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Chief Parliamentary Counsel
Dated 5 October 2020



TASMANIA

POLICE OFFENCES ACT 1935

No. 44 of 1935

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SCHEDULE II



POLICE OFFENCES ACT 1935

No. 44 of 1935

An Act to consolidate and amend the law relating to certain offences punishable summarily and to provide for certain police powers

[Royal Assent 25 October 1935]

Be it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART I – PRELIMINARY

1. Short title

This Act may be cited as the *Police Offences Act 1935*.

2.

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3. Interpretation

(1) In this Act, unless the contrary intention appears

–

body armour includes protective jackets, protective vests, protective suits, anti-ballistic articles and other similar articles –

(a) able to be worn, either independently or as a part of something else, on the human body; and

(b) designed or adapted to protect the human body from the effects of a firearm or any other prescribed device –

but does not include anti-ballistic articles used for eye or hearing protection;

child means any person under the age of 18 years;

Commissioner means the Commissioner of Police;

court means a court of summary jurisdiction having cognizance of the matter in relation to which the term is used;

crossbow means a device, consisting of a bow fitted transversely on a stock that has a groove or barrel, designed to direct an arrow or bolt;

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dangerous article includes –

- (a) any weapon other than a firearm;
and
- (b) any article adapted or modified so
as to be capable of being used as
such a weapon; and
- (c) any other article that is intended
to be used as such a weapon; and
- (d) a knife;

data includes information, a computer
programme or part of a computer
programme;

emergency services means –

- (a) the State Emergency Service
within the meaning of the
Emergency Management Act
2006; and
- (b) Ambulance Tasmania established
under the *Ambulance Service Act*
1982; and
- (c) the Tasmania Fire Service
established under the *Fire Service*
Act 1979; and
- (d) the Police Service;

family violence order means a family violence
order within the meaning of the *Family*
Violence Act 2004, and includes a police

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family violence order and an interim family violence order, within the meaning of that Act;

firearm means a firearm within the meaning of the *Firearms Act 1996*;

fireworks means a Type 2 fireworks, or Type 3 fireworks, within the meaning of the *Explosives Regulations 2012*;

found offending has the meaning assigned to it in section 55(5);

gain access includes to communicate with a computer;

graffiti equipment means –

- (a) an aerosol paint container; and
- (b) any other thing prescribed for the purposes of this definition;

liquor means a beverage (other than a medicine) that –

- (a) is intended for human consumption; and
- (b) has an alcoholic content greater than 0.5% by volume when at a temperature of 20° Celsius;

liquor infringement notice means a liquor infringement notice in force under Division IV of Part VII;

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motor vehicle has the same meaning as in the
Vehicle and Traffic Act 1999;

mark graffiti means mark, draw, write or
otherwise deface property by any means
so that the defacement is not readily
removable by wiping with a dry cloth;

owner, used with reference to any real
property, means the person for the time
being in the actual receipt of or entitled
to receive, or who, if such property were
let to a tenant, would be entitled to
receive the rents and profits thereof,
whether as beneficial owner, trustee,
executor, mortgagee in possession, or
otherwise, but shall not include any
mesne tenant;

public authority includes the Crown, the
Transport Commission, the Hydro-
Electric Corporation, Tasmania
Development and Resources, local
authorities, the Tasmanian Ports
Corporation Pty. Ltd.
(ACN 114 161 938) and any other person
with statutory powers to carry out or
maintain works for the use or benefit of
the public in this State or any part
thereof;

public place includes—

any park, garden, reserve, or other place of public
recreation or resort;

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any rail infrastructure, railway, or rolling stock, within the meaning of the *Rail Safety National Law (Tasmania) Act 2012*;

any public wharf, pier, or jetty;

any passenger vessel plying for hire;

any vehicle plying for hire;

any church, chapel, or other building open for the purpose of Divine service;

any public hall, theatre, or room in which any public entertainment or meeting is being held or performed or is taking place;

any market;

any auction room, or mart, or place open for the purpose of a sale by auction;

any premises specified in a liquor licence or liquor permit granted under the *Liquor Licensing Act 1990*, that are open for the sale of liquor;

any licensed billiard-room;

any racecourse, cricket ground, football, show, or regatta ground, or other such place to which the public have access free or on payment of any gate-money; and includes any portion of such place which is within view of the public;

any open yard, place, allotment, or urinal, closet, lavatory, or other convenience to which the public have access;

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any police office or police station, or any court-house or court of petty sessions, or any yard or enclosure used therewith respectively, to which the public have access;

any street as herein defined, notwithstanding that the same may be formed on private property;

any school building or the land or premises used in connection therewith;

any public cemetery;

any banking house, warehouse, shop, office, or similar place, while open for the transaction of business;

public street has the same meaning as in the *Traffic Act 1925*;

sexual offence means any of the following offences committed against or in respect of a person:

- (a) an offence under section 122 or 123 of the *Criminal Code* as in force immediately before 14 May 1997;
- (b) an offence under section 124, 125, 125A, 125B, 126, 127, 127A, 128, 129, 133, 185 or 186 of the *Criminal Code*;
- (c) an offence under section 298 or 299 of the *Criminal Code* in

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respect of an offence specified in paragraph (a) or (b);

- (d) an offence under section 8(1A)(a), section 21 or section 35(3) of this Act;
- (e) an offence under Part 8 of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995* in respect of a child abuse product, within the meaning of that Part;
- (f) an offence not specified in paragraph (a), (b), (c) or (d) if there are reasonable grounds to believe that, in the course of or as part of the events surrounding the commission of that offence, an offence specified in paragraph (a), (b), (c) or (d) was also committed by the offender;
- (g) an offence against the law of any jurisdiction other than Tasmania which is of substantially the same nature as an offence referred to in paragraph (a), (b), (c), (d), (e) or (f);

street extends to and includes any road, square, court, passage, alley, thoroughfare, or public way or footway, any place of public resort, and any avenue leading thereto;

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street entertainment means entertainment consisting of –

- (a) singing, reciting or acting; or
- (b) playing a musical instrument; or
- (c) juggling; or
- (d) any other activity carried on for the entertainment of the public;

town means a town proclaimed under the provisions of any Act and includes a city;

trailer has the same meaning as in the *Vehicle and Traffic Act 1999*;

vehicle includes every description of wheeled vehicle;

youth means a person who has not attained the age of 18 years.

- (2) A vessel or vehicle shall be deemed to be plying for hire both when it is awaiting passengers in a place frequented by the public, whether or not such place be a public place as above defined, and when such vessel or vehicle is being used to convey passengers.
- (3) The definitions set forth in the *Criminal Code*, so far as the same are applicable and except where inconsistent with this Act, shall be applied in the construction of this Act.

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Part II – General Police Provisions

PART II – GENERAL POLICE PROVISIONS

***Division I – Drunkenness, vagrancy, indecency, and other
public annoyances***

**4. Drunkenness when in charge of vehicle or in
possession of dangerous weapon**

(1) A person must not, in a public place, be drunk while in charge of any vehicle or when in possession of any dangerous weapon.

(1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months.

(2) Any person convicted in respect of any offence under this section committed within 6 months after he has been convicted of that or any other offence thereunder shall be liable to double the penalty hereinbefore prescribed in respect of the offence in respect of which he is so convicted.

(3) Any police officer may seize and detain any vehicle, liquor or dangerous weapon in the charge or possession of a person whom he finds committing an offence against this section.

(4) The court before which such offender is tried may order the offender to pay any expenses incurred as a consequence of such seizure.

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4A. Custody of intoxicated persons

(1) In this section –

intoxicated means under the influence of alcohol, another drug or a combination of drugs;

place of safety means a hospital, charitable institution or any other appropriate facility that is capable of caring for an intoxicated person and includes a place declared by the Minister under section 4C to be a place of safety for the purposes of this Act;

responsible person means a person who a police officer reasonably believes is capable of taking adequate care of an intoxicated person.

(2) If a police officer believes on reasonable grounds that a person in a public place is intoxicated and –

(a) is behaving in a manner likely to cause injury to himself, herself or another person, or damage to any property; or

(b) is incapable of protecting himself or herself from physical harm –

the police officer may take the person into custody.

(3) A police officer may –

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- (a) at any time, without any further or other authority than this subsection, release a person taken into custody under subsection (2), or cause that person to be released, without that person entering into a recognisance or bail, to a place of safety, or into the care of a responsible person, willing to take that person into care; or
 - (b) hold that person in custody if it is not possible to release that person under paragraph (a).
- (4) A person may only be held under subsection (3)(b) if a police officer has made reasonable inquiries to find a place of safety or a responsible person and has been unable to find a place of safety, or a responsible person, willing to take the person into care.
- (5) A person taken into custody under subsection (2) is not to be released under subsection (3)(a) into the care of a person in charge of a place of safety or a responsible person if the person held in custody objects to being released into the care of that person.
- (6) A person taken into custody under subsection (2) is to be released –
- (a) at the expiration of the period of 8 hours after he or she was taken into custody; or
 - (b) when a police officer is of the opinion that it is reasonable to do so –

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whichever is earlier.

- (6A) If, on the expiration of the period of 8 hours referred to in subsection (6)(a), a police officer of or above the rank of inspector believes on reasonable grounds that a person in custody remains –
- (a) likely to cause injury to himself, herself or another person, or damage to any property; or
 - (b) incapable of protecting himself or herself from physical harm –

the person may be detained for a further period of 4 hours.

- (7) A police officer may –
- (a) search or cause to be searched a person who has been taken into custody under subsection (2); and
 - (b) remove or cause to be removed from that person for safe keeping, until the person is released from custody, any money or valuables that are found on or about that person and any item on or about that person that is likely to cause harm to that person or any other person or that could be used by that person or any other person to cause harm to that person or any other person.

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- (8) A search of a person under subsection (7) is, if practical, to be conducted by a police officer of the same sex as the person being searched.

4B. Provisions relating to persons held in custody

A person held in custody under section 4A –

- (a) is not to be questioned by a police officer in relation to an offence; and
- (b) is not to be photographed or have his or her fingerprints taken.

4C. Declaration of places of safety

- (1) The Minister may, by notice published in the *Gazette*, declare a place to be a place of safety for the purposes of this Act.
- (2) The *Rules Publication Act 1953* does not apply to a notice made under subsection (1).

5 - 6.

6A. Display of certain insignia, &c., prohibited

- (1) In this section –

identified organisation means an organisation that has been prescribed under subsection (3);

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participant in, in relation to an organisation,
means a person –

- (a) who –
 - (i) has been accepted as a member of the organisation, whether informally or through a process set by the organisation; and
 - (ii) has not ceased to be a member of the organisation; or
- (b) who is an honorary member of the organisation; or
- (c) who is a prospective member of the organisation; or
- (d) who is an office holder of the organisation; or
- (e) who identifies himself or herself in any way as belonging to the organisation; or
- (f) whose conduct in relation to the organisation would reasonably lead another person to consider the person to be a participant in the organisation;

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prohibited item means any piece of clothing, jewellery, or other accessory, that displays –

- (a) the name of an identified organisation; or
- (b) the club patch, insignia or logo of an identified organisation; or
- (c) any image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or an association with, an identified organisation, including –
 - (i) the symbol “1%”; and
 - (ii) the symbol “1%er”; and
 - (iii) any image, symbol, abbreviation, acronym or other form of writing that is prescribed;

proposed prohibited item, in relation to an organisation, means an item that would be a prohibited item if the organisation were an identified organisation;

relevant offence means an offence involving –

- (a) a public act of violence to a person; or
- (b) a public act of damage to property; or

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- (c) disorderly, offensive, threatening or violent behaviour, in public.
- (2) The objects of this section are, as far as practicable –
- (a) to ensure that members of the public may lawfully use and pass through public places without experiencing fear or intimidation because other persons are visibly wearing or carrying prohibited items; and
 - (b) to reduce the likelihood of public disorder or acts of violence in public places; and
 - (c) to reduce the membership of organisations, members of which may, by wearing or carrying prohibited items –
 - (i) cause members of the public to feel threatened, fearful or intimidated; or
 - (ii) have an undue adverse effect on the health or safety of members of the public; or
 - (iii) increase the likelihood of public disorder or acts of violence.
- (3) Regulations may prescribe an organisation to be an identified organisation.

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Part II – General Police Provisions

- (4) Regulations may only prescribe an organisation to be an identified organisation on the recommendation of the Minister.
- (5) The Minister may recommend that an organisation be prescribed to be an identified organisation, but only if he or she has –
 - (a) received from the Commissioner a recommendation under subsection (6) in relation to the organisation, together with the document required, in accordance with subsection (7), to accompany the Commissioner’s recommendation; and
 - (b) received from the Attorney-General a recommendation under subsection (9) in relation to the organisation, together with the document required, in accordance with subsection (10), to accompany the Attorney-General’s recommendation.
- (6) The Commissioner may, by notice to the Minister, recommend that an organisation be prescribed to be an identified organisation.
- (7) A recommendation of the Commissioner under subsection (6) is to be accompanied by a document setting out –
 - (a) reasons for the recommendation; and
 - (b) a summary of the evidence taken into account by the Commissioner in deciding whether to make the recommendation.

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- (8) The Commissioner is to provide to the Attorney-General –
- (a) a copy of a recommendation made under subsection (6); and
 - (b) a copy of the document that, in accordance with subsection (7), accompanied the Commissioner's recommendation.
- (9) The Attorney-General, after having considered –
- (a) the document that, in accordance with subsection (8), was provided to the Attorney-General; and
 - (b) any other evidence that the Attorney-General thinks fit –
- may, by notice to the Minister, recommend to the Minister that the organisation be prescribed to be an identified organisation.
- (10) A recommendation of the Attorney-General under subsection (9) is to be accompanied by a document setting out –
- (a) reasons for the recommendation; and
 - (b) a summary of the other evidence, if any, that, in addition to the evidence received by the Attorney-General under subsection (8), was, in accordance with subsection (9)(b), taken into account in deciding whether to make the recommendation.

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- (11) The Minister, the Commissioner and the Attorney-General may only make a recommendation under this section that an organisation be prescribed to be an identified organisation if the Minister, the Commissioner or the Attorney-General, respectively, is satisfied that the wearing or carrying of a proposed prohibited item, in relation to the organisation, by a person in a public place –
- (a) may cause members of the public to feel threatened, fearful or intimidated; or
 - (b) may otherwise have an undue adverse effect on the health or safety of members of the public, or the amenity of the community, including by increasing the likelihood of public disorder or acts of violence; or
 - (c) may encourage persons to become or remain members of an organisation, the members of which may, by wearing or carrying proposed prohibited items –
 - (i) cause members of the public to feel threatened, fearful or intimidated; or
 - (ii) have an undue adverse effect on the health or safety of members of the public; or
 - (iii) increase the likelihood of public disorder or acts of violence.

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- (12) In determining whether to make a recommendation under this section, the Minister, the Commissioner and the Attorney-General, respectively, must have regard to whether any person has, while a member of, or a participant in, the organisation, engaged in serious criminal activity or committed a relevant offence of which the person had been convicted.
- (13) Regulations, for the purpose of subsection (3), that prescribe an organisation to be an identified organisation are of no effect until a notice, setting out that the regulations have been made and the effect of the regulations, appears in as many daily Tasmanian newspapers as circulate generally in the State.
- (14) A person who is in a public place must not wear or carry a prohibited item that, if another person were in the public place, would be visible to the other person.

Penalty: In the case of –

- (a) a first offence, a fine not exceeding 20 penalty units; or
 - (b) a subsequent offence, a fine not exceeding 40 penalty units.
- (15) A person who is in or on a vehicle that is in a public place must not wear or carry a prohibited item that, if another person were in the public place, would be visible to the other person.

Penalty: In the case of –

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Part II – General Police Provisions

- (a) a first offence, a fine not exceeding 20 penalty units; or
 - (b) a subsequent offence, a fine not exceeding 40 penalty units.
- (16) It is a defence to proceedings for an offence against subsection (14) or (15) for the defendant to provide evidence that –
- (a) the defendant engaged in the conduct that is alleged to constitute the offence for a genuine artistic, educational, legal or law enforcement purpose; and
 - (b) the defendant’s conduct was, in the circumstances, reasonable for that purpose.

6B. Search, seizure and forfeiture of prohibited items

- (1) If a police officer has reasonable grounds to believe that a person who is in a public place is contravening, or has contravened, section 6A(14) or (15), the police officer may, using such force, means and assistance as is reasonably necessary –
- (a) detain that person and search the person, including any clothing of the person; and
 - (b) stop and detain any vehicle in or on which the person is, or was when the provision was being contravened, and search the vehicle and any container found in or on the vehicle; and

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- (c) seize any item, found during a search under this subsection, that the police officer is of the opinion is a prohibited item within the meaning of section 6A(1).
- (2) On conviction of a person of an offence against section 6A(14) or (15), any prohibited item, within the meaning of section 6A(1), to which the offence relates that is lawfully in the possession of the Crown is forfeited to the Crown.

7. Loiterers, &c.

- (1) A person, being a suspected person or reputed thief, shall not –
 - (a) be in or upon any building whatsoever or in any enclosed yard, garden, or area for any unlawful purpose; or
 - (b) frequent or loiter in or near any public place, or any river, or navigable stream with intent to commit a crime or an offence.
- (2) In proving under this section intent to commit a crime or an offence it shall not be necessary to show that the person charged was guilty of any particular act tending to show his intent, and he may be convicted if from the circumstances of the case and from his known character as proved to the court before which he is charged it appears to such court that his intent was to commit a crime or an offence.

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- (3) If a police officer has reasonable grounds to believe that a person is contravening subsection (1), the police officer may, using such force, means and assistance as is reasonably necessary –
 - (a) detain and search that person; and
 - (b) seize any implement or instrument found on that person that the police officer considers could be used for an unlawful purpose or to commit a crime or an offence.
- (4) On conviction of a person of an offence against subsection (1)(a) or (b), any implement or instrument seized under subsection (3)(b) is forfeited to the Crown.
- (5) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 6 months.

7A. Loitering near children

- (1) For the purposes of this section, a person loiters near children if the person loiters at, or in the vicinity of –
 - (a) a school; or
 - (b) any of the following, while children are present:
 - (i) a public toilet;

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- (ii) a playground;
 - (iii) a swimming pool;
 - (iv) a games arcade;
 - (v) any other place at which children are commonly present.
- (2) A person who has been found guilty of a sexual offence must not, without reasonable excuse, loiter near children.
- Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.
- (3) If a police officer has reasonable grounds to believe that a person is contravening subsection (2), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
- (a) detain and search that person; and
 - (b) seize any implement or item found on that person that the police officer considers may have been used during the commission of the offence.
- (4) The court may, if it considers any implement or item that was seized under subsection (3)(b) may have been used during the commission of an offence against subsection (2), order that the implement or item be forfeited to the Crown.

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- (5) The court may make an order against subsection (4) whether or not the person is convicted of an offence against subsection (2).
- (6) On conviction of a person of an offence against subsection (2), any implement or item seized under subsection (3)(b) is forfeited to the Crown.

7B. Possession of implement or instrument

- (1) A person must not have in his or her possession without lawful excuse any implement or instrument with intent to commit a crime or an offence.
- (2) If a police officer has reasonable grounds to believe that a person is contravening subsection (1), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
 - (a) detain and search that person; and
 - (b) seize any implement or instrument found on that person that the police officer considers could be used to commit a crime or an offence.
- (3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding 25 penalty units or imprisonment for a term not exceeding 6 months.
- (4) On conviction of a person of an offence against subsection (3) any implement or instrument

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seized under subsection (2) is forfeited to the Crown.

- (5) In proving under this section an intent to commit a crime or an offence, it is not necessary to show that the person charged was guilty of any particular act tending to show his or her intent and he or she may be convicted if, from the circumstances of the case and for his or her known character as proved to the court before which he or she is charged, it appears to the court that his or her intent was to commit a crime or an offence.

8. Begging, imposition, &c.

- (1) A person shall not –
- (a) in a public place beg or expose wounds or deformities, or place himself or herself or otherwise act so as to induce, or attempt to induce, the giving of money or other financial advantage, or instigate or incite another person to do any of those things;
 - (b - i)

(1AA) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units or to imprisonment for a term not exceeding 6 months.

- (1A) A person shall not –

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(a) wilfully and obscenely expose his person in any public place or in the view of persons therein;

(b - c)

(1AB) A person who contravenes a provision of subsection (1A) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units or to imprisonment for a term not exceeding 12 months.

(1B - 2)

9.

