

1989

THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN
CAPITAL TERRITORY

POLICE OFFENCES (AMENDMENT) BILL 1989

EXPLANATORY MEMORANDUM

Circulated by the authority of Mr Stefaniak as Chairman
of the Select Committee on the Police Offences
(Amendment) Bill 1989

The Police Offences Act 1930 (the Principal Act) regulates
certain kinds of public behaviour.

The Police Offences (Amendment) Act 1989 amends the
Principal Act to empower police officers to direct persons in a
public place to leave the vicinity if the police officer believes
on reasonable grounds that the person has engaged, or is likely
to engage, in violent conduct.

The purposes and detail of the Act appear in the attachment.

Issued with the
authority of
Mr Stefaniak

13380/89 Cat. No. 89 5013 9

Section 1 cites the short title of the Act.

Section 2 provides that the Principal Act referred to is the Police Offences Act 1930.

Section 3 inserts a new section 35 in the Principal Act.

Subsection (1) sets out the circumstances in which a police officer may direct a person in a public place to move on.

Subsection (2) provides that the consequence of contravening such a direction is a penalty of \$200. Subsection (3) limits the operation of subsections (1) and (2) by providing that they do not apply to a person who is picketing, protesting, demonstrating or otherwise publicising his or her view about a particular matter. Subsection (4) provides a penalty option by applying the provisions of Part XVA of the Crimes Act, 1900 (NSW) in its application to the Territory. The modified application of that Part enables a court to direct the performance of community service work by persons convicted of an offence against subsection (2). Subsection (5) limits the period for which an offender may be required to perform unpaid work specified in a community service order. Subsection (6) defines certain terms for the purposes of the section.

Section 4 provides that proposed new section 35 will have an operation limited to 2 years from the commencement of the Act.

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