

2008

THE LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

(As presented)

(Minister for Territory and Municipal Services)

Crimes (Bill Posting) Amendment Bill 2008

A Bill for

An Act to amend the *Crimes Act 1900*

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

1 Name of Act

This Act is the *Crimes (Bill Posting) Amendment Act 2008*.

2 Commencement

This Act commences on a day fixed by the Minister by notice.

Note 1 The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

Note 2 A single day or time may be fixed, or different days or times may be fixed, for the commencement of different provisions (see Legislation Act, s 77 (1)).

Note 3 If a provision has not commenced within 6 months beginning on the notification day, it automatically commences on the first day after that period (see Legislation Act, s 79).

3 Legislation amended

This Act amends the *Crimes Act 1900*.

**4 Interpretation for div 6.3
Section 115 (1), new definitions**

insert

clean promotion duty means a duty under section 121.

public property means—

(a) a public road; or

(b) a bus shelter; or

(c) any other property of the Territory or Commonwealth or of an authority or body under a law of the Territory or the Commonwealth.

public road—see the *Roads and Public Places Act 1937*, dictionary.

**5 Defacing premises
Section 119 (3)**

omit

6 Section 120

substitute

120 Defacing premises—strict liability

- (1) A person commits an offence if the person—
 - (a) affixes a placard or paper, or makes a mark with chalk, paint or any other material, on private premises; and
 - (b) does not have the consent of—
 - (i) if the premises are occupied—the occupier or person in charge of the premises; or
 - (ii) if the premises are not occupied—the owner or person in charge of the premises.

Maximum penalty: 10 penalty units.

- (2) A person commits an offence if the person unlawfully affixes a placard or paper, or makes a mark with chalk, paint or any other material, on public property.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

1 **121 Duty to ensure clean event promotion**

- 2 (1) This section applies to a person promoting an event as part of a
3 business or undertaking.

4 **Examples—person promoting event**

- 5 1 operator of theatre promoting play as part of subscription season
6 2 promotions officer for charity fun run
7 3 distributor of posters for film festival
8 4 Australian promoter of international band tour

9 *Note* An example is part of the Act, is not exhaustive and may extend, but
10 does not limit, the meaning of the provision in which it appears (see
11 Legislation Act, s 126 and s 132).

- 12 (2) The person has a duty to ensure that the event is promoted cleanly
13 by taking precautions.

- 14 (3) An event is promoted cleanly unless a placard or paper promoting
15 the event is affixed in contravention of section 120, whether or not
16 someone has been convicted or found guilty of an offence against
17 that section.

18 **121A Meaning of *takes precautions* for clean promotion duty**

- 19 (1) For section 121, a person *takes precautions* in relation to a clean
20 promotion duty for an event by—

- 21 (a) taking reasonably practicable steps—

22 (i) to identify any risk that a person might contravene
23 section 120 in relation to the promotion of the event; and

24 (ii) to eliminate any risk that a person might contravene
25 section 120 in relation to the promotion of the event; and

26 (iii) if it is not reasonably practicable to eliminate the risk that
27 a person might contravene section 120 in relation to the
28 promotion of the event—to minimise the risk; and

- 1 (b) informing anyone else who has the duty about the possible
2 risks.

3 **Example of minimising risk—par (a) (iii)**

4 provide instruction or information

5 *Note* An example is part of the Act, is not exhaustive and may extend, but
6 does not limit, the meaning of the provision in which it appears (see
7 Legislation Act, s 126 and s 132).

- 8 (2) For subsection (1), each of the following must be considered in
9 working out what are *reasonably practicable steps* to eliminate or
10 minimise the risk that a person might contravene section 120 in
11 relation to a promotion:

- 12 (a) the likelihood of the risk eventuating;
13 (b) the availability and suitability of ways to eliminate or minimise
14 the risk;
15 (c) what the duty holder knows or ought reasonably to know
16 about—
17 (i) the risk; and
18 (ii) ways of eliminating or minimising the risk;
19 (d) the cost of eliminating or minimising the risk;
20 (e) anything else prescribed by regulation.

21 **121B Duty to comply with clean promotion duty**

22 A person commits an offence if—

- 23 (a) the person has a clean promotion duty; and
24 (b) the person recklessly fails to comply with the duty.

25 Maximum penalty: 100 penalty units.

7 Dictionary, new definitions

insert

clean promotion duty, for division 6.3 (Criminal damage to property)—see section 115 (1).

property, for division 6.3 (Criminal damage to property)—see section 115 (1).

public property, for division 6.3 (Criminal damage to property)—see section 115 (1).

public road, for division 6.3 (Criminal damage to property)—see section 115 (1).

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 2008.

2 Notification

Notified under the Legislation Act on 2008.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.