10. Disorderly houses

(1) A person occupying or keeping any house, shop, room or other premises shall not–

(a) permit or suffer any breach of the peace or riotous or disorderly conduct therein;

(b - d)

(1A) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units or to imprisonment for a term not exceeding 6 months.

(2) If a police officer has reasonable grounds to believe that an offence against subsection (1A) is

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being or has been committed in any house, shop, room or other premises, the police officer may –

- (a) without warrant and using such force, means and assistance as is reasonably necessary, enter the house, shop, room or other premises; and
 - (b) direct any person found at the house, shop, room or other premises to leave that house, shop, room or other premises and not return for a specified period of not less than 12 hours.
- (3) The court before whom any such offender is convicted may further order him to find security, in a sum to be fixed by the court, for his good behaviour for a period not exceeding 12 months, under a penalty not exceeding 2 penalty units, and in the event of such security not being found, may sentence the person offending to imprisonment for a term not exceeding 2 months.
- (4) If any person is found guilty of any such offence a second time, it shall be lawful for the court, on the application of 3 householders, by warrant to order such person to be removed from the premises occupied, or kept by him, and to impose such further penalty on such offender, not exceeding 2 penalty units, as to the court may seem fit.
- (5) Subsection (2)(b) does not apply to the owner or tenant of the house, shop, room or other premises.

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- (6) A person who refuses or fails to comply with a direction from a police officer under subsection (2)(b) is guilty of an offence and liable to a fine not exceeding 20 penalty units.

11.

12. Prohibited language and behaviour

- (1) A person shall not, in any public place, or within the hearing of any person in that place –
- (a) curse or swear;
 - (b) sing any profane or obscene song;
 - (c) use any profane, indecent, obscene, offensive, or blasphemous language; or
 - (d) use any threatening, abusive, or insulting words or behaviour calculated to provoke a breach of the peace or whereby a breach of the peace may be occasioned.
- (1A) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months.
- (2) A person convicted in respect of an offence under this section committed within 6 months after he has been convicted of that or any other offence thereunder is liable to double the penalty

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prescribed in subsection (1) in respect of the offence in respect of which he is so convicted.

13. Public annoyance

- (1) A person shall not, in a public place –
 - (a) behave in a violent, riotous, offensive, or indecent manner;
 - (b) disturb the public peace;
 - (c) engage in disorderly conduct;
 - (d) jostle, insult, or annoy any person;
 - (e) commit any nuisance; or
 - (f) throw, let off, or set fire to any firework.
- (2) A person shall not recklessly throw or discharge a missile to the danger or damage of another person or to the danger or damage of the property of another person.
- (2A) A person shall not, in a public place, supply liquor to a person under the age of 18 years.
- (2B) A person under the age of 18 years shall not consume liquor in a public place.
- (2C) A person under the age of 18 years shall not have possession or control of liquor in a public place.
- (3) A person shall not wilfully disquiet or disturb any meeting, assembly, or congregation of persons assembled for religious worship.

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- (3AAA) If a police officer has reasonable grounds to believe that a person is contravening or has contravened subsection (1)(f) or subsection (2), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
- (a) detain and search that person; and
 - (b) seize –
 - (i) in relation to a contravention under subsection (1)(f), any firework found on that person; and
 - (ii) in relation to a contravention of subsection (2), any missile found on that person.
- (3AAB) On conviction of a person of an offence against subsection (1)(f) or subsection (2) any firework or missile seized under subsection (3AAA)(b) is forfeited to the Crown.
- (3AA) A person who contravenes a provision of subsection (1), (2), (2A), (2B), (2C) or (3) is guilty of an offence and is liable on summary conviction to –
- (a) a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months, in the case of an offence under subsection (1) or (3); or
 - (b) a penalty not exceeding 5 penalty units or to imprisonment for a term not

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- exceeding 6 months, in the case of an offence under subsection (2); or
- (c) a penalty not exceeding 10 penalty units or imprisonment for a term not exceeding 6 months, in the case of an offence under subsection (2A), (2B) or (2C).
- (3A) A person convicted in respect of an offence under this section committed within 6 months after he has been convicted of that or any other offence thereunder is liable to double the penalty prescribed in respect of the offence in respect of which he is so convicted.
- (3B) A police officer may seize liquor in the possession of a person the police officer reasonably believes is committing an offence under subsection (1), (2), (2A), (2B), (2C) or (3).
- (3C) If a police officer has seized liquor in accordance with subsection (3B) and the person who has possession of the liquor is subsequently convicted of an offence under subsection (1), (2), (2A), (2B), (2C) or (3), the court that convicted the person may order that the liquor and its container be forfeited to the Crown.
- (3D) If–
- (a) a police officer has seized liquor in accordance with subsection (3B); and
- (b) subsequent to the seizure–
- (i) no proceedings are instituted within a reasonable time for an

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offence under subsection (1), (2),
(2A), (2B), (2C) or (3); or

- (ii) proceedings are instituted for an offence under one of those subsections but no order for the forfeiture of the liquor is made—

a magistrate may order that the liquor be given to a person the magistrate is satisfied has a right to its possession but if no such order is made or sought within a reasonable time the Commissioner may dispose of the liquor in such manner as the Commissioner considers most appropriate, and shall pay any proceeds into the Public Account.

- (4) A person shall not wilfully leave open any gate or slip-panel or make a gap in any fence for the purpose of permitting or causing any animal, or otherwise wilfully cause or procure any animal, to trespass.

- (4A) A person who contravenes a provision of subsection (4) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 3 penalty units.

(5 - 5AB)

- (6) A person, being the owner or usual keeper of a stallion, bull, boar, or ram, shall not permit the animal to be in any public place unless it is under the immediate custody or control of some competent person.

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-
- (6A) A person who contravenes subsection (6) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.
- (7) A person, being the owner or usual keeper of a horse, mule, hinny, ass, ox, pig, sheep, or goat, other than those mentioned in subsection (6), shall not permit the animal to graze or stray in any public place.
- (7A) A person who contravenes subsection (7) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 1 penalty unit or to a penalty not exceeding 3 penalty units for any fifth or subsequent offence within a period of 5 years.
- (8) The provisions of subsection (7) do not apply in respect of a milch cow grazing in pursuance of an authority lawfully issued by the body controlling the public place where the cow is grazing; nor to an animal grazing on an unfenced road not within 2.5 kilometres of a city or town.
- (9) The owner or usual keeper of any animal mentioned in subsection (7) which is found straying in a public place is liable to the penalty imposed by that subsection, unless he satisfies the court that the presence of the animal therein was not due to the negligence or default of himself, his servant, or agent.
- (10 - 14)

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13A. Observation or recording in breach of privacy

- (1) A person who observes or visually records another person, in circumstances where a reasonable person would expect to be afforded privacy –
- (a) without the other person’s consent; and
 - (b) when the other person –
 - (i) is in a private place; or
 - (ii) is engaging in a private act and the observation or visual recording is made for the purpose of observing or visually recording a private act –

is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) A person who observes or visually records another person’s genital or anal region, in circumstances where a reasonable person would expect to be afforded privacy in relation to that region, when the observation or visual recording is made for the purpose of observing or visually recording the other person’s genital or anal region is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

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- (2A) It is a defence to proceedings for an offence against subsection (2) for the defendant to provide evidence that the observation or visual recording was carried out with the consent of the person observed or visually recorded.
- (2B) If a police officer has reasonable grounds to believe that a person is contravening or has contravened subsection (1) or (2), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
- (a) detain and search that person; and
 - (b) seize any visual recording, item or instrument found on that person that the police officer considers could be used for observing or visually recording contrary to subsection (1) or (2).
- (2C) The court may, if it considers any visual recording, item or instrument that was seized under subsection (2B)(b) may have been used during the commission of an offence against subsection (1) or (2), order that the visual recording, item or instrument be forfeited to the Crown.
- (2D) The court may make an order under subsection (2C) whether or not the person is convicted of an offence against subsection (1) or (2).
- (2E) On conviction of a person of an offence against subsection (1) or (2), any visual recording, item

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or instrument seized under subsection (2B)(b) is forfeited to the Crown.

(3) In subsection (2) –

genital or anal region, of a person, means the person's genital or anal region when that region is covered only by underwear or bare.

13B. Publishing or distributing prohibited visual recording

(1) A person who publishes or distributes a prohibited visual recording of another person having reason to believe it to be a prohibited visual recording, without lawful and reasonable excuse (proof of which lies on the first-mentioned person), is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

(1A) If a police officer has reasonable grounds to believe that a person is contravening or has contravened subsection (1), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –

(a) detain and search that person; and

(b) seize any prohibited visual recording, item or instrument found on that person that the police officer considers could be

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used for publishing or distributing contrary to subsection (1).

- (1B) The court may, if it considers any prohibited visual recording, item or instrument that was seized under subsection (1A)(b) may have been used during the commission of an offence against subsection (1), order that the prohibited visual recording, item or instrument be forfeited to the Crown.
 - (1C) The court may make an order under subsection (1B) whether or not the person is convicted of an offence against subsection (1).
 - (1D) On conviction of a person of an offence against subsection (1), any prohibited visual recording, item or instrument seized under subsection (1A)(b) is forfeited to the Crown.
- (2) In this section –

distribute includes –

- (a) communicate, exhibit, send, supply or transmit to someone, whether to a particular person or not; and
- (b) make available for access by someone, whether by a particular person or not; and
- (c) enter into an agreement or arrangement to do anything mentioned in paragraph (a) or (b); and

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(d) attempt to distribute;

genital or anal region, of a person, has the same meaning as in section 13A;

prohibited visual recording of another person means –

- (a) a visual recording of the person in a private place or engaging in a private act made in circumstances where a reasonable adult would expect to be afforded privacy; or
- (b) a visual recording of the person's genital or anal region, when it is covered only by underwear or bare, made in circumstances where a reasonable adult would expect to be afforded privacy in relation to that region.

13C. Possession of prohibited visual recording

- (1) A person who has in his or her possession a prohibited visual recording having reason to believe it to be a prohibited visual recording is guilty of an offence.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (1A) If a police officer has reasonable grounds to believe that a person is contravening subsection (1), the police officer may, without

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warrant and using such force, means and assistance as is reasonably necessary –

- (a) detain and search that person; and
 - (b) seize any prohibited visual recording found on that person or any item or instrument found on that person that the police officer considers could be used for storing a prohibited visual recording.
- (1B) The court may, if it considers any prohibited visual recording that was seized under subsection (1A)(b) may have been used during the commission of an offence against subsection (1), order that the prohibited visual recording be forfeited to the Crown.
- (1C) The court may make an order under subsection (1B) whether or not the person is convicted of an offence against subsection (1).
- (1D) On conviction of a person of an offence against subsection (1), any prohibited visual recording seized under subsection (1A)(b) is forfeited to the Crown.
- (2) In this section –

prohibited visual recording has the same meaning as in section 13B.

13D. Persons who are not criminally responsible for an offence under section 13A or 13B

- (1) A person is not criminally responsible for an offence under section 13A or 13B if –

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- (a) the person is, at the time of the offence, a law enforcement officer acting in the course of the person's duties as such an officer; and
 - (b) the person's conduct is reasonable in the circumstances for the performance of those duties.
- (2) A person is not criminally responsible for an offence under section 13A or 13B in relation to an observation or visual recording of another person who is in lawful custody if –
 - (a) the person is, at the time of the offence, acting in the course of the person's duties in relation to the other person's lawful custody; and
 - (b) the person's conduct is reasonable in the circumstances for the performance of the duties.
- (3) A person is not criminally responsible for an offence under section 13A or 13B if –
 - (a) the person is, at the time of the offence, acting in the course of the person's occupation or employment; and
 - (b) the person's conduct is reasonable in the circumstances for the performance of the occupation or employment.
- (4) The onus of proving the matter or thing referred to in paragraphs (a) and (b) of subsection (3) lies on the person referred to in those paragraphs.

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14. Public decency

- (1) A person, in any public place or within sight of any person in a public place, must not bathe in any river, lake, harbour or stream or sunbathe unless –
 - (a) the person is decently clothed; or
 - (b) the conduct is authorised in that place by the appropriate council.
- (2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding one penalty unit.

Division IA – Offences relating to trespass to lands

14A. Peering into dwelling-houses, &c.

- (1) A person shall not without lawful excuse (proof whereof shall lie on him) –
 - (a) peep or peer into the window or door of a dwelling-house; or
 - (b) lurk, loiter, or secrete himself on any land within the curtilage of a dwelling-house.
- (2) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units or to imprisonment for a term not exceeding 6 months.

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14B. Unlawful entry on land

- (1) A person, without reasonable or lawful excuse (proof of which lies on the person), must not enter into, or remain on, any land, building, structure, premises, aircraft, vehicle or vessel without the consent of the owner, occupier or person in charge of the land, building, structure, premises, aircraft, vehicle or vessel.
- (2) A person who is convicted of an offence under this section is liable to a penalty of—
 - (a) a fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, in respect of entering or remaining in a dwelling-house; or
 - (b) 25 penalty units or imprisonment for a term not exceeding 6 months, in respect of entering into, or remaining on, any other land, building, structure, premises, aircraft, vehicle or vessel.
- (2A) However, if the court that convicts a person of an offence under this section is satisfied that the person –
 - (a) was in possession of a firearm during the actual commission of the offence; or
 - (b) made any use of an aircraft, vehicle or vessel during the actual commission of the offence –

the person is liable to a penalty not exceeding twice that provided for by subsection (2).

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- (2B) If subsection (2A)(a) applies to the convicted person, the court may, in addition to any other penalty it may impose, do either or both of the following:
- (a) order that the firearm is forfeited to the Crown;
 - (b) cancel all or any of the licences or permits that the convicted person may hold under the *Firearms Act 1996*.
- (2C) A firearm forfeited to the Crown pursuant to subsection (2B) is to be disposed of as the Commissioner determines.
- (3) Where a person is convicted of an offence under this section in respect of entering or remaining in the dwelling-house of another person, the court or one of the justices may issue a warrant addressed to all police officers commanding them to enter the premises and give the possession thereof to the complainant.
- (4) For the purpose of executing a warrant under subsection (3), every police officer may, if necessary, break and enter the premises to which the warrant relates and eject the person convicted and any other person therefrom.
- (5) If a police officer has reasonable grounds to believe that a person is contravening subsection (1), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
- (a) detain and search that person; and

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- (b) seize any firearm found in the possession of that person.
- (6) Section 68 applies if a firearm is seized under subsection (5).

14C. Names and addresses of offenders may be required

- (1) Where the owner or occupier of any land, his agent, or any person authorized in writing in that behalf by the owner or occupier of any land or his agent finds on that land another person in circumstances in which he believes on reasonable grounds that that other person is committing or has committed an offence under section 14B(1), he may require that other person to state his name and the address of his place of abode.
- (2) A person who fails or refuses to comply with a requirement under subsection (1) or, in response to such a requirement, gives a name or address that is false, is guilty of an offence, and, on summary conviction, is liable to a penalty not exceeding 2 penalty units.

14D. Alternative convictions

Where a person who is charged with an offence under section 14A is found not guilty of the offence with which he is charged, he may be convicted of an offence under section 14B or section 14C if it is established by the evidence to have been committed by him.

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Division II – Offences relating to good order and safety

15 - 15A.

15B. Dispersal of persons

- (1) A police officer may direct a person in a public place to leave that place and not return for a specified period of not less than 4 hours if the police officer believes on reasonable grounds that the person –
 - (a) has committed or is likely to commit an offence; or
 - (b) is obstructing or is likely to obstruct the movement of pedestrians or vehicles; or
 - (c) is endangering or likely to endanger the safety of any other person; or
 - (d) has committed or is likely to commit a breach of the peace.
- (2) A person must comply with a direction under subsection (1).

Penalty: Fine not exceeding 2 penalty units.

15C. Dangerous articles

- (1) A person, without lawful excuse (proof of which lies on the person), must not have possession of, or carry or use, a dangerous article in a public place.

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Penalty: Fine not exceeding 10 penalty units.

- (1A) Subsection (1) does not apply to –
- (a) a police officer acting in the performance of his or her duties; or
 - (b) a person, or group of persons, excluded in writing by the Commissioner from the application of that subsection.
- (2) A police officer may stop, detain and search, without a warrant, any person in a public place whom the police officer reasonably believes has possession of, or carries, any dangerous article without lawful excuse and may stop, detain and search, without a warrant, the person's vehicle.
- (3) A police officer may seize and detain any dangerous article found.
- (4) A lawful excuse excludes self-defence but includes the following:
- (a) the pursuit of a lawful occupation, duty or activity using that dangerous article;
 - (b) the participation in a lawful sport, recreation or entertainment using that dangerous article;
 - (c) the lawful collection, display or exhibition of that dangerous article;
 - (d) the use of that dangerous article for the lawful purpose for which it was intended;
 - (e) religious observance.

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- (5) If a person is convicted or found guilty of an offence under this section, the dangerous article to which the offence relates is forfeited and may be disposed of as the court orders.
- (6) For the purposes of this section, a person who is in a motor vehicle in a public place is taken to be in the public place.

15CA. Graffiti and graffiti equipment

- (1) A person must not, without lawful excuse, mark graffiti.

Penalty: Fine not exceeding 20 penalty units.

- (2) In addition to, or in substitution for, any penalty imposed by a court under subsection (1), the court may order that the offender perform community service in accordance with Part 4 of the *Sentencing Act 1997*.

- (3) A person must not, without lawful excuse, distribute, supply or sell graffiti equipment to a youth.

Penalty: Fine not exceeding 20 penalty units.

- (4) A person must not, without lawful excuse, have possession of, or carry or use, graffiti equipment in a public place.

Penalty: Fine not exceeding 20 penalty units.

- (5) Subsection (4) does not apply to –

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- (a) a police officer acting in the performance of his or her duties; or
 - (b) a person, or group of persons, excluded in writing by the Commissioner from the application of that subsection.
- (6) A police officer may stop, detain and search, without a warrant, any person in a public place who the police officer reasonably believes has possession of, or is carrying, any graffiti equipment without lawful excuse and may stop, detain and search, without a warrant, the person's vehicle.
- (7) A police officer may seize and retain any graffiti equipment found.
- (8) For the purposes of this section, a lawful excuse includes the following:
- (a) the pursuit of a lawful occupation, duty or activity using that graffiti equipment;
 - (b) the participation in a lawful sport, recreation or entertainment using that graffiti equipment.
- (9) If a person is convicted or found guilty of an offence under this section, the graffiti equipment to which the offence relates is forfeited and is to be disposed of as the court orders.
- (10) For the purposes of this section, a person who is in a motor vehicle in a public place is taken to be in the public place.

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15D. Use, carriage and possession of crossbows

- (1) A person must not use, carry or have possession of a crossbow unless he or she is authorised in writing by the Commissioner to do so.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person may apply to the Commissioner for a permit to use, carry or have possession of a crossbow.
- (3) An application for a permit is to –
- (a) be in an approved form; and
 - (b) include details of the following:
 - (i) the type of crossbow;
 - (ii) the reason for its possession, carriage or use;
 - (iii) the means by which it is to be stored when not in use;
 - (iv) any other prescribed matter.
- (4) The Commissioner may grant an application subject to any conditions the Commissioner considers appropriate.
- (5) The Commissioner must not grant an application unless the Commissioner is satisfied that the applicant –
- (a) is at least 18 years old; and
 - (b) is a natural person; and

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- (c) is a fit and proper person to use, carry or have possession of a crossbow; and
 - (d) is able to safely store the crossbow; and
 - (e) has a legitimate reason for using, carrying or possessing a crossbow, including for the purpose of conducting research, hunting vermin or another purpose the Commissioner considers appropriate.
- (6) In deciding whether a person is a fit and proper person, the Commissioner is to take into account the following:
- (a) any likelihood of the person using a crossbow –
 - (i) for an unlawful purpose; or
 - (ii) to harm himself or herself;
 - (b) the mental and physical condition of the person;
 - (c) any criminal activity of the person, whether in Tasmania or elsewhere;
 - (d) any offence committed by the person under this Act, the *Guns Act 1991* or the *Firearms Act 1996*;
 - (e) the ability of the person to exercise continuous and responsible control over a crossbow;

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- (f) whether the person is subject to a restraint order or an interim restraint order or has at any time within the previous 5 years been subject to such an order;
 - (fa) whether a recognised DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*, is in force under that Act in respect of the person;
 - (g) whether the person is subject to a recognisance, granted in Tasmania or elsewhere, to keep the peace.
- (7) A person authorised under this section must carry a copy of the authorisation at all times while he or she has possession of, or is carrying or using, a crossbow.
- Penalty: Fine not exceeding 10 penalty units.
- (8) A police officer may seize and detain any crossbow used, carried or kept in contravention of this section.
- (9) If a person is convicted or found guilty of an offence under this section, the crossbow to which the offence relates is forfeited and may be disposed of as the court orders.
- (10) Nothing in this section prevents a person from being prosecuted for the use, carriage or possession of a crossbow in contravention of another Act.

