

POLICE OFFENCES AMENDMENT BILL

EXPLANATORY NOTE

THIS Bill amends the Police Offences Act 1927.

Clause 1 relates to the Short Title.

Clause 2 inserts a new section 34A in the principal Act. The new section provides that where three or more persons, who have within the previous 2 years been convicted of offences for which they were liable to any term of imprisonment, being offences involving assault, threatening, offensive, or disorderly behaviour, possession of offensive weapons, or offences against public order, conduct themselves on any private premises in such a manner as to cause persons in the neighbourhood of those premises to fear on reasonable grounds that those 3 or more persons will commit or will cause other persons to commit further such offences in the neighbourhood of those premises or elsewhere, those 3 or more persons commit an offence and are each liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$500.

Clause 3 inserts a new section 34B in the principal Act.

Subsection (1) of the new section provides that every person commits an offence who, for the purposes of sale or distribution to the public, prints or publishes any document that describes or depicts the method of manufacture of any explosive device or incendiary device, or any unlawful weapon within the meaning of the Arms Act 1958.

The maximum penalties that may be imposed for the offence are imprisonment for a term not exceeding 3 months or a fine not exceeding \$500.

Subsection (2) provides that it is a defence to a charge under the section—

- (a) That the document is of a commercial, technical, scientific, literary, or artistic character; or
- (b) That it was reasonable in all the circumstances to print or publish the description or depiction referred to in subsection (1) of the section.

Subsection (3) defines the term "document" for the purposes of the section.

Clause 4 substitutes a new section 53A dealing with possession of offensive weapons. The main differences between the new section and the existing section are as follows:

- (a) Under *subsection (1)* every person commits an offence and is liable on conviction on indictment to a fine not exceeding \$400 or to imprisonment for a term not exceeding 1 year who has in his possession

elsewhere than in a public place any offensive weapon in circumstances that prima facie show an intention to use it to commit an offence involving bodily injury or the threat or fear of violence. The existing provision about possession of such weapons in public places is preserved.

- (b) The existing qualifications on the power of a constable to arrest without warrant any person whom he has reasonable cause to believe is committing an offence against the section are removed.
 - (c) It is now provided that where any constable has reasonable ground for believing that any person is committing an offence against subsection (1) (a) of the new section (which relates to the carriage of an offensive weapon in any public place without lawful authority or reasonable excuse) he may stop and search that person and may take possession of any offensive weapon found. Provision is made for the constable exercising this power to identify himself and to cite the authority of this section for the search.
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“Disorderly Conduct on Private Premises

“34A. Where 3 or more persons, who have within the previous 2 years been convicted of offences for which they were liable to any term of imprisonment, being offences involving assault, threatening, offensive, or disorderly behaviour, possession of offensive weapons, or offences against public order, conduct themselves on any private premises in such a manner as to cause persons in the neighbourhood of those premises to fear on reasonable grounds that those 3 or more persons will commit or will cause other persons to commit further such offences in the neighbourhood of those premises or elsewhere, those 3 or more persons commit an offence and are each liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding \$500.”

3. Offence to print or publish documents relating to manufacture of explosive or incendiary devices—The principal Act is hereby amended by inserting, after section 34A (as inserted by section 2 of this Act), the following heading and section:

“Publications Relating to Manufacture of Explosive or Incendiary Devices

“34B. (1) Every person commits an offence and is liable on summary conviction to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$500 who, for the purposes of sale or distribution to the public, prints or publishes any document that describes or depicts the method of manufacture of any explosive device or incendiary device, or any unlawful weapon within the meaning of the Arms Act 1958.

“(2) It shall be a defence to a charge under this section—

“(a) That the document is of a commercial, technical, scientific, literary, or artistic character; or

“(b) That it was reasonable in all the circumstances to print or publish the description or depiction referred to in subsection (1) of this section.

“(3) For the purposes of this section, the expression ‘document’ means any book, newspaper, periodical, picture, photograph, photographic negative, photographic plate, photographic slide or film, and any print or writing, and any paper or other thing which has printed or impressed upon it or otherwise shown thereon any word, statement, sign, picture, or representation.”

4. **Offensive weapons**—(1) The principal Act is hereby amended by repealing section 53A (as inserted by section 3 of the Police Offences Amendment Act 1956 and amended by section 2 (1) of the Police Offences Amendment Act 1967 and by section 411 (1) of the Crimes Act 1961), and substituting the following section:

“53A. (1) Every person commits an offence and is liable on conviction on indictment to a fine not exceeding \$400 or to imprisonment for a term not exceeding 1 year, or to both—

10 “(a) Who, without lawful authority or reasonable excuse, the proof of which shall be on him, has with him in any public place any offensive weapon; or

15 “(b) Who has in his possession elsewhere than in a public place any offensive weapon in circumstances that prima facie show an intention to use it to commit an offence involving bodily injury or the threat or fear of violence.

20 “(2) Where any person is convicted of an offence against this section the Court may make an order for the forfeiture or disposal of any weapon in respect of which the offence was committed.

“(3) Any constable who has reasonable cause to believe that any person is committing an offence against this section may arrest that person without warrant.

25 “(4) Where any constable has reasonable ground for believing that any person is committing an offence against subsection (1) (a) of this section he may stop and search that person and may take possession of any offensive weapon found.

30 “(5) Every constable exercising the power conferred by subsection (4) of this section shall identify himself to every person searched, and shall also tell him that the search is being made pursuant to that subsection. He shall also, if not in uniform and if so required, produce evidence that he is a member of the Police.

“(6) Nothing in section 60 of this Act shall be construed to authorise the arrest without warrant of any person under that section in respect of any offence against this section.

40 “(7) For the purposes of this section the expression ‘offensive weapon’ means any article made or altered for use for causing bodily injury or intended by the person having it with him for such use.

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“(8) Nothing in subsection (7) of this section shall apply to any tool of trade in the possession of any person in the course of his employment or while he is going to or returning from his work.”

(2) The following enactments are hereby consequentially 5
repealed:

(a) Section 3 of the Police Offences Amendment Act 1956:

(b) So much of the First Schedule to the Police Offences
Amendment Act 1967 as relates to section 53A of
the principal Act: 10

(c) So much of the Third Schedule to the Crimes Act 1961
as relates to the principal Act.