persons residing or working in the vicinity; or
  - (d) driving a motor vehicle onto an area of park or garden (whether public or private) or a road related area (within the meaning of the *Road Traffic Act 1961*) so as to break up the ground surface or cause other damage.

### **66A—Powers under Part in addition to other penalties**

A power exercisable under this Part is exercisable in addition to any other penalty that may be imposed on a person in relation to an impounding offence.

### **66B—Power of police to seize and impound motor vehicles**

- (1) Subject to subsection (2), a police officer may seize and impound a motor vehicle that the officer reasonably believes has been the subject of an impounding offence committed after the commencement of this section.
- (2) A police officer may only exercise a power under subsection (1) if the person driving or operating the motor vehicle at the time of the offence—
  - (a) is to be, or has been, reported for the relevant impounding offence and has been advised of that fact; or
  - (b) has been charged with, or arrested in relation to, the relevant impounding offence.
- (3) Subject to this section, a motor vehicle seized and impounded under this section is liable to remain impounded for a period of 48 hours.
- (4) If a motor vehicle is impounded under this section, the Commissioner must, as soon as is reasonably practicable (but in any case within the period of 48 hours referred to in subsection (3)) make reasonable attempts to contact all current registered owners of the motor vehicle (or, if there are no current registered owners of the motor vehicle, to contact the last registered owners) and advise them of the action taken under this section and provide any information the owner requires in relation to release of the motor vehicle at the end of the period of impoundment.
- (5) At the end of the period of 48 hours referred to in subsection (3), the Commissioner—
  - (a) must, on the application of an owner of the motor vehicle, release the motor vehicle into the custody of the owner; and
  - (b) may, if satisfied that no owner of the motor vehicle is reasonably able to collect the motor vehicle, release the motor vehicle into the custody of a person authorised by the owner to collect the motor vehicle or a person legally entitled to possession of the motor vehicle.
- (6) If the Commissioner is satisfied that a motor vehicle impounded under this section—
  - (a) was not the subject of an impounding offence; or
  - (b) was, at the time of the impounding offence, stolen or otherwise unlawfully in the possession of the driver or operator or was being used by the driver or operator in circumstances prescribed by regulation,the motor vehicle is no longer liable to be impounded under this section and the Commissioner must release the motor vehicle as if the period of 48 hours referred to in subsection (3) had expired.

### **66C—Order for payment of impounding fees on conviction**

If—

- (a) a motor vehicle is impounded under section 66B in relation to an impounding offence; and

(b) a person is subsequently convicted of the impounding offence,  
the convicting court must order that the person pay to the Commissioner the fees prescribed by regulation in relation to the impounding of the motor vehicle.

**66D—Court orders for impounding or forfeiture where offender has committed previous prescribed offence**

- (1) This section applies in relation to a conviction for an impounding offence if—
- (a) the offence was committed after the commencement of this section; and
  - (b) the convicted person was the driver or operator of the motor vehicle at the time of the offence; and
  - (c) the motor vehicle the subject of the offence was not, at the time of the offence, stolen or otherwise unlawfully in the possession of the convicted person and was not being used by the person in circumstances (if any) prescribed by regulation; and
  - (d) the convicted person has, during the period of 5 years immediately preceding the date of the offence, been convicted of at least one other prescribed offence.
- (2) Subject to subsection (6), if this section applies in relation to a conviction for an impounding offence, the court that records the conviction must, on the application of the prosecution—
- (a) order—
    - (i) if the convicted person has, during the period of 5 years immediately preceding the date of the offence, been convicted of one previous prescribed offence—that the motor vehicle be impounded by the Sheriff for a period not exceeding 3 months; or
    - (ii) if the convicted person has, during the period of 5 years immediately preceding the date of the offence, been convicted of 2 previous prescribed offences—that the motor vehicle be impounded by the Sheriff for a period not exceeding 6 months; or
    - (iii) if the driver or operator has, during the period of 5 years immediately preceding the date of the offence, been convicted of 3 or more previous prescribed offences—that the motor vehicle is forfeited to the Crown; and
  - (b) order that the convicted person pay to the Sheriff the fees prescribed by regulation in relation to the impounding or forfeiture of the motor vehicle.
- (3) Notice of an application for an order under this section relating to a motor vehicle must be given to—
- (a) each registered owner of the motor vehicle; and
  - (b) if the prosecution is aware that any other person claims ownership of the motor vehicle or is likely to suffer financial or physical hardship as a result of the making of an order under this section—that person.

- (4) A court hearing an application for an order under this section relating to a motor vehicle—
- (a) must, if a person given notice of the application under subsection (3) so requests, hear representations from the person in relation to the application; and
  - (b) may, at the request of any other person who is likely to be affected by the making of the order, hear representations from that person in relation to the application.
- (5) If a court makes an order for the impounding or forfeiture of a motor vehicle under this section, the Sheriff is authorised to seize the motor vehicle and deal with it in accordance with this Part and the requirements (if any) specified in the order.
- (6) A court that records a conviction for an impounding offence in relation to which this section applies may decline to make an order under subsection (2) if satisfied that—
- (a) the making of the order would cause severe financial or physical hardship to a person; or
  - (b) the offence occurred without the knowledge or consent of any person who was an owner of the motor vehicle at the time of the offence; or
  - (c) the motor vehicle has, since the date of the offence, been sold to a genuine purchaser or otherwise disposed of to a person who did not, at the time of the sale or disposal, know or have reason to suspect that the motor vehicle might be the subject of proceedings under this section.
- (7) If—
- (a) a court declines to make an order under subsection (2) on the ground that the making of the order would cause severe financial or physical hardship to the convicted person; and
  - (b) the court is satisfied that it would be reasonably practicable for the convicted person to instead perform community service,
- the court must order the convicted person to perform not more than 240 hours of community service.
- (8) An order to perform community service under subsection (7) must be dealt with and enforced as if it were a sentence of community service (and in any enforcement proceedings the court may exercise any power that it could exercise in relation to a sentence of community service).
- (9) A court making an order under this section may make any consequential or ancillary order or direction that it considers necessary or expedient in the circumstances of the case.

#### **66E—Commissioner may give notice prohibiting sale of motor vehicle**

- (1) If—
- (a) the Commissioner reasonably believes that—
    - (i) a motor vehicle has been the subject of an impounding offence committed after the commencement of this section; and

- (ii) the motor vehicle was not, at the time of the offence, stolen or otherwise unlawfully in the possession of the convicted person and was not being used by the person in circumstances (if any) prescribed by regulation; and
  - (iii) the person driving or operating the motor vehicle at the time of the offence has, during the period of 5 years immediately preceding the date of the offence, been convicted of at least one other prescribed offence; and
- (b) the person driving or operating the motor vehicle at the time of the offence—
- (i) is to be, or has been, reported for the relevant impounding offence and has been advised of that fact; or
  - (ii) has been charged with, or arrested in relation to, the relevant impounding offence,

the Commissioner may serve the owner of the motor vehicle (or, if there is more than one owner of the motor vehicle, one or more of the owners of the motor vehicle) with a notice in the prescribed form prohibiting the sale or disposal of the motor vehicle until proceedings relating to the offence have been finalised.

- (2) For the purposes of this section, proceedings relating to an offence are finalised if—
- (a) the charge of the offence is withdrawn or proceedings for the offence are otherwise discontinued; or
  - (b) a court has determined the charge.
- (3) If—
- (a) the Commissioner serves an owner of a motor vehicle with a notice under this section; and
  - (b) that owner was not the person driving or operating the motor vehicle at the time of the offence,

the Commissioner must make reasonable efforts to notify the owner when proceedings relating to the offence have been finalised.

- (4) An owner of a motor vehicle must not sell or otherwise dispose of the motor vehicle in contravention of a notice served under this section in relation to the motor vehicle.  
Maximum penalty: \$2 000 or imprisonment for 6 months.
- (5) It is a defence to a charge of an offence under subsection (4) if the defendant proves that he or she—
- (a) was not served with a notice under this section in relation to the motor vehicle; and
  - (b) did not know and could not reasonably be expected to have known, that a notice had been served under this section in relation to the motor vehicle.
- (6) If—
- (a) a person is found guilty by a court of an offence against subsection (4); and
  - (b) the court is provided with evidence of the value of the motor vehicle sold or disposed of by the person,

the court may (in addition to any other penalty imposed in respect of the offence) require payment by the person of an amount determined by the court to be a reasonable estimate of the value of the motor vehicle.

- (7) An amount paid in accordance with a requirement under subsection (6) must be paid into the Victims of Crime Fund established under the *Victims of Crime Act 2001*.

### **66F—Seizure and impounding**

- (1) An impounding authority that is authorised under this Part to seize a motor vehicle may seize the motor vehicle from—
- (a) a public place; or
  - (b) any other place, with the consent of the owner or occupier of the place or under the authority of a warrant issued under this Part.
- (2) A motor vehicle seized under this Part may—
- (a) be moved to a place determined by the impounding authority and impounded there (and may, if the impounding authority so determines, be subsequently moved to and impounded at some other place); and
  - (b) be driven, towed or pushed, or moved in any other manner; and
  - (c) be moved by the impounding authority or by other persons acting at the direction of the impounding authority.
- (3) An impounding authority may do anything reasonably necessary for the purpose for seizing and moving a motor vehicle under this Part, including exercising any of the following powers:
- (a) requiring the motor vehicle to stop;
  - (b) causing a locking device or other feature of the motor vehicle to be removed, dismantled or neutralised;
  - (c) if the driver or any other person will not surrender the keys to the vehicle, starting the vehicle by other means.

### **66G—Warrants for seizure etc**

- (1) If an impounding authority is authorised under this Part to seize a motor vehicle, the impounding authority may, in order to seize the motor vehicle from a place other than a public place without the consent of the owner or occupier of the place, apply to a magistrate for a warrant under this section.
- (2) If a magistrate is satisfied that—
- (a) an impounding authority is authorised under this Part to seize a motor vehicle; and
  - (b) there are reasonable grounds to suspect that the motor vehicle is at a place,
- the magistrate may issue a warrant authorising the impounding authority—
- (c) to enter the place; and
  - (d) to search the place for the motor vehicle; and
  - (e) to use reasonable force to break into or open any garage or other structure in which the motor vehicle may be stored at the place; and

- (f) to seize the motor vehicle, and otherwise deal with it, in accordance with this Part.
- (3) An application under this section for the issue of a warrant may be made either personally or by telephone.
- (4) The grounds of an application for a warrant must be verified by affidavit.
- (5) An application for a warrant cannot be made by telephone unless, in the opinion of the applicant, a warrant is urgently required and there is not enough time to make the application personally.
- (6) If an application for a warrant is made by telephone—
- (a) the applicant must inform the magistrate of the purpose for which the warrant is required and the grounds on which it is sought; and
  - (b) if it appears to the magistrate from the information given by the applicant that there are proper grounds to issue a warrant, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts; and
  - (c) if the applicant gives such an undertaking, the magistrate may then make out and sign a warrant, noting on the warrant the facts that justify, in the magistrate's opinion, the issue of the warrant; and
  - (d) the warrant is taken to have been issued, and comes into force, when signed by the magistrate; and
  - (e) the magistrate must inform the applicant of the terms of the warrant; and
  - (f) the applicant must fill out and sign a warrant form (the duplicate warrant) that—
    - (i) sets out the name of the magistrate who issued the original and the terms of the warrant; and
    - (ii) complies with any other requirements prescribed by regulation; and
  - (g) the applicant must, as soon as practicable after the issue of the warrant, forward to the magistrate an affidavit verifying the facts referred to in paragraph (b) and a copy of the duplicate warrant.
- (7) A magistrate by whom a warrant is issued under this section must file the warrant, or a copy of the warrant, and the affidavit verifying the grounds on which the application for the warrant was made, in the Magistrates Court.
- (8) An impounding authority may, in exercising powers in accordance with a warrant issued under this section, be accompanied by such assistants as are reasonably necessary for the purpose.
- (9) A warrant issued under this section, if not executed at the expiration of 1 month from the date of its issue, then expires.

### **66H—Liability of the Crown**

- (1) Subject to subsection (2), no compensation is payable by the Crown or an impounding authority in respect of the seizure, impounding or forfeiture of a motor vehicle under this Part.

- (2) This section does not protect—
- (a) an impounding authority from liability in respect of the seizure or impounding of a motor vehicle otherwise than in good faith; or
  - (b) the Crown from liability in respect of damage to a motor vehicle caused otherwise than by the proper exercise of powers under this Part.

### **66I—Disposal of motor vehicles**

- (1) The Sheriff may sell a motor vehicle that is the subject of an order for forfeiture under this Part.
- (2) If a motor vehicle that has been impounded under this Part is not collected by a person legally entitled to possession of the motor vehicle within 2 months of the motor vehicle ceasing to be liable to be so impounded, the Sheriff or, in the case of a motor vehicle impounded under section 66B, the Commissioner, may sell the motor vehicle.
- (3) A sale under this section is to be by public auction or public tender.
- (4) An impounded or forfeited motor vehicle may be disposed of otherwise than by sale if—
- (a) the Sheriff or the Commissioner (as the case may be) believes on reasonable grounds that the motor vehicle has no monetary value or that the proceeds of the sale would be unlikely to exceed the costs of the sale; or
  - (b) if the motor vehicle has been offered for sale and was not sold.
- (5) The proceeds of the sale of a motor vehicle under this section must, after deduction of the costs of the sale—
- (a) in the case of the proceeds of sale of an impounded vehicle—be dealt with in accordance with section 7A of the *Unclaimed Moneys Act 1891* as money the owner of which cannot be found; or
  - (b) in the case of the proceeds of sale of a forfeited vehicle—be paid into the Victims of Crime Fund established under the *Victims of Crime Act 2001*.
- (6) The regulations may make further provision in relation to the sale or disposal of impounded or forfeited motor vehicles in accordance with this section.

