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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Legislative history

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;

declared public precinct—see section 66N(1);

declared public precinct period means a period during which, in accordance with a declaration under section 66N(1), an area is a declared public precinct;

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;

motor vehicle has the same meaning as in the *Motor Vehicles Act 1959*;

primary production activities—the following are primary production activities:

(a) agricultural, pastoral, horticultural, viticultural, forestry or apicultural activities;

(b) poultry farming, dairy farming or any business that consists of the cultivation of soils, the gathering of crops or the rearing or processing of livestock;

(c) commercial fishing, aquaculture or the propagation or harvesting of fish or other aquatic organisms for the purposes of aquaculture;

(d) an activity prescribed by regulation;

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;

serious and organised crime offence has the same meaning as in the *Criminal Law Consolidation Act 1935*;

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—Offences with respect to police operations

6—Hindering police

(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.

6AA—Disclosure of criminal intelligence

(1) A person who, without lawful excuse, discloses information that has been properly classified by the Commissioner as criminal intelligence under any Act is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

(2) It is a defence to prosecution for an offence against this section to prove that the defendant did not know, and did not have reason to believe, that the information was classified by the Commissioner as criminal intelligence under an Act.

Part 3—Offences against public order

6A—Violent disorder

(1) If 3 or more persons who are present together use or threaten unlawful violence and the conduct of them (taken together) is such as would cause a person of reasonable firmness present at the scene to fear for his or her personal safety, each of the persons using or threatening unlawful violence is guilty of an offence.

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

(2) It is immaterial whether or not the 3 or more persons use or threaten unlawful violence simultaneously.

(3) No person of reasonable firmness need actually be, or be likely to be, present at the scene.

(4) An offence under subsection (1) may be committed in private as well as in public places.

(5) A person is guilty of an offence under subsection (1) only if he or she intends to use or threaten violence or is aware that his or her conduct may be violent or threaten violence.

(6) Subsection (5) does not affect the determination for the purposes of subsection (1) of the number of persons who use or threaten violence.

(7) In this section—

violence means any violent conduct, so that—

(a) it includes violent conduct towards property as well as violent conduct towards persons; and

(b) it is not restricted to conduct causing or intended to cause injury or damage but includes any other violent conduct.

Example—

Throwing at, or towards, a person a missile of a kind capable of causing injury which does not hit, or falls short of, the person.

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—Obstructing or disturbing religious services etc

(1) A person who intentionally—

(a) obstructs or disturbs—

(i) a religious service; or

(ii) a wedding or funeral (whether secular or religious); or

(b) obstructs or disturbs persons proceeding to or from a religious service, wedding or funeral in a way that is calculated to be offensive and is related in some way to their attendance, or intention to attend, the religious service, wedding or funeral,

is guilty of an offence.

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

(2) In this section—

religion means any philosophy or system of belief that is generally recognised in the Australian community as being of a religious nature;

religious service means a lawful assembly of the adherents of any religion for the purpose of prayer or any other form of religious observance.

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.

9B—Sale of drug paraphernalia

(1) Subject to this section, a person who—

(a) sells a prohibited item; or

(b) supplies a prohibited item in connection with the sale, or possible sale, of goods,

is guilty of an offence.

Maximum penalty:

(a) if the offender is a body corporate—$50 000;

(b) if the offender is a natural person—$10 000 or imprisonment for 2 years.

(2) A person who—

(a) sells a prohibited item to a minor; or

(b) supplies a prohibited item to a minor in connection with the sale, or possible sale, of goods,

is guilty of an offence.

Maximum penalty:

(a) if the offender is a body corporate—$100 000;

(b) if the offender is a natural person—$20 000 or imprisonment for 2 years.

(3) If a body corporate commits an offence against subsection (1) or subsection (2), any director or manager of the body corporate is also guilty of an offence and liable to the same penalty as may be imposed for the principal offence when committed by a natural person unless it is proved that he or she could not, by the exercise of reasonable diligence, have prevented the commission of the principal offence by the body corporate.

(4) A person may be prosecuted and convicted of an offence under subsection (3) whether or not the body corporate has been prosecuted or convicted of the offence committed by the body corporate.

(5) If a person is convicted of an offence against this section, any prohibited item seized as evidence of the offence may be retained by the Commissioner of Police and is forfeited to the Crown—

(a) if an appeal has not been lodged within the period provided for lodging an appeal against the conviction—at the end of the period; or

(b) if an appeal has been lodged within the period provided for lodging an appeal against the conviction—when the appeal lapses or is finally determined.

(6) An item forfeited under subsection (5) may be dealt with and disposed of in such manner as the Commissioner of Police may direct.

(7) In this section—

cocaine kit—a cocaine kit is constituted by 2 or more of the following items packaged as a unit apparently for use for the purposes of preparing for introduction, or for introducing, cocaine into the body of a person:

(a) a razor blade;

(b) a tube;

(c) a mirror;

(d) a scoop;

(e) a glass bottle;

(f) any other item apparently for use together with any item referred to in paragraphs (a) to (e) to prepare for introduction, or to introduce, cocaine into the body of a person;

prohibited item means—

(a) a water pipe; or

(b) a prohibited pipe; or

(c) a cocaine kit; or

(d) an item of a kind prescribed by regulation for the purposes of this definition;

prohibited pipe means—

(a) a device (other than a water pipe) that is apparently intended for use or designed for use in smoking cannabis, cannabis resin or methamphetamine crystals; or

(b) components that, when assembled together, form such a device,

and includes, without limitation, a device known as a hash pipe and a device known as an ice pipe;

sell means—

(a) sell, barter or exchange; or

(b) offer or agree to sell, barter or exchange; or

(c) expose for sale, barter or exchange; or

(d) have in possession for sale, barter or exchange;

supply includes offer to supply;

water pipe means—

(a) a device capable of being used for smoking by means of the drawing of smoke fumes through water or another liquid; or

(b) components that, when assembled together, form such a device; or

(c) a device that is apparently intended to be such a device but that is not capable of being so used because it needs an adjustment, modification or addition,

and includes, without limitation, devices known as bongs, hookahs, narghiles, shishas and ghalyans.

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

(1) A person who—

(a) habitually consorts with convicted offenders (whether in this State or elsewhere); and

(b) consorts in this State with those convicted offenders after having been given an official warning in relation to each of those convicted offenders,

is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

(2) A person does not habitually consort with convicted offenders for the purposes of this section unless—

(a) the person consorts with at least 2 convicted offenders (whether on the same or separate occasions); and

(b) the person consorts with each convicted offender on at least 2 occasions.

(3) The following forms of consorting are to be disregarded for the purposes of this section if the defendant satisfies the court that the consorting was reasonable in the circumstances:

(a) consorting with family members;

(b) consorting that occurs in the course of lawful employment or the lawful operation of a business;

(c) consorting that occurs in the course of training or education;

(d) consorting that occurs in the course of the provision of a health service;

(e) consorting that occurs in the course of the provision of legal advice;

(f) consorting that occurs in lawful custody or in the course of complying with a court order.

(4) In this section—

consort means consort in person or by any other means, including by electronic or other form of communication;

convicted offender means a person who has been convicted of an indictable offence;

corresponding law means a law of the Commonwealth, another State, or a Territory that is prescribed by regulation for the purposes of this definition;

official warning means—

(a) a warning given by a police officer (orally or in writing) that—

(i) a convicted offender is a convicted offender; and

(ii) consorting with a convicted offender is an offence; or

(b) a warning or other notification given under a corresponding law.

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

(a1) A person who has entered, or is present on, primary production premises for an unlawful purpose or without lawful excuse is guilty of an offence.

Maximum penalty:

(a) 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;

(b) in any other case—

(i) if the offence is committed in aggravated circumstances—$10 000 or imprisonment for 12 months;

(ii) if the offence is not committed in aggravated circumstances—$5 000 or 6 months imprisonment.

(a2) A person commits an offence against subsection (a1) in ***aggravated circumstances*** if, while on the primary production premises, the person—

(a) interferes with, or attempts or intends to interfere with, primary production activities; or

(b) is accompanied by 2 or more persons; or

(c) does anything that gives rise to a serious risk to the safety of the person or any other person on the premises; or

(d) does anything that—

(i) involves, or gives rise to a risk of—

(A) the introduction, spread or increase of a disease or pest; or

(B) the contamination of any substance or thing; or

(ii) gives rise to any other risk, or kind of risk, related to primary production activities prescribed by the regulations; or

(e) intentionally causes, or is recklessly indifferent as to whether they cause, damage to an operation or activity connected to the primary production activities at the premises.

(1) A person who has entered, or is present on, other 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.

(3a) A person found guilty of an offence against subsection (a1) committed in aggravated circumstances is liable to pay compensation to a person for injury, loss or damage to the person resulting from the offence of which the defendant has been found guilty, unless exceptional circumstances exist.

(3b) Compensation payable under subsection (3a) will be of such amount as the court considers appropriate having regard to any evidence before the court and to any representations made by or on behalf of the prosecutor or the defendant.

(4) In this section—

premises means—

(a) any land; or

(b) any building or structure; or

(c) any aircraft, vehicle, ship or boat;

primary production premises means premises used for the purpose of primary production activities.

17AA—Misuse of a motor vehicle on private land

(1) For the purposes of this section, a person ***misuses*** a motor vehicle if the person, in a place other than a road or road related area—

(a) drives a motor vehicle in a race between vehicles, a vehicle speed trial, a vehicle pursuit or any competitive trial to test drivers' skills or vehicles; or

(b) operates a motor vehicle so as to produce sustained wheel spin; or

(c) drives a motor vehicle so as to cause engine or tyre noise, or both, that is likely to disturb persons residing or working in the vicinity; or

(d) drives a motor vehicle onto an area of park or garden so as to break up the ground surface or cause other damage.

(2) However, conduct of a type described in subsection (1) does not constitute misuse of a motor vehicle if it occurs in a place with the consent of the owner or occupier of the place or the person who has the care, control and management of the place.

(3) A person who misuses a motor vehicle is guilty of an offence.

Maximum penalty: $2 500.

(4) Where a court convicts a person of an offence against this section, the court must, if satisfied that the offending caused damage to, or the destruction of, any property or damage to an area of park or garden or a road related area, order the convicted person to pay to the owner of the property, or the owner, occupier or person who has the care, control and management of the area, such compensation as the court thinks fit.

(5) The power of a court under subsection (4) is in addition to, and does not derogate from, any powers of the court under the *Sentencing Act 2017*.

(6) In this section—

road and ***road related area*** have the same meaning as in the *Road Traffic Act 1961*.

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:

(a) if the premises are primary production premises—$5 000 or imprisonment for 6 months;

(b) in any other case—$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.

(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;

primary production premises means premises used for the purpose of primary production activities.

(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.

17AB—Trespassers etc at private parties

(1) If an authorised person reasonably suspects that a person who is on premises that are being used for a private party is not entitled to be on the premises, the authorised person may require the person to produce evidence that he or she is entitled to be on the premises.

(2) If a person refuses or fails to produce evidence, in accordance with a requirement under subsection (1), that is satisfactory to the authorised person—

(a) the authorised person may advise the person that he or she is a trespasser on the premises; and

(b) on being so advised, the person will be taken to be a trespasser on the premises for the purposes of this section and section 15A of the *Criminal Law Consolidation Act 1935*.

(3) Nothing in subsection (2) limits the manner in which a person may become a trespasser on premises that are being used for a private party.

(4) If—

(a) a person trespasses on premises that are being used for a private party; and

(b) the trespasser is asked by an authorised person to leave the premises (whether the trespasser is asked individually or as a member of a group),

the trespasser is, if he or she fails to leave the premises immediately or again trespasses on the premises while they are being used for the private party, guilty of an offence.

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

(5) A person who, while trespassing on premises that are being used for a private party, uses offensive language or behaves in an offensive manner is guilty of an offence.

Maximum penalty: $2 500.

(6) A person who trespasses on premises that are being used for a private party must, if asked to do so by an authorised person, give his or her name and address to the authorised person.

Maximum penalty: $2 500.

(7) If—

(a) a police officer attending at premises that are being used for a private party reasonably suspects that a person on the premises is committing an offence against this section; and

(b) an authorised person at the premises requests the police officer to remove the person from the premises,

the police officer may remove the person from the premises.

(8) If a person is loitering in the vicinity of premises that are being used for a private party, or a group of persons is assembled in the vicinity of such premises, and a police officer believes or apprehends on reasonable grounds—

(a) that the person or any member of the group of persons—

(i) is or has been behaving in a disorderly, indecent or offensive manner; or

(ii) is or has been using offensive words; or

(iii) in any way, except by lawful authority or on some other lawful ground, is or has been obstructing or interfering with—

(A) a person seeking to attend the private party; or

(B) the conduct of the private party; 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,

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

(9) A person of whom a request is made under subsection (8) 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: $2 500 or imprisonment for 6 months.

(10) In proceedings for an offence against this section, an allegation in the complaint that—

(a) specified premises were being used for a private party on a specified date and at a specified time; or

(b) 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.

(11) This section is in addition to, and does not limit or derogate from, any other provision of this Act or any other law.

(12) In this section—

authorised person, in relation to premises that are being used for a private party, means—

(a) the occupier of the premises, or a person acting on the authority of the occupier of the premises; or

(b) a person responsible for organising the party, or a person acting on the authority of such a person,

but does not include a minor;

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;

private party means a party, event or celebration to which admittance is allowed by invitation only but does not include a party, event or celebration that is held—

(a) on premises (other than residential premises) by or on behalf of a company or business; or

(b) in a public place; or

(c) on premises, or a part of premises, in respect of which a licence is in force under the *Liquor Licensing Act 1997* (other than a short term licence granted under that Act for a term of not more than 24 hours).

17AC—Authorised persons

(1) An authorised person within the meaning of section 17A or section 17AB must, at the request of a person in relation to whom the authorised person is exercising powers under either of those sections, inform the person of—

(a) the authorised person's name; and

(b) the capacity in which the person is an authorised person under the relevant section.

(2) A person must not falsely pretend, by words or conduct, to have the powers of an authorised person under section 17A or section 17AB.

Maximum penalty: $750.

17B—Interference with gates and fences

(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; or

(d) removes or disables a gate on or leading to the land; or

(e) interferes with any part of a fence on or immediately surrounding the land in a manner that—

(i) causes the animals to no longer be confined by the fence; or

(ii) gives rise to a risk that the animals will no longer be confined by the fence,

is guilty of an offence.

Maximum penalty: $1 500.

Expiation fee: $375.

(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.

(3) In this section—

gate includes a cattle grid or any moveable thing used to enclose land, including a slip panel or moveable fence.

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: $2 500 or imprisonment for 6 months.

(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—Loitering

(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.

(3) If a police officer has reasonable grounds to suspect that a person who is loitering in a public place is of a prescribed class, the officer may request that the person state the reason why he or she is in that place.

(4) The police officer must, before making the request, advise the person—

(a) that the request is being made under this section; and

(b) which prescribed class the officer believes the person belongs to.

(5) If, in response to a request by a police officer under subsection (3), a person of a prescribed class refuses or fails to state a satisfactory reason for being in that place, the person is guilty of an offence.

Maximum penalty: $5 000 or imprisonment for 3 months.

(6) A person is of a prescribed class for the purposes of this section if the person is—

(a) a person who has been found guilty of, or who is reasonably suspected of having committed, a serious and organised crime offence; or

(b) a prescribed drug offender within the meaning of the *Criminal Assets Confiscation Act 2005*; or

(c) a person who is subject to a firearms prohibition order under Part 8 of the *Firearms Act 2015*; or

(d) a person who is subject to a control order under the *Serious and Organised Crime (Control) Act 2008*; or

(e) a person who is subject to a weapons prohibition order under Part 3A; or

(f) a person who is subject to a consorting prohibition notice under Part 14A; or

(g) a person who is subject to a non-association or place restriction order under Part 4 Division 5 of the *Summary Procedure Act 1921*; or

(h) a person who is subject to a paedophile restraining order under Part 4 Division 7 of the *Summary Procedure Act 1921*; or

(i) a person of a class prescribed by regulation.

(7) For the purposes of subsection (6), a person may belong to a prescribed class by virtue of an offence committed, an order made or a notice issued before or after the commencement of that subsection.

(8) In any proceedings for an offence under subsection (5)—

(a) an apparently genuine document purporting to be signed by the Commissioner and to certify that at a specified time a weapons prohibition order or a consorting prohibition notice applied to, or was in force against, a specified person is admissible as evidence of the matter so certified and is, in the absence of proof to the contrary, to be regarded as proof of the matter so certified; and

(b) an apparently genuine document purporting to be signed by the Registrar of Firearms and to certify that at a specified time a firearms prohibition order applied to, or was in force against, a specified person is admissible as evidence of the matter so certified and is, in the absence of proof to the contrary, to be regarded as proof of the matter so certified.

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.

21AA—Publishing material depicting offence etc

(1) A person commits an offence against this section if—

(a) the person publishes material depicting conduct constituting, or apparently constituting, a prescribed offence; and

(b) the person publishes the material with the intention of—

(i) encouraging, glorifying or promoting the conduct; or

(ii) increasing the person's notoriety, or another person's notoriety, because of their involvement in the conduct.

Maximum penalty: Imprisonment for 2 years.

(2) A penalty imposed under this section must not exceed the maximum penalty that may be imposed for the relevant prescribed offence or, if the relevant prescribed offence is an offence against the law of another jurisdiction, the maximum penalty that may be imposed for the equivalent prescribed offence in this State.

(3) A person may be charged with an offence against this section whether or not the person, or any other person, has been, or is to be, charged with the prescribed offence to which the offence against this section relates.

(4) A person does not contravene subsection (1) if the publication of the material was for a legitimate public purpose.

(5) For the purposes of subsection (4), the publication of material will only be taken to be for a ***legitimate public purpose*** if the publication was in the public interest having regard to the following:

(a) whether the publication was for the purpose of educating or informing the public;

(b) whether the publication was for the purpose of making or publishing a fair and accurate report of any event or matter of public interest;

(c) whether the publication was for the purpose of a work of artistic merit;

(d) whether the publication was for a purpose connected to law enforcement or public safety;

(e) whether the publication was for a medical, legal or scientific purpose;

(f) any other factor prescribed by the regulations.

(6) It is a defence to a charge of an offence against subsection (1) for the defendant to prove that the conduct depicted did not constitute a prescribed offence.

(7) In this section—

material includes—

(a) any photographic, electronic or other information or data from which an image or representation may be produced or reproduced; and

(b) any audio, video or other recording from which an image or sound may be produced or reproduced,

but does not include a publication, film or computer game that has been classified within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995*;

prescribed offence means—

(a) an offence involving driving or operating a vehicle or vessel; or

(b) an offence involving the use of, or the threat of using, violence; or

(c) an offence involving a weapon; or

(d) an offence involving interference with, damage to, or destruction of, property; or

(e) theft or an offence of which theft is an element; or

(f) criminal trespass or an offence of which trespass is an element; or

(g) an offence, or offence of a class, declared by the regulations to be a prescribed offence; or

(h) an offence against the law of another jurisdiction that would, if committed in this State, constitute an offence prescribed by a preceding paragraph,

but does not include an offence, or offence of a class, declared by the regulations to be excluded from the ambit of this definition;

publish means publish by electronic means and includes posting, uploading or sharing material via the Internet or on a social media platform or other electronic platform.

Part 3A—Weapons etc

21A—Interpretation

(1) In this Part—

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

criminal intelligence means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

dangerous article means an article or thing declared by regulation to be a dangerous article for the purposes of this Part;

direct sales transaction, in respect of a knife, means a transaction for the sale of a knife in which—

(a) the knife is ordered by the purchaser by mail, telephone, facsimile transmission or internet or other electronic communication; and

(b) the knife is—

(i) delivered to the purchaser, or a person nominated by the purchaser, at the residence or place of business of the purchaser or to some other place nominated by the purchaser; or

(ii) picked up by or on behalf of the purchaser from premises occupied or specified by the seller of the knife;

District Court means the Administrative and Disciplinary Division of the District Court;

education facility means—

(a) an early childhood education facility or childcare centre;

(b) a preschool or kindergarten;

(c) a primary or secondary school;

(d) a place at which an approved learning program (within the meaning of the *Education and Children's Services Act 2019*) is undertaken;

(e) a university, TAFE SA campus or other tertiary education facility;

implement of housebreaking includes a picklock key, crowbar, jack, bit or other implement of housebreaking;

knife includes a blade (for example a knife blade or razor blade);

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

night means the interval between 9 pm on one day and 6 am on the next day;

offence of violence means an offence where the offender—

(a) uses a weapon, or threatens to use a weapon, against another; or

(b) inflicts serious harm on another, or threatens to inflict serious harm on another,

for the purpose of committing the offence, or escaping from the scene of the offence;

offensive weapon includes a rifle, gun, pistol, knife, club, bludgeon, truncheon or other offensive or lethal weapon or instrument but does not include a prohibited weapon;

prohibited weapon means an article or thing declared by regulation to be a prohibited weapon for the purposes of this Part;

suitable for combat, in relation to a knife, means suitable for use as a weapon for inflicting injury on a person or causing a person to fear injury;

violent behaviour means an unlawful act inflicting injury on a person or causing a person to fear injury.

(2) For the purposes of this Part, a person will be taken to be ***carrying*** a weapon or article if he or she has the weapon or article on or about his or her person or if it is under his or her immediate control.

21B—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) uses or has possession of body armour,

is guilty of an offence.

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

(2) 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.

(3) The giving or a variation or revocation of an approval that applies to a class of persons must be notified in the Gazette.

21C—Offensive weapons and dangerous articles etc

(1) A person who, without lawful excuse—

(a) carries an offensive weapon or an article of disguise; or

(b) has possession of an implement of housebreaking,

is guilty of an offence.

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

(2) A person who, without lawful excuse—

(a) manufactures, sells, distributes, supplies, or otherwise deals in, dangerous articles; or

(b) uses or has possession of a dangerous article,

is guilty of an offence.

Maximum penalty: $7 500 or imprisonment for 18 months.

(3) A person who, without lawful excuse, carries an offensive weapon or dangerous article at night while in, or while apparently attempting to enter or leave—

(a) licensed premises; or

(b) a carparking area specifically or primarily provided for the use of patrons of the licensed premises,

is guilty of an offence.

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

(4) It is a defence to prosecution for an offence against subsection (3) to prove that—

(a) if the charge relates to the defendant's being in, or apparently attempting to enter or leave, licensed premises—the defendant did not know and had no reason to believe that the premises were premises of a kind where liquor was sold or supplied; or

(b) if the charge relates to the defendant's being in, or apparently attempting to enter or leave, a carparking area specifically or primarily provided for the use of patrons of the licensed premises—the defendant did not know and had no reason to believe that the area was such a carparking area.

(5) If on the trial of a person for an offence against subsection (3) 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 (2), the court may find the person guilty of the offence against subsection (1) or (2).

(6) A person (being a person who is otherwise entitled to do so) must not use or have possession of a dangerous article unless he or she does so in a safe and secure manner.

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

(7) A person who, without lawful excuse—

(a) uses an offensive weapon; or

(b) carries an offensive weapon that is visible,

in the presence of any person in an education facility, place of worship or public place in a manner that would be likely to cause a person of reasonable firmness present at the scene to fear for his or her personal safety, is guilty of an offence.

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

(8) For the purposes of an offence against subsection (7), no person of reasonable firmness need actually be, or be likely to be, present at the scene.

(9) If on the trial of a person for an offence against subsection (7), 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)(a), the court may find the person guilty of the offence against subsection (1)(a).

21D—Unlawful selling or marketing of knives

(1) A person who sells a knife to a minor is guilty of an offence.

Maximum penalty: $20 000 or imprisonment for 2 years.

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

(a) the seller requested the minor to produce evidence of age of a kind prescribed by regulation; and

(b) the minor made a false statement or produced false evidence in response to that request; and

(c) in consequence, the seller reasonably believed that the minor was of or above the age of 18 years.

(3) A person who makes a false statement or produces false evidence in response to a request by a seller made in accordance with subsection (2)(a) is guilty of an offence.

Maximum penalty: $1 250.

(4) A person who markets a knife in a way that—

(a) indicates, or suggests, that the knife is suitable for combat; or

(b) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon,

is guilty of an offence.

Maximum penalty: $20 000 or imprisonment for 2 years.

(5) For the purposes of this section, an indication or suggestion that a knife is suitable for combat may (without limitation) be given or made by a name or description—

(a) applied to the knife; or

(b) on the knife or on any packaging in which it is contained; or

(c) included in any advertisement which, expressly or by implication, relates to the knife.

(6) For the purposes of this section, a person ***markets*** a knife if the person—

(a) sells or hires the knife; or

(b) offers, or exposes, the knife for sale or hire; or

(c) has possession of the knife for the purpose of sale or hire.

21DA—Supplying knives to minors that are used in offence

(1) A person is guilty of an offence if—

(a) the person supplies a knife to a minor; and

(b) the person knew, or ought reasonably to have known, that the minor intended or was likely to use the knife in the commission of a serious offence of violence.

Maximum penalty: $35 000 or imprisonment for 4 years.

(2) A person is guilty of an offence if—

(a) the person supplies a knife to a minor; and

(b) the person knew, or ought reasonably to have known, that the minor intended or was likely to use the knife in the commission of an offence against section 21E.

Maximum penalty: $10 000 or imprisonment for 6 months.

(3) In this section—

harm and ***serious harm*** have the same meanings as in Part 3 Division 7A of the *Criminal Law Consolidation Act 1935*;

serious offence of violence means—

(a) an offence against the *Criminal Law Consolidation Act 1935* in which harm, serious harm or death is caused to a victim (whether caused by the use of a knife or otherwise); or

(b) an attempt to commit, or an assault with intent to commit, an offence referred to in paragraph (a) (being an offence which, if completed, would be reasonably likely to result in harm, serious harm or death being caused to a victim); or

(c) an offence against a law of the Commonwealth, or another State or Territory, corresponding to an offence referred to in a preceding paragraph.

21DB—Certain notices to be displayed where knives sold by retail sale

(1) A person must not sell knives from retail premises unless the following notices are displayed in accordance with this section:

(a) a prohibition notice;

(b) any other notice prescribed by the regulations.

Maximum penalty: $10 000.

Expiation fee: $1 000.

(2) A prohibition notice must be displayed, in a manner likely to be seen by customers in the retail premises—

(a) at each point of sale in the retail premises; or

(b) at each area in the retail premises in which knives are displayed for sale.

(3) A notice referred to in subsection (1)(b) must be displayed in the retail premises in accordance with any requirements set out in the regulations.

(4) A person must not sell knives by direct sales transaction (being a transaction in which the knife is to be delivered to or picked up from an address in this State) unless—

(a) in the case of a direct sales transaction taking place over the Internet or using a website (however described)—the information prescribed by the regulations is, in accordance with any requirements set out in the regulations, published on the website through which the transaction occurred; or

(b) in any other case—the information prescribed by the regulations is given to the purchaser in accordance with any requirements set out in the regulations.

Maximum penalty: $10 000.

Expiation fee: $1 000.

(5) It is a defence to prosecution for an offence against subsection (4) to prove that the defendant did not know, and could not reasonably have been expected to have known, that the knife was to be delivered to or picked up from an address in this State.

(6) In this section—

point of sale means a cash register, counter or similar fixture where sales transactions take place;

prohibition notice means a notice containing the information prescribed by the regulations;

retail premises includes—

(a) a market stall; or

(b) a temporary or pop-up shop (however described); or

(c) any other premises or place, or premises or places of a class, prescribed by the regulations.

21DC—Certain knives to be kept secured in retail premises

(1) A person selling knives from retail premises must ensure that any prescribed knives stored in a part of the retail premises to which members of the public are permitted access are—

(a) kept in a securely locked cabinet or container; or

(b) securely tethered; or

(c) secured in any other manner prescribed by the regulations,

such that members of the public are not able to gain access to the knives without the assistance of the person or an agent or employee of the person.

Maximum penalty: $10 000.

Expiation fee: $1 000.

(2) However, subsection (1) does not apply during an inspection of a prescribed knife by a prospective purchaser.

(3) In this section—

retail premises includes—

(a) a market stall; or

(b) a temporary or pop-up shop (however described); or

(c) any other premises or place, or premises or places of a class, prescribed by the regulations.

21E—Knives in education facilities, places of worship and public places

A person who, without lawful excuse, has possession of a knife in an education facility, place of worship or public place is guilty of an offence.

Maximum penalty:

(a) for a first offence—$2 500 or imprisonment for 6 months;

(b) for a subsequent offence—$5 000 or imprisonment for 12 months.

21F—Prohibited weapons

(1) A person who—

(a) manufactures, sells, distributes, supplies or otherwise deals in, prohibited weapons; or

(b) uses or has possession of a prohibited weapon,

is guilty of an offence.