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(11)

(12) Subsection (11) expires on 31 December 2004.

15E. Body armour

(1) A person must not manufacture, distribute, supply, sell or possess body armour unless he or she holds a permit from the Commissioner to do so.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

(1A) Subsection (1) does not apply to –

(a) a police officer acting in the performance of his or her duties; or

(b) a person, or group of persons, excluded in writing by the Commissioner from the application of that subsection.

(2) A person may apply to the Commissioner for a permit to manufacture, distribute, supply, sell or possess body armour.

(3) An application for a permit is to –

(a) be in a form approved by the Commissioner; and

(b) include details of the following:

(i) the type of body armour;

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- (ii) the reason for its manufacture, distribution, supply, sale or possession;
 - (iii) the means by which it is to be stored when not in use;
 - (iv) any other prescribed matter.
- (4) The Commissioner may grant an application subject to any conditions the Commissioner considers appropriate.
- (5) The Commissioner must not grant an application unless the Commissioner is satisfied that the applicant –
 - (a) is at least 18 years of age; and
 - (b) is a natural person; and
 - (c) is a fit and proper person to manufacture, distribute, supply, sell or possess body armour; and
 - (d) is able to safely store the body armour; and
 - (e) has a legitimate reason for manufacturing, distributing, supplying, selling or possessing body armour.
- (6) In deciding whether a person is a fit and proper person, the Commissioner is to take into account the following:
 - (a) any likelihood of the person using body armour for an unlawful purpose;

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- (b) the mental condition of the person;
 - (c) any criminal activity of the person, whether in Tasmania or elsewhere;
 - (d) any offence committed by the person under this Act, the *Guns Act 1991* or the *Firearms Act 1996*;
 - (e) whether the person is subject to a restraint order or interim restraint order under Part XA of the *Justices Act 1959*, or a family violence order, or has at any time within the previous 5 years been subject to such an order;
 - (ea) whether a recognised DVO, within the meaning of the *Domestic Violence Orders (National Recognition) Act 2016*, is in force under that Act in respect of the person;
 - (f) whether the person is subject to a recognisance, granted in Tasmania or elsewhere, to keep the peace.
- (7) A person issued with a permit under this section must produce a copy of the permit on the demand of a police officer while the person is manufacturing, distributing, supplying, selling or in possession of body armour.

Penalty: Fine not exceeding 20 penalty units.

- (8) A police officer may seize and retain any body armour manufactured, distributed, supplied, sold or possessed in contravention of this section.

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- (9) If a person is convicted or found guilty of an offence under this section, the body armour to which the offence relates is forfeited and is to be disposed of as the court orders.
- (10) Nothing in this section prevents a person from being prosecuted for the manufacture, distribution, supply, sale or possession of body armour in contravention of another Act.

15F. Laser pointers

- (1) A person must not, without lawful excuse (proof of which lies on that person), possess, carry or use a laser pointer in a public place.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must not, without lawful excuse (proof of which lies on that person), by means of a laser pointer, intentionally or recklessly direct a laser beam at any person, animal or vehicle.

Penalty: Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (3) Subsections (1) and (2) do not apply to –

- (a) a police officer acting in the performance of his or her duties; or
- (b) a State Service employee, employed in the Department, acting in the performance of his or her duties; or

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- (c) a person, or group of persons, excluded in writing by the Commissioner from the application of those subsections.
- (4) A police officer who reasonably suspects that a person in a public place has contravened subsection (1) or (2) may, without a warrant –
 - (a) stop, detain and search the person; and
 - (b) stop, detain and search any vehicle the person is in, any vehicle the person appears to have been in or be about to get in or any vehicle the person appears to have put anything in.
- (5) A police officer who reasonably suspects that the safety of any person or the safe operation of any vehicle has been, or is about to be, put at serious and immediate risk through the use of a laser pointer contrary to subsection (2) may, without a warrant –
 - (a) enter and search any premises from which the relevant laser beam appears to have been, or be about to be, directed and search any person on those premises; or
 - (b) stop, detain and search any vehicle from which the relevant laser beam appears to have been, or be about to be, directed and any person in that vehicle.
- (6) For the purposes of subsection (4) or (5), a police officer –

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- (a) may use reasonable force and assistance and any available form of relevant detection technology; but
 - (b) must cause no more damage than is reasonably necessary to find a suspected laser pointer.
- (7) A police officer may seize, deactivate and detain any laser pointer found in the course of a search conducted pursuant to subsection (4) or (5).
- (8) For the purposes of this section, a lawful excuse includes the following:
- (a) the pursuit of a lawful occupation, duty or activity in which laser pointers have a generally recognised application;
 - (b) participation in a lawful sport, recreation or entertainment in which laser pointers have a generally recognised application;
 - (c) the use of laser pointers for the specific lawful purpose for which they were manufactured;
 - (d) the lawful display or exhibition of laser pointers;
 - (e) the use of laser pointers under and in accordance with a valid licence under the *Radiation Protection Act 2005*;
 - (f) any excuse prescribed by the regulations under this Act.

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- (9) If a person is convicted or found guilty of an offence under this section, the laser pointer to which the offence relates is forfeited to the Crown and may be disposed of as the Commissioner determines.
- (10) For the purposes of this section –
- (a) a person who is in a vehicle in a public place is taken to be in the public place; and
 - (b) in determining whether any article found in the course of a search is a laser pointer within the meaning of this section, a police officer is entitled to disregard whether, when found, the article is actively capable of emitting a laser beam.
- (11) In this section –
- laser pointer* means a device designed or adapted to emit a laser beam capable of being used for the purpose of aiming, targeting or pointing;
- vehicle* includes any kind of vessel or aircraft.

16. Street entertainment

- (1) A person, without a permit issued by the appropriate council, must not continue to provide street entertainment on any day within 100 metres of any premises after being requested on that day by the occupier of those premises or

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a police officer to cease providing that entertainment.

Penalty: Fine not exceeding 2 penalty units.

- (2) A police officer may require any person providing street entertainment to cease any conduct that may be a danger to public safety.
- (3) A person must comply with a requirement under subsection (2).

Penalty: Fine not exceeding 2 penalty units.

17. Chimneys on fire

- (1) A person, being the occupier of any building within any town, shall not fail to prevent any chimney in such building taking fire.
- (1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding one penalty unit.
- (2) It shall be a good defence to any complaint under this section to prove that such chimney has been swept within 3 months before the day on which such fire took place.

18. Discharge of distress signals

- (1) In this section –

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distress signal means a flare or electronic device that is normally used to signal distress.

- (2) A person must not, without reasonable excuse, discharge a distress signal.

Penalty: Fine not exceeding 30 penalty units.

- (3) A person is not guilty of an offence under subsection (2) if the distress signal was discharged –

- (a) for an emergency; or
- (b) with the approval of the Marine and Safety Authority (established under the *Marine and Safety Authority Act 1997*); or
- (c) with the approval of a police officer of or above the rank of inspector.

17A - 17B.

19. Poisoned substances

- (1) A person shall not place or cause to be placed in or upon any public place or in or upon the land of any other person any poisonous thing, that is to say, anything which has been mixed with or steeped in or impregnated with poison or any poisonous ingredient so as to be destructive to life.

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- (2) A person shall not without reasonable excuse have in his possession any such poisonous thing.
- (3) An occupier of any land shall not place or cause to be placed any such poisonous thing upon such land without posting in a conspicuous place thereon notice that such thing has been so placed.
- (3A) A person who contravenes subsection (1), (2), or (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units or to imprisonment for a term not exceeding 6 months.
- (4) The foregoing provisions of this section shall not apply to any occupier of any building or the owner of any rick or stack of grain or other cultivated vegetable produce placing or causing to be placed any such poisonous thing for the destruction of rats, mice, or other small vermin in such building or in the drains connected therewith (provided such drains are so protected with gratings or otherwise as to prevent any dog entering the same) or within such rick or stack nor to any person laying or causing to be laid poison in accordance with the provisions of any Act.

19AA. Dangerous junk

- (1) A person shall not place or cause to be placed in or upon any public place, dump, tip, or unfenced land, any refrigerator, ice chest, ice box, hot box, chest, trunk, wardrobe, cupboard, or other article having in it a compartment more than 40 litres in

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size with a door thereto capable of being fastened or of staying shut.

- (2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units or to imprisonment for a term not exceeding 6 months.

19A. Sports venues

- (1) A person must not enter the reserved area of a sports venue without lawful excuse.
- (1AA) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months.
- (1A) Subject to subsection (1B), a police officer may arrest without warrant any person who enters the reserved area of a sports venue—
- (a) where a sport is being played or a game is being conducted;
 - (b) where a sport is to be played or a game is to be conducted; or
 - (c) where a sport has been played or a game has been conducted.
- (1B) A police officer shall not exercise the power of arrest referred to in subsection (1A) unless he reasonably believes—

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- (a) that the sport being played, or the game being conducted, on the reserved area of the sports venue is, will be or has been interrupted or the use of that area by persons participating or having participated in the sport or game is or will be interfered with or affected; or
- (b) that the commencement of the sport to be played, or the game to be conducted, on that area will be delayed.

(2) In this section –

reserved area means so much of a sports venue as is set apart or reserved for the playing of a game or the conducting of a sport;

sports venue means a public place to which the public are admitted, whether on payment or otherwise, to view a game or sport played or conducted on the reserved area of that sports venue.

20. Misbehaviour at public meetings

- (1) A person in or near any hall, room, or building in which a public meeting is being held shall not –
 - (a) behave in a riotous, disorderly, indecent, offensive, threatening, or insulting manner; or
 - (b) use any threatening, abusive, or insulting words.

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- (1A) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 3 penalty units or to imprisonment for a term not exceeding 3 months.
- (2) Where in the opinion of the chairman presiding at any public meeting any person in or near the hall, room, or building in which such meeting is being held commits an offence against this section, such chairman may verbally direct any police officer who is present to remove such person from the said hall, room, or building, or the neighbourhood thereof; and such police officer shall remove such person accordingly.

Division III – Consorting

20A. Interpretation of Division III

In this Division –

consort means consort in person or by any other means, including by electronic or other forms of communication;

convicted offender means a person who has been convicted of a serious offence and who has attained the age of 18 years;

dependant, in relation to a defendant, means a family member of the defendant who is wholly or mainly dependent on the defendant;

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family member, in relation to a defendant,
means –

- (a) the spouse of the defendant; or
- (b) if the defendant is in a significant relationship with a person, within the meaning of the *Relationships Act 2003*, that person; or
- (c) a child of the defendant; or
- (d) a parent of the defendant; or
- (e) a sibling of the defendant, including a half-brother or half-sister of the defendant; or
- (f) if the defendant is an Aboriginal person within the meaning of the *Aboriginal Lands Act 1995*, a person who, under Aboriginal tradition, is regarded as a person who is, in relation to the defendant, a person referred to in paragraph (a), (b), (c), (d) or (e); or
- (g) a relative, or step-relative, of the defendant, who lives with the defendant;

health care worker means a State Service employee, or other person, who is employed or engaged to provide health advice or health care;

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official warning means a warning, authorised under section 20D(1) to be given, that has not been revoked under section 20D(6)(b) or section 20E(4)(b);

serious offence means –

- (a) an indictable offence, whether the offence is tried on indictment or summarily; and
- (b) an offence under the *Firearms Act 1996*; and
- (c) an offence under the *Misuse of Drugs Act 2001*; and
- (d) an offence under the *Sex Industry Offences Act 2005*; and
- (e) an offence under Part 8 of the *Classification (Publications, Films and Computer Games) Enforcement Act 1995*; and
- (f) an offence, under a law of the Commonwealth, another State, a Territory, or another country, that, if the offence had occurred in this State, would be an offence referred to in another paragraph of this definition.

20B. Object of Division III

The object of this Division is to prevent serious criminal activity by deterring convicted

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offenders from establishing, maintaining and expanding criminal networks.

20C. Consorting

- (1) A convicted offender must not habitually consort with another convicted offender within 5 years after having been given under section 20D(2) an official warning in relation to the other convicted offender.

Penalty: Fine not exceeding 150 penalty units or imprisonment for a term not exceeding 3 years, or both.

- (2) For the purposes of this section, a convicted offender does not habitually consort with another convicted offender unless the convicted offender consorts with the other convicted offender on at least 2 occasions within the 5-year period after having been given under section 20D(2) an official warning in relation to the other convicted offender.
- (3) It is a defence to a charge of consorting under subsection (1) if the defendant satisfies the court that the consorting was any of the following kinds of consorting and was reasonable in the circumstances:
- (a) consorting with a family member;
 - (b) consorting that occurred in the course of –

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- (i) genuinely conducting a lawful business; or
- (ii) being genuinely engaged in lawful employment –

during work hours that were reasonable operating hours for that type of business or employment;
- (c) consorting that occurred in the course of –
 - (i) attending premises genuinely for the purpose of receiving education or training that is recognised, or provided, under a law relating to training or education; or
 - (ii) attending premises with a dependant of the defendant who is receiving education or training that is recognised, or provided, under a law relating to training or education;
- (d) consorting that occurred in the course of the defendant attending –
 - (i) a hospital, health clinic or dental surgery or a medical practice operated by a medical practitioner; or

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(ii) a clinic, or offices, at or from which the services of a health care worker are provided; or

(iii) the professional suite of a person who is registered under the Health Practitioner Regulation National Law (Tasmania) and is providing services to which the person's registration relates –

for the purposes of the defendant receiving services, or enabling a dependant of the defendant to receive services, in relation to which a person may be registered under the Health Practitioner Regulation National Law (Tasmania) or employed or engaged as a health care worker;

(e) consorting that occurred in the course of the defendant attending the professional suite or office of a person who is registered or authorised under a law to work as a counsellor, psychotherapist or social worker, for the purposes of –

(i) receiving services from that person that are related to that registration or authorisation; or

(ii) accompanying a dependant of the defendant who is attending the suite or office for the purpose of the dependant receiving services from that person that are related

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to that registration or
authorisation;

- (f) consorting that occurred in the course of obtaining, or attempting to obtain, legal advice from an Australian legal practitioner;
- (g) consorting that occurred in lawful custody or in the course of complying with a court order, a parole order or a probation order.

20D. Official warnings

- (1) A commissioned police officer, if satisfied that it is desirable to do so in furtherance of the objects of this Division, may authorise a convicted offender to be given a notice in writing (an *official warning*) specifying that –
 - (a) another convicted offender, named in the notice, is a convicted offender; and
 - (b) it is an offence to consort with the convicted offender within 5 years after having been given an official warning in relation to the offender; and
 - (c) the person may, within 28 days of receiving the notice, request under section 20D(3) of this Act, a review of the decision to authorise the official warning to be given to the person.

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- (2) A police officer may, in person, give an official warning to a person to whom the official warning was authorised under subsection (1) to be given.
- (3) A person to whom an official warning has been given under subsection (2) may, within 28 days, by notice to the Commissioner, request a review of the decision to authorise the official warning to be given to the person.
- (4) The Commissioner must, as soon as practicable after receiving from a person a notice under subsection (3) in relation to an official warning, require a police officer, who is of a higher rank than the commissioned police officer who authorised the official warning to be given, to review the decision to authorise the official warning to be given.
- (5) A police officer who is, under subsection (4), required by the Commissioner to review a decision to authorise an official warning to be given must, as soon as practicable, review the decision.
- (6) A police officer must, as soon as practicable after carrying out, in accordance with subsection (5), a review of a decision to authorise an official warning to be given to a person, give to the person –
 - (a) a notice in writing –
 - (i) specifying that the police officer has conducted a review of the decision to authorise the giving of

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an official warning to the person;
and

(ii) specifying that the police officer is of the opinion that the decision to authorise the giving of the official warning was appropriate;
and

(iii) advising the person that the person may, within 28 days of receiving the notice, apply to a magistrate under section 20E(1) for a review of the decision to authorise the giving of the official warning; or

(b) a notice in writing –

(i) specifying that the police officer has conducted a review of the decision to authorise the giving of an official warning to the person;
and

(ii) revoking the official warning.

20E. Review of decision to authorise giving of official warning

(1) A person who has been given a notice under section 20D(6)(a) in relation to an official warning given to the person under section 20D(2) may make an application to the Magistrates Court (Administrative Appeals Division) under the *Magistrates Court*

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(Administrative Appeals Division) Act 2001 for a review of the decision under section 20D(1) to authorise the giving of the official warning to the person.

- (2) The following provisions of the *Magistrates Court (Administrative Appeals Division) Act 2001* do not apply in relation to an application referred to in subsection (1):
 - (a) Division 1 of Part 4;
 - (b) section 21;
 - (c) Subdivision 3 of Division 2 of Part 4.
- (3) For the purposes of section 17 of the *Magistrates Court (Administrative Appeals Division) Act 2001*, the prescribed period, in relation to a decision under section 20D(1) to authorise the giving of an official warning to a person, is 28 days after the day on which a notice was given to the person under section 20D(6)(a) in relation to the official warning.
- (4) The Magistrates Court (Administrative Appeals Division) is to determine an application made under subsection (1) in relation to a decision under section 20D(1) to authorise the giving of an official warning –
 - (a) by confirming the decision to authorise the giving of the official warning; or
 - (b) by revoking the official warning.

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- (5) In dealing with an application for a review under subsection (1), the Magistrates Court (Administrative Appeals Division) –
- (a) is to ensure that it does not, in the reasons for its decision or otherwise, disclose the existence or content of any information that –
 - (i) is information, the disclosure of which may prejudice the operations of the police service or the safety of any person; or
 - (ii) has been withdrawn under subsection (8)(b); and
 - (b) in order to prevent the disclosure of information to which paragraph (a) applies, is to receive evidence, and hear argument, in relation to whether the information is such information, in the absence of the public, the applicant for the review and the applicant's representative; and
 - (c) if the information may prejudice the operations of the police service or the safety of any person, is to receive such evidence, and hear argument, in relation to the information, in the absence of the public, the applicant for the review and the applicant's representative; and
 - (d) if information has been withdrawn under subsection (8)(b) –

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- (i) is not to take the information into account in determining the application for the review; and
 - (ii) is not to disclose the information to the public, the applicant for the review or the applicant's representative.
- (6) The Commissioner, or a commissioned police officer, may provide to the Magistrates Court (Administrative Appeals Division) a statement identifying, in relation to an application for review under subsection (1), the information, the disclosure of which, in his or her opinion, may prejudice the operations of the police service or the safety of any person.
- (7) The Magistrates Court (Administrative Appeals Division) is, in determining for the purposes of subsection (5) whether information is not to be disclosed, to have regard to whether the information has been identified in a statement provided to the Court under subsection (6).
- (8) If information has been identified in a statement provided to the Magistrates Court (Administrative Appeals Division) under subsection (6) –
 - (a) the Court must, before disclosing the information, give the Commissioner, or a commissioned police officer, the opportunity to have the information withdrawn; and

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- (b) the Commissioner, or a commissioned police officer, may notify the Court that the information is withdrawn.

20F. Review of Division

- (1) The Ombudsman is to review the operation of this Division, and complete the review, within 4 years after the commencement of this Division.
- (2) The Minister is to cause a report on the outcome of the review to be tabled in each House of Parliament within 10 sitting-days of that House after the review is completed.

20AA - 20N.

Division IIIA – Prohibited behaviour

21. Prohibited behaviour

A person must not, wilfully and without reasonable excuse, do any act or behave in a manner that a reasonable person is likely to find indecent or offensive in all the circumstances, if that person knew or should have known that his or her conduct was being, or may have been, viewed by another person.

Penalty: Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 12 months, or both.

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21A. Unlawfully administering drug, &c.

- (1) Any person who, without lawful and reasonable excuse, administers or causes another person to take, without that person's consent, any drug, liquor or other thing which is likely to impair the consciousness or bodily function of the other person is guilty of an offence.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 2 years, or both.

- (2) If a police officer has reasonable grounds to believe that a person is contravening or has contravened subsection (1), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
- (a) detain and search that person; and
 - (b) seize any drug, liquor or other thing found on the person that the police officer believes is likely to impair the consciousness or bodily function of another person.
- (3) The court may, if it considers any drug, liquor or other thing that was seized under subsection (2)(b) may have been used during the commission of an offence against subsection (1), order that the drug, liquor or other thing be forfeited to the Crown.