### **66J—Evidentiary**

An apparently genuine document purporting to be an extract from, or copy of, an entry contained in the register of motor vehicles kept under the *Motor Vehicles Act 1959* and purporting to be certified as such an extract or copy by the Registrar of Motor Vehicles indicating that a person is recorded on that register as an owner of a motor vehicle must be accepted in any proceedings under this Part as proof that the person is an owner of the motor vehicle in the absence of proof to the contrary.

### **66K—Service of notices**

- (1) A notice required or authorised to be given to, or served on, a person for the purposes of this Part may—
- (a) be given to the person personally; or
  - (b) be posted in an envelope addressed to the person—

- (i) at the person's last known address; or
  - (ii) at the person's address for service; or
  - (c) be left for the person at the person's last known address or address for service with someone apparently over the age of 16 years; or
  - (d) be given to, or served on, the person in a manner prescribed by regulation.
- (2) If, in any proceedings, it is proved (on evidence by affidavit or otherwise) that a notice required to be given to, or served on, a registered owner of a motor vehicle under this Part was sent by ordinary prepaid post in an envelope addressed to the owner at the address recorded in relation to the owner in a register kept under the *Motor Vehicles Act 1959* or the law of another State or Territory of the Commonwealth, the notice will be conclusively presumed to have been given to the owner at the time when it would, in the ordinary course of post, reach the address to which it was posted.



## Part 15—Police powers of entry, search etc

### 67—General search warrants

- (1) Despite any law or custom to the contrary, the Commissioner may issue general search warrants to such police officers as the Commissioner thinks fit.
- (2) Every such warrant must be in the form in the Schedule, or in a form to the same effect, and must be signed by the Commissioner.
- (3) Every such warrant will, subject to prior revocation by the Commissioner, remain in force for six months from the date of the warrant, or for a shorter period specified in the warrant.
- (4) The police officer named in any such warrant may, at any time of the day or night, exercise all or any of the following powers:
  - (a) the officer may, with such assistants as he or she thinks necessary, enter into, break open and search any house, building, premises or place where he or she has reasonable cause to suspect that—
    - (i) an offence has been recently committed, or is about to be committed; or
    - (ii) there are stolen goods; or
    - (iii) there is anything that may afford evidence as to the commission of an offence; or
    - (iv) there is anything that may be intended to be used for the purpose of committing an offence;
  - (b) the officer may break open and search any cupboards, drawers, chests, trunks, boxes, packages or other things, whether fixtures or not, in which he or she has reasonable cause to suspect that—
    - (i) there are stolen goods; or
    - (ii) there is anything that may afford evidence as to the commission of an offence; or
    - (iii) there is anything that may be intended to be used for the purpose of committing an offence;
  - (c) the officer may seize any such goods or things to be dealt with according to law.

### 68—Power to search suspected vehicles, vessels, and persons

- (1) A police officer may do any or all of the following things, namely, stop, search and detain—
  - (a) a vehicle or vessel in or upon which there is reasonable cause to suspect that—
    - (i) there are stolen goods; or
    - (ii) there is an object, possession of which constitutes an offence; or
    - (iii) there is evidence of the commission of an indictable offence;

- (b) a person who is reasonably suspected of having, on or about his or her person—
  - (i) stolen goods; or
  - (ii) an object, possession of which constitutes an offence; or
  - (iii) evidence of the commission of an indictable offence.
- (2) In this section—

*stolen goods* includes goods obtained by the commission of an offence.

### **69—Power to board vessels**

A police officer may, at any time of the day or night—

- (a) enter into or upon a vessel which is in any harbor, port, dock, river or creek and into or upon every part of the vessel; and
- (b) search and inspect the vessel; and
- (c) inspect and observe the conduct of all persons who are employed on board the vessel in or about the loading or unloading of the vessel; and
- (d) take all such measures as are necessary for providing against fire and other accidents; and
- (e) take all such measures as are necessary for preserving peace and good order and preventing or detecting the commission of offences on board the vessel.

### **70—Power to stop and search vessels**

If a police officer in charge of a police station or holding a rank not lower than sergeant has reasonable cause to suspect—

- (a) that an offence has been, or is about to be, committed on board a vessel which is in any harbor, port, dock, river or creek; or
- (b) that a person who has committed an offence, or against whom a warrant has been issued by a justice, is on board a vessel,

the officer may, at any time of the day or night, exercise all or any of the following powers:

- (c) the officer may stop and detain that vessel;
- (d) the officer may enter, at all times, with such constables as he or she thinks necessary, into and upon that vessel and every part of that vessel;
- (e) the officer may search and inspect that vessel and in doing so take all necessary measures for the effectual prevention or detection of any such suspected offence and for the apprehension of any such suspected person;
- (f) the officer may take into custody any person reasonably suspected of having committed an offence or liable to apprehension under paragraph (e);
- (g) the officer may take charge of all property suspected to be stolen or otherwise unlawfully obtained.

### **71—Power to apprehend persons committing offences on board ships**

A police officer holding a rank not lower than sergeant, or a constable, when so ordered by any such police officer or called upon by the master or chief officer of the vessel concerned, may—

- (a) enter into and upon a vessel which is in any harbor, port, dock, river or creek; and
- (b) without any warrant, apprehend a person whom he or she finds drunk or committing an offence or whom he or she has reasonable cause to suspect of having committed an offence.

### **72—Interpretation**

In sections 69, 70 and 71—

*vessel* means a ship, boat or other navigable vessel, not being a naval ship, boat or vessel.

### **73—Power of police to remove disorderly persons from public venues**

- (1) A police officer may enter a public venue and—
  - (a) order any person who is behaving in a disorderly or offensive manner to leave; or
  - (b) use reasonable force to remove any person who is behaving in such a manner.
- (2) A person—
  - (a) who remains in a public venue after having been ordered to leave pursuant to this section; or
  - (b) who re-enters, or attempts to re-enter, a public venue within 24 hours of having left or having been removed from such a place pursuant to this section,

is guilty of an offence.

Maximum penalty: \$2 500 or imprisonment for 6 months.

### **74—Power to enter licensed premises etc**

- (1) A police officer, when called upon by the holder of a licence under the *Liquor Licensing Act 1997*, may—
  - (a) enter the premises to which the licence relates; and
  - (b) without any warrant, apprehend any person whom the officer finds drunk and behaving in a riotous or indecent manner or whom the officer finds fighting, or using threatening, abusive or insulting words, or behaving in a threatening, abusive or insulting manner.
- (2) The powers conferred by subsection (1) are additional to powers conferred on a police officer by or under any other Act.

### **74A—Power to require statement of name and address**

- (1) Where a police officer has reasonable cause to suspect—
  - (a) that a person has committed, is committing, or is about to commit, an offence;  
or
  - (b) that a person may be able to assist in the investigation of an offence or a suspected offence,

the officer may require that person to state his or her full name and address.

- (2) Where a police officer has reasonable cause to suspect that a name or address as stated in response to a requirement under subsection (1) is false, the officer may require the person making the statement to produce evidence of the correctness of the name or address as stated.
- (3) A person who—
  - (a) refuses or fails, without reasonable excuse, to comply with a requirement under subsection (1) or (2); or
  - (b) in response to a requirement under subsection (1) or (2)—
    - (i) states a name or address that is false; or
    - (ii) produces false evidence of his or her name or address,

is guilty of an offence.

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

- (4) Where a person has been required to state his or her full name and address under subsection (1), the person may require the police officer who has made the requirement to state his or her surname and rank.

### **74B—Road blocks**

- (2) Where a senior police officer believes on reasonable grounds that the establishment of a road block at a particular place would significantly improve the prospects of apprehending a person—
  - (a) suspected of having committed a major offence; or
  - (b) who has escaped from lawful detention,the officer may authorise the establishment of a road block at that place.
- (3) An authorisation under this section—
  - (a) operates for an initial period (not exceeding 12 hours) specified by the officer granting the authorisation; and
  - (b) may be renewed from time to time by a magistrate for a further period (not exceeding 12 hours).
- (4) An authorisation may be granted under this section orally or in writing but a written record must be kept of—
  - (a) the place at which the establishment of a road block was authorised;
  - (b) the period or periods for which the authorisation was granted or renewed;
  - (c) the grounds on which the authorisation was granted or renewed.

- (5) Where a road block is authorised under this section, a police officer—
- (a) may establish a road block (consisting of any appropriate form of barrier or obstruction preventing or limiting the passage of vehicles) at the place to which the authorisation relates;
  - (b) may stop vehicles at or in the vicinity of the road block;
  - (c) may require any person in any such vehicle to state his or her full name and address;
  - (d) may search the vehicle for the purpose of ascertaining whether the person for whose apprehension the road block was established is in or on the vehicle and give reasonable directions to any person in the vehicle for the purpose of facilitating the search;
  - (e) may take possession of any object found in the course of such a search that the officer suspects on reasonable grounds to constitute evidence of an offence.
- (6) Where a police officer suspects on reasonable grounds that a name or address as stated in response to a requirement under subsection (5) 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.
- (7) A person who—
- (a) fails, without reasonable excuse, to stop a vehicle at a road block when requested or signalled to do so; or
  - (b) fails, without reasonable excuse, to comply with a requirement or direction under subsection (5) or (6); or
  - (c) in response to a requirement under subsection (5) or (6)—
    - (i) states a name or address that is false; or
    - (ii) produces false evidence of his or her name or address,
- is guilty of an offence.
- Maximum penalty: \$2 500 or imprisonment for 6 months.
- (8) In proceedings for an offence against this section, a certificate apparently signed by a senior police officer stating—
- (a) that an authorisation under this section was given or renewed for a specified period; and
  - (b) that the authorisation authorised the establishment of a road block at a specified place; and
  - (c) the grounds on which the authorisation was given or renewed,
- will be accepted, in the absence of proof to the contrary, as proof of the matters stated in the certificate.
- (9) The Commissioner must, as soon as practicable after each successive period of three months following the commencement of this section, submit a report to the Minister in relation to that period stating—
- (a) the number of authorisations granted under this section during that period;

- (b) in relation to each authorisation granted during that period—
    - (i) the place at which the establishment of a road block was authorised;
    - (ii) the period or periods for which the authorisation was granted or renewed;
    - (iii) the grounds on which the authorisation was granted or renewed;
  - (c) any other matters the Commissioner considers relevant.
- (10) The Minister must cause copies of a report under subsection (9) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

#### **74BAA—Vehicle immobilisation devices**

- (1) If an authorised police officer believes on reasonable grounds that—
- (a) —
    - (i) the driver of a motor vehicle has disobeyed, or is likely to disobey, a request or signal to stop given under this or any other Act; or
    - (ii) the use of a vehicle immobilisation device would significantly improve the prospects of apprehending a person—
      - (A) suspected of having committed a major offence; or
      - (B) who has escaped from lawful detention; and
  - (b) a vehicle immobilisation device can be used without undue risk to occupants of the vehicle or persons in the vicinity of the vehicle,
- the officer may use a vehicle immobilisation device.
- (2) The Governor may, by regulation made on the recommendation of the Minister, declare a device of a specified kind to be a vehicle immobilisation device.
- (3) The Minister must not recommend that a device be declared a vehicle immobilisation device unless satisfied that—
- (a) the device has been adequately tested in the State or in conditions similar to those found in the State; and
  - (b) the device can, at an appropriate range of speeds, immobilise a target motor vehicle without undue risk to occupants of the vehicle or persons in the vicinity of the vehicle.

- (4) In this section—

***authorised police officer*** means a police officer authorised by the Commissioner for the purposes of this section;

***vehicle immobilisation device*** means a device declared by regulation to be a vehicle immobilisation device for the purposes of this section.

## Part 16—Fortifications

### 74BA—Interpretation

In this Part, unless the contrary intention appears—

*Court* means the Magistrates Court of South Australia;

*fortification* means any security measure that involves a structure or device forming part of, or attached to, premises that—

- (a) is intended or designed to prevent or impede police access to the premises; or
- (b) has, or could have, the effect of preventing or impeding police access to the premises and is excessive for the particular type of premises,

and *fortified* has a corresponding meaning;

*fortification removal order* means an order under section 74BB;

*occupier*, in relation to premises, means a person who has, or is entitled to, possession or control of the premises;

*premises* includes—

- (a) land; and
- (b) a building or structure on land; and
- (c) a part of premises;

*serious criminal offence* means—

- (a) an indictable offence; or
- (b) an offence prescribed by regulation for the purposes of this definition.

### 74BB—Fortification removal order

(1) If, on the application of the Commissioner, the Court is satisfied that—

- (a) premises named in the application are fortified; and
- (b) —
  - (i) the fortifications have been created in contravention of the *Development Act 1993*; or
  - (ii) there are reasonable grounds to believe the premises are being, have been, or are likely to be, used—
    - (A) for or in connection with the commission of a serious criminal offence; or
    - (B) to conceal evidence of a serious criminal offence; or
    - (C) to keep the proceeds of a serious criminal offence,

the Court may issue a *fortification removal order* in respect of the premises.

- (2) A fortification removal order is directed to the occupier of the premises or, if there is more than one occupier, any one or more of the occupiers of the premises, and requires the named occupier or occupiers to remove or modify the fortifications, as specified in the order.
- (3) A fortification removal order may be issued on an *ex parte* application.
- (4) The grounds of an application for a fortification removal order must be verified by affidavit.
- (5) The Commissioner may identify any information provided to the Court for the purposes of the application as confidential if its disclosure might—
  - (a) prejudice the investigation of a contravention or possible contravention of the law; or
  - (b) enable the existence or identity of a confidential source of information to be ascertained; or
  - (c) endanger a person's life or physical safety,and if the Court is satisfied (having regard to the principle of public interest immunity) that the information should be protected from disclosure, the Court must order that the information is not to be disclosed to any other person, whether or not a party to the proceedings.
- (6) A person must not disclose information in respect of which an order has been made by the Court under subsection (5) unless—
  - (a) the disclosure is made by or with the consent of the Commissioner; or
  - (b) the disclosure is authorised or required by a court.Maximum penalty: \$60 000 or imprisonment for 3 years.
- (7) A court must not authorise or require disclosure of information under subsection (6) without first having regard to the principle of public interest immunity.
- (8) Proceedings in relation to an application under this section may, if the Court directs, be heard in a room closed to the public.

