



Australian Capital Territory

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The republished law

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POLICE OFFENCES ACT 1930

Reprinted as at 31 August 1991

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Australian Capital Territory

POLICE OFFENCES ACT 1930

An Act relating to Police Offences

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Police Offences Act 1930*.¹

Commencement

2. This Act shall commence on a date to be fixed by the Attorney-General by notice in the *Gazette*.¹

Repeal of State Acts

3. (1) The Acts of the State of New South Wales specified in the Schedule to this Act, in their application to the Territory, in this section referred to as “the Acts”, are repealed.

- (2) The repeal of the Acts shall not—

- (a) revive anything not in force or existing at the time at which the repeal takes effect;
- (b) affect the previous operation of the Acts, or anything duly done or suffered under the Acts or any of them;
- (c) affect any right, privilege, obligation, or liability acquired, accrued or incurred under the Acts or any of them;

- (d) affect any penalty, forfeiture or punishment incurred in respect of any offence committed against the Acts or any of them; or
- (e) affect any investigation, legal proceedings or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced, and any such penalty, forfeiture or punishment may be imposed, as if the Acts had not been repealed.

Interpretation

5. In this Act, unless the contrary intention appears—

“Brothel” means—

- (a) premises, a vehicle or a caravan to which persons of opposite sexes resort for the purposes of prostitution; or
- (b) premises that are occupied or used, or a vehicle or caravan that is used, by any person or persons for the purposes of prostitution;

“Court” means the Magistrates Court;

“Public place” or “place of public resort” means any street, road, public park within the meaning of the *Public Parks Acts 1928*, or reserve or any building, premises or other place which the public are entitled to use or which is open to, or used by, the public, whether on payment of money or otherwise.

PART III—OFFENCES GENERALLY

Management and conduct of brothels

18. A person who—

- (a) manages or conducts a brothel; or
- (b) is knowingly concerned in the management or conduct of a brothel,

is guilty of an offence and is punishable, upon summary conviction, by imprisonment for a period not exceeding twelve months.

Permitting use etc. of premises etc. as brothel

19. A person who—

- (a) knowingly permits premises, a vehicle or caravan to be used as a brothel; or
- (b) leases, lets or sub-lets premises, knowing that the premises are to be used as a brothel,

is guilty of an offence and is punishable, upon summary conviction, by imprisonment for a period not exceeding six months.

Determination of lease etc. where occupier convicted of offence against section 18

19A. (1) Where—

- (a) a person is convicted of an offence against section 18 of this Act; and
- (b) the person occupies or uses the premises in relation to which the offence was committed under a lease, sub-lease, tenancy, sub-tenancy or licence,

the person by whom the lease, sub-lease, tenancy, sub-tenancy or licence was granted may, by an instrument in writing that is delivered to the first-mentioned person or affixed to the premises and which purports to be given under this section, require that first-mentioned person to quit the premises or, in the case of premises used under a licence, to cease to use the premises.

(2) Where notice is delivered to a person, or affixed to premises, in pursuance of the last preceding subsection, the lease, sub-lease, tenancy, sub-tenancy or licence to which the notice relates is, by force of this section, determined at the expiration of seven days from the date on which the notice is so delivered or affixed.

(3) Where—

- (a) a person is convicted of an offence against section 18 of this Act;
- (b) the offence was committed in relation to premises used or occupied by the person under a lease, sub-lease, tenancy, sub-tenancy or licence;
- (c) the person who granted the lease, sub-lease, tenancy, sub-tenancy or licence—
 - (i) on becoming aware of the conviction of the first-mentioned person, fails to determine the lease, sub-lease, tenancy, sub-tenancy or licence; or
 - (ii) having determined the lease, sub-lease, tenancy, sub-tenancy or licence, fails to take reasonable steps to prevent the

continued occupation or use of the premises by that first-mentioned person; and

- (d) the first-mentioned person is afterwards convicted of an offence against section 18 of this Act in relation to the same premises,

the person who granted the lease, sub-lease, tenancy, sub-tenancy or licence is guilty of an offence unless, before the commission of the offence to which the conviction referred to in paragraph (d) of this subsection relates, he had disposed of his right or title to, or his interest in, the premises.