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- (4) The court may make an order under subsection (3) whether or not the person is convicted of an offence against subsection (1).
- (5) On conviction of a person of an offence against subsection (1), any drug, liquor or other thing seized under subsection (2)(b) is forfeited to the Crown.

22 - 24B.

Division IV – Consumption of liquor

25. Consumption of liquor in streets, &c.

- (1)
- (2) A person must not consume liquor in a public street or in any public place that is prescribed by the regulations for the purposes of this section.

Penalty: Fine not exceeding 2 penalty units or, in the case of a second or subsequent offence, a fine not exceeding 5 penalty units.

- (3) A person must not, without reasonable excuse (proof of which lies on the person), have in his or her possession an opened or unsealed container of liquor in a public street or in any public place that is prescribed by the regulations for the purposes of this section.

Penalty: Fine not exceeding 2 penalty units or, in the case of a second or subsequent

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offence, a fine not exceeding 5 penalty units.

- (4) This section does not apply to a person who is –
- (a) on licensed premises, within the meaning of the *Liquor Licensing Act 1990*, or on premises at which food is sold for consumption on those premises; or
 - (b) within 50 metres of any such premises and is using furniture or other facilities lawfully provided by the proprietor or lessee of those premises for that purpose; or
 - (c) in a place where the possession and consumption of liquor is permitted under a permit or licence in force under the *Liquor Licensing Act 1990*.
- (5) A person who is in a stationary motor vehicle in a public street or in a prescribed public place is taken to be in the public street or in the prescribed public place.
- (6) Regulations made for the purpose of this section may provide that a public place specified in the regulations is to be taken to be a public place to which this section applies only during specified periods and at specified times within those periods and, where the regulations so provide, this section applies in relation to that public place accordingly.

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Division V – Sale or supply of liquor to youths

26. Sale or supply of liquor to youths

- (1) A person must not supply liquor to a youth at a private place unless the person is a responsible adult for the youth.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months.

- (2) A responsible adult for a youth must not supply liquor to the youth at a private place unless the supply is consistent with the responsible supervision of the youth.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months.

- (3) For the purposes of subsection (2), the following factors are relevant in considering whether the supply is consistent with the responsible supervision of the youth:

- (a) whether the responsible adult is directly supervising the youth's consumption of the liquor;
- (b) whether the responsible adult is intoxicated;
- (c) whether the responsible adult provides food for the youth to consume with the liquor;

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- (d) whether the youth is intoxicated;
 - (e) the age of the youth;
 - (f) the quantity and type of liquor supplied and the period over which it is supplied.
- (4) For the purposes of this section, each of the following persons is a responsible adult for a youth:
- (a) a parent, step-parent or guardian of the youth;
 - (b) an adult who has parental rights and responsibilities for the youth;
 - (c) an adult authorised to supply liquor to the youth by a parent, step-parent or guardian of the youth or by an adult referred to in paragraph (b).

27 - 32.

Division VI –

33 - 34A.

Division VII – Offences against public authority

34B. Resistance to, and obstruction of, public officers prohibited

- (1) A person shall not –

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- (a) assault, resist, or wilfully obstruct –
 - (i) a police officer in the execution of his duty;
 - (ii) a person lawfully assisting a police officer in the execution of his duty; or
 - (iii) a person lawfully arresting another person;
 - (b) threaten, intimidate, or use abusive language to any such police officer whilst in the performance or execution of his duty or a person assisting a police officer therein; or
 - (c) instigate or incite a person to do any of the things mentioned in the foregoing provisions of this subsection.
- (1A) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 100 penalty units or to imprisonment for a term not exceeding 3 years.
- (2) A person shall not –
- (a) assault, resist, intimidate, or wilfully obstruct a public officer or an emergency service worker in the execution of his duty, or lawfully performing a duty imposed on him by an Act, or in the exercise of a public duty or authority;

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- (b) threaten or use abusive language to any such person so acting; or
 - (c) instigate or incite a person to do any of the things mentioned in the foregoing provisions of this subsection.
- (2A) A person who contravenes a provision of subsection (2) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 50 penalty units or to imprisonment for a term not exceeding 2 years.
- (3) A police officer may arrest without warrant any person committing an offence against subsection (1) or (2)(a).
- (4) In this section –
- emergency service worker*** means –
- (a) a person employed or appointed under the *Fire Service Act 1979*; or
 - (b) a person employed or appointed under the *Ambulance Service Act 1982*; or
 - (c) an emergency management worker referred to in paragraph (a), (b), (c) or (d) of the definition of *emergency management worker* in section 3 of the *Emergency Management Act 2006*; or

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(d) an emergency management worker referred to in paragraph (e) of the definition of *emergency management worker* in section 3 of the *Emergency Management Act 2006* in relation to –

(i) an authorised use of emergency powers under section 40 of the *Emergency Management Act 2006*; or

(ii) a declared state of emergency under section 42 of the *Emergency Management Act 2006*;

public officer includes any person acting in good faith in the execution, or intended execution, of an Act or a public duty or authority.

PART III – INJURIES TO THE PERSON

35. Common assault and aggravated assault

- (1) A person shall not unlawfully assault another person.
- (1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 20 penalty units or to imprisonment for a term not exceeding 12 months.
- (1B) If an offence against this section is committed in circumstances of aggravation, the offender is liable to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 2 years.
- (2) Where any person is charged with having unlawfully assaulted any other person, the court, if it considers the assault is of an aggravated nature, may sentence the offender to pay a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 2 years.
- (3) A person who with indecent intent assaults any other person is liable to a fine not exceeding 50 penalty units or to imprisonment for a term not exceeding 2 years.
- (4) If on a complaint under subsection (3) the court finds the assault proved but not the intent, it may amend the complaint to one under subsection (1) for the same assault and convict accordingly.

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(5) A complaint made for the purposes of the *Justices Act 1959* in relation to an offence against this section is to be made within 12 months after the date of the offence.

(6) In this section –

circumstances of aggravation, in relation to an offence against this section, means the offender committed the offence knowing that the victim of the offence was, at the time of the offence, pregnant.

35A. Tattooing, body piercing and body modification

(1) In this section –

body branding means the process by which a mark, symbol or pattern is, by burning or cauterising, applied to a person's skin;

body implantation means the implanting of an object beneath the skin;

body modification procedure means –

- (a) tattooing; and
- (b) body branding; and
- (c) body implantation; and
- (d) earlobe stretching; and
- (e) tongue splitting; and
- (f) body scarification; and

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(g) any other procedure prescribed for the purposes of this paragraph;

body piercing means the piercing of part of a person's body to create one or more holes for the insertion of an object;

body scarification means the cutting of a person's skin to encourage the production of scar tissue;

genitalia includes surgically constructed genitalia;

guardian, of a youth, means a parent or legal guardian of the youth;

intimate body piercing means the piercing of a person's genitalia, anal region, perineum, nipples or uvula;

youth means a person who is less than 18 years of age.

- (2) This section does not apply to a body piercing or body modification procedure performed on a person if the procedure is performed –
- (a) in the course of medical treatment; or
 - (b) for a medical or therapeutic purpose of a kind prescribed by the regulations.
- (3) A person must not perform a body modification procedure on a youth.

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Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months.

- (4) A person must not perform –
- (a) an intimate body piercing on a youth; or
 - (b) any other body piercing on a youth without the youth's guardian being present at the time of the body piercing being carried out.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months.

- (5) Subsection (4)(b) does not apply if the youth on whom the body piercing is to be performed is at least 16 years old.
- (6) It is a defence to a charge of an offence against subsection (3) or (4)(a) to prove that –
- (a) the defendant, or some person acting on behalf of the defendant, required the youth to produce evidence in writing of his or her age; and
 - (b) the youth made a false statement, or produced false evidence, in response to that requirement; and
 - (c) in consequence, the defendant reasonably believed that the youth was of or above the requisite age.

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- (7) It is a defence to a charge of an offence against subsection (4)(b) to prove that –
- (a) the defendant, or some person acting on behalf of the defendant, required the youth, or another person, to produce evidence in writing of his or her age; or
 - (b) the youth, or another person, made a false statement, or produced false evidence, in response to that requirement; and
 - (c) in consequence, the defendant reasonably believed that the youth was of or above the requisite age.
- (8) A person who seeks to rely on the defence in subsection (6) or (7) must, in order to rely on the defence, produce the identifying details, or a copy, of the evidence offered at the time of the alleged offence.

36. Injury by driving, &c.

- (1) A person in charge of any animal or vehicle shall not, by wanton or furious riding or driving or racing or other wilful misconduct or wilful neglect, cause any bodily harm to any other person.
- (1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding 2 years.

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- (2) If, upon any person being charged with an offence under this section –
- (a) such person, on his appearance to answer such charge, and not afterwards, elects to be tried on such charge by a jury; or
 - (b) the court before which such person is charged considers that the offence is of so serious a nature that it should be tried on indictment –

the offence shall be deemed to be a crime and shall be punishable on indictment under the *Criminal Code* accordingly, and the court shall proceed therein as provided by Part VII of the *Justices Act 1959*.

- (3) In every such case as aforesaid, one of the justices shall inform the person so charged, upon his appearing to answer the charge, of his right to be tried by jury if he so desires.

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PART IV – INJURIES TO PROPERTY

37. Offences relating to property

- (1) A person shall not unlawfully destroy or injure any property.
- (2) A person shall not unlawfully and maliciously kill, maim, or wound any animal the property of any other person.
- (2A) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units or to imprisonment for a term not exceeding 12 months.
- (3) A person shall not unlawfully remove, displace, deface, obliterate, or conceal any –
 - (a) boundary mark;
 - (b) beacon;
 - (c) survey mark;
 - (d) mark used in setting out any work;
 - (e) milestone or kilometre post;
 - (f) sign post; or
 - (g) notice –
set up or posted by or on behalf of a public authority.

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- (3A) A person who contravenes a provision of subsection (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 2 penalty units.
- (4)
- (4A) A person must not unlawfully damage or interfere with any work of a council or any material used or provided for that work.
- (5) A person who contravenes subsection (4A) is guilty of an offence and is liable on summary conviction to a penalty not exceeding one penalty unit.
- (6) A complaint made for the purposes of the *Justices Act 1959* in relation to an offence against subsection (2A) in relation to subsection (1) is to be made within 12 months after the date of the offence.

37AAA. Interference with war memorials

- (1) A person must not interfere with a war memorial or a war memorial area.

Penalty: Fine not exceeding 25 penalty units or imprisonment for a term not exceeding 12 months.

- (2) In this section –

interfere, with a war memorial, includes –

- (a) destroy, damage, move or mark it; and

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- (b) otherwise deal with it in a way that is likely to cause offence to a reasonable person;

war memorial has the same meaning as in the *Criminal Code*;

war memorial area has the same meaning as in the *Criminal Code*.

- (3) A complaint made for the purposes of the *Justices Act 1959* in relation to an offence against subsection (1) is to be made within 12 months after the date of the offence.

37AA. Unlawfully setting fire to property

- (1) A person who unlawfully sets fire to any property, and the fire causes damage to any property not exceeding \$5 000 in value, is guilty of an offence and is liable on summary conviction to a fine not exceeding 100 penalty units or imprisonment for a term not exceeding 2 years, or both.
- (2) In subsection (1) –
- property* includes all property and vegetation to which Chapter XXXI of Part VI of the *Criminal Code* applies.
- (3) A complaint made for the purposes of the *Justices Act 1959* in relation to an offence against subsection (1) is to be made within 12 months after the date of the offence.

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Part IVA – Offences Involving Vehicles

PART IVA – OFFENCES INVOLVING VEHICLES

Division 1 – Motor vehicle stealing, &c.

37A. Interpretation

In this Part, unless the contrary intention appears

–

Australian driver licence has the same meaning as in the *Vehicle and Traffic Act 1999*;

authorized officer has the same meaning as it has in the *Traffic Act 1925*;

court of summary jurisdiction means a court held by a magistrate sitting alone in petty session;

driver licence has the same meaning as in the *Vehicle and Traffic Act 1999*;

juvenile means a person who has not attained the age of 17 years;

owner, when used in reference to a motor vehicle or trailer, means –

- (a) a person registered in the record of motor vehicles and trailers kept in accordance with section 41 of the *Vehicle and Traffic Act 1999* as the owner of the motor vehicle or trailer; or

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- (b) a person who is a joint owner or part owner of the motor vehicle or trailer –

and includes –

- (c) any other person who has the use of the motor vehicle or trailer under a lease or hire-purchase agreement; and
- (d) a person to whom the motor vehicle or trailer has been sold or otherwise disposed of by a previous registered owner who has complied with the relevant provisions of the *Vehicle and Traffic Act 1999*; and
- (e) a person who a police officer reasonably believes is the owner of the motor vehicle or trailer;

registered operator has the same meaning as in the *Vehicle and Traffic Act 1999*.

37B. Motor vehicle stealing

- (1) Subject to subsection (2), a person who drives or uses a motor vehicle without the consent of the owner or registered operator of the vehicle or of some person who is lawfully in charge of the vehicle and has authority to give that consent is guilty of the offence of motor vehicle stealing.

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- (2) Subsection (1) does not apply to or in relation to the driving or use of a motor vehicle by a police officer or an authorized officer acting in the execution of his duty.
- (3) A complaint made for the purposes of the *Justices Act 1959* in relation to an offence under this section is to be made within 12 months after the date of the offence.
- (4) If the court before which a person is charged with an offence under this section considers that the offence is so serious that it should be tried on indictment –
 - (a) the offence is taken to be a crime under the *Criminal Code*; and
 - (b) the court is to proceed under Part VII of the *Justices Act 1959*.

37C. Procuring the hire or use of a motor vehicle by fraud, &c.

A person shall not procure the hire or use of a motor vehicle by means of fraud or misrepresentation.

37D. Summary prosecution of offenders

Notwithstanding any other law or rule of law in force or having effect in the State –

- (a) proceedings for an offence under section 37B or section 37C may be taken summarily and a person who is convicted

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in any such proceedings may be dealt with in accordance with the provisions of this Part; and

- (b) a court of summary jurisdiction has jurisdiction to hear and determine any such proceedings and impose such penalties as are prescribed in this Part.

37E. Penalty

A person who is convicted of an offence under section 37B or section 37C is liable to a penalty not exceeding 50 penalty units or to imprisonment for a term not exceeding 3 years.

37F. Disqualification from driving

- (1) Subject to subsection (4), where a person (not being a juvenile) is convicted of an offence under section 37B or section 37C, the court by which he is convicted may, in addition to any other penalty it imposes on him, order him to be disqualified from driving for such period as the court may determine.
- (2) Subject to subsection (3), where a juvenile is convicted of an offence under section 37B or section 37C, the court by which he is convicted shall, in addition to any other penalty it imposes on him, order him to be disqualified from driving for such period as the court may determine.

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- (3) The period determined by a court under subsection (2) must be a period that begins after the juvenile attains the age at which he or she would, but for the disqualification, become eligible to hold a driver licence under the *Vehicle and Traffic Act 1999*.
- (4) Where a person (whether a juvenile or not) is convicted of an offence under section 37B or section 37C and a compensation order is made against the person under section 98 of the *Youth Justice Act 1997* or section 68 of the *Sentencing Act 1997*, the court by which he is convicted shall disqualify that person from driving until that person has paid in full the sum specified in that order.
- (5) When a court imposes a disqualification from driving under this section, it must suspend or cancel any Australian driver licence held by the person against whom the disqualification is imposed as required by section 17 of the *Vehicle and Traffic Act 1999*.
- (6) A court may, on the application of a person who is disqualified from driving under subsection (2) for a period beginning before he or she has obtained a driver's licence, revoke the disqualification.
- (7) The court may, under subsection (6), only revoke a disqualification if it is of the opinion that there is sufficient evidence of the rehabilitation of the applicant.

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- (8) Without limiting subsection (7), a court may consider that there is sufficient evidence of the rehabilitation of the applicant if the applicant has not committed an offence during the period of the disqualification.

37G. Requirement of owner or registered operator to provide details

- (1) Where a person is alleged to have committed an offence against any State or Commonwealth legislation as the driver or an occupant of a motor vehicle, the owner or registered operator of the motor vehicle, on demand by a police officer, must give to the officer all such information as the officer requires as to the identity and whereabouts of the driver or any occupant of the vehicle at any time relevant to the charge.

Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

- (2) A demand for information may be made orally or by a notice of demand served in accordance with section 37GA.
- (3) If a demand is made orally, a police officer is to serve a notice of demand in accordance with section 37GA as soon as practicable after making the demand.
- (4) It is a defence in proceedings for an offence under subsection (1), if the owner or registered operator establishes that he or she has taken all

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reasonable steps to ascertain the information required under that subsection but has been unable to ascertain the information.

37GA. Notice of demand

- (1) A police officer may serve a notice of demand on the owner or registered operator of a motor vehicle if the police officer is satisfied that the driver or an occupant of that motor vehicle has committed an offence.
- (2) A notice of demand is to –
 - (a) indicate the offence to which it relates; and
 - (b) specify the registration number of the motor vehicle that was involved in the offence; and
 - (c) specify that the owner or registered operator is to provide to a police officer, within 7 days after the owner or registered operator is served with the notice, a statutory declaration stating –
 - (i) the name, address and, if known, the date of birth and driver licence number of the driver or occupant of the motor vehicle at the time the offence was committed; or
 - (ii) if the owner or registered operator does not know the

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details referred to in
subparagraph (i) –

- (A) any information that may lead to the identification of the driver or occupant of the motor vehicle; or
 - (B) the reasonable steps that the owner or registered operator has taken to obtain such information.
- (3) An owner or registered operator must comply with the notice of demand.

Penalty: Fine not exceeding 50 penalty units.

37GB. Statutory declaration naming driver or occupant of vehicle

A statutory declaration provided under section 37GA(2)(c) and naming the driver or an occupant of the motor vehicle at the time of the offence is *prima facie* evidence that the person so named was the driver or an occupant of the motor vehicle at that time.

37H. Application of section 18 of the *Vehicle and Traffic Act 1999*

Section 18 of the *Vehicle and Traffic Act 1999* applies to the conviction of a person for an offence under section 37B or section 37C as it would apply if that offence were an offence under that Act.

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37I. Tampering with vehicles

- (1) A person must not unlawfully tamper or interfere with a motor vehicle or trailer.

Penalty: Fine not exceeding 20 penalty units.

- (2) If a police officer has reasonable grounds to believe that a person is contravening or has contravened subsection (1), the police officer may, without warrant and using such force, means and assistance as is reasonably necessary –
- (a) detain and search that person; and
 - (b) seize any tools, equipment or materials found on that person that the police officer believes may have been used in the commission of the offence.
- (3) On conviction of a person of an offence against subsection (1), any tools, equipment or materials seized under subsection (2)(b) are forfeited to the Crown.

37J. Excessive noise, smoke, &c., from vehicles

- (1) A person must not, unless otherwise authorised under this or any other Act, operate or control a vehicle in a public place –
- (a) in a manner that makes or emits unnecessary and unreasonable noise; or

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(b) in an unnecessary execution of speed, acceleration or sustained loss of traction; or

(c) in a race against another vehicle.

Penalty: Fine not exceeding 20 penalty units or imprisonment for a term not exceeding 3 months, or both.

(2) A court that convicts a person of an offence under subsection (1) may, in addition to the penalty specified in that subsection, disqualify the person from driving for a period not exceeding 2 years.

(3) When a court imposes a disqualification from driving under this section, it must suspend or cancel any Australian driver licence held by the person on whom the disqualification is imposed as required by section 17 of the *Vehicle and Traffic Act 1999*.

37JA. Use of spotlights on vehicles on public streets

(1) A person must not, while a vehicle is on a public street, use or allow another person to use a lit spotlight that is affixed to or being carried on the vehicle unless –

(a) the vehicle is stationary and the spotlight is being used solely for the purposes of inspecting or repairing a vehicle or its engine, if any; or

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- (b) the spotlight is being used solely to illuminate street signs or street numbers in order to locate an address; or
- (c) the spotlight is being used solely for the purposes of legitimate infrastructure work.

Penalty: Fine not exceeding 20 penalty units.

- (2) For the purposes of subsection (1), a spotlight is to be taken as being carried on a vehicle if the spotlight is connected up, by any means, to a battery, generator or other source of power being carried on –
 - (a) the vehicle; or
 - (b) another vehicle to which the first-mentioned vehicle is connected.
- (3) To avoid doubt, this section does not apply to the use of lit spotlights by any of the following persons acting in the course of their duty:
 - (a) members of the Police Service;
 - (b) officers of the Ambulance Service under the *Ambulance Service Act 1982*;
 - (c) members of the Tasmania Fire Service established under the *Fire Service Act 1979*;
 - (d) members of the State Emergency Service within the meaning of the *Emergency Management Act 2006*;

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(e) prescribed persons.