#### **74BC—Content of fortification removal order**

- (1) A fortification removal order must include—
  - (a) a statement to the effect that specified fortifications at the premises must be removed or modified, as directed by the Court, within a period of time fixed by the order (which may not be less than 14 days after service of the order); and
  - (b) subject to subsection (2)—a statement of the grounds on which the order has been issued; and
  - (c) an explanation of the right of objection under section 74BE; and
  - (d) an explanation of the Commissioner's power to enforce the order under section 74BI.
- (2) A statement of the grounds on which a fortification removal order has been issued must not contain information in respect of which an order has been made by the Court under section 74BB(5).

- (3) A copy of the affidavit verifying the grounds on which the application was made must be attached to the fortification removal order unless disclosure of information included in the affidavit would be in breach of an order of the Court under section 74BB(5).
- (4) If disclosure of information included in the affidavit would be in breach of an order of the Court under section 77BB(5), an edited copy of the affidavit, from which the information that cannot be disclosed has been removed or erased, may be attached to the fortification removal order.

#### **74BD—Service of fortification removal order**

- (1) A fortification removal order must be served on the occupier or occupiers named in the order.
- (2) If the owner of the premises in relation to which a fortification removal order has been made is not named in the order, a copy of the order must be served on the owner.
- (3) Subject to subsection (4), service of a fortification removal order must be effected personally or by registered post.
- (4) If service cannot be promptly effected, it will be sufficient service for the Commissioner to affix a copy of the fortification removal order to the premises at a prominent place at or near to the entrance to the premises.

#### **74BE—Right of objection**

- (1) Subject to subsection (2), a person on whom a fortification removal order has been served may, within 14 days of service of the order, lodge a notice of objection with the Court.
- (2) A notice of objection cannot be lodged if a notice has previously been lodged in relation to the fortification removal order (unless proceedings in relation to the earlier notice have been discontinued).
- (3) The grounds of the objection must be stated fully and in detail in the notice of objection.
- (4) A copy of the notice of objection must be served by the objector on the Commissioner personally or by registered post at least 7 days before the day appointed for hearing of the notice.

#### **74BF—Procedure on hearing of notice of objection**

- (1) In any proceedings in relation to a notice of objection, the Court must, if convenient to the Court, be constituted of the Magistrate who issued the fortification removal order to which the notice of objection relates.
- (2) The Court must, when determining a notice of objection, consider whether, in the light of the evidence presented by both the Commissioner and the objector, sufficient grounds exist to satisfy the Court as to the requirements of section 74BB(1).
- (3) The Court may, on hearing a notice of objection, confirm, vary or withdraw the fortification removal order.
- (4) If, on the hearing of a notice of objection, the fortification removal order is confirmed or varied, the period of time allowed for compliance with the order, as fixed by the order, is (unless the Court specifies otherwise) taken to commence on the day of the Court's determination.

### **74BG—Appeal**

- (1) The Commissioner or an objector may appeal to the Supreme Court against a decision of the Court on a notice of objection.
- (2) An appeal lies as of right on a question of law and with permission on a question of fact.
- (3) An appeal must be commenced within the time, and in accordance with the procedure, prescribed by rules of the Supreme Court.
- (4) If an appeal is commenced under this section, enforcement of the fortification removal order is stayed until proceedings in relation to the appeal are finalised.
- (5) If an appeal under this section results in confirmation or variation of the fortification removal order, the period of time allowed for compliance with the order, as fixed by the order, is (unless the Supreme Court specifies otherwise) taken to commence on the day of the Supreme Court's decision.

### **74BH—Withdrawal notice**

- (1) If the Commissioner determines that a fortification removal order will not be enforced, the Commissioner must lodge a withdrawal notice with the Court.
- (2) The withdrawal notice must identify the premises, refer to the fortification removal order and state that the Commissioner has decided not to enforce the order.
- (3) The withdrawal notice must be served on the occupier or occupiers named in the order and all persons on whom a copy of the fortification removal order was served.
- (4) The withdrawal notice may be served in any way that section 74BD would enable a fortification removal order to be served.

### **74BI—Enforcement**

- (1) If, in relation to a fortification removal order—
  - (a) a withdrawal notice is not lodged; and
  - (b) —
    - (i) a notice of objection is not lodged; or
    - (ii) the fortification removal order is confirmed or varied by the Court under section 74BF and an appeal in relation to the decision of the Court is not commenced; or
    - (iii) an appeal under section 74BG results in confirmation or variation of the fortification removal order; and
  - (c) the fortifications at the premises are not, within the period of time specified in the fortification removal order or any further time allowed by the Commissioner under subsection (2), removed or modified to the extent necessary to satisfy the Commissioner that there has been compliance with the order,

the Commissioner may cause the fortifications to be removed or modified to the extent required by the order.
- (2) The Commissioner may extend the time allowed by the order if, before the time allowed elapses, application is made to the Commissioner for it to be extended.

- (3) For the purposes of causing fortifications to be removed or modified, the Commissioner, or any police officer authorised by the Commissioner for the purposes of this section, may do one or more of the following:
  - (a) enter the premises without warrant;
  - (b) obtain expert or technical advice;
  - (c) make use of any person or equipment he or she considers necessary.
- (4) The Commissioner may seize anything that can be salvaged in the course of removing or modifying fortifications under this section, and may sell or dispose of it as the Commissioner considers appropriate.
- (5) The proceeds of any sale under subsection (4) are forfeited to the State and, to the extent that they are insufficient to meet the costs incurred by the Commissioner under this section, the Commissioner may recover those costs as a debt from any person who caused the fortifications to be created.

#### **74BJ—Hindering removal or modification of fortifications**

- (1) A person must not do anything with the intention of preventing, obstructing, interfering with or delaying the removal or modification of fortifications in accordance with a fortification removal order.  
Maximum penalty: \$2 500 or imprisonment for 6 months.
- (2) Subsection (1) applies to the removal or modification of fortifications by a person who—
  - (a) is, or is acting for or on the instructions of, an occupier or owner of the premises; or
  - (b) is acting under section 74BI.

#### **74BK—Liability for damage**

- (1) Subject to subsection (2), no action lies against the Crown or any person for damage to property resulting from enforcement of a fortification removal order.
- (2) However, an owner of premises may recover the reasonable costs associated with repair or replacement of property damaged as a result of creation of fortifications or enforcement of a fortification removal order as a debt from any person who caused the fortifications to be created.

#### **74BL—Delegation**

The Commissioner may delegate any of the Commissioner's functions or powers under this Part to any police officer holding a rank not lower than that of inspector, subject to any limitations or conditions that the Commissioner thinks it proper to impose.

#### **74BM—Application of Part**

- (1) If the provisions of this Part are inconsistent with any other Act or law, the provisions of this Part prevail.
- (2) No application for approval is required under the *Development Act 1993* for work required by a fortification removal order.



## Part 17—Recording of interviews

### 74C—Interpretation

In this Part—

*interview* includes—

- (a) a conversation; or
- (b) part of a conversation; or
- (c) a series of conversations;

*investigating officer* means—

- (a) a police officer; or
- (b) a person authorised under an Act to investigate offences and arrest suspected offenders.

### 74D—Obligation to record interviews with suspects

- (1) An investigating officer who suspects, or has reasonable grounds to suspect, a person (*the suspect*) of having committed an indictable offence and who proposes to interview the suspect must ensure the following requirements are complied with:
  - (a) if it is reasonably practicable to record the interview on videotape, a videotape recording of the interview must be made;
  - (b) if it is not reasonably practicable to record the interview on videotape but it is reasonably practicable to record the interview on audiotape, an audiotape recording of the interview must be made;
  - (c) if it is neither reasonably practicable to record the interview on videotape nor reasonably practicable to record the interview on audiotape—
    - (i) a written record of the interview must be made at the time of the interview or as soon as practicable after the interview; and
    - (ii) as soon as practicable after the interview, the record must be read aloud to the suspect and the reading must be recorded on videotape; and
    - (iii) when the videotape recording begins (but before the reading begins) the suspect must be invited to interrupt the reading at any time to point out errors or omissions in the record; and
    - (iv) if the suspect in fact interrupts the reading to point out an error or omission, the suspect must then be allowed a reasonable opportunity to do so; and
    - (v) at the end of the reading, but while the videotape recording continues, the suspect must again be invited to point out errors or omissions in the record and allowed a reasonable opportunity to do so; and

- (vi) if the investigating officer agrees that there is an error or omission in the record, the officer must amend the record to correct the error or omission and if the officer does not agree that there is an error or omission in the record, the officer must nevertheless make a note of the error or omission asserted by the suspect in an addendum to the record of interview.
- (2) If the suspicion, or a reasonable ground for suspicion, arises during the course of an interview, the investigating officer's obligations under subsection (1) arise at that point and apply to the interview from that point.
  - (3) In deciding whether it is reasonably practicable to make a videotape or audiotape recording of an interview, the following matters must be considered:
    - (a) the availability of recording equipment within the period for which it would be lawful to detain the person being interviewed;
    - (b) mechanical failure of recording equipment;
    - (c) a refusal of the interviewee to allow the interview to be recorded on videotape or audiotape;
    - (d) any other relevant matter.
  - (4) As soon as practicable after a videotape or an audiotape recording is made under this Part, the investigating officer must give the suspect a written statement of the suspect's right—
    - (a) if a videotape recording was made—
      - (i) to have the videotape played over to the suspect or the suspect's legal adviser (or both); and
      - (ii) to obtain an audiotape recording of the sound track of the videotape; or
    - (b) if an audiotape recording (but no videotape recording) of the interview was made—to obtain a copy of the audiotape.
  - (5) Arrangements must be made, at the request of a suspect, for the playing of a videotape at a reasonable time and place to be nominated by an appropriate investigating officer.
  - (6) A suspect must be provided, on request and on payment of the fee fixed by regulation, with—
    - (a) an audiotape of the soundtrack of a videotape recording of an interview with the suspect under this Part; or
    - (b) a copy of an audiotape recording of an interview with the suspect under this Part.

#### **74E—Admissibility of evidence of interview**

- (1) In proceedings for an indictable offence, evidence of an interview between an investigating officer and the defendant is inadmissible against the defendant unless—
  - (a) the investigating officer complied with this Part; or
  - (b) the court is satisfied that the interests of justice require the admission of the evidence despite the investigating officer's non-compliance.

- (2) If, in the course of a trial by jury, the court admits evidence of an interview under subsection (1)(b), the court must—
- (a) draw the jury's attention to the non-compliance by the investigating officer; and
  - (b) give an appropriate warning in view of the non-compliance,
- unless the court is of the opinion that the non-compliance was trivial.

#### **74F—Prohibition on playing tape recordings of interviews**

A person must not play to another person a videotape or audiotape containing an interview or part of an interview recorded under this Part except where the videotape or audiotape is played—

- (a) for purposes related to the investigation of an offence; or
- (b) for the purposes of, or purposes related to, legal proceedings, or proposed legal proceedings, to which the interview is relevant; or
- (c) with the permission of a court before which the videotape or audiotape has been tendered in evidence<sup>1</sup>.

**Note—**

- 1 For example, the court might permit the use of a videotape or audiotape for the purpose of instructing investigating officers in relation to duties under this Division.

#### **74G—Non-derogation**

This Part does not—

- (a) make evidence admissible that would otherwise be inadmissible; or
- (b) affect the court's discretion to exclude evidence.



## **Part 18—Arrest**

### **75—Power of arrest**

A police officer, without any warrant other than this Act, at any hour of the day or night, may apprehend any person whom the officer finds committing, or has reasonable cause to suspect of having committed, or being about to commit, an offence.

### **76—Arrest by owner of property or by servant or agent of owner**

- (1) If the owner of any property, or the servant or agent of the owner of any property, finds a person committing an offence on, or with respect to, that property, the owner, or the servant or agent, may apprehend the offender and deliver the offender forthwith into the custody of a police officer to be dealt with according to law.
- (2) In this section—

*owner*, in relation to property consisting of land, a building or other premises, includes an occupier of, and a person resident on or in, the land, building or premises.

### **77—Arrest of persons pawning or selling stolen goods**

- (1) If a person to whom any property is offered (for sale, as a pawn or in some other kind of commercial transaction) has reasonable cause to suspect that the person offering the property has stolen it, or obtained it by unlawful means, the person may—
  - (a) apprehend and detain that other person until he or she can be delivered into the custody of a police officer; and
  - (b) seize and detain the property until it can be delivered into the custody of a police officer.
- (2) A person who exercises a power of apprehension or seizure under this section must take the necessary action to have the person or property delivered into the custody of a police officer as soon as practicable.

### **78—Person apprehended without warrant, how dealt with**

- (1) Subject to this section, a person who is apprehended without warrant must be forthwith delivered into the custody of the police officer in charge of the nearest police station.
- (2) Where a person is apprehended, without warrant, on suspicion of having committed a serious offence, a police officer may, for the purpose of investigating the suspected offence—
  - (a) detain that person, prior to delivering him or her into custody at the nearest police station, for so long as may be necessary to complete the investigation of the suspected offence, or for the prescribed period, whichever is the lesser; and
  - (b) take that person, or cause him or her to be taken, during the course of detention under this subsection, to places connected with the suspected offence.

- (3) Where a person has been delivered into custody at a police station in pursuance of this section, the person may, on the authorisation of a magistrate, be temporarily removed from that custody to the custody of a police officer for a purpose related to the investigation of an offence.
- (4) An application to a magistrate for an authorisation under this section may be made by telephone and, where an application is so made, a written record must be made in the prescribed form stating—
- (a) the grounds on which the application was made; and
  - (b) whether the application was granted and, if so, the terms and conditions on which it was granted,

and the record must be confirmed by the signature of the magistrate to whom the application was made.

- (5) Where it is decided not to charge a person who is apprehended on suspicion of having committed an offence, the police officer who is in charge of the investigation of the suspected offence must ensure that the person is, if the person so requires—
- (a) returned to the place of apprehension; or
  - (b) delivered to another place that may be reasonably nominated by the person.

