

1989
THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

Presented, 22 August 1989

(Mr Stefaniak)

Police Offences (Amendment) Bill 1989

A BILL

FOR

An Act to amend the *Police Offences Act 1930*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Police Offences (Amendment) Act 1989*.

5 **Principal Act**

2. In this Act, "Principal Act" means the *Police Offences Act 1930*.¹

Insertion

3. After section 34 of the Principal Act the following section is inserted in Part III:

10 **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) Part XVA of the Crimes Act applies in relation to a person who is convicted of an offence under subsection (2) as if that offence were punishable by imprisonment.

“(5) In the application of Part XVA of the Crimes Act by virtue of subsection (4), that Part has effect as if the period of unpaid work that may be specified in a community service order, or in such an order as varied under that Part, were a period not exceeding 24 hours.

“(6) In this section—

‘community service order’ has the same meaning as in Part XVA of the Crimes Act;

‘Crimes Act’ means the Crimes Act, 1900 of the State of New South Wales in its application to the Territory;

‘violent conduct’ means—

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

Cessation of operation of section 35 of Principal Act as amended by this Act

4. Section 35 of the Principal Act as amended by this Act, unless sooner repealed, shall cease to be in force at the expiration of 2 years after the commencement of this Act.

NOTE

1. Ordinance No. 9, 1930 as amended by No. 10, 1934; No. 31, 1937; Nos. 7 and 10, 1939; No. 3, 1948; No. 12, 1953; No. 21 1959; No. 1 1961; No. 19, 1966; No. 3, 1967; No. 41, 1970; No. 35, 1975; No. 65, 1977; No. 46, 1978; No. 17, 1980; No. 56, 1983; No. 25, 1984; No. 67, 1985; No. 31, 1986.