(4) A person who commits an offence against the last preceding subsection is punishable, upon conviction, by a fine not exceeding One hundred dollars.

(5) In the preceding provisions of this section, “lease” does not include a lease granted by the Commonwealth.

(6) Nothing in this section affects a right to determine a lease, tenancy, sub-tenancy or licence otherwise than in pursuance of this section.

Prostitution

23. (1) Any person who—

- (j) knowingly lives wholly or in part on the earnings of prostitution;
- (ja) in any public place persistently solicits or importunes for immoral purposes;

shall be guilty of an offence.

Penalty: Imprisonment for three months.

(3) Where a person is proved to live with, or to be habitually in the company of, a prostitute, and has no visible means of support, the person shall, for the purposes of paragraph (j) of subsection (1) of this section, unless the person satisfies the Court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

Regulation of places of public resort

34. Every person who has or keeps any house, shop, room, or place of public resort wherein provisions, liquor, or refreshments of any kind are sold or consumed (whether they are kept or retained therein or procured elsewhere), who—

- (c) knowingly permits or suffers prostitutes or persons of notoriously bad character to meet together and remain therein,

shall be guilty of an offence.

Penalty: Ten dollars.

Move-on power

35. (1) Where a police officer has reasonable grounds for believing that a person in a public place has engaged, or is likely to engage, in violent conduct in that place, the police officer may direct the person to leave the vicinity.

(2) A person shall not, without reasonable excuse, contravene a direction given in accordance with subsection (1).

Penalty: \$200 .

(3) Subsections (1) and (2) do not apply in relation to a person who, whether in the company of other persons or not, is—

- (a) picketing a place of employment;
- (b) demonstrating or protesting about a particular matter; or
- (c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended to publicise the person’s view about a particular matter.

(4) In this section—

“violent conduct” means—

- (a) violence to, or intimidation of, a person; or
- (b) damage to property.

PART VI—MISCELLANEOUS

Regulations

89. The Executive may make regulations, not inconsistent with this Act, prescribing all matters which, by this Act, are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.

THE SCHEDULE

Section 3

Reference to Act	Short title of Act
1901, No. 5.....	<i>Police Offences Act, 1901</i>
1902, No. 74	<i>Vagrancy Act, 1902</i>
1905, No. 35	<i>Vagrancy (Amendment) Act, 1905</i>
1908, No. 12	<i>Police Offences (Amendment) Act, 1908</i>

NOTE

1. The *Police Offences Act 1930* as shown in this reprint comprises Act No. 9, 1930 amended as indicated in the Tables below.

Citation of Laws—The *Self-Government (Citation of Laws) Act 1989* (No. 21, 1989) altered the citation of most Ordinances so that after Self-Government day they are to be cited as Acts. That Act also affects references in ACT laws to Commonwealth Acts.