Maximum penalty: $20 000 or imprisonment for 2 years.

(2) It is a defence to prosecution for an offence against subsection (1) to prove that the defendant was, in accordance with—

(a) Schedule 2; or

(b) a declaration made by the Minister under subsection (3),

an exempt person in the circumstances of the alleged offence.

(3) The Minister—

(a) may declare a person or a class of persons to be exempt from subsection (1) in the circumstances specified in the declaration; and

(b) may, on the Minister's own initiative, vary or revoke such a declaration.

(4) The declaration by the Minister under subsection (3) may be conditional or unconditional.

(4a) A declaration made by the Minister under subsection (3) in respect of a class of persons—

(a) must be notified in the Gazette; and

(b) has effect for the period specified in the declaration (being a period not exceeding 1 month); and

(c) has effect despite any provision of Schedule 2.

(4b) A variation or revocation of a declaration under subsection (3) is of no effect unless—

(a) in the case of a variation or revocation of a declaration in respect of a person—the person has been given notice of the variation or revocation; or

(b) in the case of a variation or revocation of a declaration in respect of a class of persons—the variation or revocation is notified in the Gazette.

(5) An application to the Minister for a declaration must be—

(a) in a form approved by the Minister; and

(b) accompanied by the fee prescribed by regulation.

(6) The Minister must not make a decision on an application for a declaration unless he or she has consulted with the Commissioner.

(7) A person aggrieved by a decision of the Minister to vary or revoke a declaration may appeal against the variation or revocation to the District Court.

(8) The Minister may delegate his or her powers under this section to any person or body.

(9) A delegation under subsection (8)—

(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 this section; and

(d) is revocable at will by the Minister.

(10) If the Minister has not given the person reasons in writing for making the decision appealed against, the Minister must do so on request made within 28 days after the person received notice of the decision.

(11) If a decision was made because of information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.

(12) An appeal under this section must be made—

(a) within 28 days after the person received notice of the decision appealed against; or

(b) if a request for reasons in writing is made under subsection (10)—within 28 days after the person received the reasons in writing.

(13) On an appeal under this section, the Court—

(a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of Superintendent.

(14) A person (being a person who is otherwise entitled to do so) must not use or have possession of a prohibited weapon unless he or she does so in a safe and secure manner.

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

21G—Information relating to knife related injuries

(1) If a medical practitioner or a registered or enrolled nurse has reasonable cause to suspect in relation to a person who he or she has seen in his or her professional capacity that the person is suffering from a wound inflicted by a knife, the medical practitioner or nurse must, as soon as practicable after forming the suspicion, make a report to the prescribed person or body containing—

(a) details of the wound; and

(b) any information provided to the practitioner or nurse about the circumstances leading to the infliction of the wound (other than information tending to identify the person).

(2) Subsection (1) does not apply if, in the opinion of the medical practitioner or the nurse, the injuries are not serious and the medical practitioner or nurse believes on reasonable grounds that the injuries were accidental.

(3) A person incurs no civil or criminal liability in taking action in good faith in compliance, or purported compliance, with this section.

(4) In this section—

enrolled nurse means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing profession as a nurse (other than as a student); and

(b) in the enrolled nurses division of that profession;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

registered nurse means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing profession as a nurse (other than as a student); and

(b) in the registered nurses division of that profession.

21H—Weapons prohibition order issued by Commissioner

(1) The Commissioner may issue a weapons prohibition order against a person if satisfied that—

(a) the person has (whether before or after the commencement of this section)—

(i) been found guilty of an offence of violence; or

(ii) been declared liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* by a court dealing with a charge of an offence of violence; and

(b) possession of a prohibited weapon by the person would be likely to result in undue danger to life or property; and

(c) it is in the public interest to prohibit the person from possessing and using a prohibited weapon.

(2) A weapons prohibition order must be served on the person personally and is not binding on the person until it has been so served.

(3) If the Commissioner proposes to issue a weapons prohibition order against a person, a police officer may—

(a) require the person to remain at a particular place while the order is prepared and issued so that the order may be served on the person; and

(b) if the person refuses or fails to comply with the requirement or the officer has reasonable grounds to believe that the requirement will not be complied with, arrest and detain the person in custody (without warrant) for—

(i) so long as may be necessary for the order to be served on the person; or

(ii) 2 hours,

whichever is the lesser.

(4) A weapons prohibition order served on a person must be accompanied by a notice—

(a) setting out the Commissioner's reasons for issuing the order; and

(b) setting out the terms and the effect of the order; and

(c) stating that the person may, within 28 days, appeal to the District Court against the order.

(5) If the decision to issue the order was made because of information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.

(6) Subject to subsection (7), a weapons prohibition order issued against a person remains in force for a period of 3 years from the date on which it was served on the person or for such lesser period as may be specified in the order.

(7) The Commissioner may, on his or her own initiative or on application, by notice in writing served personally or by post on a person, revoke a weapons prohibition order issued against the person.

(8) For the avoidance of doubt, the fact that a weapons prohibition order issued against a person has ceased to be in force in accordance with subsection (6), or has been revoked in accordance with subsection (7), does not prevent the Commissioner from issuing a subsequent weapons prohibition order against the person in accordance with this section.

21I—Effect of weapons prohibition order

(1) A person to whom a weapons prohibition order applies is disqualified from obtaining an exemption under section 21F.

(2) While a weapons prohibition order applies to a person—

(a) any exemption under Schedule 2 does not apply in relation to the person unless the Schedule expressly provides that it will apply to such a person; and

(b) any exemption held by the person under section 21F is suspended.

(3) A person to whom a weapons prohibition order applies must not manufacture, sell, distribute, supply, deal with, use or possess a prohibited weapon.

Maximum penalty: $35 000 or imprisonment for 4 years.

(4) A person to whom a weapons prohibition order applies—

(a) must not be present at—

(i) a place at which a person carries on the business of manufacturing, repairing, modifying or testing prohibited weapons or buying, selling or hiring out, prohibited weapons; or

(ii) any other place of a kind prescribed by regulation; and

(b) must not be in the company of a person who has a prohibited weapon on or about his or her person or under his or her immediate physical control.

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

(5) It is a defence to prosecution for an offence against subsection (4)(a) to prove that the person did not know, and could not reasonably be expected to have known, that the place was a place of a kind referred to in that paragraph.

(6) It is a defence to prosecution for an offence against subsection (4)(b) to prove that the person did not know, and could not reasonably be expected to have known, that the other person had a prohibited weapon on or about his or her person or under his or her immediate physical control.

(7) A person to whom a weapons prohibition order applies must—

(a) as soon as reasonably practicable after becoming aware of the presence of a prohibited weapon on premises at which the person resides, notify the Commissioner of that fact in the manner (if any) prescribed by the regulations; and

(b) comply with—

(i) a direction of the Commissioner, given in response to that notification, that the person must not reside at the premises; or

(ii) any other direction of the Commissioner, given in response to that notification, in relation to the weapon.

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

(8) A person must not supply a prohibited weapon to a person to whom a weapons prohibition order applies or permit such a person to gain possession of a prohibited weapon.

Maximum penalty: $35 000 or imprisonment for 4 years.

(9) It is a defence to prosecution for an offence against subsection (8) to prove that the person did not know, and could not reasonably be expected to have known, that a weapons prohibition order applies to the person.

(10) For the purposes of this section, if a person to whom a weapons prohibition order applies—

(a) is on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) when a prohibited weapon is on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft; or

(b) was on or in premises or a vehicle, vessel or aircraft (other than any premises, vehicle, vessel or aircraft to which the public are admitted) immediately before a prohibited weapon was on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft,

the person will be taken to possess the prohibited weapon unless it is proved that—

(c) the person has notified the Commissioner of the presence of the weapon in accordance with subsection (7); or

(d) the person did not know, and could not reasonably be expected to have known, that the weapon was on or in, or in the immediate vicinity of, the premises, vehicle, vessel or aircraft.

(11) The Commissioner may exempt a person, unconditionally or subject to conditions, from a specified provision of this section and may vary or revoke an exemption by notice in writing served personally or by registered post on the holder of the exemption.

21J—Right of appeal to District Court

(1) A person aggrieved by a decision of the Commissioner—

(a) to issue a weapons prohibition order under section 21H; or

(b) to vary or revoke an exemption under section 21I(11),

may appeal against the decision to the District Court.

(2) If the Commissioner has not given the person reasons in writing for making the decision appealed against, the Commissioner must do so on request made within 28 days after the person received notice of the decision.

(3) If a decision was made because of information that is classified by the Commissioner as criminal intelligence, the only reason required to be given is that the decision was made on public interest grounds.

(4) An appeal under this section must be made—

(a) within 28 days after the person received notice of the decision appealed against; or

(b) if a request for reasons in writing is made under subsection (2)—within 28 days after the person received the reasons in writing.

(5) On an appeal under this section, the Court—

(a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of Superintendent.

21K—Reports relating to weapons prohibition orders

The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation):

(a) the number of weapons prohibition orders issued under section 21H;

(b) the number of weapons prohibition orders revoked under section 21H;

(c) the number of appeals under section 21J and the outcome of each appeal that has been completed or finally determined;

(d) any other information requested by the Minister.

21L—Power to search for prohibited weapons

(1) A police officer may, as reasonably required for the purpose of ensuring compliance with a weapons prohibition order issued by the Commissioner—

(a) detain a person to whom this subsection applies and search the person for prohibited weapons; and

(b) stop and detain a vehicle, vessel or aircraft to which this subsection applies and search the vehicle, vessel or aircraft for prohibited weapons; and

(c) enter premises to which this subsection applies and search the premises for prohibited weapons.

(2) Subsection (1) applies—

(a) to a person who a police officer suspects on reasonable grounds is a person to whom a weapons prohibition order issued by the Commissioner applies; and

(b) to a vehicle, vessel or aircraft that a police officer suspects on reasonable grounds is in the charge of a person to whom the subsection applies; and

(c) to premises that a police officer suspects on reasonable grounds are occupied by, or under the care, control or management of, a person—

(i) who the police officer suspects on reasonable grounds of contravening a weapons prohibition order; or

(ii) who has previously contravened a weapons prohibition order.

(3) If a prohibited weapon is delivered or seized under this section, it must be forwarded immediately to the Commissioner.

21M—Forfeiture

A court that has convicted a person of an offence against this Part may order that the weapon, implement or article in relation to which the offence was committed be forfeited to the Crown.

21N—General amnesty

(1) The Commissioner may, with the approval of the Minister, from time to time declare a general amnesty from 1 or more of the provisions of this Part.

(2) An amnesty—

(a) must be declared by notice in the Gazette and in a newspaper circulating generally throughout the State; and

(b) applies in relation to the provision or provisions of this Part specified in the notice, either generally or subject to limitations specified in the notice (the ***relevant provisions***); and

(c) applies for the period specified in the notice; and

(d) applies for the benefit of all members of the class or classes of persons affected by the relevant provisions; and

(e) is subject to the terms and conditions (if any) set out in the notice.

(3) The Commissioner may, with the approval of the Minister, vary or revoke the declaration of an amnesty under subsection (1) by notice in the Gazette and in a newspaper circulating generally throughout the State.

21O—Regulations

Regulations made for the purposes of this Part may, without limitation—

(a) prescribe circumstances in which a person will be taken to have a lawful excuse in relation to an act or omission referred to in section 21C or 21E; and

(b) provide that this Part or specified provisions of this Part do not apply to a specified class of persons; and

(c) provide that this Part or specified provisions of this Part do not apply to a specified class of weapon, implement or article; and

(d) prescribe evidentiary provisions to facilitate proof of an offence against this Part.

Part 3B—Liquor etc

21OA—Interpretation

In this Part—

designated area means an area of land designated by the Minister under section 21OD;

liquor has the same meaning as in the *Liquor Licensing Act 1997*;

prescribed area means—

(a) an area comprised of a public place or public places specified in a notice under section 131 of the *Liquor Licensing Act 1997*; or

(b) Trust Land within the meaning of the *Aboriginal Lands Trust Act 2013*; or

(c) "the lands" within the meaning of the *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*; or

(d) "the lands" within the meaning of the *Maralinga Tjarutja Land Rights Act 1984*;

sale includes—

(a) barter or exchange; or

(b) offer or expose for sale, barter or exchange; or

(c) supply, or offer to supply, in circumstances in which the supplier derives, or would derive, a direct or indirect pecuniary benefit; or

(d) supply, or offer to supply, gratuitously but with a view to gaining or maintaining custom, or otherwise with a view to commercial gain.

21OB—Possession, transportation of liquor for sale

(1) A person must not—

(a) have possession of liquor for the purpose of sale; or

(b) transport liquor for the purpose of sale; or

(c) transport liquor, for the purpose of sale, to a place other than a place at or on which liquor may lawfully be sold.

Maximum penalty:

(a) for a first offence—$20 000;

(b) for a second or subsequent offence—$40 000.

(2) If liquor is possessed or transported by a person in contravention of subsection (1) and is so possessed or transported on behalf of another person, that other person is guilty of an offence.

Maximum penalty:

(a) for a first offence—$20 000;

(b) for a second or subsequent offence—$40 000.

(3) If liquor is possessed or transported by a person in contravention of subsection (1) (the ***first person***), a person who—

(a) would derive a direct or indirect commercial benefit from the sale of the liquor (if the sale were to occur); and

(b) knew, or ought reasonably to have known, that the first person was in possession of or transporting the liquor for the purpose of sale,

is guilty of an offence.

Maximum penalty:

(a) for a first offence—$20 000;

(b) for a second or subsequent offence—$40 000.

(4) Subsections (1) and (2) do not apply to the possession or transportation of liquor for the purpose of a sale that may lawfully be made.

(5) It is a defence to a prosecution for an offence against subsection (3) for the person to prove that the person believed on reasonable grounds that the liquor was possessed or transported by the first person for the purpose of a sale that may lawfully be made.

(6) If, in proceedings for an offence against subsection (1) or (2), it is proved that the amount of liquor possessed or transported exceeds the prescribed amount, it is presumed, in the absence of proof to the contrary, that the liquor was possessed or transported (as the case requires) for the purpose of sale.

(7) A regulation for the purposes of subsection (6) may vary according to the area, circumstances or any other specified factor to which the regulation is expressed to apply.

21OC—Supply etc of liquor in certain areas

(1) If—

(a) a person (the ***first person***)—

(i) supplies liquor to another person (the ***third person***); or

(ii) transports liquor intending to supply any of it, or believing that another person intends to supply any of it, to the third person; or

(iii) possesses liquor intending to supply any of it to the third person; and

(b) the third person is in a prescribed area,

the first person is guilty of an offence.

Maximum penalty:

(a) for a first offence—$20 000;

(b) for a second or subsequent offence—$40 000.

(1a) However, a person will not be guilty of an offence against subsection (1) if 1 or more of the following circumstances apply:

(a) the consumption or possession (or both) of liquor by the third person in the prescribed area is not prohibited under another Act or law;

(b) the consumption or possession (or both) of liquor by the third person is not prohibited under another Act or law—

(i) in the case of an offence against subsection (1)(a)(i)—in the part of the prescribed area in which the supply of liquor takes place; or

(ii) in the case of an offence against subsection (1)(a)(ii) or (1)(a)(iii)—in the part of the prescribed area in which the supply of liquor is intended to take place;

(c) under another Act or law, the third person is a person, or belongs to a class of persons, who, in the circumstances, is exempt from a prohibition on the consumption or possession (or both) of liquor that would otherwise apply to the person in the prescribed area.

(2) If, in proceedings for an offence against subsection (1), it is proved that a person possessed or transported more than the prescribed amount of liquor in a designated area, it is presumed, in the absence of proof to the contrary, that the person possessed or transported (as the case requires) the liquor intending to supply it to a third person.

(3) A regulation for the purposes of subsection (2) may vary according to the area, circumstances or any other specified factor to which the regulation is expressed to apply.

21OD—Designated areas

(1) The Minister may, by notice published in the Gazette, designate an area of land as a designated area for the purposes of this Part.

(2) The Minister may, by further notice published in the Gazette, vary or revoke a notice published under subsection (1).

(3) A notice under subsection (1) or (2) can only include within a designated area land that is within 20 km of a boundary of a relevant prescribed area.

(4) A notice under subsection (1) or (2) takes effect on the day on which it is published in the Gazette, or on a later day as specified in the notice.

(5) If the Minister publishes a notice under subsection (1) or (2), the Minister must cause a copy of the notice to be laid before both Houses of Parliament.

(6) If either House of Parliament passes a resolution disallowing a notice laid before it under subsection (5), the notice will cease to have effect (and in the case of a notice under subsection (2) varying or revoking a notice under subsection (1), the notice under subsection (1) will, from that time, apply as if it had not been varied or revoked (as the case requires) by the notice under subsection (2)).

(7) A resolution is not effective for the purposes of subsection (6) unless passed in pursuance of a notice of motion given within 14 sitting days (which need not fall within the same session of Parliament) after the day on which the notice was laid before the House under subsection (5).

21OE—Evidence

(1) In proceedings for an offence against this Part, an apparently genuine document purporting to be signed by the Commissioner and to certify that a specified substance is liquor will, in the absence of proof to the contrary, be proof of the matter certified.

(2) If the label on a sealed container states or indicates that it contains liquor then, in proceedings for an offence against this Part, it is to be taken, in the absence of proof to the contrary, that the container contains liquor of the description and in the quantity and concentration stated on the label.

(3) In this section—

label, in relation to a container, means any label, marking, or other information on the container.

21OF—Regulations

The regulations may—

(a) provide that this Part or specified provisions of this Part do not apply in prescribed circumstances or to a specified class of persons; or

(b) provide for, or provide for the granting of, exemptions (either subject to specified conditions or otherwise) from the application of this Act or specified provisions of this Act in respect of classes of persons or activities.

Part 4—Tattooing, body piercing and body modification

21P—Interpretation and application

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

body branding means the process by which a mark, symbol or pattern is, by burning or cauterizing, applied to a person's skin;

body implantation means the implanting of an object beneath the skin;

body modification procedure means—

(a) tattooing; and

(b) body branding; and

(c) body implantation; and

(d) earlobe stretching; and

(e) tongue splitting; and

(f) body scarification; and

(g) any other procedure prescribed for the purposes of this paragraph;

body piercing means the piercing of part of a person's body to create 1 or more holes for the insertion of an object;

body scarification means the cutting of a person's skin to encourage the production of scar tissue;

dental practitioner means a person registered under the *Health Practitioner Regulation National Law* to practise in the dental profession (including, if appropriate, a dental therapist, dental hygienist, dental prosthetist or oral health therapist but not including a student);

genitalia includes surgically constructed genitalia;

guardian, of a minor, means a parent or legal guardian of the minor;

intimate body piercing means the piercing of a person's genitalia, anal region, perineum, nipples or uvula;

medical practitioner means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

medical treatment means treatment or procedures administered or carried out by a medical practitioner, dental practitioner or nurse in the course of medical, surgical or dental practice or treatment;

nurse means a person registered under the *Health Practitioner Regulation National Law* to practise in the nursing and midwifery profession as a nurse (other than as a student).

(2) This Part does not apply to a body piercing or body modification procedure performed on a person if the procedure is performed—

(a) in the course of medical treatment; or

(b) for a medical or therapeutic purpose of a kind prescribed by the regulations.

21Q—Performance of body modification procedures on intoxicated persons prohibited

(1) A person must not perform a body piercing or body modification procedure on a person who is intoxicated (whether by alcohol or by any other substance or combination of substances).

Maximum penalty: $5 000 or imprisonment for 12 months.

(2) It is a defence to a charge of an offence against subsection (1) for the defendant to prove that he or she believed on reasonable grounds that the person on whom the procedure was performed was not intoxicated.

21R—Performance of certain procedures on minors prohibited

(1) A person must not perform a body modification procedure on a minor.

Maximum penalty: $5 000 or imprisonment for 12 months.

(2) A person must not perform—

(a) an intimate body piercing on a minor; or

(b) any other body piercing on a minor without the consent of the minor's guardian given in accordance with section 21S.

Maximum penalty: $5 000 or imprisonment for 12 months.

(3) Subsection (2)(b) does not apply if the minor on whom the body piercing is to be performed is at least 16 years old.

(4) It is a defence to a charge of an offence against this section to prove that—

(a) the defendant, or some person acting on behalf of the defendant, required the minor, or another person, to produce evidence of a kind required by the regulations of—

(i) his or her age; or

(ii) the consent of his or her guardian to the carrying out of the relevant procedure,

as the case requires; and

(b) the minor, or another person, made a false statement, or produced false evidence in response to that requirement; and

(c) in consequence, the defendant reasonably believed that—

(i) the minor was of or above the requisite age; or

(ii) the guardian consented to the carrying out of the relevant procedure,

as the case requires.

(5) A person who seeks to rely on the defence in subsection (4) must, in order to rely on the defence, produce the identifying details, or a copy, of the evidence offered at the time of the alleged offence.

21S—Pre-conditions to performing certain procedures

(1) A person must not perform a body piercing or body modification procedure on another person unless—

(a) the person who is to perform the procedure (the ***service provider***) (or a person acting on behalf of the service provider) and the person on whom the procedure is to be performed (the ***customer***) enter into a written agreement containing the prescribed information as to the nature of the procedure and the manner in which it is to be carried out; and

(b) when the agreement is entered into—

(i) the customer is given free of charge a copy of the agreement and the prescribed information; and

(ii) if the customer is less than 16 years of age and the procedure is a body piercing to which section 21R(2)(b) applies—the consent of the customer's guardian to the procedure is given—

(A) in person; or

(B) in the prescribed form and verified by statutory declaration.

Maximum penalty: $5 000.

Expiation fee: $315.

(2) Subsection (1) does not apply to an earlobe piercing performed on a person who is at least 16 years old.

(3) A person cannot give consent under subsection (1)(b)(ii) if the person is intoxicated (whether by alcohol or by any other substance or combination of substances).

(4) In subsection (1)(b)(i)—

prescribed information means—

(a) information about how to care for the health and recovery of the area of the body affected by the body piercing or body modification procedure; and

(b) any other information prescribed by the regulations.

21T—Sale of body modification equipment to minors prohibited

(1) A person must not—

(a) sell body modification equipment to a minor; or

(b) supply body modification equipment to a minor in connection with the sale, or possible sale, of goods.

Maximum penalty: $2 500.

(2) It is a defence to a charge of an offence against subsection (1) to prove that—

(a) the defendant, or some person acting on behalf of the defendant, required the minor, or another person, to produce evidence of a kind required by the regulations of his or her age; and

(b) the minor, or another person, made a false statement, or produced false evidence in response to that requirement; and

(c) in consequence, the defendant reasonably believed that the minor was of or above the age of 18 years.

(3) A person who seeks to rely on the defence in subsection (2) must, in order to rely on the defence, produce the identifying details, or a copy, of the evidence offered at the time of the alleged offence.

(4) If a person is convicted of an offence against subsection (1), any body modification equipment seized as evidence of the offence may be retained by the Commissioner of Police and is forfeited to the Crown—

(a) if an appeal has not been lodged within the period provided for lodging an appeal against the conviction—at the end of the period; or

(b) if an appeal has been lodged within the period provided for lodging an appeal against the conviction—when the appeal lapses or is finally determined.

(5) Equipment forfeited under subsection (4) may be dealt with and disposed of in such manner as the Commissioner of Police may direct.

(6) In this section—

body modification equipment means equipment designed to be used for the purposes of body modification;

sell means—

(a) sell, barter or exchange; or

(b) offer or agree to sell, barter or exchange; or

(c) expose for sale, barter or exchange; or

(d) have in possession for sale, barter or exchange;

supply includes offer to supply.

21U—Display of information

A person who offers, for fee or reward, to perform body piercing or body modification procedures must display prescribed information at the premises where the procedures are offered.

Maximum penalty: $1 250.

Expiation fee: $160.

21V—Record keeping

(1) A person must keep records in accordance with the regulations for the purposes of this Part.

Maximum penalty: $1 250.

Expiation fee: $160.

(2) A record required to be kept by a person under this section must be kept for a period of 2 years.

Maximum penalty: $1 250.

Expiation fee: $160.

21W—Offence to make false statement or produce false evidence

A person must not make a false statement or produce false evidence to a person who offers body piercing or body modification procedures in respect of—

(a) the age of a minor; or

(b) the consent of a minor's guardian to the performance of a body piercing or body modification procedure.

Maximum penalty: $2 500.

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.

Expiation fee: $80.

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 5A—Filming and sexting offences

26A—Interpretation

(1) In this Part—

carriage service provider has the same meaning as in section 87 of the *Telecommunications Act 1997* of the Commonwealth;

cognitive impairment includes—

(a) a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);

(b) an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);

(c) a mental illness;

distribute includes—

(a) communicate, exhibit, send, supply, upload or transmit; and

(b) make available for access by another,

but does not include distribution by a person solely in the person's capacity as an internet service provider, internet content host or a carriage service provider;

film means take images by any means;

humiliating or degrading act, in relation to a person, means—

(a) an assault or other act of violence against the person; or

(b) an act that reasonable adult members of the community would consider to be humiliating or degrading to such a person (but does not include an act that reasonable adult members of the community would consider to cause only minor or moderate embarrassment);

humiliating or degrading filming means filming images of another person while the other person is being subjected to, or compelled to engage in, a humiliating or degrading act, but does not include filming images of a person who consents to being subjected to, or engaging in, a humiliating or degrading act and consents to the filming of the act;

image means a moving or still image, and includes an image that has been altered by digital or other means;

indecent filming means filming of—

(a) another person in a state of undress in circumstances in which a reasonable person would expect to be afforded privacy; or

(b) another person engaged in a private act in circumstances in which a reasonable person would expect to be afforded privacy; or

(c) another person's private region in circumstances in which a reasonable person would not expect that the person's private region might be filmed;

internet content host has the same meaning as in Schedule 5 of the *Broadcasting Services Act 1992* of the Commonwealth;

internet service provider has the same meaning as in Schedule 5 of the *Broadcasting Services Act 1992* of the Commonwealth;

invasive image—see subsections (2) and (3);

law enforcement personnel means police officers or officers of a law enforcement agency;

private act means—

(a) a sexual act of a kind not ordinarily done in public; or

(ab) an act carried out in a sexual manner or context; or

(b) using a toilet;

private region of a person means the person's genital or anal region, or in the case of a female, the breast, when covered by underwear or bare.

(2) For the purposes of this Part, an image of a person will be taken to be an ***invasive image*** of the person if it depicts the person in a place other than a public place—

(a) engaged in a private act; or

(b) in a state of undress such that—

(i) in the case of a female—the bare breasts are visible; or

(ii) in any case—the bare genital or anal region is visible.

(3) However, an image of a person that falls within the standards of morality, decency and propriety generally accepted by reasonable adults in the community will not be taken to be an invasive image of the person.

26B—Humiliating or degrading filming

(1) A person who engages in humiliating or degrading filming is guilty of an offence.

Maximum penalty: Imprisonment for 1 year.

(2) A person who distributes an image obtained by humiliating or degrading filming knowing or having reason to believe that the victim—

(a) does not consent to that particular distribution of the image; or

(b) does not consent to that particular distribution of the image and does not consent to distribution of the image generally,

is guilty of an offence.

Maximum penalty: Imprisonment for 1 year.

(3) A person who—

(a) takes part in a humiliating or degrading act; and

(b) in relation to that humiliating or degrading act, engages in conduct constituting an offence against subsection (1) or subsection (2),

is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

(4) It is a defence to—

(a) a charge of an offence against subsection (1); or

(b) a charge of an offence against subsection (3) where the defendant is alleged to have engaged in conduct constituting an offence against subsection (1),

to prove 1 or more of the following:

(c) the defendant did not knowingly film the images the subject of the offence;

Example—

The filming took place accidentally or the filming took place in circumstances where the defendant did not know what images were being filmed.

(d) the defendant reasonably believed that the victim consented to the filming the subject of the offence;

(e) the conduct constituting the offence was for a legitimate public purpose.

(5) It is a defence to—

(a) a charge of an offence against subsection (2); or

(b) a charge of an offence against subsection (3) where the defendant is alleged to have engaged in conduct constituting an offence against subsection (2),

to prove 1 or more of the following:

(c) the defendant's distribution of the image was neither intentional nor reckless;

(d) the conduct constituting the offence was for a legitimate public purpose.

(6) For the purposes of this section, conduct will only be taken to be for a ***legitimate public purpose*** if the conduct was in the public interest having regard to the following:

(a) whether the conduct was for the purpose of educating or informing the public;

(b) whether the conduct was for a purpose connected to law enforcement or public safety;

(c) whether the conduct was for a medical, legal or scientific purpose;

(d) any other factor the court determining the charge considers relevant.