- (6) In this section—

***the nearest police station***, in relation to a person apprehended without warrant, means—

- (a) the police station nearest the place of apprehension at which facilities are continuously available for the care and custody of the person apprehended; or
- (b) in the case of a person apprehended within a radius of 30 kilometres from the General Post Office at Adelaide—
  - (i) the police station at Adelaide known as the City Watch House; or
  - (ii) any other police station within that radius at which facilities are continuously available for the care and custody of the person apprehended;

***the prescribed period***, in relation to the detention of a person apprehended without warrant, means a period (calculated from the time of apprehension) of four hours or such longer period (not exceeding eight hours) as may be authorised by a magistrate, but in determining whether the prescribed period has elapsed since apprehension—

- (a) any delays occasioned by arranging for a solicitor or other person to be present during the investigation will not be taken into account; and
- (b) the time that would have been reasonably required to convey the person apprehended from the place of apprehension to the nearest police station, assuming that the person had been taken forthwith to that police station, will be subtracted from the time that has actually elapsed from the time of apprehension;

***serious offence*** means an indictable offence or an offence punishable by imprisonment for two years or more.

### **78A—Power of arrest in cases of certain offences committed outside the State**

- (1) This section applies to an offence—
  - (a) that is an offence against the law of a State (other than this State) or a Territory of the Commonwealth; and
  - (b) that consists of an act or omission which, if it occurred in this State, would constitute—
    - (i) an indictable offence; or
    - (ii) an offence punishable by imprisonment for two years or more.
- (2) Any police officer may, without any warrant other than this Act, at any hour of the day or night, apprehend a person whom the officer has reasonable cause to suspect of having committed an offence to which this section applies.
- (3) Subject to section 78, a person apprehended pursuant to this section must be brought as soon as practicable before the Magistrates Court and the Court—
  - (a) may discharge the person; or
  - (b) may—
    - (i) admit the person to bail on such conditions and guarantees as the Court thinks fit; or
    - (ii) commit the person to custody,  
pending the issue of a warrant for the person's apprehension under the law of the State or Territory in which he or she is alleged to have committed the offence, and the execution of that warrant.
- (4) Where a person has been detained or admitted to bail pursuant to subsection (3) and a warrant for the person's apprehension is not issued and executed within a reasonable time (not exceeding seven days), that person must be discharged from custody or released from bail (as the case may require) by the Court.
- (5) The provisions of the *Summary Procedure Act 1921* apply, with any necessary modifications, in relation to proceedings under this section.

### **79—Arrest without warrant where warrant has been issued**

- (1) A police officer may, without a warrant, take into custody a person whom the officer has reasonable cause for believing or suspecting to be a person for whose apprehension or commitment a warrant has been issued by a justice.
- (2) If a police officer, without a warrant, takes into custody a person whom the officer has reasonable cause for believing or suspecting to be a person for whose committal a warrant has been issued by a justice, the officer must forthwith deliver that person into the custody of the police officer in charge of the nearest police station and must, as soon as conveniently may be, produce or cause to be produced to the person taken into custody the warrant of commitment (if any), and the person must then be dealt with as required by the warrant.

## 79A—Rights upon arrest

- (1) Subject to this section, where a person is apprehended by a police officer (whether with or without a warrant)—
- (a) the person is entitled to make, in the presence of a police officer, one telephone call to a nominated relative or friend to inform the relative or friend of his or her whereabouts; and
  - (b) where the person is apprehended on suspicion of having committed an offence—
    - (i) the person is entitled to have a solicitor, relative or friend (in the case of a minor the relative or friend must be an adult) present during any interrogation or investigation to which the person is subjected while in custody; and
    - (ii) if English is not the person's native language—the person is entitled, if he or she so requires, to be assisted at an interrogation by an interpreter; and
    - (iii) the person is, while in custody, entitled to refrain from answering any question (unless required to answer the question under this or any other Act or law).
- (1a) Where a minor has been apprehended on suspicion of having committed an offence and—
- (a) the minor does not nominate a solicitor, relative or friend to be present during an interrogation or investigation relating to the suspected offence; or
  - (b) the solicitor, relative or friend nominated by the minor is unavailable or unwilling to attend the interrogation or investigation,
- then, subject to subsection (1b), the minor must not be subjected to an interrogation or investigation until the police officer in charge of the investigation of the suspected offence has secured the presence of—
- (c) a person nominated by the Chief Executive Officer within the meaning of the *Family and Community Services Act 1972* to represent the interests of children subject to criminal investigation; or
  - (d) where no such person is available, some other person (not being a minor, a police officer or an employee of the Police Department) who, in the opinion of the police officer, is a suitable person to represent the interests of the minor.
- (1b) An interrogation or investigation may proceed despite subsection (1a) if—
- (a) the suspected offence is not an offence punishable by imprisonment for two years or more; and
  - (b) it is not reasonably practicable to secure the presence of a suitable representative of the child's interests as contemplated by that subsection.

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- (2) The police officer who is in charge of the investigation of a suspected offence in relation to which a person has been apprehended may decline to permit—
- (a) the person in custody to make a telephone call to a particular person (being a relative or friend); or
  - (b) a particular person (being a relative or friend of the person who has been taken into custody) to be present at an interrogation or investigation,
- if the officer has reasonable cause to suspect that communication between the person in custody and that particular person would result in an accomplice taking steps to avoid apprehension or would prompt the destruction or fabrication of evidence.
- (3) A police officer must, as soon as is reasonably practicable after the apprehension of a person—
- (a) inform that person of his or her rights under subsection (1); and
  - (b) warn the person that anything that he or she may say may be taken down and used in evidence.

#### **79B—Removal and storage of vehicle in case of arrest of driver**

- (1) Subject to subsection (2), where a police officer arrests the driver of a motor vehicle, the officer may remove, or arrange for the removal of, the motor vehicle to a place at which it may be safely and conveniently stored.
- (2) A police officer may not remove, or arrange for the removal of, a motor vehicle under subsection (1) if—
  - (a) the driver referred to in subsection (1) is being accompanied by another person who is lawfully entitled to drive the vehicle; and
  - (b) the driver authorises that other person to remove the vehicle; and
  - (c) the vehicle is removed within a reasonable period.
- (3) No liability attaches to a police officer in relation to any damage to a motor vehicle caused while the motor vehicle is being removed or stored under this section.
- (4) A liability that would, but for subsection (3), lie against a police officer lies against the Crown.
- (5) A police officer who removes, or arranges for the removal of, a motor vehicle under this section must notify the driver in writing of the place to which the vehicle has been removed.
- (6) A vehicle removed and stored under this section must be returned to a person entitled to possession of the vehicle upon payment of the reasonable costs of removal and storage calculated in accordance with a scale in force under subsection (7).
- (7) The Commissioner may prepare and from time to time revise a scale of costs for the purposes of subsection (6).
- (8) If no application for the return of the vehicle is made within 2 months after it was taken into storage, it may be dealt with as unclaimed property under the *Police Act 1998*.

## **80—Power of entry and search in relation to fires and other emergencies**

A police officer may, at any time of the day or night, with or without assistance—

- (a) enter and inspect land, premises or an object for the purpose of determining the cause of a fire or other emergency; or
- (b) remove an object or material that may tend to prove the cause of a fire or other emergency; or
- (c) retain possession of an object or material for the purpose of an investigation or inquiry into the cause of the fire or other emergency.

## **81—Power to search, examine and take particulars of persons**

- (1) A person who is taken into lawful custody may be searched in accordance with this section and anything found as a result of the search may be removed.
- (2) The following provisions apply to a search under this section:
  - (a) the search may only be carried out by a police officer or a medical practitioner or registered nurse acting at the request of a police officer, but an intrusive search may only be carried out by such a medical practitioner or registered nurse;
  - (b) the person carrying out the search may use such force as is reasonably necessary for the purpose and may be assisted by a police officer or other person;
  - (c) where a medical practitioner or registered nurse is to carry out an intrusive search, the detainee must be allowed a reasonable opportunity to arrange for the attendance, at the detainee's expense, of a medical practitioner or registered nurse of his or her choice to witness the search.
- (3) The following further provisions apply to an intimate search:
  - (a) if an intimate search is to be carried out on a detainee who is a minor, the search must not be carried out unless a solicitor or adult relative or friend, nominated by the minor, is present (but this paragraph need not be complied with if, in the opinion of a police officer, it is not reasonably practicable to do so in view of the urgency of the search);
  - (b) if an intimate search is to be carried out on a detainee whose native language is not English and who is not reasonably fluent in English, the detainee must be informed that he or she may request the assistance of an interpreter;
  - (c) if a detainee requests the assistance of an interpreter under paragraph (b), the search must not be carried out unless an interpreter is present (but paragraph (b) and this paragraph need not be complied with if, in the opinion of a police officer, it is not reasonably practicable to do so in view of the urgency of the search);
  - (d) except where it is not reasonably practicable to do so, an intimate search must be carried out by a person of the same sex as the detainee (unless the detainee requests otherwise);
  - (e) except where it is not reasonably practicable to do so, an intimate search must be recorded on videotape (but that part of an intimate search that consists of an intimate intrusive search will not be recorded if the detainee objects);

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- (f) if, apart from the question of whether or not the detainee objects to the recording, it is otherwise reasonably practicable to record an intimate search on videotape, the police officer supervising the search must, before the search is carried out—
- (i) give the detainee a written statement in a form approved by the Minister outlining—
    - (A) the value of recording the search on videotape; and
    - (B) that the detainee may object to the search being so recorded; and
    - (C) where relevant, that if the detainee objects to an intimate intrusive search being recorded, the intimate intrusive search will not be recorded; and
  - (ii) read the statement to the detainee (with the assistance of an interpreter if one is to be present during the search);
- (g) if an intimate search, or that part of an intimate search that consists of an intimate intrusive search, is not to be recorded on videotape, the police officer must ensure—
- (i) that a written record of the search is made at the time of or as soon as practicable after the search, documenting all items found on the detainee and everything said and done by all persons present; and
  - (ii) that, as soon as practicable after the search, the record is read aloud to the detainee and the reading is recorded on videotape; and
  - (iii) that, when the videotape recording begins (but before the reading begins) the detainee is invited to interrupt the reading at any time to point out errors or omissions in the record; and
  - (iv) that, if the detainee in fact interrupts the reading to point out an error or omission, the detainee is then allowed a reasonable opportunity to do so; and
  - (v) that, at the end of the reading, but while the videotape recording continues, the detainee is again invited to point out errors or omissions in the record and allowed a reasonable opportunity to do so; and
  - (vi) that, if the police officer agrees that there is an error or omission in the record, the officer amends the record to correct the error or omission and if the officer does not agree that there is an error or omission in the record, the officer nevertheless makes a note of the error or omission asserted by the detainee in an addendum to the record.
- (3a) In deciding whether it is reasonably practicable to make a videotape recording under this section, the following matters must be considered:
- (a) the availability of recording equipment within the period for which it would be lawful to detain the detainee;
  - (b) mechanical failure of recording equipment;

- (c) any objections made to the recording by the detainee;
  - (d) any other relevant matter.
- (3b) If a videotape recording is made under this section, the police officer must, as soon as is reasonably practicable, give the detainee a written statement of his or her right—
- (a) to have the videotape played over to the detainee or his or her legal adviser (or both); and
  - (b) to obtain a copy of the videotape recording.
- (3c) Arrangements must be made, at the request of a detainee, for the playing of a videotape at a reasonable time and place to be nominated by the police officer.
- (3d) A detainee must be provided, on request and on payment of the fee fixed by regulation, with a copy of a videotape recording made under this section.
- (3e) A person (other than the detainee) must not play, or cause to be played, a videotape recording made under this section except—
- (a) for purposes related to the investigation of an offence or alleged misconduct to which the person reasonably believes the recording may be relevant; or
  - (b) for the purposes of, or purposes related to, legal proceedings, or proposed legal proceedings, to which the recording is relevant.

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

- (3f) A videotape recording made under this section or a written record of an intimate search must be destroyed—
- (a) if the Commissioner of Police is satisfied that it is not likely to be required for any of the purposes referred to in subsection (3e); or
  - (b) if a court or tribunal so orders.
- (3g) The Governor may, by regulation, provide for the storage, control, movement or destruction of videotape recordings and written records made of intimate searches under this section.
- (4) Where a person is in lawful custody on a charge of committing an offence, a police officer may, if the officer believes on reasonable grounds that it is necessary to do so for the purpose of identifying that person or identifying that person as the person who committed an offence—
- (a) take, or cause to be taken, photographs of that person and prints of the hands, fingers, feet or toes of that person, and may use, or cause to be used, such reasonable force as is necessary for that purpose;
  - (c) make a recording of the voice of that person;
  - (d) request that person to supply a sample of his or her handwriting.
- (4a) A police officer may not exercise a power under subsection (4) for the purpose of identifying a person in lawful custody as the person who committed an offence unless—
- (a) the person has been charged with the offence; or
  - (b) the police officer is acting upon the authorisation of a magistrate given under this section.

- (4b) For the purposes of subsection (4a), a police officer may obtain the authorisation of a magistrate upon application made in person or, if it is impracticable to do so in person, upon application made by telephone.
- (4c) A magistrate to whom application is made under subsection (4b) may give the authorisation if the magistrate thinks it proper to do so in all the circumstances of the case.
- (4d) Where application is made under subsection (4b) in person, the magistrate must give an authorisation in writing and where application is made under that subsection by telephone, the magistrate must, as soon as is practicable after giving the authorisation, cause a written memorandum of the authorisation to be forwarded to the police officer who made the application.
- (4e) A person who refuses or fails to comply with the reasonable directions of a person who seeks to obtain a sample of his or her voice or handwriting under subsection (4) is guilty of an offence.