Table 1

Table of Ordinances

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Police Offences Ordinance 1930</i>	9, 1930	25 July 1930	25 Nov 1930 (see <i>Gazette</i> 1930, p. 2372)	
<i>Police Offences Ordinance 1934</i>	10, 1934	3 May 1934	3 May 1934	—
<i>Police Offences Ordinance 1937</i>	31, 1937	23 Dec 1937	23 Dec 1937	—
<i>Police Offences Ordinance 1939</i>	7, 1939	24 Aug 1939	24 Aug 1939	—
<i>Police Offences Ordinance (No. 2) 1939</i>	10, 1939	21 Sept 1939	21 Sept 1939	—
<i>Police Offences Ordinance 1948</i>	3, 1948	28 Oct 1948	28 Oct 1948	—
<i>Police Offences Ordinance 1953</i>	12, 1953	20 Aug 1953	20 Aug 1953	—
<i>Ordinances Revision Ordinance 1959</i>	21, 1959	23 Dec 1959	23 Dec 1959	—
<i>Police Offences Ordinance 1961</i>	1, 1961	29 Mar 1961	29 Mar 1961	—
<i>Ordinances Revision (Decimal Currency) Ordinance 1966</i>	19, 1966	23 Dec 1966	23 Dec 1966	—
<i>Police Offences Ordinance 1967</i>	3, 1967	23 Feb 1967	23 Feb 1967	—
<i>Police Offences Ordinance 1970</i>	41, 1970	22 Oct 1970	22 Oct 1970	—
<i>Police Offences Ordinance 1975</i>	35, 1975	7 Oct 1975	7 Oct 1975	—
<i>Ordinances Revision Ordinance 1977</i>	65, 1977	22 Dec 1977	22 Dec 1977	—
<i>Ordinances Revision Ordinance 1978</i>	46, 1978	28 Dec 1978	28 Dec 1978	—
<i>Police Offences (Amendment) Ordinance 1980</i>	17, 1980	8 July 1980	8 July 1980	—
<i>Police Offences (Amendment) Ordinance 1983</i>	56, 1983	18 Nov 1983	18 Nov 1983	—
<i>Police Offences (Amendment) Ordinance 1984</i>	25, 1984	29 June 1984	1 July 1984 (see <i>Gazette</i> 1984, No. S244, p. 3)	—

NOTE—continued**Table of Ordinances—continued**

Ordinance	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Magistrates Court Ordinance 1985</i>	67, 1985	19 Dec 1985	1 Feb 1986 (see <i>Gazette</i> 1986, No. G3, p. 265)	—
<i>Sex Discrimination (Miscellaneous Amendments) Ordinance 1986</i>	31, 1986	31 July 1986	1 Aug 1986	—
<i>Self-Government (Consequential Amendments) Ordinance 1989</i>	38, 1989	10 May 1989	Ss. 1 and 2: 10 May 1989 Remainder: 11 May 1989 (see s. 2 (2) and <i>Gazette</i> 1989, No. S164)	—

Self-Government day 11 May 1989

Table 2

Table of Acts

Act	Number and year	Date of notification in <i>Gazette</i>	Date of commencement	Application, saving or transitional provisions
<i>Police Offences (Amendment) Act 1989</i>	9, 1989	6 Sept 1989	6 Sept 1989	S. 4 (am by. 30, 1991, s. 3)
	as amended by 30, 1991	26 Aug 1991	26 Aug 1991	—
<i>Director of Public Prosecutions (Consequential Provisions) Act 1990</i>	23, 1990	25 June 1990	Ss. 1 and 2: 25 June 1990 Remainder: 1 July 1990 (see <i>Gazette</i> 1990, No. S44, p. 2)	S. 4

NOTE—continued**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 2	am. No. 46, 1978
S. 4	am. No. 21, 1959 rs. No. 1, 1961 rep. No. 65, 1977
S. 5	am. No. 10, 1934; No. 21, 1959; No. 1, 1961; No. 3, 1967; No. 41, 1970; No. 56, 1983; No. 25, 1984; No. 67, 1985
Part II (ss. 6-9)	rep. No. 56, 1983
S. 6	rep. No. 56, 1983
Ss. 7-11	am. No. 19, 1966 rep. No. 56, 1983
S. 11A	ad. No. 1, 1961 am. No. 19, 1966 rep. No. 56, 1983
S. 12	am. No. 10, 1934; No. 19, 1966 rep. No. 56, 1983
S. 13	rep. No. 31, 1937
Ss. 14-16	am. No. 19, 1966 rep. No. 56, 1983
S. 17	rs. No. 10, 1934 am. No. 19, 1966 rep. No. 56, 1983
S. 17A	ad. No. 10, 1934 am. No. 19, 1966 rep. No. 56, 1983
S. 17B	ad. No. 10, 1934 rep. No. 56, 1983
S. 18	rs. No. 41, 1970
S. 19	am. No. 19, 1966 rs. No. 41, 1970
S. 19A	ad. No. 41, 1970
S. 19B	ad. No. 41, 1970 am. No. 38, 1989 rep. Act No. 23, 1990
Ss. 20, 21	am. No. 19, 1966 rep. No. 56, 1983
S. 22	am. No. 3, 1948 rep. No. 56, 1983
S. 23	am. No. 3, 1967; No. 41, 1970; No. 56, 1983; No. 25, 1984; No. 31, 1986
S. 24	am. No. 31, 1937 rep. No. 56, 1983
S. 24A	ad. No. 3, 1948 rep. No. 56, 1983