(7) If, in any proceedings for an offence against this section, the defendant establishes that the conduct allegedly constituting the offence was engaged in by or on behalf of a media organisation, the conduct will, for the purposes of this section, be taken to have been engaged in for a legitimate public purpose unless the court determining the charge finds that, having regard to the matters set out in subsection (6), the conduct was not for a legitimate public purpose.

(8) For the purposes of this section, a person ***takes part*** in a humiliating or degrading act if he or she—

(a) subjects a victim to, or compels a victim to engage in, a humiliating or degrading act (where the victim does not consent to being subjected to, or engaging in, the act); or

(b) encourages, supports or assists another person to engage in conduct of a kind referred to in paragraph (a) in relation to a victim.

(9) In this section—

broadcasting includes datacasting;

media organisation means—

(a) an organisation that engages in broadcasting pursuant to a licence under the *Broadcasting Services Act 1992* of the Commonwealth or that is otherwise authorised under a law of the Commonwealth to engage in broadcasting; or

(b) an organisation that is a constituent body of the Australian Press Council or is authorised under a law of the Commonwealth to engage in publishing;

publish means publish by newspaper, radio or television, or on the internet, or by other similar means of communication to the public;

victim means a person subjected to, or compelled to engage in, a humiliating or degrading act (where the person does not consent to being subjected to, or engaging in, the act).

26C—Distribution of invasive image

(1) A person who distributes an invasive image of another person, knowing or having reason to believe that the other person—

(a) does not consent to that particular distribution of the image; or

(b) does not consent to that particular distribution of the image and does not consent to distribution of the image generally,

is guilty of an offence.

Maximum penalty:

(a) if the invasive image is of a person under the age of 17 years—$20 000 or imprisonment for 4 years;

(b) in any other case—$10 000 or imprisonment for 2 years.

(2) It is a defence to a charge of an offence against this section to prove—

(a) that the conduct constituting the offence—

(i) was for a purpose connected to law enforcement; or

(ii) was for a medical, legal or scientific purpose; or

(b) that the image was filmed by a licensed investigation agent within the meaning of the *Security and Investigation Agents Act 1995* and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit and the distribution of the image was for a purpose connected with that claim.

26D—Indecent filming

(1) A person must not engage in indecent filming.

Maximum penalty:

(a) if the person filmed was under the age of 17 years—$20 000 or imprisonment for 4 years;

(b) in any other case—$10 000 or imprisonment for 2 years.

(2) It is a defence to a charge of an offence against subsection (1) to prove—

(a) that the indecent filming occurred with the consent of the person filmed; or

(b) that the indecent filming was undertaken by a licensed investigation agent within the meaning of the *Security and Investigation Agents Act 1995* and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit.

(3) A person must not distribute an image obtained by indecent filming.

Maximum penalty:

(a) if the person filmed was under the age of 17 years—$20 000 or imprisonment for 4 years;

(b) in any other case—$10 000 or imprisonment for 2 years.

(4) It is a defence to a charge of an offence against subsection (3) to prove 1 or more of the following:

(a) that the person filmed—

(i) consented to that particular distribution of the image the subject of the offence; or

(ii) consented to distribution of the image the subject of the offence generally; or

(b) that the defendant did not know, and could not reasonably be expected to have known, that the indecent filming was without the person's consent; or

(c) that the indecent filming was undertaken by a licensed investigation agent within the meaning of the *Security and Investigation Agents Act 1995* and occurred in the course of obtaining evidence in connection with a claim for compensation, damages, a payment under a contract or some other benefit and the distribution of the image was for a purpose connected with that claim.

26DA—Threat to distribute invasive image or image obtained from indecent filming

(1) A person who—

(a) threatens to distribute an invasive image of a person; and

(b) intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused,

is guilty of an offence.

Maximum penalty:

(a) if the invasive image is of a person under the age of 17 years—$10 000 or imprisonment for 2 years;

(b) in any other case—$5 000 or imprisonment for 1 year.

(2) A person who—

(a) threatens to distribute an image obtained by the indecent filming of a person; and

(b) intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused,

is guilty of an offence.

Maximum penalty:

(a) if the person filmed was under the age of 17 years—$10 000 or imprisonment for 2 years;

(b) in any other case—$5 000 or imprisonment for 1 year.

(3) It is a defence to a charge of an offence against subsection (1) or (2) to prove—

(a) that—

(i) the person filmed consented to that particular distribution of the image the subject of the filming; or

(ii) the person consented to distribution of the image the subject of the filming generally; and

(b) that the person had not, at the time of the alleged offence, withdrawn consent to the distribution of the image.

(4) This section applies to a threat directly or indirectly communicated by words (written or spoken) or by conduct, or partially by words and partially by conduct, and may be explicit or implicit.

26E—General provisions

(1) An apparent consent will not be an effective consent for the purposes of this Part if—

(a) given by a person who is under the age of 17 years or with a cognitive impairment; or

(b) obtained from a person by duress or deception.

(2) The following persons do not commit an offence against this Part:

(a) law enforcement personnel and legal practitioners, or their agents, acting in the course of law enforcement or legal proceedings;

(b) medical practitioners, or their agents, acting in the course of medical practice or for genuine educational or research purposes.

(3) If a court finds a person guilty of an offence against this Part, the court may order the forfeiture of anything that has been seized and consists of, or contains a record of, images taken in the course of the commission of the offence, or consists of equipment used for the commission of the offence.

(4) A court making an order for forfeiture of any equipment or item under subsection (3) may, if it thinks fit, allow the offender or any other person an opportunity to retrieve (in accordance with any directions of the court) specified records, or other material, not involved in the commission of the offence from the equipment or item before it is so forfeited.

Part 5B—Offences related to certain artificially generated depictions

26F—Interpretation

(1) In this Part—

artificially generated content means audiovisual, visual, or audio content that—

(a) is generated wholly by artificial intelligence; or

(b) is created by a person or persons solely using digital technology,

but does not include content that consists of or incorporates an image within the meaning of Part 5A;

depiction includes an audiovisual, audio or visual depiction of a real person;

distribute has the same meaning as in Part 5A;

humiliating or degrading depiction, in relation to a simulated person, means artificially generated content depicting—

(a) an assault or other act of violence done by or against the simulated person; or

(b) an act done by or against the simulated person that reasonable adult members of the community would, were the act to be done by or against a real person, consider to be humiliating or degrading to the real person (but does not include an act that reasonable adult members of the community would consider to cause only minor or moderate embarrassment);

invasive depiction, in relation to a simulated person, means artificially generated content depicting—

(a) the simulated person in a state of undress such that—

(i) in the case of a simulated female person—the bare breasts are visible; or

(ii) in any case—the bare genital or anal region is visible; or

(b) the simulated person performing a private act,

however, a depiction of a simulated person that falls within the standards of morality, decency and propriety generally accepted by reasonable adults in the community will not be taken to be an invasive depiction;

private act means—

(a) a sexual act; or

(b) an act carried out in a sexual manner; or

(c) urinating or defecating;

simulated person means a person depicted in artificially generated content that—

(a) purports to be a depiction of a particular real person; or

(b) so closely resembles a depiction of a particular real person that a reasonable person who knew the real person would consider it likely to be a depiction of the real person.

(2) For the purposes of this Part, a reference to the breasts, or genital or anal region, of a person, or a reference to an actual place, act or item, will, in the case of artificially generated content, be taken to include a reference to an artificial depiction of those things.

26G—Creation of humiliating, degrading or invasive depiction

(1) A person who creates a humiliating or degrading depiction of a simulated person is guilty of an offence.

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

(2) A person who creates an invasive depiction of a simulated person is guilty of an offence.

Maximum penalty:

(a) if the simulated person purports to be a real person who is under the age of 17 years—$20 000 or imprisonment for 4 years;

(b) in any other case—$10 000 or imprisonment for 2 years.

(3) It is a defence to a charge of an offence against this section to prove that the creation of the humiliating or degrading depiction or invasive depiction (as the case may be) occurred with the written consent of each real person depicted in the depiction.

26H—Distribution of humiliating, degrading or invasive depiction

(1) A person who distributes a humiliating or degrading depiction of a simulated person is guilty of an offence.

Maximum penalty: Imprisonment for 1 year.

(2) A person who distributes an invasive depiction of a simulated person is guilty of an offence.

Maximum penalty:

(a) if the simulated person purports to be a real person who is under the age of 17 years—$20 000 or imprisonment for 4 years;

(b) in any other case—$10 000 or imprisonment for 2 years.

(3) It is a defence to a charge of an offence against this section to prove that the distribution of the humiliating or degrading depiction or invasive depiction (as the case may be) occurred with the written consent of each real person depicted in the depiction.

(4) No offence is committed against this section—

(a) by law enforcement personnel and legal practitioners, or their agents, acting in the course of law enforcement or legal proceedings; or

(b) by reason of the distribution of artificially generated content 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 aspects of the work that might otherwise be considered to be a humiliating or degrading depiction or an invasive depiction (as the case may be) of a simulated person.

26I—Threat to distribute humiliating, degrading or invasive depiction

(1) A person who—

(a) threatens to distribute a humiliating or degrading depiction of a simulated person; and

(b) intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused,

is guilty of an offence.

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

(2) A person who—

(a) threatens to distribute an invasive depiction of a simulated person; and

(b) intends to arouse a fear that the threat will be, or is likely to be, carried out, or is recklessly indifferent as to whether such a fear is aroused,

is guilty of an offence.

Maximum penalty:

(a) if the simulated person purports to be a real person who is under the age of 17 years, or the threat is made to a person who is under the age of 17 years—$10 000 or imprisonment for 2 years;

(b) in any other case—$5 000 or imprisonment for 1 year.

(3) It is a defence to a charge of an offence against this section to prove that each real person depicted in the depiction to which the offence relates gave written consent to the distribution of the humiliating or degrading depiction or invasive depiction (as the case may be).

(4) This section applies to a threat directly or indirectly communicated by words (written or spoken) or by conduct, or partially by words and partially by conduct, and may be explicit or implicit.

26J—General provisions

(1) An apparent consent will not be an effective consent for the purposes of this Part if—

(a) given by a person who is under the age of 17 years or with a cognitive impairment; or

(b) obtained from a person by duress or deception.

(2) If a court finds a person guilty of an offence against this Part, the court may order the forfeiture of anything that has been seized and consists of, or contains a record of, artificially generated content used in the course of the commission of the offence, or consists of equipment used for the commission of the offence.

(3) A court making an order for forfeiture of any equipment or item under subsection (2) may, if it thinks fit, allow the offender or any other person an opportunity to retrieve (in accordance with any directions of the court) specified records, or other material, not involved in the commission of the offence from the equipment or item before it is so forfeited.

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 6A—Nazi salute or symbols

32A—Interpretation

(1) In this Part—

intelligence agency means—

(a) the Australian Security Intelligence Organisation; or

(b) the Australian Secret Intelligence Service; or

(c) the Australian Signals Directorate; or

(d) the Office of National Intelligence;

law enforcement officer means—

(a) a police officer or a member of the police force or police service of any other State or of the Northern Territory; or

(b) a member of the Australian Federal Police; or

(c) a member of staff of the Australian Crime Commission established by the *Australian Crime Commission Act 2002* of the Commonwealth;

Nazi salute means—

(a) a salute consisting of raising an outstretched right arm with the palm down (whether or not accompanied by any spoken words); or

Note—

This salute is commonly referred to as the Hitler salute, or Hitler greeting, and was generally used in Nazi Germany as a way to pay homage to Adolf Hitler.

(b) a gesture that so nearly resembles the salute referred to in paragraph (a) that it is likely to be mistaken for that salute;

Nazi symbol—each of the following is a Nazi symbol:

(a) the hakenkreuz;

(b) an image of a Nazi salute;

(c) any symbol prescribed by the regulations to be a Nazi symbol (being a symbol that is associated with the Nazis, or with Nazi ideology);

(d) any other symbol associated with the Nazis, or with Nazi ideology;

(e) a symbol that so nearly resembles a symbol referred to in a preceding paragraph that it is likely to be mistaken for such a symbol;

prohibited act means—

(a) performing a Nazi salute; or

(b) publishing a Nazi symbol;

publishing a Nazi symbol—a person publishes a Nazi symbol if they—

(a) include the symbol in a publicly viewable post on a website, social media platform or other electronic platform; or

(b) publish the symbol in a book, newspaper, magazine or other written publication; or

(c) distribute the symbol in a book, newspaper, magazine or other written publication; or

(d) broadcast the symbol (whether by television or other means); or

(e) display the symbol in a public place, or in a manner observable by a person in a public place; or

Example—

Wearing an item of clothing on which a hakenkreuz is displayed.

(f) engage in any other act of a kind prescribed by the regulations.

(2) For the purposes of this Part, a reference to a ***hakenkreuz*** will be taken to be a reference to a symbol of a cross with the arms bent at right angles in a clockwise direction.

Note—

The hakenkreuz, or hooked or crooked cross, was used in Nazi Germany as the symbol of the Nazi Party. It is also often referred to as a swastika in that context, but should not be equated with the use of the swastika by practitioners of the Buddhist, Jain or Hindu religions.

(3) For the purposes of this Part, ***publishing a Nazi symbol*** does not include the distribution or dissemination of any matter by a person to the public if the person does not know, and could not reasonably be expected to know, the content of the matter.

32B—Prohibition on use of Nazi salute or Nazi symbols

(1) A person who engages in a prohibited act is guilty of an offence.

Maximum penalty: $20 000 or imprisonment for 12 months.

(2) A person does not contravene subsection (1) if the prohibited act was engaged in for a legitimate public purpose.

(3) For the purposes of subsection (2), an act will only be taken to be for a ***legitimate public purpose*** if the act was in the public interest having regard to the following:

(a) whether the act was for a genuine academic, artistic, religious or scientific purpose;

(b) whether the act was for a genuine cultural or educational purpose;

(c) whether the act was for the purpose of making or publishing a fair and accurate report of any event or matter of public interest;

(d) whether the act was in opposition to fascism, Nazism, neo-Nazism or other related ideologies.

(4) However, an act will be taken not to be for a legitimate public purpose where the act is for a purpose that a reasonable person would understand to be directly or indirectly encouraging, glorifying, promoting or condoning fascism, Nazism, neo-Nazism or other related ideologies.

(5) A law enforcement officer or a member of an intelligence agency does not contravene subsection (1) if the prohibited act occurs in the performance of the officer's or member's duties and is done in good faith.

(6) A person does not contravene subsection (1) if the prohibited act occurs in the course of official duties connected with the administration of the justice system, including the investigation or prosecution of offences, and is done in good faith.

(7) If a person is found guilty of an offence under subsection (1) the court may, in addition to imposing a penalty for the offence, make an order requiring the defendant to pay the reasonable costs and expenses of any action taken for the purposes of removing any relevant Nazi symbols from display.

32C—Direction to remove Nazi symbol from public display

(1) A police officer may give a direction to a person (including, to avoid doubt, to an owner or occupier of premises) to remove from display a Nazi symbol if the police officer reasonably believes the display constitutes an offence against section 32B.

(2) A direction under subsection (1)—

(a) may be given orally or in writing; and

(b) must specify the period within which it is to be complied with.

(3) A person must not, without reasonable excuse, contravene a direction under subsection (1).

Maximum penalty: $1 250.

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 recording or other object or thing 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 National Board or National Review Board under the *Classification (Publications, Films and Computer Games) Act 1995* of the Commonwealth.

(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 on its own initiative, 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*.

Part 7A—Extremist material

36—Interpretation

In this Part—

broadcasting includes datacasting;

carriage service provider has the same meaning as in section 87 of the *Telecommunications Act 1997* of the Commonwealth;

Commonwealth Criminal Code means the Criminal Code set out in the Schedule to the *Criminal Code Act 1995* of the Commonwealth, or a law of the Commonwealth that replaces that Code;

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;

distribute includes—

(a) communicate, exhibit, send, supply, upload or transmit; and

(b) make available for access by another,

but does not include distribution by a person solely in the person's capacity as an internet service provider, internet content host or a carriage service provider;

extremist material—see section 36A;

internet content host has the same meaning as in Schedule 5 of the *Broadcasting Services Act 1992* of the Commonwealth;

internet service provider has the same meaning as in Schedule 5 of the *Broadcasting Services Act 1992* of the Commonwealth;

law enforcement personnel means police officers or officers of a law enforcement agency;

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 recording or other object or thing from which an image may be reproduced; or

(e) any computer data or the computer record or system containing the data; or

(f) any other material or object on which an image or representation is recorded or from which an image or representation may be reproduced;

media organisation means—

(a) an organisation that engages in broadcasting pursuant to a licence under the *Broadcasting Services Act 1992* of the Commonwealth or that is otherwise authorised under a law of the Commonwealth to engage in broadcasting; or

(b) an organisation that is a constituent body of the Australian Press Council or is authorised under a law of the Commonwealth to engage in publishing;

publish means publish by newspaper, radio or television, or on the internet, or by other similar means of communication to the public;

terrorist act has the same meaning as in Part 5.3 of the Commonwealth Criminal Code;

terrorist organisation means an organisation referred to in paragraph (b) of the definition of ***terrorist organisation*** in Division 102 of the Commonwealth Criminal Code.

36A—Extremist material

(1) In this Part (and subject to subsection (2)) ***extremist material*** means—

(a) material that a reasonable person would understand to be—

(i) directly or indirectly encouraging, glorifying, promoting or condoning terrorist acts; or

(ii) seeking support for, or justifying, the carrying out of terrorist acts; or

(b) material that a reasonable person would suspect has been produced or distributed by a terrorist organisation.

(2) A publication, film or computer game that is classified, within the meaning of the *Classification (Publications, Films and Computer Games) Act 1995*, with a classification other than RC does not constitute extremist material for the purposes of this Part.

37—Possession, production or distribution of extremist material

(1) A person who, without reasonable excuse—

(a) has possession of extremist material; or

(b) takes any step in the production or distribution of extremist material,

is guilty of an offence.

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

(2) Without limiting the circumstances in which a defendant may be found to have a reasonable excuse for the purposes of subsection (1), the defendant will have a reasonable excuse if the defendant establishes that—

(a) the conduct constituting the offence was for a legitimate public purpose; or

(b) in the case of an offence against subsection (1)(a)—the material to which the charge relates came into the defendant's possession unsolicited and that the defendant took reasonable steps to get rid of it as soon as the defendant became aware of the material and its nature.

(3) For the purposes of this section, conduct will only be taken to be for a ***legitimate public purpose*** if the conduct was in the public interest having regard to the following:

(a) whether the conduct was for the purpose of educating or informing the public;

(b) whether the conduct was for the purpose of a work of artistic merit;

(c) whether the conduct was for a purpose connected to law enforcement or public safety;

(d) whether the conduct was for a medical, legal or scientific purpose;

(e) any other factor the court determining the charge considers relevant.

(4) If, in any proceedings for an offence against this section, the defendant establishes that the conduct allegedly constituting the offence was engaged in by or on behalf of a media organisation, the conduct will, for the purposes of this section, be taken to have been engaged in for a legitimate public purpose unless the court determining the charge finds that, having regard to the matters set out in subsection (3), the conduct was not for a legitimate public purpose.

(5) Law enforcement personnel and legal practitioners, or their agents, acting in the course of law enforcement or legal proceedings do not commit an offence against this section.

38—Forfeiture

(1) If a court finds a person guilty of an offence against this Part, the court may order the forfeiture of anything that has been seized and consists of, or contains, material to which the offence relates or consists of equipment used for the commission of the offence.

(2) A court making an order for forfeiture of any equipment or item under subsection (1) may, if it thinks fit, allow the offender or any other person an opportunity to retrieve (in accordance with any directions of the court) specified records, or other material, not involved in the commission of the offence from the equipment or item before it is so forfeited.

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 and Early Childhood Services (Registration and Standards) Act 2011* or the *Education and Children's Services Act 2019*, an administrative unit of the Public Service responsible to that Minister for the administration of those Acts 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, cable, system 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: $50 000 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.

47A—Dog theft

A person who steals a dog, or has unlawfully in their possession a stolen dog knowing that the dog has been stolen, is guilty of an offence.

Maximum penalty: $50 000 or imprisonment for 2 years.

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—Throwing missiles

(1) A person who, without lawful excuse, throws a missile intending to—

(a) injure, annoy or frighten any person; or

(b) damage any property,

is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

(2) A person who, without lawful excuse, throws a missile and who is reckless as to whether that act—

(a) injures, annoys or frightens, or may injure, annoy or frighten, any person; or

(b) damages, or may damage, any property,

is guilty of an offence.

Maximum penalty: Imprisonment for 1 year.

(3) In proceedings for an offence against this section, it is not necessary for the prosecution to establish that a person was, in fact, injured, annoyed or frightened or that property was, in fact, damaged (as the case requires) by the defendant's act.

(4) In this section—

reckless—a person is reckless as to whether an act injures, annoys or frightens, or may injure, annoy or frighten any person, or damages or may damage any property, if the person—

(a) is aware of a substantial risk that the act could injure, annoy or frighten any person or damage any property; and

(b) does the act despite the risk and without adequate justification;

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 intentionally obstructs the free passage of a public place is guilty of an offence.

Maximum penalty: $50 000 or imprisonment for 3 months.

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

Note—

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

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

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

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

(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.

(3) In this section—

chief officer of a relevant entity means—

(a) in the case of SA Police—the Commissioner; or

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

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

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

relevant entity means any of the following:

(a) SA Police;

(b) an emergency services organisation;

(c) a person or body prescribed by the regulations.

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 11A—Disrespectful conduct in court

60—Disrespectful conduct in court

(1) A person who is a party to proceedings before a court must not intentionally engage in disrespectful conduct before the court during those proceedings.

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

(2) A person cannot be prosecuted for an offence against subsection (1) in respect of certain conduct before a court unless, before the conduct was engaged in, the court had warned the person, in respect of other earlier conduct before the court, that disrespectful conduct before the court may result in a charge of an offence.

(3) It is a defence to prosecution for an offence against subsection (1) to prove that the conduct the subject of the charge arose due to a physical disability or cognitive impairment of the defendant.

(4) Nothing in this section affects the power of a court to take action for contempt of court.

(5) A person cannot be prosecuted for an offence against subsection (1) in respect of certain conduct of the person if the conduct is, or has been, the subject of contempt of court proceedings against the person (except where contempt of court proceedings have been discontinued by a court in contemplation of a charge for an offence against subsection (1) proceeding).

(6) An official transcript or official audio or video recording of proceedings in a court is admissible in evidence in proceedings for an offence against this section and is evidence of the matter included in the transcript or audio or video recording.

(7) The presiding officer of proceedings in a court during which alleged disrespectful behaviour occurred cannot be required to give evidence in proceedings before any court for an offence against this section.

(8) This section does not apply in respect of—

(a) proceedings in the Youth Court of South Australia (other than proceedings under the *Children's Protection Act 1993* or the *Children and Young People (Safety) Act 2017*); or

(b) a child who is a party to proceedings under the *Children's Protection Act 1993* or the *Children and Young People (Safety) Act 2017*.

(9) In this section—

cognitive impairment includes—

(a) a developmental disability (including, for example, an intellectual disability, Down syndrome, cerebral palsy or an autistic spectrum disorder);

(b) an acquired disability as a result of illness or injury (including, for example, dementia, a traumatic brain injury or a neurological disorder);

(c) a mental illness;

court includes a tribunal, authority or person invested by law with judicial or quasi-judicial powers, or with authority to make any inquiry or to receive evidence;

disrespectful conduct includes—

(a) refusing to stand up after being requested to do so by the court; and

(b) using offensive or threatening language; and

(c) interfering with or undermining the authority, dignity or performance of the court;

presiding officer, of proceedings in a court, means the judge, magistrate, judicial officer or other person presiding over the proceedings in the court.

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—Consorting prohibition notices

66—Interpretation

(1) In this Part—

close personal relationship has the same meaning as in Part 3 of the *Family Relationships Act 1975*;

consorting prohibition notice means a notice issued by a senior police officer under section 66A(1);

Court means the Magistrates Court;

criminal intelligence means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

offence of violence means an offence where the offender—

(a) uses a weapon, or threatens to use a weapon, against another; or

(b) inflicts serious harm on another, or threatens to inflict serious harm on another,

for the purpose of committing the offence, or escaping from the scene of the offence;

prescribed offence means—

(a) an offence against Part 5 Division 2 of the *Controlled Substances Act 1984* or a corresponding offence against a previous enactment; or

(b) an indictable offence against the *Firearms Act 2015*; or

(c) an indictable offence of violence; or

(d) a serious and organised crime offence; or

(e) an offence involving extortion or money laundering; or

(f) any attempt to commit, or assault with intent to commit, any of the foregoing offences; or

(g) an offence against the law of another jurisdiction that would, if committed in this State, constitute any of the foregoing offences;

recipient—see section 66A(1);

senior police officer means a police officer of or above the rank of superintendent;

spouse—a person is the spouse of another if they are legally married.

(2) For the purposes of this Part—

(a) a person may ***consort*** with another person by any means including by letter, telephone or fax or by email or other electronic means; and

(b) a person is a ***close family member*** of another person if—

(i) 1 is a spouse or former spouse of the other or is, or has been, in a close personal relationship with the other; or

(ii) 1 is a parent or grandparent of the other (whether by blood or by marriage); or

(iii) 1 is a brother or sister of the other (whether by blood or by marriage); or

(iv) 1 is a guardian or carer of the other.

66A—Senior police officer may issue consorting prohibition notice

(1) A senior police officer may issue a notice prohibiting a person (the ***recipient***) from consorting with a specified person or specified persons if the officer is satisfied that—

(a) the specified person or each specified person—

(i) has, within the preceding period of 3 years, been found guilty of 1 or more prescribed offences; or

(ii) is reasonably suspected of having committed 1 or more prescribed offences within the preceding period of 3 years; and

(b) the recipient has been habitually consorting with the specified person or specified persons; and

(c) the issuing of the notice is appropriate in the circumstances.

(2) However, a consorting prohibition notice—

(a) does not prohibit associations between close family members; and

(b) does not prohibit associations occurring between persons—

(i) for genuine political purposes; or

(ii) while the persons are in lawful custody; or

(iii) while the persons are acting in compliance with a court order; or

(iv) while the persons are attending a rehabilitation, counselling or therapy session of a prescribed kind; and

(c) may specify other circumstances in which the notice does not apply.

66B—Form of notice

(1) A consorting prohibition notice—

(a) subject to subsection (2), must specify the grounds on which the notice has been issued; and

(b) must contain a statement advising the recipient of the effect of section 66A(2)(a) and (b); and

(c) must contain a statement advising the recipient that he or she is entitled to apply for a review of the notice in accordance with this Part.

(2) A statement of the grounds on which a notice has been issued must not contain information that is classified by the Commissioner as criminal intelligence.

66C—Service of notice

(1) Subject to the making of an order under subsection (3), a consorting prohibition notice must be served on the recipient personally and is not binding on the recipient until it has been so served.

(2) If a police officer has reason to believe that a person is subject to a consorting prohibition notice that has not been served on the person, the officer may—

(a) require the person to remain at a particular place for—

(i) so long as may be necessary for the notice to be served on the person; or

(ii) 2 hours,

whichever is the lesser; and

(b) if the person refuses or fails to comply with the requirement or the officer has reasonable grounds to believe that the requirement will not be complied with, arrest and detain the person in custody (without warrant) for the period referred to in paragraph (a).

(3) If a police officer satisfies the Court that all reasonable efforts have been made to effect personal service of a notice on a recipient in accordance with this section but that those efforts have failed, the Court may make such orders as it thinks fit in relation to substituted service (and the notice is not binding on the recipient until it has been so served).

66D—Application for review

(1) Subject to subsection (3), a recipient on whom a consorting prohibition notice has been served may, within 4 weeks after service of the notice, lodge an application with the Court for review of the notice.

(2) The Court may, on a review, consider the following matters:

(a) whether sufficient grounds exist to satisfy the Court that the notice was properly issued in accordance with section 66A(1);

(b) whether any person specified in the notice is a close family member of the recipient or there are otherwise good reasons why a particular person should not be so specified;

(c) whether the notice should specify particular circumstances in which it does not apply.

(3) The grounds of the review must be stated fully and in detail in the application.

(4) A copy of the application for review must be served by the recipient on the Commissioner personally or by registered post at least 7 days before the day appointed for conducting the review (and the Commissioner is a party to proceedings on the application).

(5) The Court may, on a review, confirm, vary or revoke the notice.

66E—Variation or revocation of consorting prohibition notice

(1) If, at any time, the Court is satisfied that, since a consorting prohibition notice was made or last varied, there has been a substantial change in the circumstances taken into account in accordance with section 66A(1)(c), the Court may grant the recipient permission to apply to the Court under this section.