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

- (4f) Where photographs, prints or recordings are taken in respect of a person under subsection (4), or a person supplies a sample of his or her handwriting under that subsection, and the charge is subsequently withdrawn or dismissed, then all such photographs, prints, recordings and samples of handwriting must be destroyed.
- (4g) A procedure under this section—
- (a) must be carried out humanely and with care—
    - (i) to avoid, as far as reasonably practicable, offending genuinely held cultural values or religious beliefs; and
    - (ii) to avoid inflicting unnecessary physical harm, humiliation or embarrassment; and
  - (b) must not be carried out in the presence or view of more persons than are necessary for properly carrying out the procedure and satisfying any relevant statutory requirements.
- (5) The powers given by this section are in addition to, and do not derogate from, any other powers of police officers.
- (5a) No civil or criminal liability is incurred by a person who carries out, or assists in carrying out, a procedure under this section for an act or omission if—
- (a) the person genuinely believes that the procedure is authorised under this section; and
  - (b) the act or omission is reasonable in the circumstances.
- (6) In this section—

***intimate intrusive search*** means an intrusive search of the rectum or vagina;

***intimate search*** means a search of the body that involves exposure of, or contact with the skin of, the genital or anal area, the buttocks or, in the case of a female, the breasts, and includes an intimate intrusive search;

***intrusive search*** means an internal search involving the introduction of anything into a bodily orifice;

*medical practitioner* means a medical practitioner as defined in the *Medical Practitioners Act 1983*;

*registered nurse* means a nurse registered under the *Nurses Act 1999*.

## **82—General powers, privileges, duties etc of police**

A police officer has, in addition to the powers, privileges, duties and responsibilities conferred or imposed by this or any other Act, all such powers, privileges, duties and responsibilities as a constable has by the common law.

## Part 19—Right to an interpreter

### 83A—Right to an interpreter

- (1) Where—
  - (a) a person whose native language is not English is suspected of having committed an offence; and
  - (b) the person is not reasonably fluent in English,the person is entitled to be assisted by an interpreter during any questioning conducted by an investigating officer in the course of an investigation of the suspected offence.
- (2) Where it appears that a person may be entitled to be assisted by an interpreter under subsection (1), an investigating officer must not proceed with any questioning, or further questioning, until the person has been informed of the right to an interpreter that exists under subsection (1).
- (3) If a person who is entitled to be assisted by an interpreter under subsection (1) requests the assistance of an interpreter, an investigating officer must not proceed with any questioning, or further questioning, until an interpreter is present.
- (4) In this section—

*investigating officer* means—

  - (a) a police officer;
  - (b) a person authorised by or under an Act to investigate the suspected offence.



## Part 20—Miscellaneous

### 83B—Dangerous areas

- (1) Where a senior police officer believes on reasonable grounds that it would be unsafe for members of the public to enter a particular area, locality or place because of conditions temporarily prevailing there, the officer may declare the area, locality or place to be dangerous.
- (2) A declaration under this section—
  - (a) comes into force when it is made but should be broadcast as soon as practicable after that time by public radio or published in any other manner the senior police officer thinks appropriate in the circumstances of the case; and
  - (b) remains in force for a period (not exceeding 2 days) stated in the declaration.
- (3) Where a declaration is in force under this section, a police officer may—
  - (a) warn any person apparently proceeding towards, or in the vicinity of, the dangerous area, locality or place against entering it; and
  - (b) require or signal the driver of a motor vehicle to stop so that such a warning may be given to the occupants of the vehicle.
- (4) A warning under this section lapses—
  - (a) when the relevant declaration expires; or
  - (b) at some earlier time specified by a senior police officer.
- (5) A person who—
  - (a) enters a dangerous area, locality or place contrary to a warning under this section; or
  - (b) fails, without reasonable excuse, to stop a vehicle when required or signalled to do so under this section,is guilty of an offence.  
Maximum penalty: \$2 500 or imprisonment for 6 months.
- (6) Subsection (5)(a) does not apply to—
  - (a) a person if it is reasonably necessary for the person to enter the area, locality or place in order to protect life or property; or
  - (b) a representative of the news media, unless the police officer who gave the warning believes on reasonable grounds that the entry of the representative into the area, locality or place would give rise to a risk of death or injury to any person other than the representative and advises the representative accordingly.
- (7) If—
  - (a) a person enters a dangerous area, locality or place contrary to a warning under this section; and
  - (b) the person is found guilty of an offence against subsection (5)(a),

the person is liable to compensate the Crown for the costs of operations reasonably carried out for the purpose of finding or rescuing that person.

- (8) In civil or criminal proceedings under this section, a certificate apparently signed by a senior police officer stating—
- (a) that a declaration was made under this section in relation to a particular area, locality or place; and
  - (b) that the declaration was in force for a specified period; and
  - (c) the grounds on which the declaration was made,
- will be accepted, in the absence of proof to the contrary, as proof of the matters stated in the certificate.
- (9) The Commissioner must, as soon as practicable after each successive period of three months following the commencement of this section, submit a report to the Minister in relation to that period stating—
- (a) the number of declarations made under this section during that period;
  - (b) in relation to each declaration made during that period—
    - (i) the area, locality or place in relation to which the declaration was made;
    - (ii) the period for which the declaration was in force;
    - (iii) the grounds on which the declaration was made;
  - (c) any other matters the Commissioner considers relevant.
- (10) The Minister must cause copies of a report under subsection (9) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.
- (11) This section does not apply if—
- (a) a declaration is in force under the *Emergency Management Act 2004*;
  - (b) an emergency order is in force under the *State Emergency Service Act 1987*.

### **83BA—Overcrowding at public venues**

- (1) A police officer may enter and inspect a public venue to determine whether there is overcrowding such that there is serious risk of injury or damage.
- (2) Where a senior police officer forms the opinion that there is serious risk of injury or damage due to overcrowding at a public venue, the officer may do one or more of the following:
- (a) order persons to leave the place immediately;
  - (b) order the occupier of the place immediately to remove persons from the place;
  - (c) order the occupier of the place to take other specified action to rectify the situation immediately or within a specified period;
  - (d) if an order under paragraph (a), (b) or (c) is not obeyed, take action to carry out the order;

- (e) if satisfied that the safety of persons cannot reasonably be ensured by other means, order the occupier of the place to close the place immediately and for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger;
  - (f) if a closure order under paragraph (e) cannot for any reason be given to the occupier, or if a closure order, having been given to the occupier, is not immediately obeyed, take action to close the place for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger.
- (3) An order under this section may be given orally or by notice in writing served on the occupier of the place.
  - (4) If a closure order under this section is given orally, the officer must as soon as practicable cause a written notice containing the order to be served on the occupier of the place.
  - (5) If a person given an order under this section refuses or fails to obey the order, the person is guilty of an offence.  
Maximum penalty: \$2 500 or imprisonment for 6 months.
  - (6) When a senior police officer is satisfied that the danger has been alleviated, he or she may rescind an order under this section.
  - (7) A senior police officer may authorise another police officer to exercise all or any of the powers conferred by subsection (2) if satisfied (whether on the basis of his or her own observations or the report of another police officer) that urgent action is required.
  - (8) A police officer may use such force to enter a place, or to take other action under this section, as is reasonably necessary for the purpose.
  - (9) The Commissioner must include in the Commissioner's annual report to the Minister to whom the administration of the *Police Act 1998* is for the time being committed a record of the authorisations issued under subsection (7) during the period to which the report relates.

### **83C—Special powers of entry**

- (1) Where a senior police officer suspects on reasonable grounds—
  - (a) that an occupant of premises has died and his or her body is in the premises;  
or
  - (b) that an occupant of premises is in need of medical or other assistance,the officer may authorise a police officer to enter the premises for the purpose of investigating the matter and taking such action as the circumstances of the case may require.
- (2) An authorisation under subsection (1) must be in writing unless the authorising officer has reason to believe that in the circumstances urgent action is required, in which case, the authorisation may be given orally.

- (3) Where a person has died and the Commissioner considers it necessary or desirable to do so, the Commissioner may issue to a police officer a warrant in the prescribed form authorising the officer to enter the premises in which the person last resided before death and—
- (a) search the premises for material that might identify or assist in identifying the deceased or relatives of the deceased;
  - (b) take property of the deceased into safe custody.
- (4) A police officer may, if necessary, exercise reasonable force for the purpose of obtaining entry to premises, or carrying out a search, under this section.
- (5) The Commissioner is responsible for ensuring that a proper record is kept of property taken from premises under this section and must, if satisfied that a person has a proper interest in the matter, allow that person to inspect the record.
- (6) The Commissioner must, as soon as practicable (but not later than three months) after each 30 June, submit a report to the Minister in relation to the year ended on that 30 June stating—
- (a) the number of authorisations and warrants granted under this section during that year;
  - (b) the nature of the grounds on which the authorisations and warrants were granted;
  - (c) the type of property taken from premises pursuant to warrant under this section;
  - (d) any other matters the Commissioner considers relevant.
- (7) The Minister must cause copies of a report under subsection (6) to be laid before both Houses of Parliament within seven sitting days after receipt of the report if Parliament is in session, or if Parliament is not then in session, within seven sitting days after the commencement of the next session of Parliament.

## 85—Regulations

- (1) The Governor may make regulations for the purposes of this Act.
- (2) Without limiting subsection (1), the regulations may—
- (a) declare any specified articles or things, or articles or things of a specified class, to be dangerous articles or prohibited weapons for the purposes of section 15;
  - (b) declare a person or a class of persons to be an exempt person or class for the purposes of section 15(1e) in the circumstances specified in the regulation;
  - (c) impose fees in relation to the administration of this Act;
  - (d) impose a penalty (not exceeding a fine of \$2 500) for contravention of, or non-compliance with, a regulation.

## Schedule

South [Royal Arms] Australia

*Summary Offences Act 1953*

### **General search warrant**

To

You are hereby authorised at any time in the day or night, with such assistants as you think necessary, to enter into and search any house, building, premises or place where you have reasonable cause to suspect that—

- (a) an offence has been recently committed, or is about to be committed; or
- (b) there are any goods obtained by an offence; or
- (c) there is anything which may afford evidence as to the commission of an offence;  
or
- (d) there is anything which may be intended to be used for the purpose of committing an offence,

and to break open the house, building, premises or place and to break open and search any cupboards, drawers, chests, trunks, boxes, packages or other things, whether fixtures or not, in which you have reasonable cause to suspect that—

- (e) there are any goods obtained by an offence; or
- (f) there is anything which may afford evidence as to the commission of an offence;  
or
- (g) there is anything which may be intended to be used for the purpose of committing an offence,

and to seize any such goods or things, to be dealt with according to law.

This warrant remains in force for a period of ..... months<sup>1</sup> from the below date.

Dated: ..... (day) ..... (month) ..... (year).

Commissioner of Police

<sup>1</sup> A general search warrant remains in force for 6 months from the date of the warrant or such lesser period as is specified in the warrant—see section 67(3).



## Legislative history

### Formerly

*Police Offences Act 1953*

### Notes

- This version is comprised of the following:

Part 1	10.1.2005
Part 2	1.2.2004 (Reprint No 24)
Part 3	1.7.2004
Part 4	1.2.2004 (Reprint No 24)
Part 5	1.2.2004 (Reprint No 24)
Part 6	1.2.2004 (Reprint No 24)
Part 7	30.1.2005
Part 8	1.2.2004 (Reprint No 24)
Part 9	30.5.2004
Part 10	7.2.2005
Part 11	1.2.2004 (Reprint No 24)
Part 12	1.2.2004 (Reprint No 24)
Part 13	1.2.2004 (Reprint No 24)
Part 14	1.2.2004 (Reprint No 24)
Part 14A	2.5.2005
Part 15	10.1.2005
Part 16	1.2.2004 (Reprint No 24)
Part 17	1.2.2004 (Reprint No 24)
Part 18	1.2.2004 (Reprint No 24)
Part 19	1.2.2004 (Reprint No 24)
Part 20	25.11.2004
Schedule	1.2.2004 (Reprint No 24)
- Amendments of this version that are uncommenced are not incorporated into the text.
- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of this Act (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

## Legislation amended by principal Act

The *Summary Offences Act 1953* amended the following:

*Police Act 1936*

## Principal Act and amendments

New entries appear in bold.