(4) In this section –

legitimate infrastructure work means the inspection, maintenance and repair of traffic-related, electricity, gas, water or other infrastructure by or on behalf of the entity responsible for the maintenance and safety of that infrastructure;

on, a vehicle, includes inside a vehicle;

repairing, a vehicle, includes changing a tyre on the vehicle;

spotlight includes searchlight.

Division 2 – Confiscation and clamping of vehicles for certain offences

Subdivision 1 – Preliminary

37K. Interpretation of Division

(1) In this Division, unless the contrary intention appears –

authorised period, of clamping or confiscation, means the period for which a vehicle may lawfully be clamped or confiscated under this Division;

clamp, a vehicle, means immobilise the vehicle by means of a clamping device (and “**clamped**” has a corresponding meaning);

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clamped vehicle means a vehicle clamped under section 37N;

clamping device means –

- (a) a wheel clamp, steering wheel clamp or other mechanical device for rendering a vehicle immobile; or
- (b) an electronic device for rendering a vehicle immobile;

confiscated vehicle means a vehicle and its keys confiscated under section 37N(1);

Court means the Magistrates Court;

forfeiture order means an order, under section 37Y, for the forfeiture of a vehicle and its keys to the Crown;

key, to a clamping device, includes, in the case of an electronic clamping device, an electronic key;

notice, of clamping or confiscation, means notice under section 37T;

offending driver – see section 37T(1)(a);

prescribed offence means an offence –

- (a) against section 14B involving the use of a vehicle, vessel or aircraft; or

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- (b) against section 15B involving the use of a vehicle; or
 - (c) against section 37J; or
 - (d) against section 48; or
 - (da) against section 167A, 167B or 172A of the *Criminal Code*; or
 - (e) against section 32 of the *Traffic Act 1925*; or
 - (f) against section 11A of the *Police Powers (Vehicle Interception) Act 2000*; or
 - (fa) against section 18B of the *Road Safety (Alcohol and Drugs) Act 1970*; or
 - (g) that is prescribed by the regulations for the purposes of this Division.
- (2) In the application of this Division to the offence referred to in paragraph (a) of the definition of *prescribed offence* in subsection (1) –

vehicle includes vessel and aircraft.

37L. Application of Division

- (1) This Division applies where a police officer reasonably believes a person is committing, or has committed, a prescribed offence.

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- (2) A reference in this Division to a prescribed offence is a reference to a prescribed offence committed after the commencement of this Division.
- (3) Nothing in this Division, except for section 37Y(3), affects the rights of a creditor under the *National Credit Code* as set out in Schedule 1 to the *National Consumer Credit Protection Act 2009* of the Commonwealth.

37M. Punishment under Division additional to other punishment

The confiscation or forfeiture of a vehicle or the imposition of a period of community service on a person under this Division arising out of the commission of a prescribed offence is in addition to any other penalty that may be imposed on the person for the prescribed offence.

37MA. Special compulsory penalty for prescribed offences

- (1) A court that convicts a person of a prescribed offence involving a vehicle must, if the vehicle was clamped or confiscated under this Division in connection with the prescribed offence, order the person to pay a special compulsory penalty.
- (2) The special compulsory penalty does not displace the penalty specifically prescribed elsewhere for the prescribed offence.

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- (3) The order to pay a special compulsory penalty is to be in addition to any other sentencing order the court may make in respect of the person for the prescribed offence, and the court must not take the person's liability to pay the special compulsory penalty into account in determining that other sentencing order.
- (4) This section has effect notwithstanding anything to the contrary in the *Sentencing Act 1997*.
- (5) In this section –

special compulsory penalty means a fine of exactly such amount as the regulations prescribe for the purposes of this section.

Subdivision 2 – Clamping and confiscation of vehicles

37N. Clamping and confiscation of vehicles

- (1) A police officer who finds a person committing a prescribed offence involving a vehicle may –
 - (a) clamp the vehicle; or
 - (b) confiscate the vehicle and its keys and have it moved to a holding yard and held in accordance with this Division.
- (2) Where a police officer finds a person committing a prescribed offence involving a vehicle and does not clamp or confiscate the vehicle and its keys at the time (“time of offence”), the vehicle may be clamped or confiscated and its keys confiscated by a police officer at any time during

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the 90-day period immediately following the time of offence.

- (3) For the purpose of clamping or confiscating a vehicle, a police officer may –
 - (a) direct the person in control of the vehicle to stop the vehicle and keep it stationary for as long as the officer reasonably requires; and
 - (b) direct the person in control of the vehicle, or in possession of the keys or any other thing necessary to enable the vehicle to be moved, to give the keys or other thing to the police officer; and
 - (c) enter the vehicle, with the use of reasonable force if necessary; and
 - (d) give any other direction or take any other action reasonably necessary for clamping or confiscating the vehicle and its keys.
- (3A) Without limiting subsection (3)(d) in its application to clamping, a police officer may, under that subsection, direct the person in control of the vehicle to ensure that the vehicle is available at a specified time and place so that it can be clamped at that time and place as provided by subsection (2).
- (4) A police officer is to move a confiscated vehicle, or arrange for it to be moved, to a holding yard in any way that the police officer considers appropriate.

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- (5) A person who contravenes or fails to comply with a direction given under subsection (3) is guilty of an offence and is liable on summary conviction to a fine not exceeding 40 penalty units.
- (6) A police officer may, without warrant and using such reasonable force, means and assistance as is necessary, enter any place where the police officer reasonably suspects that a vehicle used in the commission of a prescribed offence may be located and –
 - (a) clamp the vehicle; or
 - (b) confiscate the vehicle and its keys and have it moved to a holding yard and held in accordance with this Division.
- (7) A police officer may only exercise the authority conferred by subsection (6) within 90 days after the commission of the prescribed offence.
- (8) The owner, registered operator or person having charge of a vehicle that has been found by a police officer to have been used in the commission of a prescribed offence must, on the demand of any police officer, take that vehicle and its keys to a place specified by the police officer.
- (9) Where a vehicle has been taken to a place specified by a police officer, it is to be held in accordance with this Division.
- (10) Where a vehicle has been taken to a place specified by a police officer that is not a holding

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yard, it may be taken to a holding yard and held in accordance with this Division.

- (11) Where any person is alleged to have committed a prescribed offence as the driver of any vehicle –
- (a) the owner or registered operator of the vehicle, on demand by any police officer, must give to the police officer all such information as the police officer may require as to the identity and whereabouts of the driver of the vehicle at any time relevant to the charge; and
 - (b) if any information so required is not known to the owner or registered operator, he or she must as soon as possible with all reasonable diligence (proof of which lies on that person) take steps to obtain the information, and must report to the police officer within 7 days, or sooner if practicable, the result of the steps so taken; and
 - (c) upon demand being made to any person by a police officer for any information within the person's knowledge as to the identity of the driver of the vehicle, or as to any fact which may lead to the identification of the driver, the person must give the information to the police officer.
- (12) If any person fails to comply with subsection (8) or any of the requirements of subsection (11) he or she is guilty of an offence.

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Penalty: Fine not exceeding 100 penalty units or imprisonment for a term not exceeding 12 months, or both.

37O. Period of clamping or confiscation for first prescribed offence

- (1) This section applies if –
 - (a) a police officer finds a person offending in respect of a prescribed offence; and
 - (b) the person has not previously been proceeded against by way of a complaint, or indictment, in respect of a prescribed offence.
- (2) The vehicle used in connection with the prescribed offence may be clamped or confiscated for a period of –
 - (a) 7 days if the prescribed offence is an offence against section 14B or 15B; or
 - (ab) 6 months if the prescribed offence is an offence against section 11A(2A) of the *Police Powers (Vehicle Interception) Act 2000*; or
 - (b) 28 days in the case of any other prescribed offence.

37P. Period of clamping or confiscation for second prescribed offence

- (1) This section applies if –

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- (a) a police officer finds a person offending in respect of a prescribed offence (referred to in this section as “the new prescribed offence”); and
 - (b) the person has previously been proceeded against by way of a complaint, or indictment, in respect of a prescribed offence on one occasion.
- (2) Subject to subsection (3), the vehicle used in connection with the new prescribed offence may be clamped or confiscated for a period of 3 months unless otherwise extended under section 37T(3)(b).
- (3) If –
- (a) the new prescribed offence is an offence under section 11A(2A) of the *Police Powers (Vehicle Interception) Act 2000*; and
 - (b) the prescribed offence that the person has previously been proceeded against was also under that subsection –

the vehicle used in connection with the new prescribed offence is to be clamped or confiscated for a period of 12 months unless otherwise extended under section 37T(3)(b).

37Q. Period of clamping or confiscation for third or subsequent prescribed offence

- (1) This section applies if –

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- (a) a police officer finds a person offending in respect of a prescribed offence (referred to in this section as “the new prescribed offence”); and
 - (b) the person has previously been proceeded against by way of a complaint, or indictment, in respect of a prescribed offence on 2 or more occasions.
- (2) Subject to subsection (3), the vehicle used in connection with the new prescribed offence may be clamped or confiscated until –
- (a) the resolution of all existing charges against the person for those prescribed offences; and
 - (b) the determination of any forfeiture order made to the Court under section 37Y.
- (3) If the new prescribed offence is an offence under section 11A of the *Police Powers (Vehicle Interception) Act 2000* –
- (a) the vehicle used in connection with the new prescribed offence is to be clamped or confiscated until the resolution of all existing charges against the person for the new prescribed offence; and
 - (b) if the person –
 - (i) is found guilty of the new prescribed offence; and

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- (ii) has previously been proceeded against by way of complaint under the *Justices Act 1959* in respect of 2 or more offences under section 11A of the *Police Powers (Vehicle Interception) Act 2000* –

the vehicle used in connection with the new prescribed offence is forfeited to the Crown and the Commissioner may sell or dispose of the vehicle, and anything in or on it, in a way the Commissioner considers appropriate.

- (4) Subdivisions 3 and 5 do not apply in respect of a vehicle forfeited to the Crown by virtue of subsection (3)(b).

37QA. Period of clamping or confiscation for evasion vehicle

- (1) This section applies if a police officer reasonably believes that a vehicle has been used in respect of section 11A of the *Police Powers (Vehicle Interception) Act 2000* (referred to in this section as *the evasion offence*).
- (2) The vehicle used in connection with the evasion offence may be clamped or confiscated until the first of the following occurs:
 - (a) the driver of the vehicle at the time of the evasion offence is identified;

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- (b) an application made under section 37QB in respect of the vehicle has been determined;
 - (c) a period of 9 months has elapsed since the vehicle was clamped or confiscated under this section and an application has not been made under section 37QB in respect of the vehicle.
- (3) If the driver of the vehicle at the time of the evasion offence has not been identified and a period of 6 months has elapsed since the vehicle was clamped or confiscated under this section, a police officer may apply to the Court for the vehicle to be forfeited to the Crown in accordance with section 37QB.
- (4) Nothing in this section prevents the operation of this Part in respect of a person or a vehicle if –
- (a) the person is the driver of the vehicle at the time of the evasion offence; and
 - (b) section 37O, 37P or 37Q applies in respect of the person and the evasion offence.
- (5) Subdivisions 3 and 5 do not apply in respect of a vehicle to which this section applies.

37QB. Evasion vehicle may be forfeited

- (1) In this section –

evasion offence has the same meaning as in section 37QA;

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affected vehicle means a vehicle to which section 37QA(3) applies.

- (2) A police officer may apply to the Court for an affected vehicle to be forfeited to the Crown if –
 - (a) the driver of the affected vehicle at the time of the evasion offence has not been identified; and
 - (b) a period of 6 months has elapsed since the vehicle was clamped or confiscated under section 37QA.
- (3) If the Court is satisfied that the driver of the affected vehicle at the time of the evasion offence has not been identified, the Court may make an order forfeiting the affected vehicle to the Crown.
- (4) If the Court makes an order under subsection (4) –
 - (a) the affected vehicle becomes the property of the Crown; and
 - (b) any right of a person to enforce a charge or other security interest registered under the *Personal Property Securities Act 2009* of the Commonwealth against a person other than the State, by taking possession of the affected vehicle, is extinguished.
- (5) An order under subsection (4) may be applied for even though the value of the affected vehicle

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may be more than the monetary jurisdiction of the Court.

- (6) Before an application for an order under subsection (4) has been determined, the owner or registered operator of the relevant affected vehicle may make a submission to the Court in respect of the application that the vehicle should not be forfeited under the order as the owner or registered operator has provided all such information that he or she has as to the whereabouts of the driver of the affected vehicle at the time of the evasion offence.
- (7) When determining an application for an order under subsection (4), the Court is to take into account all submissions made under subsection (6) in respect of the application.
- (8) Subdivisions 3, 4 and 5 do not apply in respect of a vehicle forfeited to the Crown by virtue of this section.

37R. Transportation of vehicle to holding yard

- (1) A police officer may arrange for a confiscated vehicle to be driven or transported to a holding yard.
- (2) A person responsible for driving or transporting a confiscated vehicle must drive or transport the vehicle –
 - (a) directly to a particular holding yard, if so directed by a police officer; or

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- (b) if no such direction is given, directly to the holding yard to which the person usually transports confiscated vehicles.

Penalty: Fine not exceeding 40 penalty units.

37S. Unlawful interference with, or removal of, confiscated vehicle

- (1) A person must not unlawfully interfere with a confiscated vehicle, or take a confiscated vehicle from the person responsible for driving or transporting it to a holding yard.

Penalty: Fine not exceeding 20 penalty units.

- (2) A person must not unlawfully remove a confiscated vehicle from a holding yard.

Penalty: Fine not exceeding 40 penalty units.

- (3) If there is a contravention of subsection (1), or a confiscated vehicle is unlawfully removed from a holding yard, a police officer may seize and move the vehicle to a holding yard.

- (4) For the purposes of subsection (3), a police officer may, without warrant and using such reasonable force, means and assistance as is necessary, enter any place where the police officer reasonably suspects that the vehicle may be located.

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37SA. Unlawful interference with clamped vehicle, &c.

- (1) This section applies if a vehicle has been clamped by a police officer under this Division.
- (2) A person must not unlawfully drive or attempt to drive the clamped vehicle.

Penalty: Fine not exceeding 40 penalty units.

- (3) A person must not unlawfully –
 - (a) interfere with the clamping device; or
 - (b) paint or mark the clamping device; or
 - (c) damage the clamping device; or
 - (d) destroy the clamping device; or
 - (e) release or attempt to release the clamping device; or
 - (f) remove or attempt to remove the clamping device from the vehicle.

Penalty: Fine not exceeding 40 penalty units.

- (4) If there is a contravention of subsection (2) or (3), a police officer may seize the vehicle and have it moved to a holding yard.
- (5) For the purposes of subsection (4), a police officer may, without warrant and using such reasonable force, means and assistance as is necessary, enter any place where the police officer reasonably suspects that the vehicle may be located.

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- (6) The owner of a clamped vehicle may arrange for the vehicle to be transported to another location.
- (7) If a clamped vehicle is transported to another location, the owner of the vehicle must notify a police officer, within 3 days after the day on which it is transported to the other location, of the new location of the vehicle.

Penalty: Fine not exceeding 10 penalty units.

37T. Notice of clamping or confiscation to be given

- (1) As soon as reasonably practicable after a vehicle is clamped or confiscated, a police officer is to give written notice of its clamping or confiscation to –
 - (a) the person in control of the vehicle at the time of the relevant prescribed offence (“the offending driver”); and
 - (b) any registered operator of the vehicle who can be ascertained after reasonable inquiry; and
 - (c) any owner of the vehicle who can be ascertained after reasonable inquiry.
- (2) The notice is to include the information required under section 37U, 37V or 37VA.
- (3) A police officer may amend a notice given under subsection (1) by changing the authorised period for which a vehicle is clamped or confiscated –

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- (a) in relation to a first prescribed offence, to a period not exceeding the period specified in section 37P in respect of the offence; and
 - (b) in relation to a second prescribed offence, until the resolution of all existing charges against the person for the prescribed offences and the determination of any forfeiture order made to the Court under section 37Y.
- (4) A police officer is to give the amended notice to the owner of the vehicle within 14 days of the date on which the notice was amended.

37U. Content of notice for first offence

A notice of clamping or confiscation where a person has committed, or has been charged with committing, a first prescribed offence is to include the following:

- (a) a statement that the vehicle is clamped or confiscated for the authorised period of clamping and confiscation (which period must be specified) and that it will not be sooner unclamped or released without the order of the Court or the written authority of a police officer of or above the rank of inspector;
- (b) directions as to how the clamped or confiscated vehicle may be unclamped or recovered;

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(c) in the case of a clamping –

- (i) a statement that, before the vehicle may be unclamped, the person seeking to have it unclamped will be required to produce to a police officer satisfactory evidence of identity; and
- (ii) notice of the offences (and penalties) under section 37SA(2) and (3);

(d) in the case of a confiscation –

- (i) a statement that, before the vehicle may be recovered, the person seeking to recover it will be required to –
 - (A) produce to the person responsible for the holding yard satisfactory evidence of identity and, if applicable, written authority from the owner or registered operator of the vehicle to collect it; and
 - (B) pay the costs of moving the vehicle to, keeping the vehicle in and releasing the vehicle from the holding yard; and

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- (ii) notice of the offences (and penalties) under section 37S(1) and (2).

37V. Content of notice for second or subsequent offence

A notice of clamping or confiscation where a person has committed, or been charged with committing, a second or subsequent prescribed offence is to state the following:

- (a) the authorised period of clamping or confiscation;
- (b) that an application may be made to the Court by a police officer for the forfeiture of the vehicle;
- (c) that the offending driver or the registered operator or owner may apply to the Court, at any time before the application is heard and determined, for the unclamping or return of the vehicle until the application is heard and determined;
- (d) that, in support of an application under paragraph (c), the registered operator or owner may be required to produce satisfactory evidence as to the ownership of the vehicle;
- (e) that, if the vehicle is unclamped or returned under paragraph (c), the Court may impose conditions on its unclamping or return;

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(f) in the case of a clamping –

- (i) a statement that, before the vehicle may be unclamped, the person seeking to have it unclamped will be required to produce to a police officer satisfactory evidence of identity; and
- (ii) notice of the offences (and penalties) under section 37SA(2) and (3);

(g) in the case of a confiscation –

- (i) a statement that, before the vehicle may be recovered, the person seeking to recover it will be required to –
 - (A) produce to the person responsible for the holding yard satisfactory evidence of identity and, if applicable, written authority from the owner or registered operator of the vehicle to collect it; and
 - (B) pay the costs of moving the vehicle to, keeping the vehicle in and releasing the vehicle from the holding yard; and

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- (ii) notice of the offences (and penalties) under section 37S(1) and (2).

37VA. Content of notice for evasion offence

A notice of clamping or confiscation in respect of a vehicle clamped or confiscated under section 37QA is to state the following:

- (a) the authorised period of clamping or confiscation;
- (b) that each owner and registered operator of the vehicle is required to provide all such information that he or she has as to the whereabouts of the driver of the vehicle at the time of the offence in respect of which the car has been clamped or confiscated;
- (c) that an application may be made to the Court under section 37QB for an order for the forfeiture of the vehicle if the driver of the vehicle is not identified;
- (d) that the owner or registered operator of the vehicle may, at any time before an application under section 37QB is heard and determined in respect of the vehicle, make a submission that the vehicle should not be forfeited under that section;
- (e) in the case of a clamping –

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- (i) that, before the vehicle may be unclamped, the person seeking to have it unclamped will be required to produce to a police officer satisfactory evidence of identity; and
 - (ii) notice of the offences (and penalties) under section 37SA(2) and (3);
- (f) in the case of a confiscation –
- (i) that, before the vehicle may be recovered, the person seeking to recover it will be required to –
 - (A) produce to the person responsible for the holding yard satisfactory evidence of identity and, if applicable, written authority from the owner or registered operator of the vehicle to collect it; and
 - (B) pay the costs of moving the vehicle to, keeping the vehicle in and releasing the vehicle from the holding yard; and
 - (ii) notice of the offences (and penalties) under section 37S(1) and (2).

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37W. Advice to registered operator of date of hearing

As soon as reasonably practicable after a date is set for the hearing of an application for a forfeiture order for a clamped or confiscated vehicle, the Court is to give written notice of the date, time and place of the hearing to –

- (a) the offending driver; and
- (b) any registered operator of the vehicle who can be ascertained after reasonable inquiry; and
- (c) any owner of the vehicle who can be ascertained after reasonable inquiry.