(2) The Court may, on an application under this section, vary or revoke a consorting prohibition notice.

(3) A copy of the application for variation or revocation must be served by the recipient on the Commissioner personally or by registered post at least 7 days before the day appointed for hearing the application (and the Commissioner is a party to proceedings on the application).

66F—Appeal

(1) The Commissioner or the recipient may appeal to the Supreme Court against a decision of the Court under this Part.

(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.

66G—Revocation of notice by Commissioner

The Commissioner may, at any time, revoke a consorting prohibition notice by notice in writing to the recipient.

66H—Applications by or on behalf of child

An application to a court that could otherwise be made by a person under this Part may, if the person is a child, be made—

(a) by the child with the permission of the court, if the child has attained the age of 14 years; or

(b) on behalf of the child—

(i) by a parent or guardian of the child; or

(ii) by a person with whom the child normally or regularly resides.

66I—Evidence etc

(1) In any proceedings under this Part, other than for an offence, the Court—

(a) is not bound by the rules of evidence but may inform itself as it thinks fit; and

(b) must act according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.

(2) A fact to be proved in proceedings under this Part, other than for an offence, is sufficiently proved if proved on the balance of probabilities.

66J—Criminal intelligence

(1) In any proceedings under this Part, a court—

(a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of or relating to information so classified by the Commissioner by way of affidavit of a senior police officer.

(2) The Commissioner may not delegate the function of classifying information as criminal intelligence for the purposes of this Act except to a Deputy Commissioner or Assistant Commissioner of Police.

66K—Offence to contravene or fail to comply with notice

(1) A person who contravenes or fails to comply with a consorting prohibition notice is guilty of an offence.

Maximum penalty: Imprisonment for 2 years.

(2) A person does not commit an offence against this section in respect of an act or omission unless the person knew that the act or omission constituted a contravention of, or failure to comply with, the notice or was reckless as to that fact.

(3) In proceedings for an offence against this section, an apparently genuine document purporting to be signed by the Commissioner and to certify that at a specified time a consorting prohibition notice applied to, or was in force against, a specified person must, in the absence of proof to the contrary, be regarded as proof of the matter so certified.

Part 14B—Declared public precincts

Division 1—Declared public precincts

66L—Limitation on action

The powers in this Part to make a declaration or take any other action must not be used in a manner that would diminish the freedom of persons in this State to participate in advocacy, protest, dissent or industrial action.

66M—Public order and safety

For the purposes of this Part, ***public order and safety*** includes matters of—

(a) personal safety and apprehension of danger to personal safety; and

(b) safety of property and apprehension of danger to safety of property; and

(c) public order unrelated to matters of public safety; and

(d) public safety unrelated to matters of public order.

66N—Declaration of public precinct

(1) The Attorney-General may, by notice in the Gazette, declare a defined area comprised of 1 or more public places to be a ***declared public precinct*** for a period, or periods, specified in the declaration.

(2) The Attorney-General may only make a declaration in relation to an area under subsection (1) if satisfied that—

(a) there is, during the period or periods specified in the declaration, a reasonable likelihood of conduct in the area posing a risk to public order and safety; and

(b) the inclusion of each public place in the area is reasonable having regard to that identified risk.

(3) A declaration under subsection (1) may be made on the Attorney-General's own motion or on the recommendation of the Commissioner.

(4) An area may not be a declared public precinct for more than 12 hours in any 24 hour period unless the Attorney-General is satisfied that special circumstances exist in the particular case.

(5) The Attorney-General must cause notice of a declaration under this section to be published on a website determined by the Attorney-General to which the public has access free of charge.

(6) The Attorney-General may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1).

(7) In this section—

public place has the same meaning as in section 7.

Division 2—Maintaining public order and safety in declared public precinct

66O—Request to leave declared public precinct

(1) If a person is within a declared public precinct, or a group of persons is assembled within a declared public precinct, and a police officer believes or apprehends on reasonable grounds that—

(a) an offence of a kind that may pose a risk to public order and safety has been, or is about to be, committed by that person or by 1 or more of the persons in the group; or

(b) the presence of that person, or of the group of persons, poses a risk to public order and safety,

the officer may order that person, or persons in that group, to leave the declared public precinct.

(2) A person who, having been ordered to leave a declared public precinct pursuant to this section—

(a) remains in the declared public precinct after having been so ordered; or

(b) re-enters, or attempts to re-enter, the declared public precinct during that declared public precinct period,

is guilty of an offence.

Maximum penalty: $1 250.

(3) If a person fails to leave a declared public precinct when ordered to under subsection (1), or re-enters a declared public precinct in contravention of subsection (2)(b), a police officer may use necessary and reasonable force to remove the person from the declared public precinct.

66P—Offensive or disorderly conduct

(1) A person must not behave in an offensive or disorderly manner within a declared public precinct.

Maximum penalty: $1 250.

Expiation fee: $250.

(2) This section does not apply to any behaviour involving violence or a threat of violence.

66Q—Offensive weapons and dangerous articles

(1) A person who, without lawful excuse, carries an offensive weapon or dangerous article within a declared public precinct is guilty of an offence.

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

(2) In this section—

dangerous article has the same meaning as in Part 3A;

offensive weapon has the same meaning as in Part 3A.

66R—Power to conduct metal detector searches etc

(1) A police officer may, for the purpose of detecting the commission of an offence under section 66Q or Part 3A, carry out a search in relation to—

(a) any person present within a declared public precinct; and

(b) any property in the possession of such a person.

(2) The following provisions apply to a search carried out in accordance with this section:

(a) the search must, in the first instance, be a metal detector search;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);

(c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having on or about his or her person an object, possession of which constitutes an offence).

(3) In this section—

metal detector search means a search conducted—

(a) using only a metal detector of a kind approved by the Commissioner; and

(b) in accordance with any directions issued by the Commissioner.

66S—Power to carry out general drug detection

A police officer may carry out general drug detection under the *Controlled Substances Act 1984* in relation to any person present within a declared public precinct (and, for the purposes of the *Controlled Substances Act 1984*, a declared public precinct will be taken to be an area to which section 52A of that Act applies).

66T—Declared public precinct barring order

(1) If a person commits an offence of a kind that may pose a risk to public order and safety, or behaves in an offensive or disorderly manner, within a declared public precinct, a police officer may, by order served on the person, do 1 or both of the following:

(a) bar the person from entering or remaining within the declared public precinct for a period specified in the order (which must not extend beyond the declared public precinct period);

(b) bar the person from entering or remaining within any other declared public precinct specified in the order for a period specified in the order (which must not extend beyond 24 hours after the time of the order).

(2) An order under subsection (1)(b) in relation to a declared public precinct may only operate during the declared public precinct period for that declared public precinct.

(3) A person who enters or remains within a declared public precinct from which he or she is barred under this section is guilty of an offence.

Maximum penalty: $2 500.

(4) A police officer may, by subsequent order served on a person, revoke an order under this section.

66U—Hindering police

A person must not—

(a) hinder or obstruct a police officer, or a person accompanying a police officer, in the exercise of the powers conferred by section 66R or section 66S; or

(b) refuse or fail to comply with a requirement made of the person, or a direction given to the person, pursuant to section 66R or section 66S.

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

Division 3—Power to remove children from dangerous situations

66V—Power to remove children from dangerous situations

For the purposes of section 41 of the *Children and Young People (Safety) Act 2017*, the requirements of subsection (1) of that section will be taken to be satisfied if—

(a) a minor is in a declared public precinct; and

(b) a police officer is of the opinion that the minor—

(i) is in danger of being physically harmed or injured; or

(ii) is in danger of abuse (including assault and sexual assault, ill treatment and exposure to behaviour that may cause psychological harm to the minor); or

(iii) is behaving in an offensive or disorderly manner or is otherwise committing or about to commit an offence.

Part 14C—Searches of persons to prevent and detect certain offences

Division 1—Preliminary

66W—Interpretation

In this Part—

declared public event means an event that is the subject of a declaration under section 66ZE that is in force;

declared public transport service means a public transport service that is the subject of a declaration under section 66ZH that is in force;

declared public transport hub means a public transport hub that is the subject of a declaration under section 66ZG that is in force;

declared shopping precinct means a shopping precinct that is the subject of a declaration under section 66ZF that is in force;

licensed premises means—

(a) licensed premises within the meaning of the *Liquor Licensing Act 1997* (other than premises, or premises of a class, declared by the regulations to be excluded from the ambit of this paragraph);

(b) the premises defined in the casino licence, within the meaning of the *Casino Act 1997*, as the premises to which the licence relates;

(c) premises subject to a licence, or licence of a class, prescribed by the regulations;

metal detector search means a search conducted—

(a) using only a metal detector of a kind approved by the Commissioner; and

(b) in accordance with any directions issued by the Commissioner;

public transport hub means a public place consisting of or including the following:

(a) a station, platform or other structure for the taking on and letting off of passengers of public transport vehicles;

(b) car parks and set-down facilities for passengers of public transport vehicles that make scheduled stops at such stations, platforms or structures;

(c) a structure or facility for the use or convenience of passengers of public transport vehicles that make scheduled stops at such stations, platforms or structures;

(d) any other public place in the immediate vicinity of a place or thing referred to in a preceding paragraph;

public transport vehicle means—

(a) a train; or

(b) a tram; or

(c) a bus;

retail shopping centre has the same meaning as in the *Retail and Commercial Leases Act 1995*;

shopping precinct means an area (however described) consisting of or including a retail shopping centre, a shopping mall or other area where retail shops are aggregated or concentrated and includes any—

(a) car parks and set-down facilities for persons shopping in the area;

(b) structures or facilities for the use or convenience of persons shopping in the area;

(c) any other public place in the immediate vicinity of the area.

66X—Application of Part

(1) Nothing in this Part limits any other search powers a police officer may have under this or any other Act or law.

(2) To avoid doubt, the powers conferred under this Part may be exercised in relation to a minor.

Division 2—Special search powers to prevent serious violence

66Y—Special search powers to prevent serious violence

(1) A police officer of or above the rank of Superintendent may authorise the exercise of powers under this section in relation to a specified area if there are reasonable grounds to believe—

(a) that an incident of serious violence involving a group or groups of people may take place in the area; and

(b) that the exercise of such powers is reasonably necessary to prevent the incident.

(2) An authorisation under this section, or a variation or revocation of an authorisation—

(a) must be granted in accordance with guidelines (if any) issued by the Commissioner; and

(b) must be by instrument in writing unless the police officer granting, varying or revoking the authorisation is satisfied that circumstances of urgency exist (in which case the authorisation, variation or revocation may be oral, provided that it is reduced to writing as soon as reasonably practicable); and

(c) must specify the area to which the authorisation relates (which must not be larger than is reasonably necessary for the purposes of the authorisation); and

(d) must specify the grounds for granting the authorisation; and

(e) must specify a period of not more than 24 hours during which the authorisation operates; and

(f) may be subject to conditions specified by the police officer granting the authorisation.

(3) The period during which an authorisation under this section operates may, in the case of an area that was previously the subject of such an authorisation, only commence within 48 hours of the previous authorisation ceasing to operate with the consent of the Commissioner (which may only be given if the Commissioner is satisfied that it is in the public interest to do so).

(4) A police officer may, for the purpose of locating weapons and other articles in an area that is the subject of an authorisation under this section, carry out a search (which may, but need not, be a metal detector search) of—

(a) any person who is in, or is apparently attempting to enter or to leave, the area; and

(b) any property in the possession of such a person.

Division 3—Metal detector searches etc for prevention and deterrence of violence or disorder in public places

66Z—Power to conduct metal detector searches to prevent violence or disorder in certain public places

(1) The Commissioner may authorise the exercise of powers under this section in relation to a specified public place if there are reasonable grounds to believe—

(a) that an incident of violence or disorder may take place in the area; and

(b) that the exercise of such powers is reasonably necessary to prevent the incident.

(2) An authorisation under this section, or a variation or revocation of an authorisation—

(a) must be granted in accordance with guidelines (if any) issued by the Commissioner; and

(b) must be by instrument in writing unless the Commissioner is satisfied that circumstances of urgency exist (in which case the authorisation, variation or revocation may be oral, provided that it is reduced to writing as soon as reasonably practicable); and

(c) must specify the public place to which the authorisation relates (which must not be larger than is reasonably necessary for the purposes of the authorisation); and

(d) must specify the grounds for granting the authorisation; and

(e) must specify a period of not more than 6 hours during which the authorisation operates; and

(f) may be subject to conditions specified by the police officer granting the authorisation.

(3) For the purposes of detecting the commission of an offence against Part 3A, a police officer may, in a public place that is the subject of an authorisation under this section, conduct a search of—

(a) any person who is in, or is apparently attempting to enter or to leave the public place; and

(b) any property in the possession of such a person.

(4) The following provisions apply to a search carried out in accordance with this section:

(a) the search must, in the first instance, be a metal detector search;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);

(c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about their person an object, possession of which constitutes an offence).

(5) To avoid doubt, a reference in this section to a public place includes a reference to a place of worship.

Division 4—Metal detector searches etc of certain persons

66ZA—Power to conduct metal detector search etc of certain persons

(1) This section applies in relation to the following persons:

(a) a person who has, within the 5 years immediately preceding the relevant time, been found guilty of a prescribed offence;

(b) a person who was, at any time within the 5 years immediately preceding the relevant time, a member of a criminal organisation (within the meaning of Part 3B Division 1 or Division 2 of the *Criminal Law Consolidation Act 1935*);

(c) any other person, or person of a class, prescribed by the regulations.

(2) Subject to this Part, a police officer may, for the purpose of detecting the commission of an offence against Part 3A, carry out a search of—

(a) a person to whom this section applies who is in, or is apparently attempting to enter or to leave, a public place; and

(b) any property in the possession of such a person.

(3) Before carrying out a search under this section, a police officer must—

(a) give the person to be searched the following information:

(i) the grounds for the search;

(ii) any other information required by the regulations; and

(b) if the person so requests, give the person to be searched the identification number of the police officer; and

(c) explain to the person to be searched the effect of section 66ZJ(6), and the penalty for contravening that subsection,

however a failure to comply with this subsection does not, of itself, affect the validity of a search.

(4) The following provisions apply to a search carried out under this section:

(a) the search must, in the first instance, be a metal detector search;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);

(c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about their person an object, possession of which constitutes an offence).

Division 5—Metal detector searches etc at certain events and places

66ZB—Power to conduct metal detector searches at certain events and places

(1) This section applies to the following areas and vehicles:

(a) licensed premises;

(b) a declared place of worship;

(c) a public place holding a declared public event;

(d) a declared shopping precinct;

(e) a declared public transport hub;

(f) a car parking area specifically or primarily provided for the use of patrons and customers of an area referred to in a preceding paragraph;

(g) a public transport vehicle providing a declared public transport service;

(h) any other place prescribed by the regulations.

(2) Subject to this Part, a police officer may, for the purpose of detecting the commission of an offence against Part 3A, carry out a search in relation to—

(a) any person who is in, or is apparently attempting to enter or to leave, an area or vehicle to which this section applies; and

(b) any property in the possession of such a person.

(3) The following provisions apply to a search carried out under this section:

(a) the search must, in the first instance, be a metal detector search;

(b) if the metal detector search indicates the presence or likely presence of metal, a police officer may require the person to produce items detected by the metal detector (and, for the purpose of determining whether or not the person has produced such items, may conduct further metal detector searches);

(c) if the person refuses or fails to produce any such item, a police officer may, for the purpose of identifying the item, conduct a search in relation to the person or property (which need not be a metal detector search but may be conducted as if it were a search of a person who is reasonably suspected of having, on or about their person an object, possession of which constitutes an offence).

(4) Nothing in this section authorises a police officer to carry out a search of a person, or property of a person, in their place of residence or in a hotel room, lodging room or any other place in which they are temporarily residing.

66ZC—Police officer to give notice before exercising powers under Division

(1) Before the powers to search persons pursuant to a particular declaration under this Division are exercised, a police officer must, unless it is not reasonably practicable to do so in the circumstances, notify the prescribed person or persons in respect of the relevant place or public transport vehicle of—

(a) the terms of the declaration (including the period during which the declaration is in force); and

(b) the intention to search persons pursuant to the declaration during specified times, or during a specified period.

(2) To avoid doubt, a police officer need only notify the prescribed person or persons once in relation to each declaration.

(3) However, a failure to comply with subsection (1) does not, of itself, invalidate the exercise or purported exercise of a power under this Division.

(4) In this section—

prescribed person, in respect of a place or public transport vehicle, means—

(a) in the case of licensed premises—the licensee or a responsible person for the licensed premises under the *Liquor Licensing Act 1997*; or

(b) in the case of a declared public event—the organiser of the event; or

(c) in the case of a declared shopping precinct—the person or persons prescribed by the regulations in respect of a shopping precinct of the relevant kind; or

(d) in the case of a declared public transport hub or declared public transport service—the person or persons prescribed by the regulations in respect of a hub or service of the relevant kind; or

(e) in any other case—the person or persons prescribed by the regulations.

66ZD—Declaration of place of worship

(1) The Commissioner may, by notice in the Gazette, declare a place of worship to be a ***declared place of worship*** for the purposes of this Division.

(2) Before making a declaration under this section, the Commissioner must—

(a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the place of worship; and

(b) be satisfied that the exercise of powers under section 66ZB—

(i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the place of worship; and

(ii) will not unduly affect lawful activity in the place of worship; and

(c) in the case of a place of worship that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.

(3) A declaration under this section—

(a) must specify the area that comprises the declared place of worship (which may, to avoid doubt, include specified premises); and

(b) may be subject to conditions specified in the notice; and

(c) must comply with any other requirements set out in the regulations; and

(d) remains in force until revoked under this section.

(4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).

(5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

66ZE—Declaration of public events

(1) The Commissioner may, by notice in the Gazette, declare a community, cultural, arts, entertainment, recreational, sporting or other similar event to be a ***declared public event*** for the purposes of this Division.

(2) A declaration under this section—

(a) must specify the public event and any public place to which the declaration relates; and

(b) must specify the period during which the declaration is in force (being a period commencing no earlier than the start of the day on which the event starts and ending no later than the end of the day on which the event ends); and

(c) may be subject to conditions specified in the notice; and

(d) must comply with any other requirements set out in the regulations.

(3) The Commissioner must cause a copy of any declaration under this section to be published on the Commissioner's website before the commencement of the period during which the declaration will operate.

66ZF—Declaration of shopping precincts

(1) The Commissioner may, by notice in the Gazette, declare a specified area to be a ***declared shopping precinct*** for the purposes of this Division.

(2) Before making a declaration under this section, the Commissioner must—

(a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the shopping precinct; and

(b) be satisfied that the exercise of powers under section 66ZB—

(i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the shopping precinct; and

(ii) will not unduly affect lawful activity in the shopping precinct; and

(c) in the case of a shopping precinct that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.

(3) A declaration under this section—

(a) must specify the area that comprises the declared shopping precinct (which may, to avoid doubt, include specified premises); and

(b) may be subject to conditions specified in the notice; and

(c) must comply with any other requirements set out in the regulations; and

(d) remains in force until revoked under this section.

(4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).

(5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

66ZG—Declaration of public transport hubs

(1) The Commissioner may, by notice in the Gazette, declare a specified place to be a ***declared public transport hub*** for the purposes of this Division.

(2) Before making a declaration under this section, the Commissioner must—

(a) be satisfied that the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the public transport hub; and

(b) be satisfied that the exercise of powers under section 66ZB—

(i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons in the public transport hub; and

(ii) will not unduly affect lawful activity in the public transport hub; and

(c) in the case of a public transport hub that has previously been the subject of a declaration under this section—have regard to whether searches carried out under section 66ZB pursuant to the declaration identified persons carrying knives or other weapons.

(3) A declaration under this section—

(a) must specify the area that comprises the declared public transport hub (which may, to avoid doubt, include specified premises or structures); and

(b) may be subject to conditions specified in the notice; and

(c) must comply with any other requirements set out in the regulations; and

(d) remains in force until revoked under this section.

(4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).

(5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

66ZH—Declaration of public transport services

(1) The Commissioner may, by notice in the Gazette, declare a specified public transport service to be a ***declared public transport service*** for the purposes of this Division.

(2) Before making a declaration under this section, the Commissioner must be satisfied that—

(a) the exercise of powers under section 66ZB is necessary or appropriate for the purposes of deterring or detecting the commission of offences involving the possession or use of a knife or other weapons on public transport vehicles providing the public transport service; and

(b) the exercise of powers under section 66ZB—

(i) is likely to be effective in deterring or detecting the commission of offences involving the possession or use of a knife or other weapons on public transport vehicles providing the public transport service; and

(ii) will not unduly affect lawful activity on public transport vehicles providing the public transport service.

(3) A declaration under this section—

(a) must set out sufficient details (such as route numbers or route names) to enable persons using public transport services to identify the declared public transport service; and

(b) may be subject to conditions specified in the notice; and

(c) must comply with any other requirements set out in the regulations; and

(d) remains in force until revoked under this section.

(4) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration made under subsection (1) (and must revoke a declaration if the Commissioner is no longer satisfied of the matters referred to in subsection (2)).

(5) The Commissioner must cause a copy of any declaration, variation or revocation under this section to be published on the Commissioner's website.

Division 6—Maintaining public order and safety

66ZI—Request to leave certain areas or vehicles

(1) If a person is in an area or on a vehicle to which section 66ZB applies, or a group of persons is assembled in such an area or on such a vehicle, and a police officer believes or apprehends on reasonable grounds that—

(a) an offence of a kind that may pose a risk to public order and safety has been, or is about to be, committed by that person or by 1 or more of the persons in the group; or

(b) the presence of that person, or of the group of persons, poses a risk to public order and safety,

the officer may order that person, or persons in that group, to leave the area or vehicle.

(2) An order under subsection (1)—

(a) must be by notice in writing served on the person personally; and

(b) must be in a form approved by the Commissioner; and

(c) must specify the area to which the order relates or, if the order relates to a public transport vehicle, the public transport service which the vehicle is providing; and

(d) must comply with any other requirements set out in the regulations.

(3) A person who, having been ordered to leave an area or vehicle pursuant to this section—

(a) remains in the area or vehicle after having been so ordered; or

(b) re-enters, or attempts to re-enter, the area or a vehicle providing the public transport service specified in the order within a 24 hour period commencing at the time the order was served on the person,

is guilty of an offence.

Maximum penalty: $1 250.

(4) If a person fails to leave an area or vehicle when ordered to under subsection (1), or re-enters an area or uses a public transport service in contravention of subsection (3)(b), a police officer may use necessary and reasonable force to remove the person from the area or vehicle.

(5) In this section—

public order and safety has the same meaning as in section 66M.

Division 7—General provisions relating to operation of Part

66ZJ—General provisions relating to operation of Part

(1) The Commissioner must establish procedures to be followed by police officers in the exercise of powers under this Part, being procedures designed to prevent, as far as reasonably practicable, any undue delay, inconvenience or embarrassment to persons being subjected to the powers.

(2) A police officer must ensure that any exercise of powers under this Part does not unreasonably interfere with a person's right to participate in lawful advocacy, protest, dissent or industrial action.

(3) A police officer may, in exercising powers under this Part, be assisted by such persons as the officer considers necessary or desirable in the circumstances (provided that a person who is not a police officer may only provide assistance at the direction of, and in the presence of, a police officer).

(4) A police officer conducting a search under this Part may—

(a) enter and remain in any premises or place necessary for the purpose of conducting the search; and

(b) give such directions as are reasonably necessary for, or incidental to, the effective conduct of the search; and

(c) give such directions as are reasonably necessary to determine the nature of anything found as a result of the search.

(5) A police officer may only detain a person, by directions given under this Part, for so long as is reasonably necessary to carry out a search in relation to the person and any property in the possession of the person.

(6) A person must not—

(a) hinder or obstruct a police officer, or a person accompanying a police officer, in the exercise of the powers conferred by this Part; or

(b) refuse or fail to comply with a requirement made of the person, or a direction given to the person, under this Part.

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

(7) To avoid doubt, a search may be conducted in accordance with this Part whether or not it would be lawful to conduct a search in accordance with any other provision of this Act or any other Act or law.

Division 8—Miscellaneous

66ZK—Reporting

The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation) in respect of the period to which the report relates (the ***relevant period***):

(a) the number of declarations made under this Part during the relevant period;

(b) the number of declarations revoked under this Part during the relevant period;

(c) the number of declarations in force at the end of the relevant period, and confirmation that the Commissioner remains satisfied that the criteria in respect of those declarations still applies;

(d) the number of metal detector searches carried out under this Part during the relevant period;

(e) the number of occasions on which a metal detector search carried out during the relevant period indicated the presence, or likely presence, of any metal;

(f) the number of occasions on which weapons or articles of a kind referred to in Part 3A were detected in the course of such searches and the types of weapons or articles so detected;

(g) the number of authorisations granted under section 66Y and 66Z during the relevant period and, in relation to each authorisation (identified by location and date)—

(i) the nature of the incident in relation to which the authorisation was granted; and

(ii) the number of people searched in the exercise of powers under the relevant section; and

(iii) whether weapons or articles of a kind referred to in Part 3A were detected in the course of the exercise of powers under the relevant section; and

(iv) the types of weapons or articles so detected; and

(v) in relation to an authorisation granted under section 66Y—whether the Commissioner gave consent under section 66Y(3);

(h) any other information requested by the Minister.

66ZL—Evidentiary provision

In any proceedings, an apparently genuine document purporting to be a certificate signed by the Commissioner and certifying that—

(a) a particular event, area or public transport service was subject to an authorisation or declaration properly granted in accordance with this Part during a period specified in the certificate; or

(b) a device used during a specified period to carry out metal detector searches within a specified area, or at a specified place, was a metal detector approved by the Commissioner,

constitutes proof, in the absence of proof to the contrary, of the matters so certified.

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 Schedule 1, 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.

68A—Power to search land for stolen vehicles etc

A police officer may, if he or she has reasonable cause to suspect that a vehicle has been stolen or used without the consent of the owner and is on any land or premises, enter the land or premises and search for the vehicle, and, if it is found, examine it.

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.

72D—Explosives offences—special powers

(1) A police officer may—

(a) at any time, enter and search any premises for the purpose of ascertaining whether a suspected offence against Part 3D of the *Criminal Law Consolidation Act 1935* (an ***explosives offence***) is being or has been committed; and

(b) if reasonably necessary for that purpose, break into or open any part of the premises, or anything in or on the premises; and

(c) for the purposes of paragraph (a) or (b), require the driver of any vehicle, the master of any vessel or the pilot of any aircraft to stop that vehicle, vessel or aircraft; and

(d) seize any property that may be intended to be used for the purpose of committing, or that may afford evidence as to the commission of, an offence (whether or not an explosives offence) to be dealt with according to law.

(2) The Commissioner may direct that property seized by a police officer exercising search powers under this section in relation to a suspected explosives offence (***seized property***) be destroyed, whether or not a person has been or is to be charged with an offence in relation to it.

(3) Property referred to in subsection (2) may be destroyed at the place at which it was seized or at any other suitable place.

(4) If a person is convicted of an offence in relation to property destroyed in accordance with subsection (2), the court may order the convicted person to pay the reasonable costs of destruction to the Commissioner.

(5) If the Magistrates Court, on application by a police officer, or any court hearing proceedings for an offence relating to seized property, finds that seized property was the subject of an explosives offence, the court may, by order, forfeit the property to the Crown.

(6) Property that is the subject of an order for forfeiture under this section may be sold, destroyed or otherwise disposed of as the Commissioner directs.

(7) Subject to subsections (8) and (9), if seized property has not been forfeited to the Crown in proceedings commenced within the prescribed period after its seizure, a person from whose lawful possession the property was seized, or a person with legal title to it, is entitled to recover from the Commissioner (if necessary, by action in a court of competent jurisdiction) the property itself, or if it has been damaged or destroyed or has deteriorated, compensation of an amount equal to its market value at the time of its seizure.

(8) Subsection (7) does not apply to property that has been destroyed under subsection (2).

(9) Despite subsection (7), a court hearing proceedings under that subsection in relation to property that has not been destroyed under subsection (2) may, if it thinks fit, make an order under subsection (5) for forfeiture of the property to the Crown.

(10) Nothing in this section affects the operation of the *Criminal Assets Confiscation Act 2005*.

(11) In this section—

premises means any land, building, structure, vehicle, vessel or aircraft;

prescribed period means 2 years or such longer period as the Magistrates Court may, on application by a police officer, allow.

72E—Explosives offences—analysis and evidence

(1) The Commissioner may appoint analysts for the purposes of analysing seized property.