Year	No	Title	Assent	Commencement
1953	55	<i>Police Offences Act 1953</i>	17.12.1953	1.3.1954 ( <i>Gazette 28.1.1954 p155</i> )
1956	51	<i>Police Offences Act Amendment Act 1956</i>	29.11.1956	29.11.1956
1957	39	<i>Police Offences Act Amendment Act 1957</i>	14.11.1957	14.11.1957
1958	22	<i>Police Offences Act Amendment Act 1958</i>	30.10.1958	30.10.1958
1960	1	<i>Police Offences Act Amendment Act 1960</i>	12.5.1960	12.5.1960
1960	61	<i>Police Offences Act Amendment Act (No. 2) 1960</i>	24.11.1960	24.11.1960
1960	62	<i>Police Offences Act Amendment Act (No. 3) 1960</i>	24.11.1960	24.11.1960
1961	44	<i>Police Offences Act Amendment Act 1961</i>	16.11.1961	16.11.1961
1961	45	<i>Police Offences Act Amendment Act (No. 2) 1961</i>	16.11.1961	16.11.1961
1965	39	<i>Statute Law Revision Act 1965</i>	9.12.1965	9.12.1965
1967	58	<i>Police Offences Act Amendment Act 1967</i>	9.11.1967	9.11.1967
1972	27	<i>Police Offences Act Amendment Act 1972</i>	6.4.1972	13.4.1972 ( <i>Gazette 13.4.1972 p1431</i> )
1972	70	<i>Police Offences Act Amendment Act (No. 2) 1972</i>	7.9.1972	19.10.1972 ( <i>Gazette 19.10.1972 p1928</i> )
1972	145	<i>Police Offences Act Amendment Act (No. 3) 1972</i>	7.12.1972	15.2.1973 ( <i>Gazette 15.2.1973 p495</i> )
1973	45	<i>Police Offences Act Amendment Act 1973</i>	8.11.1973	8.11.1973
1973	73	<i>Police Offences Act Amendment Act (No. 2) 1973</i>	6.12.1973	6.12.1973
1973	77	<i>Statute Law Revision Act 1973</i>	6.12.1973	6.12.1973
1974	23	<i>Classification of Publications Act 1974</i>	11.4.1974	18.7.1974 ( <i>Gazette 11.7.1974 p99</i> )
1974	42	<i>Statute Law Revision Act 1974</i>	11.4.1974	11.4.1974
1974	47	<i>Police Offences Act Amendment Act 1974</i>	8.8.1974	8.8.1974
1975	66	<i>Criminal Law (Sexual Offences) Amendment Act 1975</i>	2.10.1975	2.10.1975

1975	80	<i>Police Offences Act Amendment Act 1975</i>	23.10.1975	23.10.1975
1976	46	<i>Police Offences Act Amendment Act 1976</i>	28.10.1976	28.10.1976
1976	71	<i>Police Offences Act Amendment Act (No. 2) 1976</i>	2.12.1976	2.12.1976
1976	106	<i>Police Offences Act Amendment Act (No. 3) 1976</i>	16.12.1976	3.9.1984 ( <i>Gazette 30.8.1984 p694</i> )
1978	38	<i>Police Offences Act Amendment Act 1978</i>	6.4.1978	6.4.1978
1978	94	<i>Police Offences Act Amendment Act (No. 2) 1978</i>	7.12.1978	7.12.1978
1978	102	<i>Police Offences Act Amendment Act (No. 3) 1978</i>	7.12.1978	7.12.1978
1979	38	<i>Police Offences Act Amendment Act 1979</i>	15.3.1979	1.7.1979 ( <i>Gazette 24.5.1979 p1498</i> )
1980	52	<i>Police Offences Act Amendment Act 1980</i>	3.7.1980	3.7.1980
1981	39	<i>Police Offences Act Amendment Act 1981</i>	19.3.1981	1.1.1982 ( <i>Gazette 26.11.1981 p2134</i> )
1983	69	<i>Police Offences Act Amendment Act 1983</i>	13.10.1983	14.11.1983 ( <i>Gazette 10.11.1983 p1354</i> )
1983	114	<i>Statutes Amendment (Criminal Law Consolidation and Police Offences) Act 1983</i>	22.12.1983	22.12.1983 ( <i>Gazette 22.12.1983 p1718</i> )
1984	50	<i>Statute Law Revision Act 1984</i>	24.5.1984	Sch 4—6.7.1985 ( <i>Gazette 9.5.1985 p1398</i> )
1984	53	<i>Police Offences Act Amendment Act 1984</i>	24.5.1984	24.5.1984
1985	6	<i>Statutes Amendment (Bail) Act 1985</i>	7.3.1985	7.7.1985 ( <i>Gazette 9.5.1985 p1398</i> )
1985	46	<i>Police Offences Act Amendment Act 1985</i>	2.5.1985	10.5.1985 except ss 4, 9, 21, 26, 28—36, Sch—8.7.1985 ( <i>Gazette 9.5.1985 p1398</i> )
1986	31	<i>Summary Offences Act Amendment Act 1986</i>	10.4.1986	1.7.1986 ( <i>Gazette 1.5.1986 p1104</i> )
1986	90	<i>Criminal Law Consolidation Act Amendment Act 1986</i>	4.12.1986	1.2.1987 ( <i>Gazette 15.1.1987 p52</i> )
1986	104	<i>Summary Offences Act Amendment Act (No. 2) 1986</i>	18.12.1986	18.12.1986
1986	105	<i>Summary Offences Act Amendment Act (No. 3) 1986</i>	18.12.1986	5.4.1987 ( <i>Gazette 26.2.1987 p434</i> )
1986	106	<i>Summary Offences Act Amendment Act (No. 4) 1986</i>	18.12.1986	30.3.1987 ( <i>Gazette 26.2.1987 p440</i> )
1987	68	<i>Summary Offences Act Amendment Act 1987</i>	29.10.1987	29.10.1987
1987	102	<i>Summary Offences Act Amendment Act (No. 2) 1987</i>	17.12.1987	1.5.1988 ( <i>Gazette 21.4.1988 p1016</i> )
1988	75	<i>Summary Offences Act Amendment Act 1988</i>	1.12.1988	6.3.1989 ( <i>Gazette 2.3.1989 p594</i> )

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## Legislative history

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1988	79	<i>Summary Offences Act Amendment Act (No. 2) 1988</i>	1.12.1988	1.7.1989 ( <i>Gazette 29.6.1989 p1753</i> )
1988	103	<i>Statutes Amendment (Criminal Law Consolidation and Summary Offences) Act 1988</i>	15.12.1988	6.3.1989 ( <i>Gazette 23.2.1989 p539</i> )
1989	50	<i>Summary Offences Act Amendment Act 1989</i>	31.8.1989	5.10.1989 ( <i>Gazette 5.10.1989 p1022</i> )
1990	23	<i>Statute Law Revision Act 1990</i>	26.4.1990	Sch 7—24.9.1990 ( <i>Gazette 6.9.1990 p778</i> )
1990	38	<i>Summary Offences Act Amendment Act 1990</i>	3.5.1990	26.7.1990 ( <i>Gazette 19.7.1990 p344</i> )
1990	55	<i>Summary Offences Act Amendment Act (No. 2) 1990</i>	22.11.1990	7.2.1991 ( <i>Gazette 7.2.1991 p366</i> )
1992	32	<i>Summary Offences (Child Pornography) Amendment Act 1992</i>	21.5.1992	21.5.1992
1992	35	<i>Statutes Amendment and Repeal (Public Offences) Act 1992</i>	21.5.1992	6.7.1992 ( <i>Gazette 2.7.1992 p209</i> )
1992	37	<i>Statutes Amendment (Illegal Use of Motor Vehicles) Act 1992</i>	21.5.1992	6.7.1992 ( <i>Gazette 2.7.1992 p209</i> )
1992	38	<i>Summary Offences (Prevention of Graffiti Vandalism) Amendment Act 1992</i>	21.5.1992	4.6.1992 ( <i>Gazette 28.5.1992 p1512</i> )
1992	53	<i>Summary Offences (Road Blocks) Amendment Act 1992</i>	29.10.1992	29.10.1992
1993	87	<i>Statutes Repeal and Amendment (Places of Public Entertainment) Act 1993</i>	27.10.1993	3.4.1995 ( <i>Gazette 23.2.1995 p422</i> )
1994	59	<i>Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994</i>	27.10.1994	1.1.1995 ( <i>Gazette 8.12.1994 p1942</i> )
1994	73	<i>State Disaster (Major Emergencies and Recovery) Amendment Act 1994</i>	1.12.1994	2.2.1995 ( <i>Gazette 2.2.1995 p200</i> )
1995	27	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1995</i>	27.4.1995	s 21—10.7.1995 ( <i>Gazette 29.6.1995 p2973</i> ); s 20—27.4.1997 (s 7(5) <i>Acts Interpretation Act 1915</i> )
1995	65	<i>Statutes Amendment (Recording of Interviews) Act 1995</i>	10.8.1995	Pts 1 & 2 and Sch (cl 1)—3.3.1996 ( <i>Gazette 21.12.1995 p1760</i> )
1995	73	<i>Summary Offences (Indecent or Offensive Material) Amendment Act 1995</i>	2.11.1995	2.11.1995
1995	106	<i>Summary Offences (Overcrowding at Public Venues) Amendment Act 1995</i>	14.12.1995	21.12.1995 ( <i>Gazette 21.12.1995 p1760</i> )
1996	34	<i>Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996</i>	2.5.1996	Sch (cl 34)—3.2.1997 ( <i>Gazette 19.12.1996 p1923</i> )
1996	101	<i>Second-hand Dealers and Pawnbrokers Act 1996</i>	19.12.1996	1.3.1998 ( <i>Gazette 19.2.1998 p932</i> )
1997	59	<i>Statutes Amendment (Attorney-General's Portfolio) Act 1997</i>	31.7.1997	Pt 9 (s 17)—14.9.1997 ( <i>Gazette 11.9.1997 p704</i> )

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1998	8	<i>Criminal Law (Forensic Procedures) Act 1998</i>	2.4.1998	25.7.1999 ( <i>Gazette 15.7.1999 p234</i> )
1998	78	<i>Summary Offences (Offensive and other Weapons) Amendment Act 1998</i>	17.12.1998	17.12.2000 ( <i>Gazette 23.11.2000 p3235</i> )
1999	42	<i>Statutes Amendment and Repeal (Justice Portfolio) Act 1999</i>	5.8.1999	Pt 11 (s 54)—1.1.2000 ( <i>Gazette 23.9.1999 p1208</i> )
2000	20	<i>Criminal Law Consolidation (Sexual Servitude) Amendment Act 2000</i>	8.6.2000	8.6.2000
2000	36	<i>Boxing and Martial Arts Act 2000</i>	13.7.2000	Sch (cl 1)—11.7.2002 ( <i>Gazette 4.7.2002 p2794</i> )
2000	54	<i>Summary Offences (Searches) Amendment Act 2000</i>	20.7.2000	ss 1—3—22.2.2002 ( <i>Gazette 10.1.2002 p4</i> )
2001	46	<i>Graffiti Control Act 2001</i>	11.10.2001	s 14 & Sch—1.2.2002 ( <i>Gazette 15.1.2002 p184</i> )
2002	26	<i>Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002</i>	31.10.2002	Sch 3 (cl 8)—5.7.2003 ( <i>Gazette 15.5.2003 p1979</i> )
2002	33	<i>Statutes Amendment (Attorney-General's Portfolio) Act 2002</i>	28.11.2002	Pt 10 (s 18)—3.3.2003 ( <i>Gazette 27.2.2003 p807</i> )
2003	33	<i>Coroners Act 2003</i>	31.7.2003	Sch (Pt 13)—1.7.2005 ( <i>Gazette 23.6.2005 p1899</i> )
2003	46	<i>Statutes Amendment (Anti-Fortification) Act 2003</i>	30.10.2003	Pt 3 (s 8) & Sch—1.2.2004 ( <i>Gazette 15.1.2004 p197</i> )
2003	56	<i>Summary Offences (Vehicle Immobilisation Devices) Amendment Act 2003</i>	4.12.2003	10.1.2005 ( <i>Gazette 2.12.2004 p4443</i> )
2004	2	<i>Statutes Amendment (Computer Offences) Act 2004</i>	4.3.2004	Pt 3 (s 5)—30.5.2004 ( <i>Gazette 22.4.2004 p1086</i> )
2004	4	<i>Summary Offences (Consumption of Dogs and Cats) Amendment Act 2004</i>	4.3.2004	3.5.2004 ( <i>Gazette 22.4.2004 p1087</i> )
2004	5	<i>Summary Offences (Offensive Weapons) Amendment Act 2004</i>	1.4.2004	1.7.2004 ( <i>Gazette 3.6.2004 p1717</i> )
2004	30	<i>Emergency Management Act 2004</i>	29.7.2004	Sch 1 (cl 5)—25.11.2004 ( <i>Gazette 25.11.2004 p4406</i> )
2004	52	<i>Criminal Law Consolidation (Child Pornography) Amendment Act 2004</i>	16.12.2004	Pt 4 (s 9)—30.1.2005 ( <i>Gazette 13.1.2005 p67</i> )
<b>2004</b>	<b>56</b>	<b><i>Statutes Amendment (Misuse of Motor Vehicles) Act 2004</i></b>	<b>16.12.2004</b>	<b>Pt 3 (s 6)—7.2.2005; Pt 3 (s 7)—2.5.2005 (<i>Gazette 20.1.2005 p260</i>)</b>
2005	23	<i>Road Traffic (Excessive Speed) Amendment Act 2005</i>	9.6.2005	Sch 1—uncommenced

### Provisions amended since 3 February 1976

- Legislative history prior to 3 February 1976 appears in marginal notes and footnotes included in the consolidation of this Act contained in Volume 8 of *The Public General Acts of South Australia 1837-1975* at page 429.

- Certain textual alterations were made to this Act by the Commissioner of Statute Revision when preparing the reprint of the Act that incorporated all amendments in force as at 8 July 1985. A Schedule of these alterations was laid before Parliament on 1 August 1985.