37X. Costs of confiscation

- (1) A vehicle confiscated under this Division is not to be returned until the costs of moving the vehicle to, keeping the vehicle in and releasing the vehicle from a holding yard have been paid.
- (2) If a person is found not guilty of the prescribed offence or offences for which they are charged, or the proceeding is withdrawn, the Crown is liable to pay the costs of moving, keeping and releasing the vehicle.

Subdivision 3 – Forfeiture orders

37Y. Application for forfeiture of vehicles

- (1) This section applies if –

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- (a) a person (“offending driver”) has been found offending in respect of a prescribed offence by a police officer; and
 - (b) the vehicle used in connection with the prescribed offence has been clamped or confiscated pursuant to section 37N and, by virtue of the circumstances, section 37Q applies to the clamping or confiscation; and
 - (c) the offending driver has been convicted of the prescribed offence.
- (2) A police officer or any person prosecuting or who prosecuted a complaint in respect of a prescribed offence may, on the date of the conviction or at any time during the 14-day period immediately following the date of the conviction, apply to the Court –
- (a) for a forfeiture order in respect of the vehicle; or
 - (b) for the imposition of a monetary penalty not exceeding 100 penalty units on the offending driver.
- (3) If the Court is satisfied that the offending driver has been convicted of a prescribed offence on 3 or more occasions, inclusive of the conviction referred to in subsection (1)(c), the Court may –
- (a) make the forfeiture order; or

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- (b) impose a monetary penalty not exceeding 100 penalty units on the offending driver.
- (4) If the Court makes the forfeiture order –
 - (a) the vehicle becomes the property of the Crown; and
 - (b) any right of a person to enforce a charge or other security interest registered under the *Personal Property Securities Act 2009* of the Commonwealth against a person other than the State by taking possession of the vehicle is extinguished.
- (5) The forfeiture order may be applied for and made even though the value of the vehicle may be more than the monetary jurisdiction of the Court.
- (6) At any time before the application for the forfeiture order is heard and determined, the offending driver or the owner or registered operator of the vehicle (or any of those persons jointly) may apply to the Court for the unclamping or return of the vehicle.
- (7) The Court may, if satisfied on an application under subsection (6) that the clamping or confiscation of the vehicle is causing severe hardship to a person, order that the vehicle be unclamped or returned to its owner or registered operator until the application for the forfeiture order is heard and determined.

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- (8) The Court may, on making an order under subsection (7), impose such conditions on the use of the vehicle as it considers appropriate.
- (9) If under subsection (7) the Court orders the return or unclamping of the vehicle –
 - (a) its owner must not sell or otherwise dispose of it, or substantially alter it, before the application for the forfeiture order has been determined or withdrawn; and
 - (b) its registered operator must not sell or otherwise dispose of it, or substantially alter it, before the application for the forfeiture order has been determined or withdrawn.

Penalty: Fine not exceeding 40 penalty units.

37Z. Defence to show no knowledge and consent

- (1) In a proceeding for forfeiture of a clamped or confiscated vehicle, it is a defence for the registered operator or owner of the vehicle to show that the relevant prescribed offence happened without his or her knowledge and consent.
- (2) If a Court is satisfied that the defence referred to in subsection (1) is established, the Court is to order that the vehicle be unclamped or, as the case may be, returned to the registered operator or owner on payment of the costs payable under section 37X(1).

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37ZA. Powers for enforcing forfeiture order

If the Court orders the unclamping or return of a vehicle to its owner or registered operator and later makes a forfeiture order in respect of the vehicle, the Court is to, in the forfeiture order, authorise a police officer, without warrant and using such reasonable force, means and assistance as is necessary, to enter any place where the police officer reasonably believes the vehicle may be located and, as the case requires –

- (a) clamp the vehicle; or
- (b) seize the vehicle and move it to a holding yard.

37ZB. Third party protection from forfeiture order

- (1) A person, other than the defendant, who did not appear at the hearing of an application for forfeiture and has an interest in the relevant vehicle may apply to the Court for an order under subsection (5).
- (2) Unless the Court gives leave, the application must be made within 6 months after the day on which the forfeiture order was made.
- (3) Unless the Court gives leave, a person who was given notice of the application for forfeiture may not apply to the Court for an order under subsection (5).

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- (4) The Court may give leave for a later application if it is satisfied that the delay in applying was not due to the applicant's neglect.
- (5) On an application, an order may be made –
 - (a) declaring the nature, extent and, if necessary for the order, the value (when the declaration is made) of the applicant's interest in the vehicle; and
 - (b) directing the Crown –
 - (i) if the vehicle is still vested in the Crown, to transfer the vehicle to the applicant; or
 - (ii) if the vehicle is no longer vested in the Crown, to pay to the applicant the value of the applicant's interest in the vehicle after taking into account any amount paid to the holder of a registered security interest under section 37ZL(1)(c).
- (6) The Court must, and may only, make the order if it is satisfied that –
 - (a) the applicant has or, but for the forfeiture, would have had a lawful interest in the vehicle; and
 - (b) the relevant prescribed offence happened without the knowledge or consent of the applicant.

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- (7) For the purposes of an application under this Division, including an application for leave to apply –
- (a) the applicant must give notice of the making of the application to the Commissioner; and
 - (b) the party given notice is to be a party to the application.

- (8) In this section –

defendant means the person convicted of the prescribed offence in respect of which the forfeiture order was made;

relevant prescribed offence means the prescribed offence in respect of which the forfeiture order was made.

Subdivision 4 – Unclamping and recovery, &c., of vehicles

37ZC. Unclamping or recovery of vehicle clamped or confiscated for prescribed offence

- (1) This section applies if –
- (a) a notice of clamping or confiscation has been given under section 37U, 37V or 37VA in respect of a vehicle; and
 - (b) the authorised period of clamping or confiscation has expired.

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- (2) In the case of a clamped vehicle, an authorised claimant may, subject to the requirements of the notice, unclamp the vehicle by –
 - (a) collecting a key to the clamping device from a police station during normal business hours; and
 - (b) by means of the key, releasing the clamp and removing it from the vehicle; and
 - (c) returning both the clamping device and the key to a police station during normal business hours within 4 days of collecting the key to the clamping device.
- (3) In the case of a confiscated vehicle, an authorised claimant may, subject to the payment of the costs payable under section 37X(1) and the other requirements of the notice, recover the vehicle by –
 - (a) attending at the relevant holding yard during normal business hours; and
 - (b) removing the vehicle from that holding yard.
- (4) If, in the case of a clamped vehicle, no person seeks to have the vehicle unclamped within 10 days after the end of the authorised period of clamping, a police officer may unclamp the vehicle and retrieve the clamping device.
- (5) For the purpose of subsection (4), the police officer may, without warrant and using such reasonable force, means and assistance as is

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necessary, enter any place where the police officer reasonably suspects the clamped vehicle may be located.

- (6) A person who collects a key to a clamping device as provided by subsection (2) is guilty of an offence if he or she –
- (a) fails, without reasonable excuse, to return the key and the clamping device as provided by that subsection; or
 - (b) damages the key or causes or allows another person to damage the key; or
 - (c) except on the express instructions of a police officer of or above the rank of inspector, lends the key to another person.

Penalty: Fine not exceeding 40 penalty units.

- (7) A person must not, except on the express instructions of a police officer of or above the rank of inspector, copy or attempt to copy a key to a police clamping device.

Penalty: Fine not exceeding 40 penalty units.

- (8) In this section –

authorised claimant, of a clamped or confiscated vehicle, means –

- (a) the offending driver; or
- (b) the owner or registered operator of the vehicle; or

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- (c) a person who has the written authority of the owner or registered operator of the vehicle;

police clamping device means a clamping device used by the Police Service for the purposes of this Division.

37ZD. Unclamping or recovery of vehicle clamped or confiscated for second or subsequent prescribed offence

- (1) If a vehicle is clamped or confiscated by a police officer under this Division, the person in control of the vehicle at the time of the prescribed offence, a registered operator or an owner may apply to the Court to have the vehicle unclamped or for the return of the vehicle.
- (2) If the Court is satisfied that the clamping or confiscation of a vehicle is causing, or will cause, severe hardship to a person, the Court may order that the vehicle be unclamped or returned to the registered operator or owner.
- (3) The Court may impose such conditions on an order under subsection (2) as it considers appropriate in the circumstances including conditions on the subsequent use of the vehicle.
- (3A) A person who fails or refuses to comply with a condition imposed under subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding 20 penalty units.

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- (4) A person must not substantially alter, sell or otherwise dispose of a vehicle unclamped or returned under subsection (2) until the charge giving rise to the clamping or confiscation is determined.

Penalty: Fine not exceeding 40 penalty units.

37ZE. Clamped or confiscated vehicle may be unclamped or returned in certain circumstances

- (1) If a police officer of or above the rank of inspector considers it necessary or desirable in the circumstances, he or she may authorise the immediate unclamping of a clamped vehicle or the immediate return of a confiscated vehicle on payment of the costs payable under section 37X(1), as determined by that police officer.
- (2) If a clamped or confiscated vehicle was, at the time of the prescribed offence, stolen or was being hired, the vehicle must be unclamped or returned to the registered operator or owner as soon as reasonably practicable during normal business hours.

37ZF. Unclamping or return of vehicle in case of severe hardship upon conviction

- (1) If the Court is satisfied that the clamping, confiscation or forfeiture of a vehicle will cause severe hardship to a person, the Court may, instead of ordering the clamping, confiscation or forfeiture, order that –

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- (a) the vehicle be unclamped or returned to the registered operator or owner or to the offending driver; and
 - (b) the person convicted of the prescribed offence perform not more than 240 hours of community service.
- (2) If the Court makes an order under subsection (1), the vehicle must be unclamped or returned as soon as reasonably practicable.

37ZG. Return of vehicle if offending driver not convicted, &c.

- (1) This section applies if –
- (a) under this Division, a vehicle is clamped or confiscated by a police officer consequent on finding a person committing a prescribed offence; and
 - (b) the person is not convicted of the prescribed offence or proceedings in respect of the prescribed offence are for any reason not instituted or are discontinued; and
 - (c) the vehicle is not the subject of another clamping or confiscation order, or a forfeiture order, under this Division.
- (2) The vehicle must be unclamped or returned to its owner or registered operator or to the offending driver as soon as reasonably practicable during normal business hours.

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Subdivision 5 – Disposal of vehicles, &c.

37ZH. Disposal of confiscated vehicle

- (1) If, within 2 months after the authorised period of confiscation of a vehicle ends, the vehicle is not recovered, the Commissioner may sell or dispose of the vehicle and anything in or on it in a way the Commissioner considers appropriate.
- (2) The Commissioner must –
 - (a) advertise the proposed sale or disposal in a newspaper circulating in the locality where the vehicle was confiscated; and
 - (b) give written notice of the proposed sale or disposal of the vehicle to the registered operator if the registered operator can be found.

37ZI. Disposal of forfeited vehicle

- (1) The Commissioner may sell a vehicle forfeited to the Crown under this Division or otherwise dispose of it in a way the Commissioner considers appropriate.
- (2) Before the vehicle is sold or otherwise disposed of, the registered operator or a person authorised by the registered operator may remove any contents from the vehicle that are not part of the vehicle or attached to it.

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37ZJ. Voluntary transfer of ownership of vehicle to Crown

- (1) If a clamped or confiscated vehicle is not subject to any interest, charge, lien or encumbrance, the owner may agree to transfer ownership of the vehicle to the Crown at any time during the authorised period of clamping or confiscation.
- (2) The agreement is to be written and witnessed by a person who may witness a statutory declaration.
- (3) If the Crown agrees in writing to the transfer of the vehicle –
 - (a) the vehicle becomes the property of the Crown; and
 - (b) the Commissioner may sell or dispose of the vehicle and anything in it or on it in a way the Commissioner considers appropriate; and
 - (c) before the vehicle is transferred, the owner or a person authorised by the owner may remove any contents from the vehicle that are not part of the vehicle or attached to it.

37ZK. Clamped or confiscated vehicle not to be sold or disposed of

A person must not –

- (a) sell or otherwise dispose of a clamped or confiscated vehicle; or

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- (b) tamper with, interfere with or alter a clamped or confiscated vehicle –

during the authorised period of clamping or confiscation or whilst the vehicle is subject to a Court order under this Act.

Penalty: Fine not exceeding 50 penalty units.

37ZL. Application of proceeds of sale

- (1) If the Commissioner sells a vehicle under section 37ZH or 37ZI, the proceeds of the sale of the vehicle are to be paid as follows:
- (a) firstly, in payment of the expenses of the sale;
 - (b) secondly, in payment of the costs of and incidental to confiscating and keeping the vehicle;
 - (c) thirdly, if there is an amount owing to a person under a security interest registered for the vehicle under the *Personal Property Securities Act 2009* of the Commonwealth, in payment of the amount owing to the holder of the security interest;
 - (d) fourthly –
 - (i) if the vehicle is sold under section 37ZH, to the owner; or

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- (ii) if the vehicle is sold under section 37ZI, to the Public Account.
- (2) Compensation is not recoverable against the Crown in relation to a payment made under this section.

Subdivision 6 – Miscellaneous

37ZLA. Power of Commissioner to authorise unclamping

- (1) The Commissioner may give a police officer or other person approval to unclamp a vehicle (an “unclamping approval”) –
 - (a) at the end of the authorised period of clamping; or
 - (b) at any other time if the Commissioner considers it necessary or expedient to do so under or for the purposes of this Division.
- (2) An unclamping approval may be given subject to such technical, time, reporting and other conditions as the Commissioner thinks fit.
- (3) A police officer executing an unclamping approval may, unless it expressly provides otherwise, without warrant and using such reasonable force, means and assistance as is necessary, enter any place where the police officer reasonably suspects that the vehicle to be unclamped may be located.

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- (4) The Commissioner's power under subsection (1) is not capable of being exercised inconsistently with a judicial determination or an express provision of this Division.

37ZM. Protection from liability

- (1) A police officer acting in good faith is not liable for any damage to, any depreciation in the value of, any loss of use of or any loss of a vehicle that may result from its clamping or confiscation under this Act.
- (2) A liability that would, but for subsection (1), attach to a police officer attaches instead to the Crown.
- (3) If a police officer arranges the transportation of a vehicle under section 37R to a holding yard, the Crown is not liable for any damage, loss or depreciation to the vehicle while it is being driven or transported to, or confiscated in, the holding yard.

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38.

38A. Making off without payment

- (1) A person who knows that payment on the spot for goods supplied or services done is required from that person shall not dishonestly make off without having paid as expected.

Penalty: Fine not exceeding 10 penalty units or imprisonment for a term not exceeding 12 months.

- (2) For the purposes of subsection (1) *payment on the spot* includes payment at the time of collecting goods on which work has been done or in respect of which service has been provided.

- (3) Subsection (1) does not apply –
- (a) if the supply of the goods or the doing of the service was contrary to law; or
 - (b) if the service done is such that payment is not legally enforceable.

- (4) Any person may arrest without warrant anyone who is, or whom that person, with reasonable cause, suspects to be, committing or attempting to commit an offence under this section.

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39. Possession of stolen property

(1) A person must not have possession or control of, or have had possession or control of, any property that is reasonably believed by a police officer to have been stolen or unlawfully obtained.

(1A) It is a defence to proceedings for an offence under subsection (1) for a person to provide a satisfactory account of possession or control of the property.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to imprisonment for a term not exceeding –

(a) 12 months for a first offence; or

(b) 2 years for a second or subsequent offence.

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41. Advertising reward for return of stolen property

(1) A person shall not –

(a) publicly advertise a reward for the return of any property which has been stolen or lost, and in such advertisement use any words intimating or purporting that no questions will be asked;

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- (b) make use of any words in any public advertisement intimating or purporting that a reward will be given or paid for any such property as aforesaid, without seizing, or making any inquiry after the person producing, such property;
 - (c) promise or offer in any public advertisement to return to any pawnbroker or other person any money paid or advanced on any such property, or any other sum of money or reward for the return thereof; or
 - (d) print or publish any such advertisement as aforesaid.
- (2) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.

42. Taking or using animal, vehicle, or vessel without owner's consent

- (1) A person shall not take or use any animal that is the property of another person without –
- (a) the consent of the owner or person in lawful possession thereof; or
 - (b) other lawful excuse.
- (1A) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to –

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- (a) a penalty not exceeding 5 penalty units or imprisonment for a term not exceeding 6 months, for a first offence; or
 - (b) a penalty not exceeding 20 penalty units or imprisonment for a term not exceeding 2 years, for a second or subsequent offence.
- (2) A person shall not –
- (a) take or use any vehicle (other than a motor vehicle within the meaning of the *Vehicle and Traffic Act 1999*); or
 - (b) take or use any vessel within the meaning of the *Marine and Safety Authority Act 1997*–
- that is the property of any other person without the consent of the owner or person in lawful possession thereof.
- (3) Subject to subsections (4) and (5), a person who contravenes a provision of subsection (2) is guilty of an offence and is liable on summary conviction to –
- (a) a penalty not exceeding 10 penalty units or imprisonment for a term not exceeding 12 months, for a first offence; or
 - (b) imprisonment for a term of not less than 12 months or more than 2 years, for a second or subsequent offence.

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- (4) Notwithstanding the provisions of subsection (3), where a person is convicted of an offence under subsection (2) by taking or using a wheelbarrow, hand cart, bicycle, or other like vehicle the penalty, whether for a first or subsequent offence, shall not exceed 3 penalty units or 3 months' imprisonment.
- (5) Notwithstanding the provisions of subsection (3), where a person is convicted of an offence under subsection (2), having previously been convicted of an offence thereunder, the court before which he is convicted, if it thinks it reasonable so to do, having regard to all or any of the following matters, namely:
- (a) The time that has elapsed since the commission of a previous offence;
 - (b) The character, antecedents, age, health, or mental condition of that person; and
 - (c) Any other special circumstances –
- may impose on that person such penalty being less than the penalty prescribed by paragraph (b) of subsection (3) as the court may consider just and reasonable in all the circumstances of the case, but the court shall not in any such case impose a penalty of lesser severity than the fine prescribed in respect of a first offence against subsection (2).
- (6) Nothing in this section affects the law of marine salvage.

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43. Finding property

- (1) A person finding and taking possession of any money, goods, or chattels shall not fail to convey and deliver the same to a neighbouring police station within 7 days after such taking of possession, unless, if the owner is known to that person, he or she has within that time restored the same to such owner.
- (1A) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding one penalty unit.
- (2) A person shall not apply to his own use or dispose of, otherwise than in pursuance of subsection (1), any money, goods, or chattels found by him.
- (2A) A person who contravenes subsection (2) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 2 penalty units.
- (3) The court may order any person convicted before it of an offence against subsection (2) to pay to the owner of the property such sum not exceeding \$1 000, as the court considers to be the value of the property, and such sum shall be recoverable as part of the penalty.
- (4) When any such property as aforesaid is brought to a police station, the police officer in charge shall forthwith receive the same and enter in a book to be kept in the police station for that purpose a description thereof, together with the

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name and address of the person by whom the same was brought to the station. The property so entered shall be delivered to the person who proves to the satisfaction of a justice, a police officer of or above the rank of inspector or the police officer in charge of the station that the same belongs to him, such person previously paying all such reasonable expenses, if any, incurred by the finder or in respect of any advertisement or otherwise, as such justice may award.

(5)

(6) Any such property as aforesaid to which no claim has been established within 3 months after the same has been brought to a police station shall be returned to the person by whom it was so brought, if he applies for the same within one month after the expiration of such 3 months and satisfies a justice, a police officer of or above the rank of inspector or the police officer in charge of the station that he did not come by it by any means that were not lawful; and in default the same shall be sold or disposed of as a justice may direct, and, if sold, the proceeds of the sale shall be paid into the Public Account.

(6A) Notwithstanding anything in this section, where any property is brought to a police station under this section and by reason of its perishable nature it is likely to become offensive, prejudicial, dangerous to health, or valueless it may be destroyed or disposed of in such manner as a justice may direct.

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(7) Nothing in subsection (6) applies to property that is found by a police officer and all property so found shall, at the expiration of the 3 months referred to in that subsection, be sold or disposed of as a justice may direct, and, if sold, the proceeds of the sale shall be paid into the Public Account.