(2) The Commissioner must develop, and publish on a website determined by the Commissioner, guidelines in relation to—

(a) the manner in which seized property may be analysed; and

(b) the keeping of records in relation to the analysis of seized property.

(3) Guidelines published under subsection (2) may (without limitation) provide for an analysis of seized property to be undertaken by means of testing, physical examination, visual inspection of the property, or of photographs or films of the property, or in any other manner the Commissioner thinks fit, having regard to the need to protect the safety of any persons or property.

(4) In any proceedings for an explosives offence, an apparently genuine document purporting to be signed by an analyst and to certify that an analysis of seized property referred to in the certificate was carried out by, or under the supervision of, the analyst in accordance with guidelines published under subsection (2) will, in the absence of proof to the contrary, be proof of any facts stated in the certificate—

(a) tending to identify the property analysed or the nature of the property analysed; and

(b) as to the weight, amount or quantity of the property analysed; and

(c) relating to the nature and results of the analysis.

(5) In any proceedings for an explosives offence, an apparently genuine document purporting to be signed by an analyst and to certify that a specified substance is an explosive substance within the meaning of Part 3D of the *Criminal Law Consolidation Act 1935* will, in the absence of proof to the contrary, be proof of the matter certified.

(6) If the label on a container or vehicle states or indicates that it contains a dangerous substance then, in proceedings for an explosives offence, it is to be taken, in the absence of proof to the contrary—

(a) that the container or vehicle contains a dangerous substance of the description and in the quantity stated on the label; and

(b) that all other information on the label, or any other label on the container or vehicle, about the dangerous substance is true.

(7) In any proceedings for an explosives offence, an apparently genuine document purporting to be signed by the Commissioner and to certify that a person named in the certificate is an analyst will, in the absence of proof to the contrary, be proof of the matter certified.

(8) In this section—

dangerous substance has the same meaning as in the *Dangerous Substances Act 1979*;

explosives offence has the same meaning as in section 72D;

label, in relation to a container or vehicle, means any label, marking, placard or other information on the container or vehicle;

seized property means seized property within the meaning of section 72D.

72F—Annual report on explosives powers

The following information must be included in the annual report of the Commissioner under section 75 of the *Police Act 1998* (other than in the year in which this section comes into operation):

(a) the number of occasions on which the search powers under section 72D were exercised during the period to which the report relates; and

(b) the number of occasions on which property was seized as a result of the exercise of those search powers and the nature of the property seized; and

(c) whether any persons were charged with explosives offences (within the meaning of section 72D) in connection with the exercise of those search powers; and

(d) any other information requested by the Minister.

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 other personal details

(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 all or any of the person's personal details.

(2) Where a police officer has reasonable cause to suspect that a personal detail 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 personal detail 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 personal detail that is false; or

(ii) produces false evidence of a personal detail,

is guilty of an offence.

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

(4) A police officer who has required a person to state all or any of the person's personal details under this section is required to comply with a request to identify himself or herself, by—

(a) producing his or her police identification; or

(b) stating orally or in writing his or her surname, rank and identification number.

(5) In this section—

personal details, in relation to a person, means—

(a) the person's full name; and

(b) the person's date of birth; and

(c) the address of where the person is living; and

(d) the address of where the person usually lives; and

(e) the person's business address; and

(f) if the police officer has reasonable cause to suspect that a person has committed, is committing, or is about to commit a sexual offence involving a child or children—the name and address of any place where that person works (whether as an employee, an independent contractor, a volunteer or in any other capacity).

74AB—Questions as to identity of drivers etc

(1) A police officer may ask a person questions for the purpose of obtaining information that may lead to the identification of the person who was driving, or was the owner of, a vehicle on a particular occasion or at a particular time.

(2) A person who—

(a) refuses or fails, without reasonable excuse, to answer a question under subsection (1); or

(b) in response to a question under subsection (1) gives an answer that is false or misleading in a material particular,

is guilty of an offence.

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

(3) A police officer who has asked a person a question under this section is required to comply with a request to identify himself or herself, by—

(a) producing his or her police identification; or

(b) stating orally or in writing his or her surname, rank and identification number.

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.

74BAAB—Use of detection aids in searches

(1) A police officer may, in exercising powers under this Part, use a drug detection dog, an electronic drug detection system, a metal detector or any other system or device designed to assist in the detection of objects or substances.

(2) In this section—

drug detection dog has the same meaning as in the *Controlled Substances Act 1984*;

electronic drug detection system has the same meaning as in the *Controlled Substances Act 1984*.

Part 16—Fortifications

74BA—Interpretation

In this Part, unless the contrary intention appears—

Court means the Magistrates Court of South Australia;

criminal intelligence means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

declared organisation has the same meaning as in the *Serious and Organised Crime (Control) Act 2008*;

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;

member, in relation to a declared organisation, has the same meaning as in the *Serious and Organised Crime (Control) Act 2008*;

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; or

(iii) the premises—

(A) are owned by a declared organisation or a member of a declared organisation; or

(B) are occupied or habitually used as a place of resort by members of a declared organisation,

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 application made without notice to any person.

(4) The grounds of an application for a fortification removal order must be verified by affidavit.

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 the disclosure of which would be inconsistent with a decision of the Court under section 74BGA.

(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 inconsistent with a decision of the Court under section 74BGA.

(4) If disclosure of information included in the affidavit would be inconsistent with a decision of the Court under section 74BGA, 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.

74BGA—Criminal intelligence

In any proceedings under this Part, the court determining the proceedings—

(a) must, on the application of the Commissioner, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of superintendent.

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 16A—Access to data held electronically

74BN—Interpretation

(1) In this Part—

child exploitation offence means—

(a) an offence against Part 3 Division 11A of the *Criminal Law Consolidation Act 1935*; or

(b) any other offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest;

computer includes a tablet, mobile phone and any other electronic device that is capable of connecting to the internet;

criminal intelligence means information relating to actual or suspected criminal activity (whether in this State or elsewhere) the disclosure of which could reasonably be expected to prejudice criminal investigations, to enable the discovery of the existence or identity of a confidential source of information relevant to law enforcement or to endanger a person's life or physical safety;

data includes—

(a) information in any form; and

(b) any program or part of a program;

data storage device means any article, material or thing (for example, a disk or file server) from which information is capable of being reproduced, with or without the aid of any other article or device;

prescribed offence means—

(a) a child exploitation offence; or

(b) an offence against section 37A of the *Firearms Act 2015*.

(2) For the purposes of this Part, ***data held on*** a computer or data storage device, includes data held on a remote computer or remote data storage device (for example, a cloud storage system) that is accessible from the computer or data storage device.

(3) Without limiting the type of information or assistance that may be required to be provided for the purposes of an order under this Part, information or assistance may include the provision of fingerprints and retinal or facial scans.

74BO—Interaction with other Acts or laws

The provisions of this Part are in addition to, and do not limit or derogate from, this or any other Act or law.

74BP—Extraterritorial operation

It is the intention of the Parliament that this Part apply within the State and outside the State to the full extent of the extraterritorial legislative capacity of the Parliament.

74BQ—Order not required if information or assistance provided voluntarily

An order is not required under this Part if information or assistance of a kind referred to in section 74BR(1) is, at the request of a police officer or otherwise, provided by a person voluntarily, and any evidence or information obtained by such voluntary provision of information or assistance is to be treated as if it were obtained by the lawful exercise of powers pursuant to an order under this Part.

74BR—Order to provide information or assistance to access data held on computer etc

(1) A magistrate may, on application by a police officer, make an order requiring a person (the ***specified person***) to provide any information or assistance that is reasonable or necessary to allow a police officer to do 1 or more of the following:

(a) access, examine, or perform any function in relation to, any data held on any computer or data storage device;

(b) copy data held on any computer or data storage device to another computer or data storage device;

(c) reproduce or convert data held on any computer or data storage device into documentary form or another form that enables it to be understood by the police officer.

(2) The specified person is not a party to proceedings under this section.

(3) The magistrate may make the order if satisfied that—

(a) there are reasonable grounds to suspect that data held on a computer or data storage device may afford evidence of a prescribed offence; and

(b) the specified person is—

(i) reasonably suspected of having committed a prescribed offence in relation to which the order is sought; or

(ii) the owner or lessee of the computer or data storage device; or

(iii) an employee of the owner or lessee of the computer or data storage device; or

(iv) a person engaged under a contract for services by the owner or lessee of the computer or data storage device; or

(v) a person who uses or has used the computer or data storage device; or

(vi) a person who is, or was, a system administrator for the system including the computer or data storage device; and

(c) the specified person has relevant knowledge of—

(i) the computer, data storage device or a computer network of which the computer or device forms or formed a part; or

(ii) measures applied to protect data held on the computer or data storage device.

(4) The order—

(a) need not identify any particular computer or data storage device in respect of which it applies; and

(b) need not specify the particular information or assistance to be provided; and

(c) may specify the period within which the specified person must provide the information or assistance; and

(d) may provide that the specified person provide information or assistance at a place at which a computer or data storage device has been, or is to be, lawfully removed; and

(e) may specify any conditions to which the requirement to provide information or assistance is subject.

(5) A statement of the grounds on which an order has been made must not contain information, the disclosure of which would be inconsistent with a decision of a magistrate under section 74BU.

(6) An order may be made in respect of a child exploitation offence suspected of having been committed, or alleged to have been committed, before or after the commencement of this Part.

74BS—Application for order

(1) An application for an order must—

(a) state the applicant's full name and official details; and

(b) state the name of the person to whom the order will apply; and

(c) state the nature of the prescribed offence that is suspected to have been committed, and in relation to which the order is required; and

(d) state the grounds on which the applicant suspects that the offence has been committed; and

(e) state the grounds on which the applicant suspects that any data held on a computer or data storage device is or may be relevant to the offence; and

(f) state the grounds on which the applicant suspects that the specified person has knowledge relevant to gaining access to any data held on a computer or data storage device; and

(g) include any other prescribed information.

(2) Subject to section 74BT, an application for an order must be accompanied by an affidavit made by the applicant, verifying the grounds of the application.

74BT—Order required in urgent circumstances

(1) If a police officer considers that an order under section 74BR is required urgently, either because of serious or urgent circumstances, or to prevent concealment, alteration, loss or destruction of data held on a computer or data storage device that may afford evidence of a prescribed offence, the police officer may make an application in accordance with subsection (2) and may—

(a) require a person who is reasonably suspected of having committed that offence to remain at a particular place, or accompany the officer to the nearest police station, for—

(i) so long as may be necessary for an application for an order to be made to, and considered by, a magistrate in accordance with subsection (2), and if the order is made, for the order to be served on the person; or

(ii) 4 hours,

whichever is the lesser; and

(b) require that the person, for the period referred to in paragraph (a), not use or access a computer, data storage device, telephone or other means of electronic communication, other than to contact a legal practitioner for the purpose of obtaining legal advice, or in accordance with any directions of a police officer; and

(c) if the person refuses or fails to comply with either or both such requirements, or the police officer forms a reasonable suspicion that either or both such requirements will not be complied with, arrest and detain the person in custody (without warrant) for the period referred to in paragraph (a).

(2) The following provisions apply to an order under this Part that is required in urgent circumstances:

(a) application may be made to a magistrate by telephone and must include—

(i) the information required under section 74BS(1); and

(ii) details of the circumstances giving rise to the urgency of the application; and

(iii) any other information required by the magistrate to determine the application;

(b) the magistrate is entitled to assume the accuracy of the information as to the applicant's identity and official details supplied by the applicant without further inquiry;

(c) if the magistrate is satisfied as to the grounds for making the order, the magistrate must inform the applicant of the facts that justify, in the magistrate's opinion, the making of the order, and must not proceed to make the order unless the applicant undertakes to make an affidavit verifying those facts;

(d) if the applicant gives such an undertaking, the magistrate may proceed to make the order and, subject to subsection (3), note on the order, the facts that justify, in the opinion of the magistrate, the making of the order and informing the applicant of the terms of the order;

(e) the order is to be taken to have been made, and comes into force, when signed by the magistrate;

(f) the applicant must, as soon as reasonably practicable after the making of the order, forward to the magistrate an affidavit verifying the facts referred to in paragraph (c);

(g) the magistrate must, as soon as reasonably practicable after the making of the order, forward a copy of the order to the applicant.

(3) A statement of the grounds on which an order has been made must not contain information, the disclosure of which would be inconsistent with a decision of a magistrate under section 74BU.

74BU—Criminal Intelligence

(1) In any proceedings under this Part the magistrate determining the proceedings—

(a) must, on the application of the Commissioner of Police, take steps to maintain the confidentiality of information classified by the Commissioner as criminal intelligence, including steps to receive evidence and hear argument about the information in private in the absence of the parties to the proceedings and their representatives; and

(b) may take evidence consisting of, or relating to, information that is so classified by the Commissioner by way of affidavit of a police officer of or above the rank of superintendent.

(2) The duties imposed on a magistrate by subsection (1) in relation to proceedings under this Part apply to any court dealing with information properly classified under this Part as criminal intelligence or with the question of whether information has been properly classified under this Part by the Commissioner of Police as criminal intelligence.

(3) The Commissioner of Police may not delegate the function of classifying information as criminal intelligence for the purposes of this Part except to a Deputy Commissioner or Assistant Commissioner of Police.

74BV—Service of order

A copy of an order under this Part must be served personally on the person to whom it applies as soon as reasonably practicable after it is made, and in any event, before the period specified (if any) in the order within which the assistance or information is to be provided.

74BW—Effect and operation of order

(1) A person who is served with an order under this Part commits an offence if the person, without reasonable excuse, contravenes or fails to comply with the order.

Maximum penalty: Imprisonment for 5 years.

(2) A person is not excused from complying with an order on the ground that to do so may result in information being provided that might incriminate the person.

(3) Despite any other Act or law, evidence or information relating to a child exploitation offence obtained by the lawful exercise of powers pursuant to an order under this Part made in relation to such an offence, and evidence or information relating to a child exploitation offence obtained incidentally to such an exercise of powers—

(a) may be used by law enforcement and prosecution authorities for the purposes of investigating and prosecuting any child exploitation offence; and

(b) is not inadmissible in proceedings before a court in relation to a child exploitation offence merely because the order under this Part was obtained in relation to a different child exploitation offence.

(3a) Despite any other Act or law, evidence or information relating to an offence against section 37A of the *Firearms Act 2015* obtained by the lawful exercise of powers pursuant to an order under this Part made in relation to such an offence, and evidence or information relating to an offence against section 37A of the *Firearms Act 2015* obtained incidentally to such an exercise of powers—

(a) may be used by law enforcement and prosecution authorities for the purposes of investigating and prosecuting any offence against section 37A of the *Firearms Act 2015*; and

(b) is not inadmissible in proceedings before a court in relation to an offence against section 37A of the *Firearms Act 2015* merely because the order under this Part was obtained in respect of a different offence against that section.

(4) A police officer may be assisted by such other persons in the exercise of powers pursuant to an order under this Part as the officer considers necessary in the circumstances.

74BX—Impeding investigation by interfering with data

(1) A person commits an offence if the person, without lawful authority or reasonable excuse, alters, conceals or destroys data—

(a) held on a computer or data storage device in respect of which an order has been, or is to be, made under this Part; and

(b) that may be, or could reasonably be expected to be, evidence of an offence,

and in so doing, the person intends that, or is recklessly indifferent as to whether—

(c) the investigation of the commission of an offence by another person is impeded or prejudiced; or

(d) another person is assisted to avoid apprehension or prosecution for an offence; or

(e) the likelihood that another person is apprehended or prosecuted for an offence is reduced.

Maximum penalty: Imprisonment for 5 years.

(2) A person who is served with an order under this Part commits an offence if the person, without lawful authority or reasonable excuse—

(a) alters, conceals or destroys data; or

(b) causes another person to alter, conceal or destroy data,

held on a computer or data storage device in respect of which the order was made and in so doing, or in causing the other person to so do, the person intends that, or is recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced.

Maximum penalty: Imprisonment for 10 years.

(3) A person who voluntarily provides, or purports to provide, information or assistance of a kind referred to in section 74BR(1) commits an offence if the information or assistance causes data held on a computer or data storage device to be, without lawful authority or reasonable excuse, altered, concealed or destroyed, and in so doing the person intends that, or is recklessly indifferent as to whether, the investigation of the commission of an offence is impeded or prejudiced.

Maximum penalty: Imprisonment for 10 years.

74BY—Reporting

(1) The Commissioner of Police must, on or before 30 September in each year (other than the calendar year in which this section comes into operation), provide a report to the Minister specifying the following information in relation to the financial year ending on the preceding 30 June:

(a) how many applications were made by police officers under section 74BR, and of those applications, how many were granted, withdrawn or refused;

(b) how many applications were made by police officers by telephone under section 74BT, and of those applications, how many were granted, withdrawn or refused;

(c) in relation to orders made during that year following application by police officers—

(i) a general description of the prescribed offences in relation to which the orders were made; and

(ii) a general description of the types of computers and data storage devices, and the number of such computers and devices, in relation to which information or assistance was provided under each order; and

(iii) the number of orders (if any) not complied with;

(d) whether any persons were charged with a prescribed offence during that year on the basis (or partly on the basis) of information or evidence obtained as a result of information or assistance provided under an order;

(e) any other information prescribed by regulation or specified by the Minister.

(2) The Commissioner of Police must keep such records as are necessary to enable compliance with this section.

(3) The Minister must, within 12 sitting days after receipt of a report under this section, cause a copy of the report to be laid before both Houses of Parliament.

74BZ—Review of Part

(1) The Minister must, as soon as is practicable after the third anniversary of the commencement of this Part, appoint a retired judicial officer to conduct a review of the operation and effectiveness of this Part since its commencement.

(2) The Minister and the Commissioner of Police must ensure that the person appointed to conduct the review is provided with such information as the person may require for the purposes of conducting the review.

(3) The person conducting the review must maintain the confidentiality of information provided to the person that is classified by the Commissioner of Police as criminal intelligence under this or any other Act.

(4) A report on the review must be submitted to the Minister within 4 months of the commencement of the review.

(5) The Minister must, within 12 sitting days after receiving the report, cause a copy of the report to be laid before both Houses of Parliament.

(6) In this section—

judicial officer means a person appointed as a judge of the Supreme Court or the District Court or a person appointed as a judge of another State or Territory or of the Commonwealth.

Part 17—Recording of interviews

Division 1—Interpretation

74C—Interpretation

In this Part—

interview includes—

(a) a conversation; or

(b) part of a conversation; or

(c) a series of conversations,

but does not include an examination under the *Independent Commission Against Corruption Act 2012*;

investigating officer means—

(a) a police officer; or

(ab) an investigator under the *Independent Commission Against Corruption Act 2012*; or

(b) a person authorised under an Act to investigate offences and arrest suspected offenders.

Division 2—Recording interviews with suspects

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 make an audio visual record of the interview, an audio visual record of the interview must be made;

(b) if it is not reasonably practicable to make an audio visual record of the interview but it is reasonably practicable to make an audio record of the interview, an audio record of the interview must be made;

(c) if it is not reasonably practicable to make either an audio visual record or audio record of the interview—

(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 an audio visual record made of the reading; and

(iii) when the audio visual 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 audio visual 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 an audio visual record or audio record 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 an audio visual record or audio record of the interview to be made;

(d) any other relevant matter.

(4) As soon as practicable after an audio visual record or audio record of an interview is made under this Part, the investigating officer must give the suspect a written statement—

(a) if an audio visual record was made—of the right of the suspect or the suspect's legal adviser (or both) to view the recording and to obtain from the audio visual record an audio record; or

(b) if an audio record but no audio visual record was made—of the right of the suspect to obtain a copy of the audio record.

(5) Arrangements must be made, at the request of a suspect, for the playing of an audio visual record 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 audio record of the audio visual record of an interview with the suspect under this Division; or

(b) a copy of an audio record of an interview with the suspect under this Division.

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 Division; 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.

Division 3—Recording interviews with certain vulnerable witnesses

74EA—Application and interpretation

(1) This Division applies to a person being interviewed as a potential witness who is—

(a) a child of or under the age of 14 years; or

(b) a person with a disability that adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions.

(1a) This Division also applies to a person (not being a person described in subsection (1)) who is being interviewed as the victim of an alleged child sexual offence.

(2) In this Division—

child sexual offence means a sexual offence committed in relation to a person under the age of 18 years;

serious offence against the person means—

(a) murder or attempted murder; or

(b) manslaughter or attempted manslaughter; or

(c) a sexual offence; or

(d) —

(ai) an offence of criminal neglect under section 14 of the *Criminal Law Consolidation Act 1935*; or

(i) an offence of stalking and harassment under section 19AA of the *Criminal Law Consolidation Act 1935*; or

(ii) an offence of causing serious harm under section 23 of the *Criminal Law Consolidation Act 1935*; or

(iia) an offence of causing harm under section 24 of the *Criminal Law Consolidation Act 1935*; or

(iii) an offence involving an unlawful threat to kill or endanger life; or

(iv) an offence involving abduction; or

(v) an offence involving blackmail; or

(vi) an attempt to commit, or assault with intent to commit, any of the offences in the preceding subparagraphs; or

(e) an offence of contravening or failing to comply with an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*; or

(f) an offence of contravening or failing to comply with a restraining order under the *Summary Procedure Act 1921*;

sexual offence means—

(a) rape; or

(b) compelled sexual manipulation; or

(c) indecent assault; or

(d) any offence involving unlawful sexual intercourse or an act of gross indecency; or

(e) incest; or

(f) any offence involving sexual exploitation or abuse of a child, or exploitation of a child as an object of prurient interest; or

(g) an offence of sexual exploitation of a person with a cognitive impairment under section 51 of the *Criminal Law Consolidation Act 1935*; or

(h) any attempt to commit, or assault with intent to commit, any of the foregoing offences.

74EB—Obligation to record interviews with certain vulnerable witnesses

If a person to whom this Division applies is to be interviewed as a potential witness in relation to the investigation of a serious offence against the person, the interview must be conducted as follows:

(a) an audio visual recording of the interview must be made in accordance with the regulations;

(b) the interview must be conducted by a prescribed interviewer;

(c) the manner in which the interview is conducted must meet the prescribed requirements to the prescribed extent.

74EC—Admissibility of evidence of interview

(1) In proceedings for a charge of a serious offence against the person, evidence of an interview between a prescribed interviewer and a person to whom this Division applies is inadmissible unless—

(a) the prescribed interviewer complied with this Division in relation to the conduct and recording of the interview; or

(b) the court is satisfied that the interests of justice require the admission of the evidence despite the prescribed interviewer's non-compliance.

(1a) If a person to whom this Division applies is to be interviewed as a potential witness in relation to the investigation of any other offence, evidence of the interview may be admissible under section 13BA of the *Evidence Act 1929* if—

(a) an audio visual recording of the interview is made in accordance with the regulations; and

(b) the interview is conducted by a prescribed interviewer; and

(c) the manner in which the interview is conducted meets the prescribed requirements to the prescribed extent.

(1b) If a prescribed interviewer's conduct and recording of an interview does not meet the requirements of subsection (1a)(c), the court may nevertheless admit evidence of the interview if satisfied that the interests of justice require the admission of the evidence despite the prescribed interviewer's non-compliance.

(2) If, in the course of a trial by jury, the court admits evidence of an interview under subsection (1)(b) or (1b), the court must—

(a) draw the jury's attention to the non-compliance by the prescribed interviewer; 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.

Division 4—Miscellaneous

74F—Prohibition on playing recordings of interviews

A person must not play to another person an audio visual record or audio record of an interview or part of an interview made under this Part except where the recording 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 recording has been tendered in evidence[1].

Note—

1 For example, the court might permit the use of a recording 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.

74H—Regulations

(1) The Governor may make such regulations as are contemplated by, or as are necessary or expedient for the purposes of, this Part.

(2) Without limiting the generality of subsection (1), the regulations may—

(a) prescribe a person or class of persons to be a prescribed interviewer for the purposes of section 74EB by reference to the office or position held by the person, or the person's training or experience, or any combination of those criteria; and

(b) make provision for a person to whom Division 2 or 3 applies to be accompanied during an interview by a person of a prescribed class for the purposes of providing emotional support, or communication assistance or any other assistance, during the interview; and

Note—

Communication assistance may, for example, be provided by means such as a communication partner or by using a device (such as a speak-and-spell communication device).

(c) prescribe requirements to be met for the purposes of section 74EB, and the extent to which they are to be met, if section 74EC is to apply to an audio visual record of an interview with a person to whom Division 3 applies; and

(d) regulate the playing, broadcasting, publishing, custody, possession, storage, copying, transcription, erasure or destruction of an audio visual record of an interview; and

(e) prescribe the records that are to be kept in relation to an audio visual record of an interview; and

(f) make provision for access to and the use of an audio visual record for any of the following purposes:

(i) for purposes related to the investigation of an offence;

(ii) for the purposes of, or purposes related to, legal proceedings or proposed legal proceedings;

(iii) for training persons for the purposes of Division 3;

(iv) for the purposes of reviewing, assessing and evaluating the conduct of interviews under this Part;

(v) for any other purpose; and

(g) fix fines, not exceeding $5 000, for offences against the regulations.

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 etc

(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 as soon as reasonably practicable 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 reasonably practicable.

78—Person apprehended without warrant—how dealt with

(1) Subject to this section, a person who is apprehended without warrant must, as soon as reasonably practicable, be delivered into the custody of—

(a) the police officer in charge of the nearest custodial police station; or

(b) a police officer at a designated police facility.

(2) If a person is apprehended without warrant on suspicion of having committed a serious offence, a police officer may, for the purposes of investigating the suspected offence, before dealing with the person in accordance with subsection (1)—

(a) detain the person for whichever is the lesser of—

(i) the period necessary to complete the immediate investigation of the suspected offence; or

(ii) 4 hours or such longer period (not exceeding 8 hours) as may be authorised by a magistrate; and

(b) take the person, or cause him or her to be taken, during the course of detention under paragraph (a), to places connected with the suspected offence.

(2a) In determining the period that has elapsed since the apprehension of a person for the purposes of subsection (2)(a), the following will not be taken into account:

(a) any delay occasioned by arranging for a solicitor or other person to be present during the investigation;

(b) any delay occasioned by allowing the person to receive medical attention;

(c) the time that would have been reasonably required to convey the person from the place of apprehension to—

(i) the nearest custodial police station; or

(ii) the designated police facility,

(assuming that the person had been taken as soon as reasonably practicable to the custodial police station or designated police facility).

(3) If a person has been detained in custody under subsection (1), 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.

(3a) A person who has been apprehended without warrant and detained in custody at a designated police facility must, as soon as reasonably practicable, be delivered into the custody of the police officer in charge of the nearest custodial police station if any of the following occurs:

(a) the person declines to make an application for release on bail;

(b) a decision is made to refuse an application for bail made by the person;

(c) 2 hours, or such longer period (not exceeding 4 hours) as may be authorised by a magistrate, has elapsed since the person has been detained in custody at the police facility and the person has not been released (whether on bail or otherwise).

(3b) In determining the period that has elapsed since detention in custody at a designated police facility for the purposes of subsection (3a)(c), the following will not be taken into account:

(a) any delay occasioned by arranging for a solicitor or other person to be present;

(b) any delay occasioned by allowing the person to receive medical attention;

(c) any period during which the person is temporarily in the custody of a police officer under subsection (3).

(3c) A person who is detained in the custody of a police officer at a designated police facility may be transferred into the custody of another police officer at the police facility.

(4) An application to a magistrate for an authorisation under this section may be made by telephone and, if 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) If 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) The Commissioner may, by instrument in writing, approve the use of any of the following as a designated police facility:

(a) a specified room, building or structure (whether permanent or temporary);

(b) a specified vehicle;

(c) a vehicle of a specified class.

(7) An approval under subsection (6) of a designated police facility must—

(a) specify the use of the designated police facility—

(i) for a specified event or purpose; or

(ii) for a specified police operation; or

(iii) for an event or a purpose of a specified class; or

(iv) for a police operation of a specified class; or

(v) for a specified area of the State outside Metropolitan Adelaide (within the meaning of the *Development Act 1993*); and

(b) specify conditions for the use of the designated police facility.

(8) The Commissioner may, by subsequent instrument in writing, vary or revoke an approval under subsection (6).

(9) In proceedings, a certificate apparently signed by the Commissioner certifying as to a matter relating to an instrument under subsection (6) or (8) constitutes proof, in the absence of proof to the contrary, of the matters so certified.