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

Provision	How varied	Commencement
Long title	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	substituted by 46/2003 Sch 1	1.2.2004
Pt 1		
Pt 1 heading	inserted by 46/2003 Sch 1	1.2.2004
s 1	substituted by 46/1985 s 3	10.5.1985
s 2	<i>deleted by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
s 4		
s 4(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
major offence	inserted by 56/2003 s 4	10.1.2005
minor	inserted by 52/1980 s 2(a)	3.7.1980
<i>place of public entertainment</i>	<i>inserted by 46/1985 s 4(a)</i>	8.7.1985
	<i>substituted by 87/1993 s 13</i>	3.4.1995
	<i>deleted by 106/1995 s 3(a)</i>	21.12.1995
public venue	inserted by 106/1995 s 3(b)	21.12.1995
senior police officer	inserted by 38/1990 s 3	26.7.1990
	amended by 46/2003 Sch 1	1.2.2004
telephone	inserted by 46/1985 s 4(b)	8.7.1985
to tattoo	inserted by 52/1980 s 2(b)	3.7.1980
s 4(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 5	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
Pt 2		
Pt 2 heading	heading preceding s 6 deleted and Pt 2 heading inserted by 46/2003 Sch 1	1.2.2004
s 6		
s 6(1) and (2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 6(3) and (4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 6(5)		
police officer	member of the police force renamed police officer by 46/2003 Sch 1	1.2.2004
s 6(6)	<i>deleted by 46/1985 s 5</i>	10.5.1985

Pt 3		
Pt 3 heading	heading preceding s 7 deleted and Pt 3 heading inserted by 46/2003 Sch 1	1.2.2004
s 7		
s 7(1) and (2)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 7(3)		
public place	substituted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/2003 Sch 1	1.2.2004
s 7A	inserted by 35/1992 s 19	6.7.1992
s 7A(1)	amended by 78/1998 Sch	17.12.2000
s 8		
s 8(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 8(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	substituted by 36/2000 Sch cl 1	11.7.2002
s 8(3)	<i>deleted by 46/1985 s 6</i>	10.5.1985
s 9	<i>amended by 69/1983 s 3</i>	14.11.1983
	<i>deleted by 106/1976 s 3</i>	3.9.1984
s 9A		
s 9A(1)–(3)	<i>deleted by 106/1976 s 4</i>	3.9.1984
s 9A(4)	substituted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 9A(5)	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>deleted by 46/1985 s 7</i>	10.5.1985
s 10	deleted by 46/1985 s 8	10.5.1985
	inserted by 4/2004 s 4	3.5.2004
s 11	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>amended by 46/1985 s 36 (Sch)</i>	8.7.1985
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>amended by 78/1998 Sch</i>	17.12.2000
	<i>deleted by 26/2002 s 19(2) (Sch 3 cl 8(a))</i>	5.7.2003
s 11A	inserted by 46/1985 s 9	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 12		
s 12(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985

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	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 12(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 13	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 15		
s 15(1)	amended by 46/1985 s 10(a)	10.5.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 s 3(a)	17.12.2000
s 15(1a)	deleted by 46/1985 s 10(b)	10.5.1985
	inserted by 103/1988 s 4(a)	6.3.1989
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 s 3(b), (c)	17.12.2000
s 15(1b)	inserted by 102/1978 s 2(a)	7.12.1978
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 s 3(d)	17.12.2000
s 15(1ba)—(1bc)	inserted by 5/2004 s 4(1)	1.7.2004
s 15(1c)—(1f)	inserted by 78/1998 s 3(e)	17.12.2000
s 15(2)	substituted by 102/1978 s 2(b)	7.12.1978
	amended by 46/1985 s 10(c)	10.5.1985
	amended by 103/1988 s 4(b)	6.3.1989
	amended by 78/1998 s 3(f)	17.12.2000
s 15(2a)	inserted by 78/1998 s 3(g)	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 15(2b)—(2g)	inserted by 78/1998 s 3(g)	17.12.2000
s 15(3)		
<i>carry</i>	<i>deleted by 78/1998 s 3(h)</i>	<i>17.12.2000</i>
dangerous article	inserted by 102/1978 s 2(c)	7.12.1978
exempt person	inserted by 78/1998 s 3(i)	17.12.2000
firearm	inserted by 103/1988 s 4(c)	6.3.1989
licensed premises	inserted by 5/2004 s 4(2)	1.7.2004
night	inserted by 5/2004 s 4(2)	1.7.2004
offensive weapon	amended by 78/1998 s 3(j), (k)	17.12.2000
official ceremony	inserted by 78/1998 s 3(l)	17.12.2000
<i>prescribed drug</i>	<i>substituted by 102/1978 s 2(d)</i>	<i>7.12.1978</i>
	<i>deleted by 46/1985 s 10(d)</i>	<i>10.5.1985</i>
prohibited weapon	inserted by 78/1998 s 3(l)	17.12.2000
s 15(3a)	inserted by 78/1998 s 3(m)	17.12.2000
s 15(4)	inserted by 103/1988 s 4(d)	6.3.1989
s 15(5)	s 15(4) inserted by 102/1978 s 2(e)	7.12.1978

	s 15(4) substituted by 46/1985 s 10(e)	10.5.1985
	s 15(4) redesignated as s 15(5) by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 15(5)	<i>deleted by 78/1998 s 3(n)</i>	17.12.2000
s 15A	inserted by 27/1995 s 20	27.4.1997
s 15A(1)	amended by 78/1998 Sch	17.12.2000
s 15A(1a) and (1b)	inserted by 59/1997 s 17	14.9.1997
s 16		
s 16(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 16(2) and (3)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 17	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 53/1984 s 2	24.5.1984
	substituted by 46/1985 s 11	10.5.1985
s 17(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 37/1992 s 7	6.7.1992
	amended by 78/1998 Sch	17.12.2000
s 17(1a)	inserted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 17(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 17(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17(4)	substituted by 104/1986 s 2	18.12.1986
s 17A	inserted by 53/1984 s 3	24.5.1984
s 17A(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17A(2)	amended by 46/1985 s 12(a)	10.5.1985
	substituted by 104/1986 s 3(a)	18.12.1986
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17A(2a)	inserted by 46/1985 s 12(b)	10.5.1985
	substituted by 104/1986 s 3(a)	18.12.1986
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17A(2b)	inserted by 104/1986 s 3(a)	18.12.1986
s 17A(2c)	inserted by 104/1986 s 3(a)	18.12.1986
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17A(3)		
offensive	inserted by 46/1985 s 12(c)	10.5.1985

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premises	substituted by 104/1986 s 3(b)	18.12.1986
s 17A(4)	inserted by 104/1986 s 3(c)	18.12.1986
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 17B	inserted by 53/1984 s 3	24.5.1984
	deleted by 46/1985 s 13	10.5.1985
	inserted by 104/1986 s 4	18.12.1986
s 17B(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17C	inserted by 104/1986 s 4	18.12.1986
s 17C(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 17D	inserted by 35/1992 s 20	6.7.1992
s 17D(1) and (2)	amended by 78/1998 Sch	17.12.2000
s 18	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 14	10.5.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	substituted by 35/1992 s 20	6.7.1992
s 18(1)	amended by 46/2003 Sch 1	1.2.2004
s 18(2)	amended by 78/1998 Sch	17.12.2000
s 18A	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	deleted by 79/1988 s 3	1.7.1989
	inserted by 35/1992 s 20	6.7.1992
s 18A(1)	amended by 78/1998 Sch	17.12.2000
s 18A(2) and (3)	amended by 46/2003 Sch 1	1.2.2004
s 19	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	<i>6.7.1985</i>
	<i>deleted by 46/1985 s 15</i>	<i>10.5.1985</i>
s 20		
s 20(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 21		
s 21(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
Pt 4		
Pt 4 heading	heading preceding s 21A inserted by 52/1980 s 3	3.7.1980
	heading preceding s 21A deleted and Pt 4 heading inserted by 46/2003 Sch 1	1.2.2004
s 21A	inserted by 52/1980 s 3	3.7.1980
s 21A(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000

s 21A(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
Pt 5		
Pt 5 heading	heading preceding s 22 deleted and Pt 5 heading inserted by 46/2003 Sch 1	1.2.2004
s 22		
s 22(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 23		
s 23(1) and (2)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 23A	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
ss 24 and 25	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 25A	inserted by 20/2000 Sch cl 2	8.6.2000
s 26		
s 26(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 26(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
Pt 6		
Pt 6 heading	heading preceding s 27 deleted and Pt 6 heading inserted by 46/2003 Sch 1	1.2.2004
s 27	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/2003 Sch 1	1.2.2004
s 28		
s 28(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 28(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 29	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 30		
s 30(1) and (2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 31		
s 31(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990

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s 31(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 31(3) and (4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 32	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
Pt 7		
Pt 7 heading	heading preceding s 33 substituted by 73/1995 s 2	2.11.1995
	heading preceding s 33 deleted and Pt 7 heading inserted by 46/2003 Sch 1	1.2.2004
s 33	amended by 46/1976 s 2	28.10.1976
	amended by 38/1978 s 2	6.4.1978
	amended by 94/1978 s 2	7.12.1978
	substituted by 114/1983 s 4(a)	22.12.1983
s 33(1)		
<i>child</i>	<i>deleted by 52/2004 s 9(1)</i>	<i>30.1.2005</i>
<i>child pornography</i>	<i>inserted by 32/1992 s 2(a)</i>	<i>21.5.1992</i>
	<i>amended by 73/1995 s 3(a)</i>	<i>2.11.1995</i>
	<i>deleted by 52/2004 s 9(1)</i>	<i>30.1.2005</i>
computer data	inserted by 32/1992 s 2(a)	21.5.1992
computer record or system	inserted by 32/1992 s 2(a)	21.5.1992
indecent material	amended by 73/1995 s 3(b)	2.11.1995
material	amended by 32/1992 s 2(b)	21.5.1992
offensive material	amended by 73/1995 s 3(c)	2.11.1995
s 33(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 32/1992 s 2(c)	21.5.1992
	amended by 78/1998 Sch	17.12.2000
	amended by 52/2004 s 9(2)	30.1.2005
s 33(3)	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	<i>24.9.1990</i>
	<i>substituted by 32/1992 s 2(d)</i>	<i>21.5.1992</i>
	<i>amended by 78/1998 Sch</i>	<i>17.12.2000</i>
	<i>deleted by 52/2004 s 9(3)</i>	<i>30.1.2005</i>
s 33(4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 32/1992 s 2(e)	21.5.1992
	substituted by 73/1995 s 3(d)	2.11.1995
s 33(5)	amended by 32/1992 s 2(f), (g)	21.5.1992
	amended by 46/2003 Sch 1	1.2.2004
s 33(6)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 33(7)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 33(8)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 33(10)	amended by 50/1984 s 3(1) (Sch 7)	6.7.1985
	amended by 46/2003 Sch 1	1.2.2004

s 33A	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>deleted by 46/2003 Sch 1</i>	1.2.2004
s 34	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>deleted by 46/1985 s 16</i>	10.5.1985
s 35		
s 35(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 35(2)		
legal proceedings	amended by 33/2003 Sch cl 18	uncommenced—not incorporated
s 35(3) and (4)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 35(5)	inserted by 46/1985 s 17	10.5.1985
s 35(6) and (7)	inserted by 46/1985 s 17	10.5.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 36	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>deleted by 46/1985 s 18</i>	10.5.1985
Pt 8		
Pt 8 heading	heading preceding s 37 deleted and Pt 8 heading inserted by 46/2003 Sch 1	1.2.2004
ss 37 and 38	<i>amended by 46/1985 s 36 (Sch)</i>	8.7.1985
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>amended by 78/1998 Sch</i>	17.12.2000
	<i>deleted by 26/2002 s 19(2) (Sch 3 cl 8(a))</i>	5.7.2003
s 38A(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 38A(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 39		
s 39(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 39(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 40	deleted by 46/1985 s 19	10.5.1985
	inserted by 35/1992 s 21	6.7.1992
	amended by 78/1998 Sch	17.12.2000
s 41		
s 41(1)	amended by 71/1976 s 2	2.12.1976
	amended by 46/1985 s 36 (Sch)	8.7.1985

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	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 41(2) and (3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 42	<i>amended by 46/1985 s 36 (Sch)</i>	8.7.1985
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>amended by 78/1998 Sch</i>	17.12.2000
	<i>deleted by 26/2002 s 19(2) (Sch 3 cl 8(a))</i>	5.7.2003
Pt 9		
Pt 9 heading	heading preceding s 43 deleted and Pt 9 heading inserted by 46/2003 Sch 1	1.2.2004
s 43	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	substituted by 90/1986 s 10(2) (Sch Pt 2)	1.2.1987
s 43(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 44	deleted by 46/1985 s 20	10.5.1985
	inserted by 50/1989 s 3	5.10.1989
s 44(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	substituted by 78/1998 Sch	17.12.2000
s 44A	inserted by 2/2004 s 5	30.5.2004
s 45		
s 45(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 45(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 46		
s 46(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	substituted by 90/1986 s 10(2) (Sch Pt 2)	1.2.1987
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 46(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 47		
s 47(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 47(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 47(3)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 47(4)		
take	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 48	amended by 46/1985 ss 21, 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990

	substituted by 38/1992 s 3	4.6.1992
s 48(1)	amended by 78/1998 Sch	17.12.2000
	substituted by 46/2001 s 14 (Sch cl 1(a))	1.2.2002
s 48(2)	amended by 78/1998 Sch	17.12.2000
s 48(4)	<i>amended by 78/1998 Sch</i>	<i>17.12.2000</i>
	<i>deleted by 46/2001 s 14 (Sch cl 1(b))</i>	<i>1.2.2002</i>
s 48(5)		
<i>carry</i>	<i>deleted by 46/2001 s 14 (Sch cl 1(c))</i>	<i>1.2.2002</i>
<i>graffiti implement</i>	<i>deleted by 46/2001 s 14 (Sch cl 1(c))</i>	<i>1.2.2002</i>
<i>mark graffiti</i>	<i>deleted by 46/2001 s 14 (Sch cl 1(c))</i>	<i>1.2.2002</i>
s 48A	inserted by 26/2002 s 19(2) (Sch 3 cl 8(b))	5.7.2003
<i>heading preceding</i> <i>s 49</i>	<i>inserted by 102/1987 s 3</i>	<i>1.5.1988</i>
	<i>deleted by 101/1996 Sch cl 2</i>	<i>1.3.1998</i>
s 49	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	<i>6.7.1985</i>
	<i>deleted by 46/1985 s 22</i>	<i>10.5.1985</i>
	<i>inserted by 102/1987 s 3</i>	<i>1.5.1988</i>
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	<i>24.9.1990</i>
	<i>amended by 55/1990 s 3</i>	<i>7.2.1991</i>
	<i>deleted by 101/1996 Sch cl 2</i>	<i>1.3.1998</i>
ss 49A—49D	<i>inserted by 102/1987 s 3</i>	<i>1.5.1988</i>
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	<i>24.9.1990</i>
	<i>deleted by 101/1996 Sch cl 2</i>	<i>1.3.1998</i>
ss 49E—49G	<i>inserted by 102/1987 s 3</i>	<i>1.5.1988</i>
	<i>deleted by 101/1996 Sch cl 2</i>	<i>1.3.1998</i>
Pt 10		
Pt 10 heading	heading preceding s 50 deleted and Pt 10 heading inserted by 46/2003 Sch 1	1.2.2004
s 50	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 51		
s 51(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 52	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 53		
s 53(1)	amended by 46/1985 s 23	10.5.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990