(8)

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Part VA – Offences Relating to Computers

PART VA – OFFENCES RELATING TO COMPUTERS

43A. Computer-related fraud

A person who, with intent to defraud –

- (a) destroys, damages, erases, alters or otherwise manipulates data stored in, or used in connection with, a computer; or
- (b) introduces into, or records or stores in, a computer or system of computers by any means data for the purpose of –
 - (i) destroying, damaging, erasing or altering other data stored in that computer or that system of computers; or
 - (ii) interfering with, interrupting or obstructing the lawful use of that computer or that system of computers or the data stored in that computer or system of computers; or
- (c) otherwise uses a computer –

is guilty of an offence and is liable on summary conviction to a fine not exceeding 20 penalty units and imprisonment for a term not exceeding 2 years.

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Part VA – Offences Relating to Computers

s. 43B

43B. Damaging computer data

A person who intentionally and without lawful excuse –

- (a) destroys, damages, erases or alters data stored in a computer; or
- (b) interferes with, interrupts or obstructs the lawful use of a computer, a system of computers or any part of a system of computers or the data stored in that computer or system of computers –

is guilty of an offence and is liable on summary conviction to a fine not exceeding 20 penalty units and imprisonment for a term not exceeding 2 years.

43C. Unauthorized access to a computer

A person who, without lawful excuse, intentionally gains access to a computer, system of computers or any part of a system of computers, is guilty of an offence and is liable on summary conviction to a fine not exceeding 20 penalty units and imprisonment for a term not exceeding 2 years.

43D. Insertion of false information as data

A person who dishonestly introduces into, or records or stores in, a computer or system of computers, by any means, false or misleading information as data is guilty of an offence and is liable on summary conviction to a fine not

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s. 43E

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exceeding 20 penalty units and imprisonment for a term not exceeding 2 years.

43E. Extra-territorial application of this Part

(1) If –

- (a) a person does an act or thing referred to in sections 43A to 43D (both inclusive) outside, or partly outside, Tasmania; and
- (b) there is a real and substantial link within the meaning of subsection (2) between doing the act or thing and Tasmania –

those sections apply in relation to that act or thing as if it had been done wholly within Tasmania.

(2) For the purposes of subsection (1), there is a real and substantial link with Tasmania –

- (a) if a significant part of the conduct relating to, or constituting, the doing of the act or thing occurred in Tasmania; or
- (b) where the act or thing was done wholly outside Tasmania or partly within Tasmania, if substantial harmful effects arose in Tasmania.

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Part VI – Miscellaneous Offences

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PART VI – MISCELLANEOUS OFFENCES

Division I – Bogus advertisements and false notices

44. Bogus advertisements

- (1) A person shall not tender for insertion, or cause to be inserted, in a newspaper a bogus advertisement, knowing it to be a bogus advertisement.
- (2) A person, being the printer or publisher of a newspaper, having received from a person to whom or to whose affairs a bogus advertisement relates, or from a police officer, a request in writing within 3 months after the publication of the advertisement to furnish the name of the person who sent or delivered it for publication shall not fail to furnish the name of the last-mentioned person in accordance with that request.
- (2A) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units or to imprisonment for a term not exceeding 6 months.
- (3) In this section –

bogus advertisement means an advertisement or a notice that contains any material false statement or representation with respect to any birth, death, engagement, marriage, or employment, or with respect to any matter concerning any person, or

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the property of any person, other than the person who tenders the advertisement or notice for insertion, or causes it to be inserted, in a newspaper;

44A. False reports to police

- (1) A person shall not, falsely and with knowledge of the falsity of his statement, represent to any police officer or any person employed in the Department that any act has been done, or that any circumstances have occurred, which act or circumstances as so represented are such as reasonably call for investigation by the police.
- (1AA) A person must not, falsely and with knowledge of the falsity of his or her statement, represent to any person that an act has been done, or that any circumstances have occurred, which as so represented are reasonably likely to cause that person to notify the police and it is reasonably likely that the police will investigate the act or circumstances.
- (1A) A person who contravenes subsection (1) or (1AA) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 100 penalty units or to imprisonment for a term not exceeding 12 months.
- (2) In any proceedings instituted against any person under this section, the court, on the application of the complainant, may order that, in addition to or instead of a penalty, the offender shall pay to the complainant a reasonable sum for the

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expenses of or incidental to any investigation made by reason of such offence.

- (3) Any amount received by the complainant under this section shall be paid by him into the Public Account.
- (4) This section shall not be held to restrict the operation of any other Act or rule of law.

Division II –

45 - 46.

Division IIA – Setting of traps

46A.

Division III – Motor-vehicle races and reliability trials

47. Interpretation

In this Division –

crash has the same meaning as in the *Road Rules*;

motor-vehicle race includes–

- (a) any race or competition in which two or more motor-vehicles compete or take part, whether or not at one and the same time, and in the result of which the actual

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speed of such motor-vehicles is a determining factor;

- (b) any test to which a motor-vehicle is subjected for the purpose of ascertaining, either alone or in conjunction with other matters, its actual speed capabilities; and
- (c) the use of any motor-vehicle in any practice at the place where, or over any part of the course on which, any such race, competition, or test is to take place –

but does not include the use of a motor-vehicle, on a public street, for reconnaissance or familiarisation purposes at the place where, or over any part of the course on which, any such race, competition or test is to take place with a view to the participation in that race, competition or test of a motor-vehicle or person.

48. No motor-vehicle race to be held without a permit

- (1) A person shall not hold, or be concerned in the holding of, or compete or take part in, any motor-vehicle race unless a permit for the holding thereof has been previously granted by the Commissioner, and then only in accordance with the terms and conditions specified in such permit.

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- (2) A person who contravenes a provision of subsection (1) is guilty of an offence and is liable on summary conviction to a penalty not exceeding 5 penalty units.

49. Power of Commissioner of Police to grant permit

- (1) The Commissioner may grant to any person a permit for the holding of any motor-vehicle race, and every such permit—
 - (a) shall specify the day and hours on and between which respectively, and the place in or upon which, the race may be held; and
 - (b) may impose such conditions as to the holding thereof as the Commissioner shall determine and specify in the permit.
- (2) If such permit is granted in respect of any public street within the meaning of the *Traffic Act 1925*, the rate or speed of any motor-vehicle competing or taking part in any race to be held under the permit may, notwithstanding any law to the contrary, exceed, to the extent mentioned in the permit, the limit prescribed by such law.
- (3) Where the Commissioner grants a permit to a person under this section, that person shall pay to the Commissioner the prescribed fee.
- (3A)
- (4) No permit granted under this section authorising the holding of a motor-vehicle race is of any

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effect unless there is in force in relation to that race a policy of insurance that complies with the requirements of this section.

- (5) Subject to subsection (6), in order to comply with the requirements of this section a policy of insurance must be a policy that –
- (a) the Motor Accidents Insurance Board confirms is issued by an insurer, or arranged by a broker, authorised by the Australian Prudential Regulation Authority to provide, or renew, insurance in Australia; and
 - (b) provides for insurance covering liability in respect of any person taking part in the motor-vehicle race jointly and each of them severally (including liability for costs) that may be incurred by any such person, whether jointly with any other person or severally –
 - (i) in respect of the death or bodily injury to any person caused by or arising out of the use of a motor-vehicle which is competing or taking part in that motor-vehicle race; and
 - (ii) where the race takes place on any public road or thoroughfare, insurance covering damage or injury to any property other than a motor-vehicle competing or

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taking part in a race arising from such use.

(6) A policy of insurance issued for the purposes of subsection (5) shall not be required to provide for—

(a) the payment by the insurer of any sum exceeding—

(i) the prescribed amount in respect of any claim in respect of the death of, or bodily injury to, any one person; or

(ii) the prescribed amount in respect of all claims arising out of the same crash in respect of the death of, or bodily injury to, more persons than one; or

(iii) the prescribed amount in respect of all claims arising out of the same crash in respect of damage or injury to property; or

(b) any contractual liability—

but shall provide for the payment of funeral expenses of any person dying as the result of any crash to which the policy relates.

(7) Notwithstanding any other law or rule of law to the contrary, an insurer who issues a policy of insurance under or for the purposes of this section is liable to indemnify any person taking part in the motor-vehicle race, and, on his death,

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his personal representatives, in respect of any liability incurred by that person which the policy purports to cover.

- (8) Section 2 (3) of the *Motor Accidents (Liabilities and Compensation) Act 1973* has effect in relation to this section as it has effect in relation to that Act.
- (9) The Motor Accidents Insurance Board is not liable for any action, liability, claim or demand in respect of any act or omission done in good faith under subsection (5).

Division IIIAA – Activities on public streets

49AA. Interpretation of Division

In this Division –

cyclist includes a person who is participating in an athletic competition that includes a cycling stage;

demonstration means a march, rally or other kind of political demonstration;

fundraising drive means the solicitation of funds, contributions or other support for a charitable purpose within the meaning of the *Collections for Charities Act 2001*;

procession means a pageant, parade or procession of a religious, commemorative or cultural character, but does not include a march by members of

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the defence forces of the Commonwealth;

public street has the same meaning as in the *Traffic Act 1925*;

road cycle event means an event that –

- (a) involves 70 or more cyclists; and
- (b) requires the use of public streets;

road cycle race means a race, rally or other competitive sporting event involving 2 or more cyclists;

senior police officer means –

- (a) the Commissioner; or
- (b) the Deputy Commissioner, or an Assistant Commissioner, of Police; or
- (c) a police officer of or above the rank of inspector.

49AB. Public street permits

- (1) A person must not organise or conduct any of the following activities without a permit if it is to be held, wholly or partly, on a public street:
 - (a) a demonstration;
 - (b) a fundraising drive;
 - (c) a procession;

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- (d) a road cycle race;
- (e) a road cycle event.

Penalty: Fine not exceeding 10 penalty units.

- (2) A permit for this section may be issued by a senior police officer and any person may apply in writing for such a permit.
- (3) In the case of fundraising –
 - (a) a permit may only be issued to or in respect of an organisation that is permitted under section 5 of the *Collections for Charities Act 2001* to solicit funds or contributions for a charitable purpose; and
 - (b) the number of fundraising days authorised by permit in any one city or town in any one year is not to exceed, in aggregate, 45 or, if another number of days is prescribed, the prescribed number.
- (4) In determining whether or not to grant an application for a permit, a senior police officer may consider –
 - (a) the safety and convenience of the public; and
 - (b) the arrangements made for the safety and convenience of participants in the proposed activity; and

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- (c) such other considerations as appear relevant having regard to the time and nature of the proposed activity and its location or, if applicable, its route.
- (5) A permit –
- (a) is to be in such form as the senior police officer issuing it determines; and
 - (b) may be made subject to such conditions as that officer considers necessary or expedient for the safety and convenience of participants and the public, including, if applicable, conditions about public notification, compliance with police directions, marshals and escort vehicles; and
 - (c) may be made subject to a condition that the organisers of the activity enter into a policy of insurance regarding any deaths, personal injuries or property damage that may arise from the activity; and
 - (d) must specify the name of the permit holder and the name, or a description, of the activity for which it is issued; and
 - (e) must specify the location or, if applicable, route of the activity for which it is issued and the date, dates or period when that activity will be held.
- (6) A permit for a road cycle race may, if the issuing senior police officer considers it necessary or expedient to do so, provide that any escort

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vehicle preceding, accompanying or following the race may, or must, display a flashing yellow light.

- (7) A permit may be surrendered but is not capable of being amended, renewed or transferred.
- (8) The holder of a permit must –
 - (a) comply with its conditions; and
 - (b) immediately produce it to any police officer who demands to see it.

Penalty: Fine not exceeding 10 penalty units.

Division IIIA – Public entertainments

49A. Interpretation

In this Division ***public entertainment*** means an entertainment (including, though without limiting the meaning of that term, a concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, skating, boxing, or other amusement, exhibition, or contest) to which persons are admitted on payment or which is open to the public, whether admission thereto is or is not procured by payment of money or on any other condition.

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49B. Power of Commissioner to control public entertainments

- (1) Where the Commissioner is of opinion that it is fitting –
- (a) for the preservation of public morality, good manners, or decorum; or
 - (b) to prevent a breach of the peace or danger to a performer or other person –

so to do, he may, with the consent of the Minister, by writing under his hand prohibit or regulate the holding of any public entertainment or a specified part or item of any public entertainment, the terms of any licence notwithstanding.

- (2) A person holding or having the superintendence or management of a public entertainment which, or any part or item of which, is held contrary to a prohibition under this section or any condition so imposed after notice thereof has been given as prescribed is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units.

49C.

Division IV –

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Part VII – Powers of Police Officers and Other Persons

**PART VII – POWERS OF POLICE OFFICERS AND
OTHER PERSONS**

Division I – Arrest

55. Arrest

- (1) Any police officer may arrest, without warrant, any person found offending against any of the provisions of –
 - (a) Division I of Part II;
 - (b) Parts III to V; or
 - (c) section 15B, 15C, 15D or 15F; or
 - (ca) section 20K; or
 - (d) section 37J(1).
- (2) Where a police officer is empowered to arrest any such person, it is the duty of such officer to exercise such power unless he has reasonable grounds for believing that the purposes of this Act, or of the Act conferring such power, as the case may be, will be adequately served by proceeding against the offender by summons.
- (2A) A police officer may arrest, without warrant, any person found offending against section 14A.
- (2B) Subject to subsection (2C), a police officer may arrest, without warrant, any person whom he believes on reasonable grounds to be on any land, building, structure, premises, aircraft, vehicle or vessel without the consent of the

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owner, occupier or person in charge of the land, building, structure, premises, aircraft, vehicle or vessel.

- (2C) The power of arrest conferred by subsection (2B) is not exercisable –
- (a) unless the police officer has previously requested the person in relation to whom he seeks to exercise the power to leave the land, building, structure, premises, aircraft, vehicle or vessel concerned and that person has refused or failed to comply with the request or, having complied with the request, returns to the land, building, structure, premises, aircraft, vehicle or vessel concerned within 14 days after so complying without the consent of the owner or occupier; or
 - (b) if the police officer has reasonable grounds for believing that that person has some reasonable or lawful excuse for being on that land, building, structure, premises, aircraft, vehicle or vessel.
- (2D) A police officer may, without warrant, arrest any person whom the police officer has reasonable grounds for believing has committed an offence under section 6A(14) or (15), section 13A, section 13B, section 13C, section 15CA(1), section 20C(1), section 21, section 21A, section 35, section 37AA(1), section 37B, section 37S(1) or (2), section 37SA(2) or (3),

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section 37ZC(6) or (7) or section 37ZD(3A) or (4).

(2E) A police officer may, without warrant, arrest a person to facilitate the making of an application for a restraint order under Part XA of the *Justices Act 1959* or a family violence order, if the police officer has reasonable grounds for believing—

- (a) that the person has intimidated another person; and
- (b) that the intimidation is likely to continue and give rise to an assault.

(2F) For the purposes of subsection (2E), intimidation may be verbal, physical or both verbal and physical.

(2G)

(3) Any person may arrest, without warrant, any person found offending against any provision of this Act if such offence involves –

- (a) substantial injury to the person of another;
- (b) serious danger of such injury;
- (c) loss of any property of the person so arresting, or of any person by whom he is authorized to effect the arrest; or loss of any property of which the person arresting has charge;
- (d) serious injury to any property; or

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- (e) injury to the property of a public authority.
- (3A) The power of a police officer to arrest a person under this section is subject to the limits imposed on the power of arrest by sections 24 and 24A of the *Youth Justice Act 1997*.
- (4) For the purposes of this section, an offence shall be deemed to involve any of the matters specified in subsection (3) if the person arresting has reasonable grounds for believing that such matter has been, or will be, the consequence of any act of the offender in committing such offence.
- (5) For the purposes of this section, a person is said to be “found offending” if he does any act, or makes any omission, or conducts or behaves himself, and thereby causes a person who finds him reasonable grounds for believing that he has, in respect of such act, omission, or conduct, committed an offence against this Act.

55A. Names and addresses of offenders

- (1) If a police officer becomes aware that, or has reasonable grounds for believing that, a person has committed or is committing an offence, the police officer may require that person to state his or her name and address.
- (2) If a police officer becomes aware that, or has reasonable grounds for believing that, a person is likely to commit an offence against section 15B,

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the police officer may require that person to state his or her name and address.

- (3) A person who fails or refuses to comply with a requirement referred to in subsection (1) or (2) or, in response to such a requirement, states a name or address that is false, is guilty of an offence and is liable on summary conviction to a penalty not exceeding 10 penalty units.
- (4) A police officer making a requirement under subsection (1) or (2) may arrest, without warrant, a person who fails or refuses to comply with that requirement or who, in response to the requirement, gives a name or address that the police officer has reason to believe is false.

56. Procedure on arrest

- (1)
- (2) It is the duty of every police officer to receive into custody any person arrested by a private person charged with an offence.

Division II – Entry and search

57. Power of police officers to enter certain places

- (1) Any police officer of the rank of commander, inspector, or sergeant of police shall have power at any time to enter any building or part of a building, or other place, of the following description, namely:

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- (a) Any place used for the purpose of any public entertainment, or for any public show or exhibition;
 - (b) Any singing or dancing saloon, oyster-store, fishshop, restaurant, tea-room, or other such place;
 - (c) Any house or building in which any alcoholic liquor is sold, whether such house or building is licensed or not;
 - (d) Any house usually frequented by thieves or disorderly persons;
 - (e) Any building or part of a building which is kept or used for a purpose in respect of which a licence is required by the provisions of any Act; or
 - (f) Any vessel or aircraft not employed in His Majesty's service.
- (2) The powers conferred by subsection (1) on the officers therein specified may be exercised by any police officer who is authorized in that behalf either specially or generally by the Commissioner or a police officer of the rank of commander.
- (3) The keeper of any such building or other place, as aforesaid, or any servant or other person having the charge thereof, or the master or other person having charge of such vessel or aircraft, shall admit such police officer of the rank of commander, inspector, sergeant, or police officer when required.

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- (4) A person who fails to comply with subsection (3) is guilty of an offence and is liable on summary conviction to a penalty not exceeding one penalty unit.

57A. Searching of hawkers, &c.

- (1) Any police officer may search a hawker's pack if he has reason to suspect that it contains goods which are stolen or which it is unlawful for the hawker to sell.

- (2) For the purposes of this section –

hawker includes pedlar;

pack includes any vehicle or container used by a hawker to carry the goods he hawks.

57B.

58. Search of persons for poison

- (1) Any police officer, who has reasonable grounds for believing that any person has in his possession any poisonous thing contrary to the provisions of section 19, may search such person, and may seize and detain any such poisonous thing which he may find upon such search.
- (2) Such police officer may require any person so found in possession of any such poisonous thing to tell his full name and place of abode, and, in

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case such person fails to tell his real name and place of abode or gives such general description of his place of abode as is illusory for the purposes of discovery, the police officer may arrest such person and cause him to be brought as soon as conveniently may be, before a justice to be dealt with according to law.

58A. Power to search for liquor

- (1) Where a police officer has reasonable grounds to suspect that a person is contravening or is about to contravene section 13(1), (2), (2A), (2B), (2C) or (3), section 25 or section 26, the police officer may—
 - (a) detain and search that person; and
 - (b) seize any liquor found in the possession of that person.
- (2) A police officer may at any time dispose of any liquor seized under subsection (1) that is in an opened or unsealed container.
- (3) If any liquor seized under subsection (1) in relation to an offence against section 13(1), (2) or (3), section 25 or 26 is in an unopened or sealed container, the person from whom the liquor was seized is entitled to have the liquor returned to him or her on request made at least 2 days and not more than 7 days after the liquor was seized.
- (4) A request under subsection (3) is to be made to a police officer at the police station nearest to the

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place where the liquor was seized or at such other police station as a police officer may reasonably direct.

- (5) Where a request is made under subsection (3), a police officer must make the liquor to which the request relates available for collection by the person who made the request on the next day when the relevant police station is open to the public and during the hours when it is so open or at such other time as may be agreed.
- (6) A police officer may dispose of any liquor referred to in subsection (3) that is not the subject of a request under that subsection or that is not collected as mentioned in subsection (5).

58B. Search of accused person in custody

- (1) If a police officer believes on reasonable grounds that it is necessary to search a person who is in lawful custody, a police officer may search that person –
 - (a) for the purpose of ascertaining whether there is concealed on that person or in that person's clothing a weapon or other article capable of being used to inflict injury or to assist that person to escape from custody; or
 - (ab) for the purpose of removing into safe keeping any other articles belonging to, or in the possession of, the person; or

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- (b) for the purpose of obtaining evidence relating to the commission of the offence or preventing the loss or destruction of such evidence.
- (2) Subsection (1)(b) does not authorise a police officer to require a person to remove any clothing unless there are reasonable grounds for believing that the removal may provide evidence of the commission of an offence.
- (3) A police officer may take and retain –
 - (a) any weapon or article found as a result of the search under subsection (1)(a); and
 - (b) any article of clothing removed under subsection (2).
- (4) A police officer may use such force as is reasonably necessary for the purposes of exercising powers under this section.
- (5) Nothing in this section prevents a search of a person in lawful custody in any circumstances where it is otherwise lawful to search the person.