(10) In this section—

custodial police station means a police station at which cell facilities are available for the continuous care and custody of an apprehended person;

designated police facility, in relation to a person apprehended without warrant, means—

(a) in the case of a person apprehended within an area of the State in respect of which there is an approval in force under subsection (6)—

(i) the place or vehicle used as a designated police facility in accordance with the approval that is nearest the place of apprehension; or

(ii) if the person is apprehended at, or in connection with, an event or police operation in respect of which there is an approval in force under subsection (6)—a place or vehicle used as a designated police facility in accordance with the approval; or

(b) in any other case—

(i) the police station nearest the place of apprehension; or

(ii) if the person is apprehended at, or in connection with, an event or police operation in respect of which there is an approval in force under subsection (6)—a place or vehicle used as a designated police facility in accordance with the approval;

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

(a) 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 custodial police station within that radius;

(b) in any other case—the custodial police station nearest the place where the person is apprehended;

serious offence means an indictable offence or an offence punishable by imprisonment for 2 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 if 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, as soon as reasonably practicable, 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.

(3) If a person taken into custody is in need of medical treatment before being delivered as required under this section, the requirement to deliver the person as soon as reasonably practicable does not prevent the immediate provision of necessary medical treatment.

79A—Rights on 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, or a person of a class, nominated by the Chief Executive within the meaning of the *Youth Justice Administration Act 2016* 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.

(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 or gender identity as the detainee (unless the detainee requests otherwise);

(e) except where it is not reasonably practicable to do so, an audio visual record of an intimate search must be made (but that part of an intimate search that consists of an intimate intrusive search will not be recorded if the detainee objects);

(f) if, apart from the question of whether or not the detainee objects to the recording, it is otherwise reasonably practicable to make an audio visual record of an intimate search, 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 making an audio visual record of the search; 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 audio visual record of an intimate search, or that part of an intimate search that consists of an intimate intrusive search, is not to be made, 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 an audio visual record of the reading is made; and

(iii) that, when the audio visual 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 audio visual 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 an audio visual record 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 an audio visual record 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 audio visual record played over to the detainee or his or her legal adviser (or both); and

(b) to obtain a copy of the audio visual record.

(3c) Arrangements must be made, at the request of a detainee, for the playing of an audio visual record 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 an audio visual record made under this section.

(3e) A person (other than the detainee) must not play, or cause to be played, an audio visual record 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) An audio visual record 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 audio visual records 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

(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 person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

registered nurse means a person registered under the *Health Practitioner Regulation National Law*—

(a) to practise in the nursing profession as a nurse (other than as a student); and

(b) in the registered nurses division of that profession.

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.

82A—Prohibition on use of spit hoods

(1) A police officer must not place a spit hood on the head of a person.

Maximum penalty: Imprisonment for 2 years.

(2) Subsection (1) applies despite any other provision of this Act or any other Act or law.

(3) In this section—

spit hood means a covering (however described) that is intended to be placed over a person's head to prevent the person from spitting on, or biting, another person.

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) A declaration may not be made under this section in relation to circumstances arising in an emergency for which a declaration under the *Emergency Management Act 2004* or Part 11 of the *South Australian Public Health Act 2011* is in force.

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 or 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.

(1a) Where a senior police officer suspects on reasonable grounds that—

(a) a high risk missing person; or

(b) information that may assist in locating a high risk missing person,

may be in or on specified premises, a specified vehicle or vessel, or other specified place, the officer may authorise a police officer to enter the premises, vehicle, vessel or place 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) or (1a) 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.

(2a) An authorisation under subsection (1a) remains in force—

(a) for a period of 48 hours; or

(b) until the high risk missing person is located; or

(c) the authorisation is revoked by a senior police officer,

whichever is the sooner.

(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, a vehicle or vessel, or other place, or carrying out a search or investigation, under this section.

(4a) A police officer may, in exercising powers under subsection (1a), be assisted by such persons as the officer considers necessary or desirable in the circumstances (provided that a person who is not a police officer may only provide assistance at the direction of a police officer).

(4b) A police officer may, in exercising powers under subsection (1a), take and use electricity for that purpose.

(5) The Commissioner is responsible for ensuring that a proper record is kept of property taken 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.

(8) In determining whether a missing person may suffer serious harm, a police officer may have regard to any of the following matters:

(a) the person's age;

(b) any disability of the person attributable to a cognitive, intellectual, neurological, physical or psychiatric impairment;

(c) evidence the person may commit suicide;

(d) the person's ability to interact safely with other persons or in an unfamiliar environment;

(e) the person's need for medication;

(f) an addiction the person may have;

(g) the person's recent behaviour that is out of character for the person;

(h) whether the person is suspected of being the victim of a crime;

(i) any history of domestic violence or other relationship problems affecting the person;

(j) any ongoing bullying or harassment of the person;

(k) a previous disappearance or exposure to serious harm that affected the person;

(l) whether the person is experiencing any financial problems;

(m) a reason why the person may wish to go missing;

(n) if the person is suspected of being lost within a particular area, the climate or other environmental factors relevant to the area;

(o) any suspicious circumstances relating to the person's disappearance.

(9) In this section—

high risk missing person means a missing person in relation to whom 1 or both of the following applies:

(a) the missing person is under 14 years of age; or

(b) a police officer reasonably suspects that the missing person may suffer serious harm if not located quickly;

missing person means a person who is reported missing to police and where—

(a) their whereabouts are unknown; and

(b) there are concerns for their safety and welfare,

(whether the person was reported missing, or the concerns for the safety and welfare arose, before or after the commencement of this subsection);

serious harm means harm, including the cumulative effect of any harm, that—

(a) endangers, or is likely to endanger, a person's life; or

(b) is, or is likely to be, significant and longstanding.

83D—High Risk Missing Person Warrant

(1) A senior police officer may, if the officer reasonably suspects that an authorisation under section 83C(1a) could be granted in relation to a high risk missing person, apply to a judge for a high risk missing person warrant.

(2) To avoid doubt, an application may be made under this section—

(a) whether or not an authorisation under section 83C(1a) is in force; or

(b) whether or not a high risk missing person warrant has previously been issued in relation to the missing person, or any premises, vehicle, vessel or place to which the application relates.

(3) An application for a warrant may be made personally or, if, in the opinion of the applicant, the warrant is urgently required and there is not enough time to lodge a written application and appear before the Supreme Court, or it is otherwise not reasonably practicable to appear personally before the Supreme Court, electronically or by telephone.

(4) The grounds of an application for a warrant must be verified by affidavit.

(5) If an application for a warrant is made electronically, the following provisions apply:

(a) the application must be in a form approved by the Chief Justice;

(b) the application must be accompanied by an affidavit made by the applicant verifying the facts referred to in the application;

(c) the applicant must be available to address the Supreme Court by telephone or electronic means determined by the judge;

(d) the judge is entitled to assume, without further inquiry, that a person who identifies themself as the applicant is the applicant;

(e) the judge may, on being satisfied as to the grounds for the issue of a warrant, make out and sign a warrant;

(f) the warrant is to be taken to have been issued, and comes into force, when signed on behalf of the judge;

(g) the judge must forward the warrant to the applicant by electronic means.

(6) If an application for a warrant is made by telephone, the following provisions apply:

(a) the applicant must inform the judge of the applicant's name and identify themself as a senior police officer and the judge, on receiving that information, is entitled to assume its accuracy without further inquiry;

(b) the applicant must inform the judge of the purpose for which the warrant is required and the grounds on which it is sought;

(c) the judge may, on being satisfied as to the grounds for the issue of the warrant, inform the applicant of the facts on which the judge relies as grounds for the issue of the warrant, and must not proceed to issue the warrant unless the applicant undertakes to make an affidavit verifying those facts;

(d) if the applicant gives such an undertaking, the judge may then issue a warrant;

(e) the warrant is to be taken to have been issued, and comes into force, when signed by the judge;

(f) the judge must inform the applicant of the terms of the warrant;

(g) the applicant must fill out and sign a warrant form (the ***duplicate warrant***) that—

(i) sets out who issued the warrant and the terms of the warrant; and

(ii) complies with any other prescribed requirements;

(h) the applicant must, as soon as practicable after the issue of the warrant, forward to the Supreme Court an affidavit verifying the facts referred to in paragraph (c) and a copy of the duplicate warrant.

(7) An application for a high risk missing person warrant may be made and determined without notice to an owner or occupier of premises, a vehicle, a vessel or place (as the case requires).

(8) A high risk missing person warrant—

(a) must specify—

(i) the name of the applicant; and

(ii) the name of the missing person to whom the warrant relates; and

(iii) any premises, vehicle, vessel or place to which the warrant relates; and

(iv) the period for which the warrant will be in force (being a period not longer than 90 days); and

(v) any other information required by the regulations; and

(b) may contain conditions and limitations; and

(c) may address any other matter as the judge thinks fit.

(9) Subject to any conditions or limitations specified in the high risk missing person warrant, the warrant authorises a police officer to exercise any powers or take any action, or continue to do so, that the police officer could take pursuant to an authority granted under section 83C(1a).

(10) A judge may, on an application by a senior police officer made while a high risk missing person warrant is in force, extend the period for which the warrant remains in force for a specified further period (being a period not longer than 90 days).

(11) A police officer may, in exercising powers under a high risk missing person warrant, be assisted by such persons as the officer considers necessary or desirable in the circumstances (provided that a person who is not a police officer may only provide assistance at the direction of a police officer).

(12) A high risk missing person warrant may, at any time, be revoked by instrument in writing by the Commissioner (and must, if the missing person to whom the warrant relates is located, be revoked as soon as it is reasonably practicable to do so).

(13) In this section—

judge means a judge of the Supreme Court of South Australia.

85—Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) Without limiting subsection (1), the regulations may—

(a) vary the provisions of Schedule 2 (other than clauses 3 to 11 inclusive) by including provisions in, or deleting provisions from, the Schedule;

(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.

(3) The regulations may—

(a) be of general application or vary in their application according to prescribed factors; and

(b) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or the Commissioner.

Schedule 1—General search warrant

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[1] from the below date.

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

Commissioner of Police

[1] 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).

Schedule 2—Exempt persons—prohibited weapons

Part 1—Preliminary

1—Interpretation

In this Schedule, unless the contrary intention appears—

number, in relation to the identification of a weapon, means an identifying mark comprised of either numbers or letters or a combination of both numbers and letters;

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;

prescribed masonic organisation means—

(a) the Antient, Free And Accepted Masons Of South Australia and the Northern Territory Incorporated; or

(b) a Lodge or Order of Freemasons warranted and recognised by the association referred to in paragraph (a); or

(c) the Lodge of Freemasons named "The Duke of Leinster Lodge";

prescribed services organisation means—

(a) The Returned and Services League of Australia (S.A. Branch) Incorporated or any of its sub-branches; or

(b) an association or other body (whether or not incorporated) that is a member of the Consultative Council of Ex-Service Organisations (S.A.).

2—Application of Schedule

(1) If—

(a) in Part 2, a person is expressed to be an exempt person for the purposes of 1 or more offences against section 21F(1) of this Act in relation to a particular class of prohibited weapon; and

(b) the weapon is, in accordance with the regulations, included in 1 or more of the other classes of prohibited weapon,

the person is an exempt person in relation to that weapon for the purposes of the offences even though he or she is not an exempt person in relation to a prohibited weapon of the other class or classes referred to in paragraph (b).

(2) The exemptions in Part 2 (other than under clauses 3, 4, 5 and 12) do not apply to a person who has, whether before or after the commencement of this Schedule, been found guilty by a court of—

(a) an offence involving violence for which the maximum term of imprisonment is 5 years or more; or

(b) an equivalent offence involving violence under the law of another State or Territory of the Commonwealth or of another country.

(3) If a person is an exempt person in relation to a weapon under a clause in Part 2 (other than under clauses 3, 4, 5 or 12) and a court finds the person guilty of using the weapon to threaten or injure another person, he or she ceases to be an exempt person in relation to that or any other weapon under that clause and can never again become an exempt person under that clause.

(4) A person who, prior to the commencement of this Schedule, ceased, in accordance with regulation 7(4) of the *Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000*, to be an exempt person under a particular regulation is taken not to be exempt under any corresponding provision of Part 2.

Part 2—Exemptions

3—Police officers

A police officer is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the officer uses or has possession of a prohibited weapon for the purpose or in the course of his or her duties as a police officer.

4—Delivery to police

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon for the purpose of delivering it as soon as reasonably practicable to a police officer.

5—Emergencies

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon for the purpose, and in the course, of dealing with an emergency (whether as a volunteer or in the course of paid employment), provided that the person does not use the weapon to threaten or injure another person.

6—Business purposes

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of conducting his or her business or in the course of his or her employment, provided that—

(a) the use or possession of the weapon is reasonably required for that purpose; and

(b) the use or possession of the weapon is not in the course or for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapon.

7—Religious purposes

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the possession of a knife (other than a butterfly knife, flick knife, push knife or trench knife) or dagger if—

(a) the person is a member of a religious group; and

(b) the person possesses, wears or carries the knife or dagger for the purpose of complying with the requirements of that religion.

8—Entertainment

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of providing a lawful and recognised form of entertainment of other persons that reasonably requires the use or possession of the weapon.

9—Sport and recreation

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of participating in a lawful and recognised form of recreation or sport that reasonably requires the use or possession of the weapon.

10—Ceremonies

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act if the person uses or has possession of a prohibited weapon in the course of an official ceremony that reasonably requires the use or possession of the weapon.

11—Museums and art galleries

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon for the purposes of a museum or art gallery.

12—Executors etc

(1) A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon in the course of his or her duties—

(a) as the executor, administrator or other representative of—

(i) the estate of a deceased person or a bankrupt; or

(ii) a person who is legally incompetent; or

(b) as receiver or liquidator of a body corporate.

(2) A person is an exempt person for the purposes of an offence of sale or supply of a prohibited weapon under section 21F(1)(a) of this Act, if the person sells or supplies a prohibited weapon in the course of his or her duties—

(a) as the executor, administrator or other representative of—

(i) the estate of a deceased person or a bankrupt; or

(ii) a person who is legally incompetent; or

(b) as receiver or liquidator of a body corporate,

provided that the sale or supply is to a person who is entitled to possession of the weapon under section 21F of this Act.

13—Heirlooms

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon that is of sentimental value to him or her as an heirloom and that was previously in the possession of 1 or more of his or her relatives provided that the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—

(a) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(b) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(c) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(d) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(e) permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

14—Collectors

(1) A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if the person has possession of a prohibited weapon as part of a collection of weapons or other artefacts or memorabilia (comprised of at least 3 weapons, whether or not prohibited weapons) that has a particular theme, or that the person maintains for its historical interest or as an investment, provided that—

(a) the person keeps the following records in a legible manner in a bound book at his or her place of residence for a period that expires at the end of 5 years after he or she ceases to be in possession of the collection:

(i) a record describing and identifying the weapon;

(ii) a record of the date of each occasion on which he or she obtains or re-obtains possession of the weapon and the identity and address of the person from whom he or she obtains or re-obtains possession;

(iii) the date of each occasion on which he or she parts with possession of the weapon to another person and the identity and address of that person; and

(b) the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except for the purpose of—

(i) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(iv) repair, restoration or valuation—

(A) by another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(B) by a person who is, under clause 17, an exempt person in relation to a prohibited weapon; or

(v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(vi) storage by another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(vii) returning it to—

(A) another collector who is, under this clause, an exempt person in relation to a prohibited weapon; or

(B) a prescribed services organisation that is, under clause 15, an exempt person in relation to a prohibited weapon,

on whose behalf he or she has repaired, restored, valued or stored the weapon; or

(viii) taking it to a meeting but only if the majority of persons at the meeting are collectors who are, under this clause, exempt persons in relation to prohibited weapons; or

(ix) its sale or supply to another person in accordance with subclause (2); and

(c) the person permits a police officer at any reasonable time to enter his or her residential premises to inspect the collection and the records kept under paragraph (a).

(2) A person who is an exempt person under subclause (1) will also be an exempt person for the purposes of an offence of sale or supply of such a weapon under section 21F(1)(a) of this Act if the person sells or supplies the weapon in the normal course of maintaining the collection, to a person who is entitled to possession of a prohibited weapon under section 21F of this Act.

(3) A reference in subclause (1) to the place of residence of a person will be taken, in the case of a body corporate, to be a reference to the registered office of the body corporate.

15—Prescribed services organisations (RSL etc)

(1) A prescribed services organisation is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act if it has possession of a prohibited weapon of a kind acquired or used by one of its members (or by a person that it represents) while on active war service as a member of Australia's armed forces, provided that—

(a) the organisation keeps the following records in a legible manner in a bound book at its premises for a period that expires at the end of 5 years after it last ceased to be in possession of the weapon:

(i) a record describing and identifying the weapon;

(ii) a record of the date of each occasion on which the organisation obtains or re-obtains possession of the weapon and the identity and address of the person from whom the organisation obtains or re-obtains possession;

(iii) the date of each occasion on which the organisation parts with possession of the weapon to another person and the identity and address of that person; and

(b) the organisation keeps the weapon in a safe and secure manner at its premises and does not remove the weapon except for the purpose of—

(i) display by a person who is entitled under section 21F of this Act to have possession of it for that purpose; or

(ii) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(iii) valuation by a person who carries on a business that includes the valuing of articles of that kind; or

(iv) repair, restoration or valuation—

(A) by a collector who is, under clause 14, an exempt person in relation to a prohibited weapon; or

(B) by a person who is, under clause 17, an exempt person in relation to a prohibited weapon; or

(v) secure storage by a person who carries on the business of storing valuable property on behalf of other persons; or

(vi) its sale or supply to another person in accordance with subclause (2); and

(c) the organisation permits a police officer at any reasonable time to enter the premises of the organisation to inspect the weapon and the records kept under paragraph (a).

(2) A person who is an exempt person in relation to a prohibited weapon under subclause (1) will also be an exempt person for the purposes of an offence of sale or supply of such a weapon under section 21F(1)(a) of this Act if the person sells or supplies the weapon in the normal course of maintaining the collection, to a person who is entitled to possession of a prohibited weapon under section 21F of this Act.

16—Possession by collector on behalf of prescribed services organisation or another collector

A person who is, under clause 14, an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act (the ***first collector***) will also be an exempt person for the purposes of such an offence in relation to a prohibited weapon that is owned by another collector or a prescribed services organisation if—

(a) possession of the weapon by the first collector is solely for the purpose of repairing, restoring, valuing or storing it on behalf of the prescribed services organisation or the other collector; and

(b) the other collector is, under clause 14, or the prescribed services organisation is, under clause 15, an exempt person in relation to the weapon; and

(c) while the weapon is in the possession of the first collector, the first collector complies with the conditions in clause 14(1)(a) to (c) in relation to the weapon as though it were part of the first collector's collection.

17—Manufacturers etc

A person is an exempt person for the purposes of an offence of manufacture, sale, distribution, supply of, or other dealing in, possession or use of a prohibited weapon under section 21F(1) of this Act if—

(a) the person—

(i) has not been found guilty by a court of an offence involving the use, or the threat of using, a weapon; and

(ii) has notified the Commissioner in writing that he or she is, or intends, manufacturing, selling, distributing, supplying or otherwise dealing in prohibited weapons and of—

(A) the person's full name; and

(B) the address of the place or places at which the person is, or intends, conducting those activities; and

(C) the person's residential address; and

(D) in the case of a body corporate—the full name and residential address of each of its directors; and

(iii) the possession and use is, or is to be, only to the extent reasonably necessary for the purpose of manufacturing, selling, distributing, supplying or otherwise dealing in the weapons (as the case requires); and

(b) the weapons are kept in a safe and secure manner; and

(c) in the case of the sale, distribution or supply of, or other dealing in, a prohibited weapon—the weapon is not sold, distributed or supplied to, or dealt in with, a person who is under the age of 18 years; and

(d) a prohibited weapon is not marketed (within the meaning of section 21D of this Act) by the person in a way that—

(i) indicates, or suggests, that the weapon is suitable for combat; or

(ii) is otherwise likely to stimulate or encourage violent behaviour involving the use of the knife as a weapon; and

(e) in the case of the manufacture of prohibited weapons, each weapon manufactured is marked with an identifying brand and number in a manner that ensures that the brand and number cannot be removed easily and will not wear off in the normal course of use of the weapon; and

(f) the person keeps the following records in a legible manner (and in a form that is reasonably accessible to a police officer inspecting the records under paragraph (i)) at his or her business premises for a period of at least 5 years:

(i) a description of each prohibited weapon that is, or has been, in his or her possession;

(ii) the identifying brand and number (if any) that is marked on each of those weapons;

(iii) the name and address of the person to whom he or she sells, distributes, supplies, or with whom he or she otherwise deals in, each of those weapons;

(iv) the date of each transaction; and

(g) the person permits a police officer at any reasonable time to enter his or her premises or a vehicle in which prohibited weapons are carried to inspect the premises or vehicle, the weapons on the premises or in the vehicle or records kept by the exempt person under paragraph (f); and

(h) the person notifies the Commissioner in writing of a change in any of the information referred to in paragraph (a)(i) and (ii) within 7 days after the change occurs.

18—Possession by manufacturer etc on behalf of prescribed services organisation or another collector

A person who is, under clause 17, an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act (the ***manufacturer***) will also be an exempt person for the purposes of such an offence in relation to a prohibited weapon that is owned by a collector or a prescribed services organisation if—

(a) possession of the weapon by the manufacturer is solely for the purpose of repairing or restoring the weapon or valuing or storing it on behalf of the collector or prescribed services organisation; and

(b) the collector is, under clause 14, or the prescribed services organisation is, under clause 15, an exempt person in relation to the weapon.

19—Prescribed weapons—security agents

(1) A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if—

(a) the person is—

(i) authorised by a licence granted under the *Security and Investigation Industry Act 1995* to carry on the business of protecting or guarding property as a security agent; and

(ii) the holder of a firearms licence under the *Firearms Act 2015* authorising the possession and use of a handgun in the course of carrying on the business of guarding property; and

(b) the weapon is kept in a safe and secure manner at the person's business premises when not being used; and

(c) the weapon is marked with a number for identification and with the name of the person in a manner that ensures that the number and name cannot be removed easily and will not wear off in the normal course of use of the weapon; and

(d) the weapon is not issued to another person unless the other person is—

(i) an employee in the business; and

(ii) an exempt person under subclause (2); and

(e) the person keeps the following records in a legible manner (and in a form that is reasonably accessible to a police officer inspecting the records under paragraph (f)) at his or her business premises for a period of at least 5 years:

(i) the make and model of the weapon and the identifying number marked on the weapon under paragraph (c);

(ii) the date and time of every issue of the weapon to an employee, the identification number of the weapon, the identity of the employee to whom the weapon is issued and the date and time when the weapon is returned by the employee;

(iii) the date or dates (if any) on which a person to whom the weapon has been issued uses the weapon (as opposed to carrying the weapon) in the course of his or her duties and the reason for that use of the weapon; and

(f) the person permits a police officer at any reasonable time to enter his or her business premises to inspect the weapon, the manner in which the weapon is kept and the records kept under paragraph (e); and

(g) in the case of a natural person—

(i) the person has completed a course of instruction approved by the Commissioner in the proper use of such weapons and has been awarded a certificate of competency by the person conducting the course; and

(ii) the person does not carry the weapon while engaged in crowd control.

(2) A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if the person—

(a) is employed to protect or guard property by a person who carries on the business of protecting or guarding property; and

(b) is authorised by a licence granted under the *Security and Investigation Industry Act 1995* to protect or guard property as a security agent; and

(c) is the holder of a firearms licence under the *Firearms Act 2015* authorising the possession and use of a handgun in the course of employment by a person who carries on the business of guarding property; and

(d) reasonably requires the possession of the weapon for the purposes of carrying out the duties of his or her employment; and

(e) has completed a course of instruction approved by the Commissioner of Police in the proper use of such weapons and has been awarded a certificate of competency by the person conducting the course; and

(f) has not been found guilty by a court of an offence involving the illegal possession or use of such a weapon, a firearm or any other weapon; and

(g) does not carry the weapon while engaged in crowd control; and

(h) as soon as reasonably practicable after using the weapon in the course of his or her duties, provides his or her employer with a written report setting out the date on which, and the circumstances in which, he or she used the weapon.

20—Prescribed weapons—members of Scottish associations

A person is an exempt person for the purposes of an offence of possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the possession of a weapon of a kind prescribed for the purposes of this clause if—

(a) —

(i) the person is a member of an incorporated association that has as its sole or a principal purpose the fostering and preservation of Scottish culture or the playing or singing of Scottish music; or

(ii) the person is a member of a society, body or other group (whether or not incorporated) that is affiliated with an incorporated association and both the society, body or group and the incorporated association with which it is affiliated have as their sole or a principal purpose the fostering and preservation of Scottish culture or the playing or singing of Scottish music; and

(b) the person has possession of all of the clothes and other accoutrements traditionally worn with the weapon (or, if the weapon is traditionally worn with different clothes on different occasions, he or she has possession of the clothes and accoutrements for at least 1 of those occasions); and

(c) the person has possession of the weapon solely for the purpose of—

(i) wearing it with that clothing; and

(ii) if the weapon is of a kind prescribed for the purposes of this subparagraph—using it in traditional Scottish ceremonies; and

(d) if the weapon is of a kind prescribed for the purposes of paragraph (c)(ii)—the person only uses the weapon for the purposes of traditional Scottish ceremonies; and

(e) the person keeps the weapon in a safe and secure manner at his or her place of residence and does not remove it except—

(i) for the purpose of wearing it with that clothing; or

(ii) for the purpose of lending it to a person who is entitled under section 21F of this Act to have possession of it; or

(iii) for the purpose of permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

21—Prescribed weapons—lodges of Freemasons etc

A prescribed masonic organisation is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if the weapon—

(a) is only used at the premises of the organisation for traditional ceremonial purposes; and

(b) when not in use, is kept at the premises of the organisation, in a safe and secure manner; and

(c) is not removed from the premises except for the purpose of—

(i) repair or restoration by a person who carries on a business that includes the repair or restoration of articles of that kind; or

(ii) valuation by a person who carries on a business that includes valuing articles of that kind; or

(iii) permanently transferring possession of the weapon to another person (being a person who is entitled under section 21F of this Act to have possession of it).

22—Prescribed weapons—astronomical purposes

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if—

(a) the person is using or has possession of the weapon for the purpose or in the course of participating in astronomy; and

(b) the person—

(i) is a member of—

(A) the Astronomical Society of South Australia Incorporated; or

(B) the Mars Society Australia Incorporated; or

(ii) participates in astronomy under the supervision of a member of a body referred to in subparagraph (i); or

(iii) participates in astronomy at an observatory; or

(iv) participates in astronomy as part of a course of study conducted by an educational institution.

23—Prescribed weapons—food preparation

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to the use or possession of a weapon of a kind prescribed for the purposes of this clause if the use or possession is solely for the preparation of food or drink for human consumption.

24—Prescribed weapons—NSW fisheries officers

A person is an exempt person for the purposes of an offence of use or possession of a prohibited weapon under section 21F(1)(b) of this Act in relation to a baton designed for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device if the person is a fisheries officer (within the meaning of the *Fisheries Management Act 1994* of New South Wales) who uses or possesses the weapon in the course of official duties or functions under that Act.

Legislative history

Formerly

Police Offences Act 1953

Notes

- This version is comprised of the following:

Part 1	9.7.2020
Part 2	3.10.2019
Part 3	19.2.2026
Part 3A	1.7.2026
Part 3B	13.12.2020
Part 4	15.12.2012
Part 5	1.7.2013
Part 5A	28.10.2016
Part 5B	3.11.2025
Part 6	1.2.2004 (Reprint No 24)
Part 6A	5.8.2024
Part 7	20.11.2025
Part 7A	23.1.2018
Part 8	1.7.2020
Part 9	12.3.2025
Part 10	1.6.2023
Part 11	1.2.2004 (Reprint No 24)
Part 11A	20.12.2018
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	1.7.2017
Part 14B	22.10.2018
Part 14C	12.3.2025
Part 15	12.3.2025
Part 16	12.7.2012
Part 16A	19.2.2026
Part 17	8.6.2025
Part 18	25.11.2021
Part 19	1.2.2004 (Reprint No 24)
Part 20	4.12.2025
Schedules	21.5.2020

- 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.