NOTE—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 24B.....	ad. No. 3, 1948 am. No. 19, 1966; No. 3, 1967 rep. No. 56, 1983
Ss. 25-27	rep. No. 56, 1983
S. 28	rs. No. 17, 1980 rep. No. 56, 1983
Ss. 29-33	am. No. 19, 1966 rep. No. 56, 1983
S. 34	am. No. 10, 1934; No. 19, 1966; No. 56, 1983; No. 25, 1984
S. 35	am. No. 10, 1934; No. 19, 1966 rep. No. 25, 1984 ad. Act No. 9, 1989
S. 35A.....	ad. No. 7, 1939 am. No. 19, 1966 rep. No. 25, 1984
S. 36	rep. No. 25, 1984
S. 37	am. No. 31, 1937; No. 19, 1966 rep. No. 3, 1967
Part IV (ss. 38, 40, 40B, 41-56)	rep. No. 56, 1983
S. 38	rep. No. 56, 1983
S. 39	rep. No. 31, 1937
S. 40	am. No. 31, 1937; No. 19, 1966 rep. No. 56, 1983
S. 40A.....	ad. No. 10, 1934 am. No. 19, 1966 rep. No. 56, 1983
S. 40B.....	ad. No. 10, 1934 am. No. 19, 1966 rep. No. 35, 1975
S. 41	am. No. 31, 1937; No. 19, 1966 rep. No. 56, 1983
S. 42	am. No. 19, 1966 rep. No. 56, 1983
S. 43	am. No. 31, 1937; No. 19, 1966; No. 3, 1967 rep. No. 56, 1983
S. 44	rs. No. 31, 1937 am. No. 19, 1966 rep. No. 56, 1983
S. 45	am. No. 19, 1966 rep. No. 56, 1983
S. 46	rep. No. 56, 1983

NOTE—continued**Table of Amendments**—continued

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision	How affected
S. 47	am. No. 10, 1939; No. 19, 1966 rep. No. 56, 1983
S. 48	am. No. 19, 1966 rep. No. 56, 1983
S. 49	rep. No. 56, 1983
Ss. 50-55	am. No. 19, 1966 rep. No. 56, 1983
S. 56	am. No. 19, 1966; No. 3, 1967 rep. No. 56, 1983
Ss. 57, 58.....	rep. No. 31, 1937
Part V (ss. 59-71).....	rep. No. 21, 1959
Ss. 59-67	rep. No. 21, 1959
S. 68	am. No. 12, 1953 rep. No. 21, 1959
Ss. 69-71	rep. No. 21, 1959
Ss. 72, 73.....	am. No. 19, 1966 rep. No. 56, 1983
Ss. 74-77	rep. No. 56, 1983
S. 78	am. No. 31, 1937 rep. No. 56, 1983
S. 79	rep. No. 56, 1983
S. 80	am. No. 19, 1966 rep. No. 56, 1983
S. 81	rep. No. 56, 1983
S. 82	am. No. 19, 1966 rep. No. 56, 1983
Ss. 83, 84.....	rep. No. 56, 1983
S. 85	am. No. 31, 1937 rep. No. 56, 1983
S. 86	rep. No. 56, 1983
S. 87	am. No. 19, 1966 rep. No. 56, 1983
S. 88	rep. No. 56, 1983
S. 89	am. No. 38, 1989