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	amended by 78/1998 Sch	17.12.2000
s 53(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
<i>s 54 before deletion by 46/1985</i>	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	<i>6.7.1985</i>
	<i>deleted by 46/1985 s 24</i>	<i>10.5.1985</i>
s 54	inserted by 56/2004 s 6	7.2.2005
s 55	<i>deleted by 46/1985 s 25</i>	<i>10.5.1985</i>
s 56	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 57		
s 57(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 57(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 57(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 57(4)		
rubbish	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 58		
s 58(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 58(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 58A		
s 58A(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 58A(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 58A(3)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 58A(4)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 58A(5)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000

	amended by 46/2003 Sch 1	1.2.2004
s 58A(6)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 58B		
s 58B(1) and (2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 58B(3)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 58B(4)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 65/1995 Sch cl 1(a)	3.3.1996
	amended by 78/1998 Sch	17.12.2000
Pt 11		
Pt 11 heading	heading preceding s 59 deleted and Pt 11 heading inserted by 46/2003 Sch 1	1.2.2004
s 59		
s 59(1)—(3)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 59(4)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 59(5)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 59(7)	amended by 46/2003 Sch 1	1.2.2004
s 59(8)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 59(9)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
Pt 12		
Pt 12 heading	heading preceding s 61 deleted and Pt 12 heading inserted by 46/2003 Sch 1	1.2.2004
s 61		
s 61(1)	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 61(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
Pt 13		
Pt 13 heading	heading preceding s 62 deleted and Pt 13 heading inserted by 46/2003 Sch 1	1.2.2004
s 62		
s 62(1)	substituted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	substituted by 46/1985 s 26	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990

	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 62(1a)	<i>inserted by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>deleted by 46/1985 s 26</i>	8.7.1985
s 62(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 62(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 62A		
s 62A(1)	substituted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 s 36 (Sch)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 59/1994 Sch 2	1.1.1995
	amended by 78/1998 Sch	17.12.2000
	amended by 46/2003 Sch 1	1.2.2004
s 62A(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 62A(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 62A(4)	inserted by 46/2003 Sch 1	1.2.2004
s 63	<i>deleted by 46/1985 s 27</i>	10.5.1985
<i>Heading preceding s 64</i>	<i>inserted by 39/1981 s 3</i>	1.1.1982
	<i>deleted by 34/1996 s 4 (Sch cl 34)</i>	3.2.1997
s 64	<i>deleted by 38/1979 s 3</i>	1.7.1979
	<i>inserted by 39/1981 s 3</i>	1.1.1982
	<i>amended by 50/1984 s 3(1) (Sch 4)</i>	6.7.1985
	<i>amended by 31/1986 s 3</i>	1.7.1986
	<i>amended by 75/1988 s 3</i>	6.3.1989
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>amended by 55/1990 s 4</i>	7.2.1991
	<i>amended by 65/1995 Sch cl 1(b)</i>	3.3.1996
	<i>deleted by 34/1996 s 4 (Sch cl 34)</i>	3.2.1997
Pt 14		
Pt 14 heading	heading preceding s 65 deleted and Pt 14 heading inserted by 46/2003 Sch 1	1.2.2004
s 65	substituted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 34/1996 s 4 (Sch cl 34)	3.2.1997
	amended by 46/2003 Sch 1	1.2.2004
<i>Heading preceding s 66</i>	<i>deleted by 46/2003 Sch 1</i>	1.2.2004
s 66	<i>amended by 46/1985 s 36 (Sch)</i>	8.7.1985
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>deleted by 35/1992 s 22</i>	6.7.1992

<b>Pt 14A</b>	<b>inserted by 56/2004 s 7</b>	<b>2.5.2005</b>
Pt 15		
Pt 15 heading	heading preceding s 67 substituted by 65/1995 s 4	3.3.1996
	heading preceding s 67 deleted and Pt 15 heading inserted by 46/2003 Sch 1	1.2.2004
s 67		
s 67(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 67(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 67(3)	substituted by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 67(4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 59/1994 Sch 2	1.1.1995
	amended by 46/2003 Sch 1	1.2.2004
s 67(5)	<i>deleted by 59/1994 Sch 2</i>	<i>1.1.1995</i>
s 68		
s 68(1)	amended by 46/1985 s 28(a)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 68(2)	amended by 46/1985 s 28(b)	8.7.1985
s 69	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/2003 Sch 1	1.2.2004
s 70	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 71	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 72	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 73	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 46/1985 ss 29, 36 (Sch)	8.7.1985
	substituted by 68/1987 s 2	29.10.1987
s 73(1)	amended by 106/1995 s 4	21.12.1995
	amended by 46/2003 Sch 1	1.2.2004
s 73(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 106/1995 s 4	21.12.1995
	amended by 78/1998 Sch	17.12.2000
s 74		
s 74(1)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 74(2)	amended by 46/2003 Sch 1	1.2.2004
s 74A	s 75A inserted by 46/1985 s 31	8.7.1985

## Summary Offences Act 1953—2.5.2005 to 30.6.2005

### Legislative history

	s 75A redesignated as s 74A by 105/1986 s 3	5.4.1987
s 74A(1) and (2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 74A(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
s 74A(4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 74B	inserted by 38/1990 s 4	26.7.1990
	<i>s 74B(1) before deletion by 56/2003</i>	
	<i>major offence substituted by 53/1992 s 2</i>	29.10.1992
	<i>s 74B(1) deleted by 56/2003 s 5(1)</i>	10.1.2005
	<i>s 74B(2) amended by 56/2003 s 5(2)</i>	10.1.2005
	<i>s 74B(5) and (6) amended by 46/2003 Sch 1</i>	1.2.2004
	<i>s 74B(7) amended by 78/1998 Sch</i>	17.12.2000
s 74BAA	inserted by 56/2003 s 6	10.1.2005
Pt 16	inserted by 46/2003 s 8	1.2.2004
Pt 17		
Pt 17 heading	heading preceding s 74C inserted by 65/1995 s 5	3.3.1996
	heading preceding s 74C deleted and Pt 17 heading inserted by 46/2003 Sch 1	1.2.2004
s 74C	inserted by 65/1995 s 5	3.3.1996
	amended by 46/2003 Sch 1	1.2.2004
	investigating officer amended by 46/2003 Sch 1	1.2.2004
s 74D	inserted by 65/1995 s 5	3.3.1996
	s 74D(4) and (6) amended by 46/2003 Sch 1	1.2.2004
s 74E	inserted by 65/1995 s 5	3.3.1996
	s 74E(1) amended by 46/2003 Sch 1	1.2.2004
s 74F	inserted by 65/1995 s 5	3.3.1996
	amended by 46/2003 Sch 1	1.2.2004
s 74G	inserted by 65/1995 s 5	3.3.1996
	amended by 46/2003 Sch 1	1.2.2004
Pt 18		
Pt 18 heading	heading preceding s 75 inserted by 65/1995 s 6	3.3.1996
	heading preceding s 75 deleted and Pt 18 heading inserted by 46/2003 Sch 1	1.2.2004
s 75	s 75(1) redesignated as s 75 in pursuance of the <i>Acts Republication Act 1967</i>	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	<i>s 75(2) and (3) deleted by 46/1985 s 30</i>	8.7.1985
s 75A—see s 74A		
s 76	substituted by 31/1986 s 4	1.7.1986
	s 76(1) amended by 46/2003 Sch 1	1.2.2004

s 77	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	substituted by 102/1987 s 4	1.5.1988
s 77(1) and (2)	amended by 46/2003 Sch 1	1.2.2004
s 78	amended by 46/1976 s 3	28.10.1976
	amended by 69/1983 s 4	14.11.1983
	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	substituted by 6/1985 s 7(a)	7.7.1985
	substituted by 46/1985 s 32	8.7.1985
s 78(1)—(3) and (5)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 78(6)		
the prescribed period	amended by 106/1986 s 3	30.3.1987
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 78A	inserted by 38/1978 s 3	6.4.1978
s 78A(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 78A(3)	amended by 46/1985 s 33	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 78A(4) and (5)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79		
s 79(1) and (2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79A	inserted by 46/1985 s 34	8.7.1985
s 79A(1)	amended by 106/1986 s 4(a)	30.3.1987
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79A(1a) and (1b)	inserted by 106/1986 s 4(b)	30.3.1987
	amended by 46/2003 Sch 1	1.2.2004
s 79A(2)	amended by 46/2003 Sch 1	1.2.2004
s 79A(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79B	inserted by 46/1985 s 34	8.7.1985
s 79B(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79B(2) and (3)	amended by 46/2003 Sch 1	1.2.2004
s 79B(4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79B(5)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79B(6)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990

s 79B(8)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 80	deleted by 6/1985 s 7(b)	7.7.1985
	inserted by 27/1995 s 21	10.7.1995
	amended by 46/2003 Sch 1	1.2.2004
s 81		
s 81(1)	amended by 46/1985 s 35(a)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 8/1998 Sch 2 (cl 2(a))	25.7.1999
	substituted by 54/2000 s 3(a)	22.2.2002
s 81(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	substituted by 8/1998 Sch 2 (cl 2(b))	25.7.1999
	substituted by 54/2000 s 3(a)	22.2.2002
	substituted by 46/2003 Sch 1	1.2.2004
s 81(3)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	substituted by 8/1998 Sch 2 (cl 2(b))	25.7.1999
	substituted by 54/2000 s 3(a)	22.2.2002
	amended by 46/2003 Sch 1	1.2.2004
s 81(3a)	inserted by 54/2000 s 3(a)	22.2.2002
s 81(3b) and (3c)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 46/2003 Sch 1	1.2.2004
s 81(3d)—(3g)	inserted by 54/2000 s 3(a)	22.2.2002
s 81(4)	substituted by 46/1985 s 35(b)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 81(4)(b)	<i>deleted by 8/1998 Sch (cl 2(c))</i>	25.7.1999
s 81(4a) and (4b)	inserted by 46/1985 s 35(b)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 81(4c)	inserted by 46/1985 s 35(b)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 81(4d)	inserted by 46/1985 s 35(b)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 81(4e)	inserted by 46/1985 s 35(b)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 8/1998 Sch 2 (cl 2(d))	25.7.1999
	amended by 78/1998 Sch	17.12.2000
s 81(4f)	inserted by 46/1985 s 35(b)	8.7.1985
	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 8/1998 Sch 2 (cl 2(e))	25.7.1999
s 81(4g)	inserted by 54/2000 s 3(b)	22.2.2002

s 81(5)	amended by 46/2003 Sch 1	1.2.2004
s 81(5a) and (6)	inserted by 54/2000 s 3(c)	22.2.2002
s 82	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 83	<i>amended by 46/1985 s 36 (Sch)</i>	8.7.1985
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>deleted by 35/1992 s 23</i>	6.7.1992
Pt 19		
Pt 19 heading	heading preceding s 83A inserted by 105/1986 s 4	5.4.1987
	heading preceding s 83A deleted and Pt 19 heading inserted by 46/2003 Sch 1	1.2.2004
s 83A	inserted by 105/1986 s 4	5.4.1987
s 83A(2) and (3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 83A(4)		
	investigating officer amended by 46/2003 Sch 1	1.2.2004
Pt 20		
Pt 20 heading	heading preceding s 83B deleted and Pt 20 heading inserted by 46/2003 Sch 1	1.2.2004
s 83B	inserted by 38/1990 s 5	26.7.1990
s 83B(3)	amended by 46/2003 Sch 1	1.2.2004
s 83B(5)	amended by 78/1998 Sch	17.12.2000
s 83B(6)	amended by 46/2003 Sch 1	1.2.2004
s 83B(11)	amended by 73/1994 Sch 2	2.2.1995
	amended by 30/2004 Sch 1 cl 5	25.11.2004
s 83BA	inserted by 106/1995 s 5	21.12.1995
s 83BA(1)	amended by 46/2003 Sch 1	1.2.2004
s 83BA(5)	amended by 78/1998 Sch	17.12.2000
s 83BA(7)—(9)	amended by 46/2003 Sch 1	1.2.2004
s 83C	inserted by 38/1990 s 5	26.7.1990
s 83C(1), (3) and (4)	amended by 46/2003 Sch 1	1.2.2004
s 84	<i>amended by 114/1983 s 4(b)</i>	22.12.1983
	<i>amended by 23/1990 s 3(1) (Sch 7)</i>	24.9.1990
	<i>deleted by 78/1998 Sch</i>	17.12.2000
s 85(1)	s 85 amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
	s 85 amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	s 85 substituted by 65/1995 s 7	3.3.1996
	s 85 redesignated as s 85(1) by 78/1998 s 4	17.12.2000
s 85(2)	inserted by 78/1998 s 4	17.12.2000
	amended by 33/2002 s 18	3.3.2003
Sch	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 59/1994 Sch 2	1.1.1995
	amended by 42/1999 s 54	1.1.2000

## **Transitional etc provisions associated with Act or amendments**

### *Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996*

#### **5—Transitional provision**

An Act repealed or amended by this Act will continue to apply (as in force immediately prior to the repeal or amendment coming into operation) to an expiation notice issued under the repealed or amended Act.

#### **Historical versions**

Reprint—24.9.1990  
Reprint No 1—7.2.1991  
Reprint No 2—6.7.1992  
Reprint No 3—29.10.1992  
Reprint No 4—1.1.1995  
Reprint No 5—2.2.1995  
Reprint No 6—3.4.1995  
Reprint No 7—10.7.1995  
Reprint No 8—2.11.1995  
Reprint No 9—21.12.1995  
Reprint No 10—3.3.1996  
Reprint No 11—3.2.1997  
Reprint No 12—27.4.1997  
Reprint No 13—14.9.1997  
Reprint No 14—1.3.1998  
Reprint No 15—25.7.1999  
Reprint No 16—1.1.2000  
Reprint No 17—8.6.2000  
Reprint No 18—17.12.2000  
Reprint No 19—1.2.2002  
Reprint No 20—22.2.2000  
Reprint No 21—11.7.2002  
Reprint No 22—3.3.2003  
Reprint No 23—5.7.2003  
Reprint No 24—1.2.2004  
3.5.2004  
30.5.2004  
1.7.2004  
25.11.2004  
10.1.2005  
30.1.2005  
7.2.2005