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	*Police Offences Act 1953*	17.12.1953	1.3.1954 (*Gazette 28.1.1954 p155*)
1956	51	*Police Offences Act Amendment Act 1956*	29.11.1956	29.11.1956
1957	39	*Police Offences Act Amendment Act 1957*	14.11.1957	14.11.1957
1958	22	*Police Offences Act Amendment Act 1958*	30.10.1958	30.10.1958
1960	1	*Police Offences Act Amendment Act 1960*	12.5.1960	12.5.1960
1960	61	*Police Offences Act Amendment Act (No. 2) 1960*	24.11.1960	24.11.1960
1960	62	*Police Offences Act Amendment Act (No. 3) 1960*	24.11.1960	24.11.1960
1961	44	*Police Offences Act Amendment Act 1961*	16.11.1961	16.11.1961
1961	45	*Police Offences Act Amendment Act (No. 2) 1961*	16.11.1961	16.11.1961
1965	39	*Statute Law Revision Act 1965*	9.12.1965	9.12.1965
1967	58	*Police Offences Act Amendment Act 1967*	9.11.1967	9.11.1967
1972	27	*Police Offences Act Amendment Act 1972*	6.4.1972	13.4.1972 (*Gazette 13.4.1972 p1431*)
1972	70	*Police Offences Act Amendment Act (No. 2) 1972*	7.9.1972	19.10.1972 (*Gazette 19.10.1972 p1928*)
1972	145	*Police Offences Act Amendment Act (No. 3) 1972*	7.12.1972	15.2.1973 (*Gazette 15.2.1973 p495*)
1973	45	*Police Offences Act Amendment Act 1973*	8.11.1973	8.11.1973
1973	73	*Police Offences Act Amendment Act (No. 2) 1973*	6.12.1973	6.12.1973

1973	77	*Statute Law Revision Act 1973*	6.12.1973	6.12.1973
1974	23	*Classification of Publications Act 1974*	11.4.1974	18.7.1974 (*Gazette 11.7.1974 p99*)
1974	42	*Statute Law Revision Act 1974*	11.4.1974	11.4.1974
1974	47	*Police Offences Act Amendment Act 1974*	8.8.1974	8.8.1974
1975	66	*Criminal Law (Sexual Offences) Amendment Act 1975*	2.10.1975	2.10.1975
1975	80	*Police Offences Act Amendment Act 1975*	23.10.1975	23.10.1975
1976	46	*Police Offences Act Amendment Act 1976*	28.10.1976	28.10.1976
1976	71	*Police Offences Act Amendment Act (No. 2) 1976*	2.12.1976	2.12.1976
1976	106	*Police Offences Act Amendment Act (No. 3) 1976*	16.12.1976	3.9.1984 (*Gazette 30.8.1984 p694*)
1978	38	*Police Offences Act Amendment Act 1978*	6.4.1978	6.4.1978
1978	94	*Police Offences Act Amendment Act (No. 2) 1978*	7.12.1978	7.12.1978
1978	102	*Police Offences Act Amendment Act (No. 3) 1978*	7.12.1978	7.12.1978
1979	38	*Police Offences Act Amendment Act 1979*	15.3.1979	1.7.1979 (*Gazette 24.5.1979 p1498*)
1980	52	*Police Offences Act Amendment Act 1980*	3.7.1980	3.7.1980
1981	39	*Police Offences Act Amendment Act 1981*	19.3.1981	1.1.1982 (*Gazette 26.11.1981 p2134*)
1983	69	*Police Offences Act Amendment Act 1983*	13.10.1983	14.11.1983 (*Gazette 10.11.1983 p1354*)
1983	114	*Statutes Amendment (Criminal Law Consolidation and Police Offences) Act 1983*	22.12.1983	22.12.1983 (*Gazette 22.12.1983 p1718*)
1984	50	*Statute Law Revision Act 1984*	24.5.1984	Sch 4—6.7.1985 (*Gazette 9.5.1985 p1398*)
1984	53	*Police Offences Act Amendment Act 1984*	24.5.1984	24.5.1984
1985	6	*Statutes Amendment (Bail) Act 1985*	7.3.1985	7.7.1985 (*Gazette 9.5.1985 p1398*)
1985	46	*Police Offences Act Amendment Act 1985*	2.5.1985	10.5.1985 except ss 4, 9, 21, 26, 28—36, Sch—8.7.1985 (*Gazette 9.5.1985 p1398*)
1986	31	*Summary Offences Act Amendment Act 1986*	10.4.1986	1.7.1986 (*Gazette 1.5.1986 p1104*)
1986	90	*Criminal Law Consolidation Act Amendment Act 1986*	4.12.1986	1.2.1987 (*Gazette 15.1.1987 p52*)
1986	104	*Summary Offences Act Amendment Act (No. 2) 1986*	18.12.1986	18.12.1986
1986	105	*Summary Offences Act Amendment Act (No. 3) 1986*	18.12.1986	5.4.1987 (*Gazette 26.2.1987 p434*)

1986	106	*Summary Offences Act Amendment Act (No. 4) 1986*	18.12.1986	30.3.1987 (*Gazette 26.2.1987 p440*)
1987	68	*Summary Offences Act Amendment Act 1987*	29.10.1987	29.10.1987
1987	102	*Summary Offences Act Amendment Act (No. 2) 1987*	17.12.1987	1.5.1988 (*Gazette 21.4.1988 p1016*)
1988	75	*Summary Offences Act Amendment Act 1988*	1.12.1988	6.3.1989 (*Gazette 2.3.1989 p594*)
1988	79	*Summary Offences Act Amendment Act (No. 2) 1988*	1.12.1988	1.7.1989 (*Gazette 29.6.1989 p1753*)
1988	103	*Statutes Amendment (Criminal Law Consolidation and Summary Offences) Act 1988*	15.12.1988	6.3.1989 (*Gazette 23.2.1989 p539*)
1989	50	*Summary Offences Act Amendment Act 1989*	31.8.1989	5.10.1989 (*Gazette 5.10.1989 p1022*)
1990	23	*Statute Law Revision Act 1990*	26.4.1990	Sch 7—24.9.1990 (*Gazette 6.9.1990 p778*)
1990	38	*Summary Offences Act Amendment Act 1990*	3.5.1990	26.7.1990 (*Gazette 19.7.1990 p344*)
1990	55	*Summary Offences Act Amendment Act (No. 2) 1990*	22.11.1990	7.2.1991 (*Gazette 7.2.1991 p366*)
1992	32	*Summary Offences (Child Pornography) Amendment Act 1992*	21.5.1992	21.5.1992
1992	35	*Statutes Amendment and Repeal (Public Offences) Act 1992*	21.5.1992	6.7.1992 (*Gazette 2.7.1992 p209*)
1992	37	*Statutes Amendment (Illegal Use of Motor Vehicles) Act 1992*	21.5.1992	6.7.1992 (*Gazette 2.7.1992 p209*)
1992	38	*Summary Offences (Prevention of Graffiti Vandalism) Amendment Act 1992*	21.5.1992	4.6.1992 (*Gazette 28.5.1992 p1512*)
1992	53	*Summary Offences (Road Blocks) Amendment Act 1992*	29.10.1992	29.10.1992
1993	87	*Statutes Repeal and Amendment (Places of Public Entertainment) Act 1993*	27.10.1993	3.4.1995 (*Gazette 23.2.1995 p422*)
1994	59	*Criminal Law Consolidation (Felonies and Misdemeanours) Amendment Act 1994*	27.10.1994	1.1.1995 (*Gazette 8.12.1994 p1942*)
1994	73	*State Disaster (Major Emergencies and Recovery) Amendment Act 1994*	1.12.1994	2.2.1995 (*Gazette 2.2.1995 p200*)
1995	27	*Statutes Amendment (Attorney-General's Portfolio) Act 1995*	27.4.1995	s 21—10.7.1995 (*Gazette 29.6.1995 p2973*); s 20—27.4.1997 (s 7(5) *Acts Interpretation Act 1915*)
1995	65	*Statutes Amendment (Recording of Interviews) Act 1995*	10.8.1995	Pts 1 & 2 and Sch (cl 1)—3.3.1996 (*Gazette 21.12.1995 p1760*)
1995	73	*Summary Offences (Indecent or Offensive Material) Amendment Act 1995*	2.11.1995	2.11.1995

1995	106	*Summary Offences (Overcrowding at Public Venues) Amendment Act 1995*	14.12.1995	21.12.1995 (*Gazette 21.12.1995 p1760*)
1996	34	*Statutes Amendment and Repeal (Common Expiation Scheme) Act 1996*	2.5.1996	Sch (cl 34)—3.2.1997 (*Gazette 19.12.1996 p1923*)
1996	101	*Second-hand Dealers and Pawnbrokers Act 1996*	19.12.1996	1.3.1998 (*Gazette 19.2.1998 p932*)
1997	59	*Statutes Amendment (Attorney-General's Portfolio) Act 1997*	31.7.1997	Pt 9 (s 17)—14.9.1997 (*Gazette 11.9.1997 p704*)
1998	8	*Criminal Law (Forensic Procedures) Act 1998*	2.4.1998	25.7.1999 (*Gazette 15.7.1999 p234*)
1998	78	*Summary Offences (Offensive and other Weapons) Amendment Act 1998*	17.12.1998	17.12.2000 (*Gazette 23.11.2000 p3235*)
1999	42	*Statutes Amendment and Repeal (Justice Portfolio) Act 1999*	5.8.1999	Pt 11 (s 54)—1.1.2000 (*Gazette 23.9.1999 p1208*)
2000	20	*Criminal Law Consolidation (Sexual Servitude) Amendment Act 2000*	8.6.2000	8.6.2000
2000	36	*Boxing and Martial Arts Act 2000*	13.7.2000	Sch (cl 1)—11.7.2002 (*Gazette 4.7.2002 p2794*)
2000	54	*Summary Offences (Searches) Amendment Act 2000*	20.7.2000	ss 1—3—22.2.2002 (*Gazette 10.1.2002 p4*)
2001	46	*Graffiti Control Act 2001*	11.10.2001	s 14 & Sch—1.2.2002 (*Gazette 15.1.2002 p184*)
2002	26	*Criminal Law Consolidation (Offences of Dishonesty) Amendment Act 2002*	31.10.2002	Sch 3 (cl 8)—5.7.2003 (*Gazette 15.5.2003 p1979*)
2002	33	*Statutes Amendment (Attorney-General's Portfolio) Act 2002*	28.11.2002	Pt 10 (s 18)—3.3.2003 (*Gazette 27.2.2003 p807*)
2003	33	*Coroners Act 2003*	31.7.2003	Sch (Pt 13)—1.7.2005 (*Gazette 23.6.2005 p1899*)
2003	46	*Statutes Amendment (Anti-Fortification) Act 2003*	30.10.2003	Pt 3 (s 8) & Sch—1.2.2004 (*Gazette 15.1.2004 p197*)
2003	56	*Summary Offences (Vehicle Immobilisation Devices) Amendment Act 2003*	4.12.2003	10.1.2005 (*Gazette 2.12.2004 p4443*)
2004	2	*Statutes Amendment (Computer Offences) Act 2004*	4.3.2004	Pt 3 (s 5)—30.5.2004 (*Gazette 22.4.2004 p1086*)
2004	4	*Summary Offences (Consumption of Dogs and Cats) Amendment Act 2004*	4.3.2004	3.5.2004 (*Gazette 22.4.2004 p1087*)
2004	5	*Summary Offences (Offensive Weapons) Amendment Act 2004*	1.4.2004	1.7.2004 (*Gazette 3.6.2004 p1717*)
2004	30	*Emergency Management Act 2004*	29.7.2004	Sch 1 (cl 5)—25.11.2004 (*Gazette 25.11.2004 p4406*)
2004	52	*Criminal Law Consolidation (Child Pornography) Amendment Act 2004*	16.12.2004	Pt 4 (s 9)—30.1.2005 (*Gazette 13.1.2005 p67*)

2004	56	*Statutes Amendment (Misuse of Motor Vehicles) Act 2004*	16.12.2004	Pt 3 (s 6)—7.2.2005; Pt 3 (s 7)—2.5.2005 (*Gazette 20.1.2005 p260*)
2005	23	*Road Traffic (Excessive Speed) Amendment Act 2005*	9.6.2005	Sch 1—1.12.2005 (*Gazette 10.11.2005 p3926*)
2005	40	*Fire and Emergency Services Act 2005*	14.7.2005	Sch 6 (cl 12)—1.10.2005 (*Gazette 29.9.2005 p3547*)
2005	62	*Statutes Amendment and Repeal (Aggravated Offences) Act 2005*	1.12.2005	Pt 6 (s 28)—15.5.2006 (*Gazette 20.4.2006 p1127*)
2006	13	*Statutes Amendment (Road Transport Compliance and Enforcement) Act 2006*	29.6.2006	Pt 5 (ss 67—69)—30.4.2007 (*Gazette 26.4.2007 p1353*)
2006	17	*Statutes Amendment (New Rules of Civil Procedure) Act 2006*	6.7.2006	Pt 72 (ss 225 & 226)—4.9.2006 (*Gazette 17.8.2006 p2831*)
2007	2	*Summary Offences (Gatecrashers at Parties) Amendment Act 2007*	15.2.2007	Pt 2 (ss 4 & 5)—1.4.2007 (*Gazette 29.3.2007 p930*)
2007	5	*Criminal Law (Forensic Procedures) Act 2007*	29.3.2007	Sch 1 (cl 4)—14.5.2007 (*Gazette 10.5.2007 p1977*)
2007	29	*Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007*	2.8.2007	Sch 1 (cll 2 & 3)—16.12.2007 (*Gazette 6.12.2007 p4734*)
2008	8	*Statutes Amendment (Public Order Offences) Act 2008*	17.4.2008	Pt 3 (s 6)—8.6.2008 (*Gazette 5.6.2008 p1871*)
2008	11	*Summary Offences (Drug Paraphernalia) Amendment Act 2008*	8.5.2008	Pt 2 (s 4)—8.6.2008 (*Gazette 5.6.2008 p1872*)
2008	13	*Serious and Organised Crime (Control) Act 2008*	15.5.2008	Sch 1 (cll 6 & 7)—4.9.2008 (*Gazette 4.9.2008 p4227*)
2008	15	*Firearms (Firearms Prohibition Orders) Amendment Act 2008*	12.6.2008	Sch 1 (cl 2)—27.11.2008 (*Gazette 27.11.2008 p5277*)
2008	33	*Controlled Substances (Drug Detection Powers) Amendment Act 2008*	31.7.2008	Sch 1 (cl 1)—23.10.2008 (*Gazette 23.10.2008 p4931*)
2008	42	*Summary Offences (Indecent Filming) Amendment Act 2008*	6.11.2008	8.2.2009 (*Gazette 5.2.2009 p534*)
2009	29	*Statutes Amendment (Public Health Incidents and Emergencies) Act 2009*	25.6.2009	Pt 9 (s 28)—25.6.2009
2009	74	*Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009*	10.12.2009	Sch 1 (cll 1 & 2)—31.10.2010 (*Gazette 30.9.2010 p4990*)
2010	5	*Health Practitioner Regulation National Law (South Australia) Act 2010*	1.7.2010	Sch 1 (cl 27)—1.7.2010 (*Gazette 1.7.2010 p3338*)
2011	21	*South Australian Public Health Act 2011*	16.6.2011	Sch 1 (cl 10)—16.9.2012 (*Gazette 30.8.2012 p3945*)
2011	37	*Summary Offences (Tattooing, Body Piercing and Body Modification) Amendment Act 2011*	6.10.2011	Pt 2 (s 4)—15.12.2012 immediately after Pt 1 of 20/2012 (*Gazette 15.11.2012 p5008*)

2011	46	*Education and Early Childhood Services (Registration and Standards) Act 2011*	8.12.2011	Sch 3 (cl 24)—1.1.2012 (*Gazette 15.12.2011 p4986*)
2012	12	*Statutes Amendment (Serious and Organised Crime) Act 2012*	10.5.2012	Pt 11 (ss 45—48)—17.6.2012 (*Gazette 14.6.2012 p2756*)
2012	13	*Serious and Organised Crime (Control) (Miscellaneous) Amendment Act 2012*	10.5.2012	Sch 1 (cll 1—3)—17.6.2012 (*Gazette 14.6.2012 p2756*)
2012	19	*Statutes Amendment (Criminal Intelligence) Act 2012*	24.5.2012	Pt 8 (ss 12—15)—12.7.2012 (*Gazette 12.7.2012 p3110*)
2012	20	*Summary Offences (Weapons) Amendment Act 2012*	24.5.2012	Pt 2 (ss 4—10) & Sch 1 (cl 4)—15.12.2012 except new s 21D (as inserted by s 5)—3.2.2013 (*Gazette 15.11.2012 p5009*)
2012	24	*Correctional Services (Miscellaneous) Amendment Act 2012*	7.6.2012	Sch 1 (cl 1)—31.8.2012 (*Gazette 23.8.2012 p3827*)
2012	33	*Statutes Amendment (Serious Firearm Offences) Act 2012*	27.9.2012	Pt 6 (s 31)—15.10.2012 (*Gazette 15.10.2012 p4652*)
2012	36	*Summary Offences (Drug Paraphernalia) Amendment Act 2012*	25.10.2012	25.10.2012
2012	43	*Statutes Amendment (Courts Efficiency Reforms) Act 2012*	22.11.2012	Pt 12 (s 35)—1.7.2013 (*Gazette 16.5.2013 p1541*)
2012	52	*Independent Commissioner Against Corruption Act 2012*	6.12.2012	Sch 3 (cl 73)—1.9.2013 (*Gazette 23.5.2013 p2006*)
2013	5	*Summary Offences (Filming Offences) Amendment Act 2013*	14.3.2013	9.5.2013 (*Gazette 9.5.2013 p1424*)
2013	11	*Statutes Amendment (Attorney-General's Portfolio) Act 2013*	18.4.2013	Pt 12 (ss 26 & 27)—9.6.2013 (*Gazette 6.6.2013 p2498*)
2013	41	*Child Sex Offenders Registration (Miscellaneous) Amendment Act 2013*	3.10.2013	Sch 1 (cl 3)—22.12.2013 (*Gazette 19.12.2013 p4923*)
2013	60	*Statutes Amendment (Arrest Procedures and Bail) Act 2013*	7.11.2013	Pt 3 (ss 14—17)—1.10.2014 (*Gazette 4.9.2014 p4244*)
2014	25	*Statutes Amendment (Attorney-General's Portfolio) Act 2014*	11.12.2014	Pt 7 (s 13)—1.4.2015 (*Gazette 19.2.2015 p793*)
2015	16	*Statutes Amendment (Vulnerable Witnesses) Act 2015*	6.8.2015	Pt 5 (s 22—29)—1.7.2016 (*Gazette 23.6.2016 p2618*)
2015	19	*Statutes Amendment (Serious and Organised Crime) Act 2015*	6.8.2015	Pt 4 (ss 10 & 11)—6.8.2015 (*Gazette 6.8.2015 p3752*)
2015	46	*Firearms Act 2015*	17.12.2015	Sch 1 (cll 20—22)—1.7.2017 (*Gazette 27.6.2017 p2619*)
2016	21	*Local Nuisance and Litter Control Act 2016*	26.5.2016	Sch 2 (cl 7)—1.7.2017 (*Gazette 21.7.2016 p2988*)

2016	28	*Statutes Amendment (Attorney-General's Portfolio) Act 2016*	16.6.2016	Pt 13 (ss 29 & 32)—16.6.2016: s 2(1); s 30—1.7.2016 immediately after s 26 of 16/2015: s 2(6); s 31—1.12.2016 immediately after Sch 1 Pt 1 of *Youth Justice Administration Act 2016*: s 2(7)
2016	35	*Statutes Amendment (Gender Identity and Equity) Act 2016*	4.8.2016	Pt 13 (s 38)—8.9.2016 (*Gazette 8.9.2016 p3676*)
2016	39	*Summary Offences (Filming and Sexting Offences) Amendment Act 2016*	29.9.2016	28.10.2016 (*Gazette 27.10.2016 p4237*)
2017	3	*Summary Offences (Declared Public Precincts) Amendment Act 2017*	28.2.2017	1.5.2017 (*Gazette 5.4.2017 p1023*)
2017	27	*Statutes Amendment (Possession of Firearms and Prohibited Weapons) Act 2017*	18.7.2017	Pt 3 (s 7)—18.7.2017: s 2
2017	37	*Summary Offences (Interviewing Vulnerable Witnesses) Amendment Act 2017*	10.10.2017	10.10.2017
2017	49	*Liquor Licensing (Liquor Review) Amendment Act 2017*	28.11.2017	Sch 1 (cll 9 & 10)—18.11.2019 (*Gazette 7.11.2019 p3759*)
2017	53	*Statutes Amendment (Sentencing) Act 2017*	28.11.2017	Pt 20 (s 31)—30.4.2018 (*Gazette 6.2.2018 p612*)
2017	61	*Statutes Amendment (Extremist Material) Act 2017*	12.12.2017	Pt 3 (s 5)—23.1.2018 (*Gazette 23.1.2018 p282*)
2017	62	*Statutes Amendment (Explosives) Act 2017*	12.12.2017	Pt 3 (ss 7 & 8)—1.5.2018 (*Gazette 6.2.2018 p611*)
2017	64	*Children's Protection Law Reform (Transitional Arrangements and Related Amendments) Act 2017*	12.12.2017	Pt 19 (s 129)—22.10.2018 (*Gazette 19.12.2017 p5119*)
2018	30	*Summary Offences (Disrespectful Conduct in Court) Amendment Act 2018*	15.11.2018	20.12.2018 (*Gazette 20.12.2018 p4355*)
2018	(229)	*Health Practitioner Regulation National Law (South Australia) (Amendment of Law) (No 3) Regulations 2018* (*Gazette 29.11.2018 p4077*)	—	Sch 1 (cll 6 & 7)—1.12.2018: r 2
2018	40	*Summary Offences (Liquor Offences) Amendment Act 2018*	13.12.2018	Pt 2 (s 4)—13.12.2020 (s 7(5) *Acts Interpretation Act 1915*)
2019	13	*Statutes Amendment (Child Exploitation and Encrypted Material) Act 2019*	11.7.2019	Pt 5 (s 11)—24.10.2019 (*Gazette 24.10.2019 p3572*)
2019	17	*Criminal Law Consolidation (Assaults on Prescribed Emergency Workers) Amendment Act 2019*	1.8.2019	Sch 1 (cl 4)—3.10.2019 (*Gazette 3.10.2019 p3398*)
2019	19	*Education and Children's Services Act 2019*	8.8.2019	Sch 1 (cl 14)—1.7.2020 (*Gazette 11.6.2020 p3305*)
2019	21	*Statutes Amendment (Attorney-General's Portfolio) (No 2) Act 2019*	19.9.2019	Pt 15 (s 23)—13.12.2020 immediately after s 4 of 40/2018: s 2(7)

2019	25	*Statutes Amendment and Repeal (Simplify) Act 2019*	3.10.2019	Pt 48 (s 92)—3.10.2019: s 2(1)
2019	26	*Criminal Law Consolidation (Child-Like Sex Dolls Prohibition) Amendment Act 2019*	3.10.2019	Sch 1 (cl 1)—3.1.2020: s 2(2)
2019	35	*Statutes Amendment and Repeal (Classification of Publications, Films and Computer Games) Act 2019*	5.12.2019	Pt 3 (s 21)—3.2.2020 (*Gazette 30.1.2020 p185*)
2020	10	*Summary Offences (Trespass on Primary Production Premises) Amendment Act 2020*	7.5.2020	9.7.2020 (*Gazette 25.6.2020 p3505*)
2020	(66)	*Summary Offences (Variation of Schedule 2) Regulations 2020* (*Gazette 21.5.2020 p2492* (replaced Gazette 21.5.20 p 2460))	—	21.5.2020: r 2
2020	34	*Statutes Amendment (Attorney-General's Portfolio) Act 2020*	1.10.2020	Pt 7 (s 14)—13.12.2020 immediately after s 4 of 40/2018 insofar as it inserts s 21OC: s 2(4)
2021	38	*Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021*	7.10.2021	Sch 1 (cll 55 & 76)—7.10.2021: s 2
2021	47	*Statutes Amendment (Spit Hood Prohibition) Act 2021*	25.11.2021	Pt 5 (s 6)—25.11.2021
2021	57	*Statutes Amendment (Child Sexual Abuse) Act 2021*	9.12.2021	Pt 6 (s 22)—1.6.2022 (*Gazette 17.2.2022 p490*)
2022	30	*Summary Offences (Dog Theft) Amendment Act 2022*	8.12.2022	13.2.2023 (*Gazette 2.2.2023 p194*)
2023	16	*Summary Offences (Obstruction of Public Places) Amendment Act 2023*	1.6.2023	1.6.2023
2024	24	*Summary Offences (Nazi Salute and Symbols Prohibition) Amendment Act 2024*	4.7.2024	5.8.2024 (*Gazette 1.8.2024 p2279*)
2025	1	*Criminal Law Consolidation (Stalking and Harassment) Amendment Act 2025*	13.2.2025	Sch 1 (cl 5)—8.6.2025 (*Gazette 15.5.2025 p1171*)
2025	9	*Statutes Amendment (Attorney-General's Portfolio and Other Justice Measures) Act 2025*	12.3.2025	Pt 11 (s 20)—12.3.2025: s 2(1)
2025	**10**	***Summary Offences (Knives and Other Weapons) Amendment Act 2025***	**12.3.2025**	**12.3.2025: s 2(1) except ss 3 to 5, insertion of s 21DA by s 6 & s 7—1.7.2025 (*Gazette 26.6.2025 p2059*) and except insertion of ss 21DB & 21DC by s 6—1.7.2026 (*Gazette 4.9.2025 p3773*) and except s 11—uncommenced**
2025	19	*Summary Offences (Humiliating, Degrading or Invasive Depictions) Amendment Act 2025*	22.5.2025	3.11.2025 (*Gazette 30.10.2025 p4242*)
2025	25	*Children and Young People (Safety and Support) Act 2025*	12.6.2025	Sch 2 (cll 40 & 41)—uncommenced

2025	40	*Summary Offences (Prohibition of Publication of Certain Material) Amendment Act 2025*	25.9.2025	16.2.2026 (*Gazette 22.1.2026 p83*)
2025	42	*Statutes Amendment (Claim Farming) Act 2025*	30.10.2025	Pt 3 (s 5)—uncommenced
2025	55	*Statutes Amendment (Attorney-General's Portfolio) Act 2025*	20.11.2025	Pt 6 (s 8)—20.11.2025: s 2
2025	60	*Firearms (Digital Blueprints for 3D Printing) Amendment Act 2025*	27.11.2025	Sch 1 (cll 1 to 6)—19.2.2026 (*Gazette 19.2.2026 p361*)
2025	78	*Summary Offences (High Risk Missing Persons) Amendment Act 2025*	4.12.2025	4.12.2025: s 2

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	*deleted by 23/1990 s 3(1) (Sch 7)*	*24.9.1990*
s 4		
s 4(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
declared public precinct	inserted by 3/2017 s 4	1.5.2017
declared public precinct period	inserted by 3/2017 s 4	1.5.2017
major offence	inserted by 56/2003 s 4	10.1.2005
minor	inserted by 52/1980 s 2(a)	3.7.1980
motor vehicle	inserted by 74/2009 Sch 1 cl 1	31.10.2010
place of public entertainment	*inserted by 46/1985 s 4(a)*	*8.7.1985*
	substituted by 87/1993 s 13	*3.4.1995*
	deleted by 106/1995 s 3(a)	*21.12.1995*

primary production activities	inserted by 10/2020 s 4	9.7.2020
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
serious and organised crime offence	inserted by 12/2012 s 45	17.6.2012
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
	substituted by 13/2012 Sch 1 cl 1	17.6.2012
s 6		
s 6(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*
	deleted by 17/2019 Sch 1 cl 4	*3.10.2019*
s 6(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)	*deleted by 46/1985 s 5*	*10.5.1985*
s 6AA	inserted by 13/2012 Sch 1 cl 2	17.6.2012
Pt 3		
Pt 3 heading	heading preceding s 7 deleted and Pt 3 heading inserted by 46/2003 Sch 1	1.2.2004
s 6A	inserted by 8/2008 s 6	8.6.2008
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 before substitution by 62/2005	*inserted by 35/1992 s 19*	*6.7.1992*
s 7A(1)	*amended by 78/1998 Sch*	*17.12.2000*
s 7A	substituted by 62/2005 s 28	15.5.2006
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)	*deleted by 46/1985 s 6*	*10.5.1985*
s 9	*amended by 69/1983 s 3*	*14.11.1983*
	deleted by 106/1976 s 3	*3.9.1984*
s 9A		
s 9A(1)—(3)	*deleted by 106/1976 s 4*	*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)	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 7	*10.5.1985*
s 9B	inserted by 11/2008 s 4	8.6.2008
s 9B(7)		
prohibited item	amended by 36/2012 s 3	25.10.2012
s 10	deleted by 46/1985 s 8	10.5.1985
	inserted by 4/2004 s 4	3.5.2004
s 11	*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*
	deleted by 26/2002 s 19(2) (Sch 3 cl 8(a))	*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

	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*
	deleted by 13/2008 Sch 1 cl 6	*4.9.2008*
s 13	inserted by 12/2012 s 46	17.6.2012
	substituted by 19/2015 s 10	6.8.2015
s 15 before deletion by 20/2012		
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*
	deleted by 15/2008 Sch 1 cl 2(1)	*27.11.2008*
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)—(1e)	*inserted by 78/1998 s 3(e)*	*17.12.2000*
s 15(1f)	*inserted by 78/1998 s 3(e)*	*17.12.2000*
	(a) deleted by 15/2008 Sch 1 cl 2(2)	*27.11.2008*
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*
	amended by 15/2008 Sch 1 cl 2(3)	*27.11.2008*
s 15(2a)	*inserted by 78/1998 s 3(g)*	*17.12.2000*
	amended by 46/2003 Sch 1	*1.2.2004*
	amended by 24/2012 Sch 1 cl 1	*31.8.2012*
s 15(2b)—(2g)	*inserted by 78/1998 s 3(g)*	*17.12.2000*
s 15(3)		
carry	*deleted by 78/1998 s 3(h)*	*17.12.2000*
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*
	deleted by 15/2008 Sch 1 cl 2(4)	*27.11.2008*

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*
prescribed drug	*substituted by 102/1978 s 2(d)*	*7.12.1978*
	deleted by 46/1985 s 10(d)	*10.5.1985*
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*
	amended by 15/2008 Sch 1 cl 2(5), (6)	*27.11.2008*
s 15(4)	*inserted by 103/1988 s 4(d)*	*6.3.1989*
	deleted by 15/2008 Sch 1 cl 2(7)	*27.11.2008*
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*
	deleted by 78/1998 s 3(n)	*17.12.2000*
s 15	*deleted by 20/2012 s 4*	*15.12.2012*
s 15A before deletion by 20/2012	*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 15A	*deleted by 20/2012 s 4*	*15.12.2012*
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(a1) and (a2)	inserted by 10/2020 s 5(1)	9.7.2020
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
	amended by 10/2020 s 5(2)	9.7.2020
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(3a) and (3b)	inserted by 10/2020 s 5(3)	9.7.2020

s 17(4)	substituted by 104/1986 s 2	18.12.1986
primary production premises	inserted by 10/2020 s 5(4)	9.7.2020
s 17AA	inserted by 74/2009 Sch 1 cl 2	31.10.2010
s 17AA(5)	amended by 53/2017 s 31	30.4.2018
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
	amended by 10/2020 s 6(1)	9.7.2020
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*
	deleted by 2/2007 s 4	*1.4.2007*
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*
	deleted by 2/2007 s 4	*1.4.2007*
s 17A(3)		
offensive	inserted by 46/1985 s 12(c)	10.5.1985
primary production premises	inserted by 10/2020 s 6(2)	9.7.2020
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 17AB	inserted by 2/2007 s 5	1.4.2007
s 17AB(12)		
private party	amended by 49/2017 Sch 1 cl 9	18.11.2019
s 17AC	inserted by 2/2007 s 5	1.4.2007
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
	amended by 10/2020 s 7(1), (2)	9.7.2020
s 17B(3)	inserted by 10/2020 s 7(3)	9.7.2020
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
	amended by 10/2020 s 8	9.7.2020
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 18(3)—(5)	inserted by 12/2012 s 47	17.6.2012
s 18(6)	inserted by 12/2012 s 47	17.6.2012
	amended by 46/2015 Sch 1 cl 20	1.7.2017
s 18(7)	inserted by 12/2012 s 47	17.6.2012
s 18(8)	inserted by 12/2012 s 47	17.6.2012
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	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 15	*10.5.1985*
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
s 21AA	inserted by 40/2025 s 3	16.2.2026
Pt 3A	inserted by 20/2012 s 5	15.12.2012 except s 21D—3.2.2013
s 21A		
s 21A(1)		
direct sales transaction	inserted by 10/2025 s 3(1)	1.7.2025
education facility	inserted by 10/2025 s 3(2)	1.7.2025
offensive weapon	amended by 10/2025 s 3(3)	1.7.2025
school	*deleted by 10/2025 s 3(4)*	*1.7.2025*
s 21C		

s 21C(7)	amended by 10/2025 s 4	1.7.2025
s 21D		
s 21D(1)	amended by 10/2025 s 5(1)	1.7.2025
s 21D(2)	amended by 10/2025 s 5(2)	1.7.2025
s 21DA	inserted by 10/2025 s 6	1.7.2025
ss 21DB and 21DC	**inserted by 10/2025 s 6**	**1.7.2026**
s 21E	heading amended by 10/2025 s 7(1)	1.7.2025
	amended by 10/2025 s 7(2)	1.7.2025
s 21F		
s 21F(3)	amended by 25/2014 s 13(1), (2)	1.4.2015
s 21F(4a) and (4b)	inserted by 25/2014 s 13(3)	1.4.2015
s 21G		
s 21G(4)		
enrolled nurse	amended by 229/2018 Sch 1 cl 6(1)	1.12.2018
registered nurse	amended by 229/2018 Sch 1 cl 6(2)	1.12.2018
s 21I		
s 21I(10)	substituted by 27/2017 s 7	18.7.2017
s 21L		
s 21L(2)	amended by 10/2025 s 8	12.3.2025
Pt 3B	inserted by 40/2018 s 4	13.12.2020
s 21OC		
s 21OC(1a)	inserted by 34/2020 s 14	13.12.2020
s 21OD		
s 21OD(3)	amended by 21/2019 s 23	13.12.2020
Pt 4 before substitution by 37/2011		
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—see s 21P		
s 21P	*s 21A inserted by 52/1980 s 3*	*3.7.1980*
	s 21A redesignated as s 21P by 20/2012 s 6	*15.12.2012*
s 21P(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 21P(2)	*amended by 23/1990 s 3(1) (Sch 7)*	*24.9.1990*
Pt 4	substituted by 37/2011 s 4	15.12.2012
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 23AA	*inserted by 42/2008 s 4*	*8.2.2009*
	deleted by 5/2013 s 4	*9.5.2013*
s 23A	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 24	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 43/2012 s 35	1.7.2013
s 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 5A	inserted by 5/2013 s 5	9.5.2013
heading	amended by 39/2016 s 4	28.10.2016
s 26A		
s 26A(1)	s 26A redesignated as s 26A(1) by 39/2016 s 5(7)	28.10.2016
cognitive impairment	inserted by 39/2016 s 5(1)	28.10.2016
film	amended by 39/2016 s 5(2)	28.10.2016
image	inserted by 39/2016 s 5(3)	28.10.2016
invasive image	substituted by 39/2016 s 5(4)	28.10.2016
private act	amended by 39/2016 s 5(5)	28.10.2016
private region	amended by 39/2016 s 5(6)	28.10.2016
s 26A(2) and (3)	inserted by 39/2016 s 5(7)	28.10.2016
s 26B		
s 26B(2)	amended by 39/2016 s 6	28.10.2016
s 26C		
s 26C(1)	amended by 39/2016 s 7	28.10.2016
s 26D		
s 26D(1)	amended by 39/2016 s 8(1)	28.10.2016
s 26D(3)	amended by 39/2016 s 8(2), (3)	28.10.2016
s 26D(4)	amended by 39/2016 s 8(4)	28.10.2016

s 26DA	inserted by 39/2016 s 9	28.10.2016
s 26E		
s 26E(1)	amended by 39/2016 s 10(1)	28.10.2016
s 26E(3)	amended by 39/2016 s 10(2)	28.10.2016
Pt 5B	inserted by 19/2025 s 3	3.11.2025
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
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 6A	inserted by 24/2024 s 3	5.8.2024
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)		
child	*deleted by 52/2004 s 9(1)*	*30.1.2005*
child pornography	*inserted by 32/1992 s 2(a)*	*21.5.1992*
	amended by 73/1995 s 3(a)	*2.11.1995*

	deleted by 52/2004 s 9(1)	*30.1.2005*
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
	amended by 28/2016 s 29	16.6.2016
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)	*amended by 23/1990 s 3(1) (Sch 7)*	*24.9.1990*
	substituted by 32/1992 s 2(d)	*21.5.1992*
	amended by 78/1998 Sch	*17.12.2000*
	deleted by 52/2004 s 9(3)	*30.1.2005*
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
	substituted by 35/2019 s 21	3.2.2020
s 33(8)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 33(9)	amended by 17/2006 s 225	4.9.2006
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	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	deleted by 46/2003 Sch 1	*1.2.2004*
s 34	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 16	*10.5.1985*
s 35 before deletion by 55/2025		
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*	*1.7.2005*
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 35	*deleted by 55/2025 s 8*	*20.11.2025*
s 36	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 18	*10.5.1985*
Pt 7A	inserted by 61/2017 s 5	23.1.2018
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	*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*
	deleted by 26/2002 s 19(2) (Sch 3 cl 8(a))	*5.7.2003*
s 38A		
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
	amended by 46/2011 Sch 3 cl 24(1), (2)	1.1.2012
	amended by 19/2019 Sch 1 cl 14	1.7.2020
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
	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	*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*
	deleted by 26/2002 s 19(2) (Sch 3 cl 8(a))	*5.7.2003*

Pt 8A	inserted by 42/2025 s 5	uncommenced —not incorporated
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
	amended by 9/2025 s 20(1), (2)	12.3.2025
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 47A	inserted by 30/2022 s 3	13.2.2023
s 48 before deletion by 21/2016	*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)	*amended by 78/1998 Sch*	*17.12.2000*
	deleted by 46/2001 s 14 (Sch cl 1(b))	*1.2.2002*
s 48(5)		
carry	*deleted by 46/2001 s 14 (Sch cl 1(c))*	*1.2.2002*
graffiti implement	*deleted by 46/2001 s 14 (Sch cl 1(c))*	*1.2.2002*
mark graffiti	*deleted by 46/2001 s 14 (Sch cl 1(c))*	*1.2.2002*
s 48	*deleted by 21/2016 Sch 2 cl 7*	*1.7.2017*
s 48A	inserted by 26/2002 s 19(2) (Sch 3 cl 8(b))	5.7.2003
heading preceding s 49	*inserted by 102/1987 s 3*	*1.5.1988*
	deleted by 101/1996 Sch cl 2	*1.3.1998*
s 49	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 22	*10.5.1985*
	inserted by 102/1987 s 3	*1.5.1988*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	amended by 55/1990 s 3	*7.2.1991*
	deleted by 101/1996 Sch cl 2	*1.3.1998*
ss 49A—49D	*inserted by 102/1987 s 3*	*1.5.1988*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	deleted by 101/1996 Sch cl 2	*1.3.1998*
ss 49E—49G	*inserted by 102/1987 s 3*	*1.5.1988*
	deleted by 101/1996 Sch cl 2	*1.3.1998*
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 before substitution by 33/2012		
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 51	substituted by 33/2012 s 31	15.10.2012
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
	amended by 78/1998 Sch	17.12.2000

s 53(2)	amended by 50/1984 s 3(1) (Sch 4)	6.7.1985
s 54 before deletion by 46/1985	*amended by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 24	*10.5.1985*
s 54	inserted by 56/2004 s 6	7.2.2005
s 55	*deleted by 46/1985 s 25*	*10.5.1985*
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
	amended by 16/2023 s 2(1), (2)	1.6.2023
s 58(1a)—(1d)	inserted by 16/2023 s 2(3)	1.6.2023
s 58(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
s 58(3)	inserted by 16/2023 s 2(4)	1.6.2023
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 11A	inserted by 30/2018 s 4	20.12.2018
s 60		
s 60(8)	substituted by 25/2025 Sch 2 cl 40	uncommenced—not incorporated
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)	*inserted by 50/1984 s 3(1) (Sch 4)*	*6.7.1985*
	deleted by 46/1985 s 26	*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	*deleted by 46/1985 s 27*	*10.5.1985*
Heading preceding s 64	*inserted by 39/1981 s 3*	*1.1.1982*
	deleted by 34/1996 s 4 (Sch cl 34)	*3.2.1997*
s 64	*deleted by 38/1979 s 3*	*1.7.1979*
	inserted by 39/1981 s 3	*1.1.1982*
	amended by 50/1984 s 3(1) (Sch 4)	*6.7.1985*
	amended by 31/1986 s 3	*1.7.1986*
	amended by 75/1988 s 3	*6.3.1989*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	amended by 55/1990 s 4	*7.2.1991*
	amended by 65/1995 Sch cl 1(b)	*3.3.1996*
	deleted by 34/1996 s 4 (Sch cl 34)	*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
Heading preceding s 66	*deleted by 46/2003 Sch 1*	*1.2.2004*
s 66	*amended by 46/1985 s 36 (Sch)*	*8.7.1985*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	deleted by 35/1992 s 22	*6.7.1992*
Pt 14A before deletion by 29/2007	*inserted by 56/2004 s 7*	*2.5.2005*
s 66		
s 66(1)		
prescribed offence	*amended by 23/2005 Sch 1 cl 1*	*1.12.2005*
Pt 14A	*deleted by 29/2007 Sch 1 cl 2*	*16.12.2007*
Pt 14A	inserted by 12/2012 s 48	17.6.2012
s 66		
s 66(1)		
prescribed offence	amended by 46/2015 Sch 1 cl 21	1.7.2017
s 66A		
s 66A(1)	amended by 19/2015 s 11(1)	6.8.2015
s 66A(3)	*deleted by 19/2015 s 11(2)*	*6.8.2015*
Pt 14B	inserted by 3/2017 s 5	1.5.2017
s 66V	substituted by 64/2017 s 129	22.10.2018
	amended by 25/2025 Sch 2 cl 41	uncommenced—not incorporated
Pt 14C	inserted by 10/2025 s 9	12.3.2025
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
	amended by 11/2013 s 26	9.6.2013
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)	*deleted by 59/1994 Sch 2*	*1.1.1995*
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 68A	inserted by 13/2006 s 67	30.4.2007
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 72A before deletion by 10/2025	*inserted by 20/2012 s 7*	*15.12.2012*
s 72A(5)	*amended by 25/2019 s 92*	*3.10.2019*
s 72A(8)		
licensed premises	*amended by 49/2017 Sch 1 cl 10*	*18.11.2019*
s 72A	*deleted by 10/2025 s 10*	*12.3.2025*
ss 72B and 72C	*inserted by 20/2012 s 7*	*15.12.2012*
	deleted by 10/2025 s 10	*12.3.2025*
ss 72D—72F	inserted by 62/2017 s 7	1.5.2018
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
	s 75A redesignated as s 74A by 105/1986 s 3	5.4.1987
s 74A(1)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	amended by 13/2006 s 68(1)	30.4.2007
s 74A(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	amended by 13/2006 s 68(2)	30.4.2007
s 74A(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 78/1998 Sch	17.12.2000
	amended by 13/2006 s 68(3), (4)	30.4.2007

s 74A(4)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	substituted by 13/2006 s 68(5)	30.4.2007
s 74A(5)	inserted by 13/2006 s 68(5)	30.4.2007
personal details	amended by 41/2013 Sch 1 cl 3	22.12.2013
s 74AB	inserted by 13/2006 s 69	30.4.2007
s 74B	inserted by 38/1990 s 4	26.7.1990
s 74B(1) before deletion by 56/2003		
major offence	*substituted by 53/1992 s 2*	*29.10.1992*
s 74B(1)	*deleted by 56/2003 s 5(1)*	*10.1.2005*
s 74B(2)	amended by 56/2003 s 5(2)	10.1.2005
s 74B(5) and (6)	amended by 46/2003 Sch 1	1.2.2004
s 74B(7)	amended by 78/1998 Sch	17.12.2000
s 74BAA	inserted by 56/2003 s 6	10.1.2005
s 74BAAB	inserted by 33/2008 Sch 1 cl 1	23.10.2008
s 74BAAB(1)	substituted by 20/2012 s 8	15.12.2012
Pt 16	inserted by 46/2003 s 8	1.2.2004
s 74BA		
criminal intelligence	inserted by 19/2012 s 12	12.7.2012
declared organisation	inserted by 13/2012 Sch 1 cl 3(1)	17.6.2012
member	inserted by 13/2012 Sch 1 cl 3(2)	17.6.2012
s 74BB		
s 74BB(1)	amended by 13/2008 Sch 1 cl 7	4.9.2008
s 74BB(3)	amended by 17/2006 s 226	4.9.2006
s 74BB(5)—(8)	*deleted by 19/2012 s 13*	*12.7.2012*
s 74BC		
s 74BC(2)	amended by 19/2012 s 14(1)	12.7.2012
s 74BC(3)	amended by 19/2012 s 14(2)	12.7.2012
s 74BC(4)	substituted by 19/2012 s 14(3)	12.7.2012
s 74BGA	inserted by 19/2012 s 15	12.7.2012
Pt 16A	inserted by 13/2019 s 11	24.10.2019
s 74BN		
s 74BN(1)		
child exploitation offence	substituted by 26/2019 Sch 1 cl 1	3.1.2020
prescribed offence	inserted by 60/2025 Sch 1 cl 1	19.2.2026
s 74BR		
s 74BR(3)	amended by 60/2025 Sch 1 cl 2	19.2.2026
s 74BS		
s 74BS(1)	amended by 60/2025 Sch 1 cl 3	19.2.2026

s 74BT		
s 74BT(1)	amended by 60/2025 Sch 1 cl 4	19.2.2026
s 74BW		
s 74BW(3)	amended by 60/2025 Sch 1 cl 5(1), (2)	19.2.2026
s 74BW(3a)	inserted by 60/2025 Sch 1 cl 5(3)	19.2.2026
s 74BY		
s 74BY(1)	amended by 60/2025 Sch 1 cl 6(1), (2)	19.2.2026
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
Pt 17 Div 1		
heading	inserted by 16/2015 s 22	1.7.2016
s 74C	inserted by 65/1995 s 5	3.3.1996
	amended by 46/2003 Sch 1	1.2.2004
interview	amended by 52/2012 Sch 3 cl 73(1)	1.9.2013
	amended by 38/2021 Sch 1 cl 55(1)	7.10.2021
investigating officer	amended by 46/2003 Sch 1	1.2.2004
	amended by 52/2012 Sch 3 cl 73(2)	1.9.2013
	amended by 38/2021 Sch 1 cl 55(2)	7.10.2021
Pt 17 Div 2		
heading	inserted by 16/2015 s 23	1.7.2016
s 74D	inserted by 65/1995 s 5	3.3.1996
s 74D(1)	amended by 16/2015 s 24(1)—(5)	1.7.2016
s 74D(3)	amended by 16/2015 s 24(6), (7)	1.7.2016
s 74D(4)	amended by 46/2003 Sch 1	1.2.2004
	substituted by 16/2015 s 24(8)	1.7.2016
s 74D(5)	amended by 16/2015 s 24(9)	1.7.2016
s 74D(6)	amended by 46/2003 Sch 1	1.2.2004
	amended by 16/2015 s 24(10)	1.7.2016
s 74E	inserted by 65/1995 s 5	3.3.1996
s 74E(1)	amended by 46/2003 Sch 1	1.2.2004
	amended by 16/2015 s 25	1.7.2016
Pt 17 Div 3	inserted by 16/2015 s 26	1.7.2016
s 74EA		
s 74EA(1a)	inserted by 57/2021 s 22(1)	1.6.2022
s 74EA(2)		
child sexual offence	inserted by 57/2021 s 22(2)	1.6.2022
serious offence against the person	amended by 28/2016 s 30(1)—(4)	1.7.2016
	amended by 1/2025 Sch 1 cl 5	8.6.2025

s 74EC		
s 74EC(1)	amended by 37/2017 s 3(1), (2)	10.10.2017
s 74EC(1a) and (1b)	inserted by 37/2017 s 3(3)	10.10.2017
s 74EC(2)	amended by 37/2017 s 3(1), (4)	10.10.2017
Pt 17 Div 4		
heading	inserted by 16/2015 s 27	1.7.2016
s 74F	inserted by 65/1995 s 5	3.3.1996
	amended by 46/2003 Sch 1	1.2.2004
	amended by 16/2015 s 28(1)—(3)	1.7.2016
s 74G	inserted by 65/1995 s 5	3.3.1996
	amended by 46/2003 Sch 1	1.2.2004
s 74H	inserted by 16/2015 s 29	1.7.2016
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 *Acts Republication Act 1967*	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 75(2) and (3)	*deleted by 46/1985 s 30*	*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
	amended by 60/2013 s 14	1.10.2014
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)	amended by 46/2003 Sch 1	1.2.2004
s 77(2)	amended by 46/2003 Sch 1	1.2.2004
	amended by 60/2013 s 15	1.10.2014
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) and (2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	substituted by 60/2013 s 16(1)	1.10.2014
s 78(2a)	inserted by 60/2013 s 16(1)	1.10.2014
s 78(3)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	amended by 60/2013 s 16(2)	1.10.2014
s 78(3a)—(3c)	inserted by 60/2013 s 16(3)	1.10.2014

s 78(4)	amended by 60/2013 s 16(4)	1.10.2014
s 78(5)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	amended by 60/2013 s 16(5)	1.10.2014
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 78(6)	substituted by 60/2013 s 16(6)	1.10.2014
s 78(7)—(10)	inserted by 60/2013 s 16(6)	1.10.2014
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)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 79(2)	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
	amended by 60/2013 s 17(1)	1.10.2014
s 79(3)	inserted by 60/2013 s 17(2)	1.10.2014
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)	inserted by 106/1986 s 4(b)	30.3.1987
	amended by 46/2003 Sch 1	1.2.2004
	amended by 28/2016 s 31	1.12.2016
s 79A(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
	amended by 28/2016 s 32(1)—(7)	16.6.2016
	amended by 35/2016 s 38	8.9.2016
s 81(3a)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 28/2016 s 32(8)	16.6.2016
s 81(3b)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 46/2003 Sch 1	1.2.2004
	amended by 28/2016 s 32(9)—(11)	16.6.2016
s 81(3c)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 46/2003 Sch 1	1.2.2004
	amended by 28/2016 s 32(12)	16.6.2016
s 81(3d)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 28/2016 s 32(13)	16.6.2016
s 81(3e)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 28/2016 s 32(14)	16.6.2016
s 81(3f)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 28/2016 s 32(15)	16.6.2016
s 81(3g)	inserted by 54/2000 s 3(a)	22.2.2002
	amended by 28/2016 s 32(16)	16.6.2016
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
	(b) deleted by 8/1998 Sch (cl 2(c))	25.7.1999

	amended by 46/2003 Sch 1	1.2.2004
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*
	deleted by 5/2007 Sch 1 cl 4	*14.5.2007*
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)	inserted by 54/2000 s 3(c)	22.2.2002
s 81(6)	inserted by 54/2000 s 3(c)	22.2.2002
medical practitioner	substituted by 5/2010 Sch 1 cl 27	1.7.2010
registered nurse	substituted by 5/2010 Sch 1 cl 27	1.7.2010
	amended by 229/2018 Sch 1 cl 7	1.12.2018
s 82	amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	amended by 46/2003 Sch 1	1.2.2004
s 82A	inserted by 47/2021 s 6	25.11.2021
s 83	*amended by 46/1985 s 36 (Sch)*	*8.7.1985*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	deleted by 35/1992 s 23	*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) before substitution by 29/2009	*amended by 73/1994 Sch 2*	*2.2.1995*
	amended by 30/2004 Sch 1 cl 5	*25.11.2004*
	(b) deleted by 40/2005 Sch 6 cl 12	*1.10.2005*
s 83B(11)	substituted by 29/2009 s 28	25.6.2008
	amended by 21/2011 Sch 1 cl 10	16.9.2012
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)	amended by 46/2003 Sch 1	1.2.2004
s 83C(1a)	inserted by 78/2025 s 3(1)	4.12.2025
s 83C(2)	amended by 78/2025 s 3(2)	4.12.2025
s 83C(2a)	inserted by 78/2025 s 3(3)	4.12.2025
s 83C(3)	amended by 46/2003 Sch 1	1.2.2004
s 83C(4)	amended by 46/2003 Sch 1	1.2.2004
	amended by 78/2025 s 3(4), (5)	4.12.2025
s 83C(4a) and (4b)	inserted by 78/2025 s 3(6)	4.12.2025
s 83C(5)	amended by 78/2025 s 3(7)	4.12.2025
s 83C(8) and (9)	inserted by 78/2025 s 3(8)	4.12.2025
s 83D	inserted by 78/2025 s 4	4.12.2025
s 84	*amended by 114/1983 s 4(b)*	*22.12.1983*
	amended by 23/1990 s 3(1) (Sch 7)	*24.9.1990*
	deleted by 78/1998 Sch	*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
	amended by 20/2012 s 9(1)	15.12.2012
	(b) deleted by 20/2012 s 9(1)	15.12.2012
s 85(3)	inserted by 20/2012 s 9(2)	15.12.2012
Sch 1	Sch amended by 23/1990 s 3(1) (Sch 7)	24.9.1990
	Sch amended by 59/1994 Sch 2	1.1.1995
	Sch amended by 42/1999 s 54	1.1.2000
heading	substituted by 11/2013 s 27	9.6.2013

Sch 2	inserted by 20/2012 s 10	15.12.2012
cl 19		
cl 19(1)	amended by 46/2015 Sch 1 cl 22(1), (2)	1.7.2017
cl 19(2)	amended by 46/2015 Sch 1 cl 22(3), (4)	1.7.2017
cl 24	inserted by 66/2020 r 4	21.5.2020
cl 25	inserted by 10/2025 s 11	uncommenced—not incorporated

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.

Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007, Sch 1

3—Transitional provision

Part 14A of the *Summary Offences Act 1953*, as in force immediately before the commencement of this Act, continues to apply in relation to an offence committed or allegedly committed before the commencement of this Act.

Summary Offences (Weapons) Amendment Act 2012, Sch 1 Pt 4—Transitional provision

4—Declarations by Minister continue

A declaration by the Minister in force under section 15(2d) of the *Summary Offences Act 1953* immediately before the commencement of section 5 continues in force as if it were a declaration by the Minister under section 21F of that Act (as in force after the commencement of section 5).

Summary Offences (Interviewing Vulnerable Witnesses) Amendment Act 2017, Sch 1

1—Transitional provision

(1) An audio visual record of a statement of a witness to whom this subclause applies made to an investigating officer after the commencement of Part 5 of the SAVW Act and before the commencement of Part 2 of this Act as part of a formal interview process in relation to the investigation of an alleged offence (other than a serious offence against the person) may be admissible under section 13BA of the *Evidence Act 1929* as evidence in the trial of a charge of the offence as if the recording had been made pursuant to Division 3 of Part 17 of the *Summary Offences Act 1953* in accordance with the requirements of that Division as in force following the commencement of Part 2 of this Act.

(2) Subclause (1) applies to a witness who is—

(a) a child of or under the age of 14 years; or

(b) a person with a disability that adversely affects the person's capacity to give a coherent account of the person's experiences or to respond rationally to questions.

(3) In this clause—

interview and ***investigating officer*** have the same meanings as in section 74C of the *Summary Offences Act 1953*;

serious offence against the person has the same meaning as in section 74EA of the *Summary Offences Act 1953*;

SAVW Act means the *Statutes Amendment (Vulnerable Witnesses) Act 2015*.

2—Prescribed interviewer

(1) An interview conducted by a designated person with a potential witness during the transitional period will be taken to be (and always to have been) an interview conducted by a prescribed interviewer for the purposes of section 74EB of the *Summary Offences Act 1953*.

(2) In this clause—

designated person means a person identified by the Minister for Health by notice in the Gazette as a designated person for the purposes of subclause (1);

transitional period means the period commencing on 1 July 2016 and concluding on 21 August 2017.

Note—

The *Statutes Amendment (Vulnerable Witnesses) Act 2015* came into operation on 1 July 2016.

Statutes Amendment (Explosives) Act 2017, Pt 3

8—Review

(1) The Attorney-General must undertake a review of the operation and effectiveness of the amendments effected by this Part.

(2) The review required under this section must commence not later than 3 years after the commencement of this Part.

(3) The Attorney-General must prepare a report based on the review and must, within 12 sitting days after the report is prepared, cause copies of the report to be laid before each House of Parliament.

Independent Commissioner Against Corruption (CPIPC Recommendations) Amendment Act 2021, Sch 1 Pt 21

76—Savings and transitional regulations

Regulations may be made under any Act amended by this Act (including under the *Independent Commission Against Corruption Act 2012* as in force after the commencement of this Act) to make provisions of a saving or transitional nature consequent on the enactment of this Act or on the commencement of specified provisions of this 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
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1.7.2004
25.11.2004
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18.7.2017

10.10.2017
23.1.2018
30.4.2018 (electronic only)
1.5.2018
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24.10.2019
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3.2.2020
21.5.2020
1.7.2020 (electronic only)
9.7.2020
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1.6.2022
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1.6.2023
5.8.2024
12.3.2025
8.6.2025
1.7.2025
3.11.2025
20.11.2025
4.12.2025
16.2.2026 (electronic only)
19.2.2026