Division III – Search warrants

59.

60. Commissioner’s warrant

- (1) It shall be lawful for the Commissioner to issue to any police officer a general warrant, in the appropriate form set forth in Schedule II,

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authorizing such officer to search for stolen property.

- (2) Every such warrant shall be signed by the Commissioner personally, and shall remain in force, unless sooner revoked, for 6 months from the date thereof, or for such shorter period, if any, as may be specified therein, and shall authorize the officer therein named to exercise the powers therein set forth.
- (3) The Commissioner, at any time, may revoke any general warrant issued by him.

Division IV – Infringement notices

61. Infringement notices

- (1) Where a police officer is satisfied that a person has committed an offence against section 12(1)(a), (b), (c) or (d), section 13(1)(a), (b), (c), (d), (e) or (f), (2), (4), (6) or (7), section 14B, section 15B, section 15CA(1) or (4), section 16(1) or (2), section 19A(1), section 25(2) or (3), section 26(1) or (2), section 37G(1), section 37GA(3), section 37JA, section 41, section 48, section 49AB(1) or (8) or section 49B, he or she may serve on that person an infringement notice in respect of that offence by delivering it to that person or by sending it to that person by post.
- (2) An infringement notice is to be in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*.

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62. Payments into Public Account

Any payments in respect of an infringement notice are payable into the Public Account.

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Part VIII – Declaration of Crime Scenes and Serious Incident Sites

**PART VIII – DECLARATION OF CRIME SCENES AND
SERIOUS INCIDENT SITES**

Division 1 – Crime scenes

63. Declaration of crime scene

- (1) For the purpose of preserving, searching for or gathering evidence, a police officer of or above the rank of inspector may declare any public place or other place to be a crime scene if –
 - (a) the officer reasonably believes that it is necessary, for that purpose, to exercise powers in section 63A(1) or to exclude persons from the place; and
 - (b) the officer reasonably believes that –
 - (i) an offence or a crime has been committed at or near that place; or
 - (ii) there is evidence at that place that is relevant to an offence or crime.
- (2) A police officer may establish a crime scene in any way that is reasonably appropriate in the circumstances.
- (3) The police officer who declares a crime scene is to put the declaration in writing as soon as practicable after making it and is to give a copy of the declaration to –
 - (a) the owner or person lawfully in possession of the place to which the

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-
- declaration relates, if the place is not a public place; and
- (b) the District Police Commander responsible for the relevant region.
- (4) A declaration of a crime scene remains in force for 7 days unless it is sooner revoked.
- (5) A revocation of a declaration of a crime scene –
- (a) may be made by a police officer of or above the rank of inspector; and
- (b) is to be put in writing as soon as practicable after it is made and a copy given to the persons who have been given a copy of the declaration under subsection (3).
- (6) Before a declaration of a crime scene lapses or is revoked, a police officer of or above the rank of inspector may re-declare the place to be a crime scene.
- (7) A re-declaration of a crime scene under subsection (6) may be made one or more times and subsections (3), (4), (5), (8) and (9) apply to a re-declaration as if it were a declaration under those subsections.
- (8) The owner or person lawfully in possession of the place to which a declaration of a crime scene relates may appeal against the declaration to the Magistrates Court (Administrative Appeals Division).

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Part VIII – Declaration of Crime Scenes and Serious Incident Sites

- (9) The Magistrates Court (Administrative Appeals Division) may confirm, amend or revoke, or add conditions to, a declaration of a crime scene.

63A. Authority at crime scene

- (1) For the purpose of preserving, searching for or gathering evidence at a crime scene, a police officer is authorised to do any or all of the following at or in relation to the crime scene:
- (a) direct a person to leave the crime scene or remove a vehicle, vessel or aircraft from the crime scene;
 - (b) remove from the crime scene –
 - (i) a person who fails to leave the crime scene when directed to do so; or
 - (ii) a vehicle, vessel or aircraft that a person fails to remove from the crime scene when directed to do so;
 - (c) direct a person not to enter the crime scene;
 - (d) prevent a person from entering the crime scene;
 - (e) prevent a person from removing evidence from, or otherwise interfering with, the crime scene or anything in it and, for that purpose, detain and search the person;

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- (f) remove, or cause to be removed, an obstruction from the crime scene;
- (g) perform any necessary investigation including, for example, searching the crime scene without warrant and inspecting anything in it to obtain evidence of the commission of an offence or crime;
- (h) for the purpose of performing any necessary investigation, conduct any examination or process;
- (i) open anything at the crime scene whether or not it is locked;
- (j) take electricity, gas or any other utility for use at the crime scene;
- (k) direct the occupier of the premises or a person apparently involved in the management or control of the premises to maintain a continuous supply of electricity at the premises;
- (l) photograph or otherwise record the crime scene and anything in it;
- (m) seize and detain all or part of a thing that might provide evidence of the commission of an offence or crime;
- (n) dig up anything at the crime scene;

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- (o) remove roofing material, wall or ceiling linings or floors of a building, or panel linings of a vehicle;
 - (p) any other function reasonably necessary or incidental to a function conferred by this subsection.
- (2) A person must not fail to comply with a direction given under subsection (1).

Penalty: Fine not exceeding 80 penalty units.
- (3) A police officer may arrest, without warrant, a person who fails to comply with a direction given under subsection (1).
- (4) An authorisation conferred by this section to seize and retain a thing includes –
 - (a) the authority to remove the thing from the crime scene when it is found; and
 - (b) the authority to guard the thing in or on the crime scene.
- (5) A police officer may use such force as is reasonably necessary for the purposes of exercising an authorisation conferred by this section.
- (6) Nothing in this Division prevents a police officer who is lawfully on premises from using an authorisation referred to in subsection (1) or doing any other thing if the occupier of the premises consents.

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Division 2 – Serious incident sites

63B. Declaration of serious incident site

- (1) A police officer of or above the rank of inspector, if of the opinion that because of the size, nature or location of an incident it is necessary to exclude persons from the area of the incident, may declare the area to be a serious incident site so as to ensure –
 - (a) public safety; or
 - (b) the security of evacuated premises; or
 - (c) the safety of, prevention of obstruction of, hindrance of or interference with emergency services.
- (2) A police officer may establish a serious incident site in any way that is reasonably appropriate in the circumstances.
- (3) The police officer who declares a serious incident site is to put the declaration in writing as soon as practicable after making it and is to give a copy of the declaration to –
 - (a) the owner or person lawfully in possession of the place to which the declaration relates, if the place is not a public place; and
 - (b) the District Police Commander responsible for the relevant region.

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Part VIII – Declaration of Crime Scenes and Serious Incident Sites

- (4) A declaration of a serious incident site remains in force for 7 days unless it is sooner revoked.
- (5) A revocation of a declaration of a serious incident site –
 - (a) may be made by a police officer of or above the rank of inspector; and
 - (b) is to be put in writing as soon as practicable after it is made and a copy given to the persons who have been given a copy of the declaration under subsection (3).
- (6) Before a declaration of a serious incident site lapses or is revoked, a police officer of or above the rank of inspector may re-declare the site to be a serious incident site.
- (7) A re-declaration of a serious incident site under subsection (6) may be made one or more times and subsections (3), (4), (5), (8) and (9) apply to a re-declaration as if it were a declaration under those subsections.
- (8) The owner or person lawfully in possession of the place to which a declaration of a serious incident site relates may appeal against the declaration to the Magistrates Court (Administrative Appeals Division).
- (9) The Magistrates Court (Administrative Appeals Division) may confirm, amend or revoke, or add conditions to, a declaration of a serious incident site.

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63C. Authority at serious incident site

- (1) A police officer is authorised to do any or all of the following at or in relation to a serious incident site:
 - (a) close any road, footpath or other open space;
 - (b) direct a person to leave the serious incident site or remove a vehicle, vessel or aircraft from the site;
 - (c) remove from the serious incident site –
 - (i) a person who fails to leave the site when directed to do so; or
 - (ii) a vehicle, vessel or aircraft that a person fails to remove from the site when directed to do so;
 - (d) direct a person not to enter the serious incident site;
 - (e) prevent a person from entering the serious incident site;
 - (f) allow a person to enter or remain in the serious incident site subject to such conditions as the officer considers appropriate;
 - (g) perform any other function reasonably necessary or incidental to a function conferred by this subsection.

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- (2) A person must not fail to comply with a direction given under subsection (1).

Penalty: Fine not exceeding 40 penalty units.

- (3) A police officer may arrest, without warrant, a person who fails to comply with a direction given under subsection (1).

- (4) Nothing in this Division prevents a police officer who is lawfully on premises from using an authorisation referred to in subsection (1) or doing any other thing if the occupier of the premises consents.

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PART IX – PROCEDURE AND SUPPLEMENTAL PROVISIONS

64. Accomplice

No police officer or person, if such police officer or person is acting under instructions from any police officer of or above the rank of sergeant, shall be deemed to be an offender or accomplice in the commission of any offence under any of the provisions of this Act, although such officer or person might but for this section have been deemed to be such an offender or accomplice.

65. Power of court, upon neglect to prosecute, court to order another person to proceed

If any person who has laid any complaint in respect of any offence under any of the provisions of this Act does not appear at the hearing, or declines or neglects to proceed upon or prosecute such complaint, the court may authorize some other person to proceed upon or prosecute such complaint, or may authorize any other person to take fresh proceedings in respect of the offence.

66. Provision relating to determination of certain questions by courts

- (1) A court held before a magistrate may, in any proceedings for an offence committed or alleged to have been committed on or after the commencement of the *Police Offences*

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Amendment Act 1984, hear and determine any question as to –

- (a) the title to any land;
 - (b) an interest in, or accruing from, the title to any land; or
 - (c) a bankruptcy or an execution under the process of a court.
- (2) Except as provided in subsection (1), a court shall not, in any proceedings before it for an offence, hear and determine any question referred to in that subsection.

67. Averment of age *prima facie* proof

In any proceedings under this Act an averment in the complaint as to the age of any person shall be deemed to be proved in the absence of proof to the contrary.

67A. Evidentiary provision

In proceedings for an offence against section 13(2A), (2B) or (2C), section 25 or section 26, an allegation in the complaint –

- (a) that a substance referred to in the complaint was liquor; or
- (b) that a place specified in the complaint was or was not on a specified date a place specified in a licence or permit in

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force under the *Liquor Licensing Act 1990* –

is evidence of that matter.

68. Procedure for seized firearms

- (1) This section applies if –
 - (a) a police officer reasonably suspects that a person in possession of a firearm is committing an offence under section 14B; and
 - (b) seizes that firearm under section 14B(5).
- (2) The Commissioner is to hold the seized firearm in safe custody pending a decision as to whether or not to prosecute the person for the offence.
- (3) If the Commissioner is satisfied that the person was in lawful possession of the firearm when it was seized, the following provisions apply:
 - (a) if the person is prosecuted, the firearm is, subject to any orders of the court, to be held pending the outcome of the proceedings and may be used in evidence;
 - (b) if the person is prosecuted but is not convicted, or the person is convicted but the court does not make an order under section 14B(2B), the firearm is to be –
 - (i) returned to the person at the conclusion of the proceedings if

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- at that time the firearm is registered and the person is still entitled to possess it; or
- (ii) in any other case, disposed of as the Commissioner determines;
- (c) if the person is not or can no longer be prosecuted, the firearm is to be –
- (i) returned to the person if at the relevant time the firearm is registered and the person is still entitled to possess it; or
 - (ii) in any other case, disposed of as the Commissioner determines;
- (d) if for any reason it proves impossible or impracticable to return the firearm as required by paragraph (b)(i) or paragraph (c)(i), the firearm may be disposed of as the Commissioner determines.
- (4) If the Commissioner is satisfied that the person was not in lawful possession of the firearm when it was seized, the following provisions apply:
- (a) if the person is prosecuted, the firearm is, subject to any orders of the court, to be held pending the outcome of the proceedings and may be used in evidence;
 - (b) if the person is prosecuted for the offence but is not convicted, or the person is

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convicted but the court does not make an order under section 14B(2B), the Commissioner is to –

- (i) pass the firearm, if it is registered, to any claimant who can establish ownership of it and an entitlement to possess it under the *Firearms Act 1996*; or
 - (ii) in any other case, dispose of the firearm as the Commissioner determines;
- (c) if the person is not, or can no longer be, prosecuted for the offence, the Commissioner is to –
- (i) pass the firearm, if at the relevant time it is registered, to any claimant who can establish ownership of it and an entitlement to possess it under the *Firearms Act 1996*; or
 - (ii) in any other case, dispose of the firearm as the Commissioner determines.
- (5) Nothing in this section is to be taken as derogating from the powers that a court, police officer or other person may lawfully exercise over the seized firearm with regard to other offences, or crimes, involving that firearm.

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Part IX – Procedure and Supplemental Provisions

69. Disposal of property forfeited to Crown

- (1) All property forfeited to the Crown under the provisions of this Act, other than money and securities for money, shall, by order of the court or justices, be sold, or in its or their discretion destroyed, and the proceeds of any such sale shall be paid into the Public Account.
- (2) All money forfeited to the Crown under this Act and the proceeds of all securities for money forfeited to the Crown under this Act shall be paid into the Public Account.

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73. Act not to affect rights of the Crown

- (1) Nothing in this Act shall affect or apply to any right, title, or interest of the Crown, or in any way limit the Royal Prerogative.
- (2) Nothing in this Act shall prejudice or affect the operation of the *Criminal Code*.

74. Regulations

The Governor may make regulations for the purposes of this Act.

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SCHEDULE I

Section 2

Regnal year and number of Act	Title of Act	Extent of repeal
8 Wm. IV No. 6	An Act for the preservation of public reservoirs and water-courses from injury	The whole Act
21 Vict. No. 23	<i>Pawnbrokers' Act 1857</i>	Section 29
23 Vict. No. 17	<i>Sheep and Cattle Stealing Prevention Act 1859</i>	The whole Act
27 Vict. No. 5	An Act to consolidate and amend the Legislative enactments relating to offences against the person	The whole Act
27 Vict. No. 7	An Act to consolidate and amend the Legislative enactments relating to malicious injuries to property	The whole Act
27 Vict. No. 8	<i>Larceny Act 1863</i>	The whole Act
31 Vict. No. 12	<i>Petty Offences Act</i>	The whole Act
41 Vict. No. 13	<i>Larceny Act 1877</i>	The whole Act
49 Vict. No. 33	<i>False Notices Act 1885</i>	The whole Act

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Regnal year and number of Act	Title of Act	Extent of repeal
50 Vict. No. 14	An Act to prohibit the placing of poisoned flesh and poisoned matter in open places	The whole Act
53 Vict. No. 16	<i>Falsification of Accounts Act 1889</i>	The whole Act
5 Edw. VII No. 21	<i>Homing Pigeons Act 1905</i>	The whole Act
5 Edw. VII No. 30	<i>Police Act 1905</i>	The whole Act
6 Edw. VII No. 6	<i>Opium Smoking Prohibition Act 1906</i>	The whole Act
7 Edw. VII No. 4	<i>Smoking by Juveniles Prevention Act 1907</i>	The whole Act
2 Geo. V No. 5	<i>Public Meetings Act 1911</i>	The whole Act
4 Geo. V No. 11	<i>Vehicles and Boats Act 1913</i>	The whole Act
8 Geo. V No. 11	<i>Indecent Publications Act 1917</i>	The whole Act
8 Geo. V No. 40	<i>Police Act 1917</i>	The whole Act
9 Geo. V No. 41	<i>Firearms Restriction Act 1918</i>	The whole Act
10 Geo. V No. 55	<i>Justices Procedure Act 1919</i>	Section 128A

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Regnal year and number of Act	Title of Act	Extent of repeal
11 Geo. V No. 53	<i>Police Act 1920</i>	The whole Act
12 Geo. V No. 6	<i>Police Act 1921</i>	The whole Act
16 Geo. V No. 27	<i>Justices Procedure Act 1925</i>	The whole Act
18 Geo. V No. 16	<i>Motor-Vehicles Races Regulation Act 1927</i>	The whole Act

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SCHEDULE II

Form VII – General Warrant

Section 60

The Police Offences Act 1935

Tasmania
to Wit.

WARRANT

You are hereby authorized at any time in the day or night, with proper and necessary assistance, to enter and search any house, building, premises, or place where you have reasonable grounds for believing that any stolen goods are, and to break open such house, building, premises, or place, and to break open and search any cupboards, drawers, chests, trunks, boxes, or packages, or other things, whether fixtures or not, in which you have reasonable grounds for believing that there are any goods obtained under such circumstances as constitute an offence under the *Police Offences Act 1935*, or a crime under the *Criminal Code*.

This warrant shall remain in force for 6 months from the date hereof [*or, if a shorter period, state how long*].

Dated this day of 19 .
Commissioner of Police.

To C.D.,
A Police Officer.

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NOTES

The foregoing text of the *Police Offences Act 1935* comprises those instruments as indicated in the following table. Any reprint changes made under any Act, in force before the commencement of the *Legislation Publication Act 1996*, authorising the reprint of Acts and statutory rules or permitted under the *Legislation Publication Act 1996* and made before 28 September 2020 are not specifically referred to in the following table of amendments.

Act	Number and year	Date of commencement
<i>Police Offences Act 1935</i>	No. 44 of 1935	25.10.1935
<i>Police Offences Act 1940</i>	No. 12 of 1940	27.6.1940
<i>Police Offences Act 1943</i>	No. 66 of 1943	25.11.1943
<i>Police Offences Act 1947</i>	No. 52 of 1947	11.11.1947
<i>Justices Procedure Act 1954</i>	No. 66 of 1954	21.12.1954
<i>Sexual Offences Act 1951</i>	No. 48 of 1951	1.4.1956
<i>Police Offences Act 1957</i>	No. 58 of 1957	6.12.1957
<i>Police Offences Act 1958</i>	No. 27 of 1958	11.7.1958
<i>Statute Law Revision Act 1958</i>	No. 36 of 1958	24.7.1958
<i>Police Offences Act (No. 2) 1958</i>	No. 89 of 1958	21.1.1959
<i>Police Offences Act 1959</i>	No. 10 of 1959	6.8.1959
<i>Police Offences Act (No. 2) 1959</i>	No. 21 of 1959	21.8.1959
<i>Police Offences Act (No. 3) 1959</i>	No. 42 of 1959	1.8.1961
<i>Child Welfare Act 1960</i>	No. 48 of 1960	2.9.1961
<i>Police Offences Act 1961</i>	No. 19 of 1961	7.9.1961
<i>Statute Law Revision Act 1961</i>	No. 41 of 1961	15.12.1961
<i>Dangerous Drugs Act 1963</i>	No. 28 of 1963	18.9.1963
<i>Police Offences Act 1963</i>	No. 32 of 1963	18.9.1963 (s. 25)
<i>Police Offences Act 1962</i>	No. 71 of 1962	1.1.1964
<i>Police Offences Act 1965</i>	No. 53 of 1965	22.12.1965
<i>Police Offences Act (No. 2) 1965</i>	No. 62 of 1965	22.12.1965
<i>Decimal Currency Act 1965</i>	No. 55 of 1965	14.2.1966
<i>Statute Law Revision Act 1982</i>	No. 99 of 1982	14.2.1966 (s. 13 (5))
<i>Police Offences Act 1970</i>	No. 48 of 1970	8.12.1970
<i>Dangerous Drugs Act 1971</i>	No. 2 of 1971	29.4.1971
<i>Police Offences Act 1971</i>	No. 53 of 1971	28.10.1971
<i>Police Offences Act 1973</i>	No. 23 of 1973	27.6.1973
<i>Police Offences Act (No. 2) 1973</i>	No. 82 of 1973	19.12.1973
<i>Motor Accidents (Liabilities and Compensation) Act 1973</i>	No. 71 of 1973	23.1.1974
<i>Police Offences Act 1974</i>	No. 76 of 1974	21.11.1974

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Act	Number and year	Date of commencement
<i>Metric Conversion Act 1973</i>	No. 75 of 1973	1.4.1975
<i>Restricted Publications Act 1974</i>	No. 103 of 1974	1.11.1975 (ss. 2 and 10-15)
<i>Traffic Act (No. 2) 1976</i>	No. 96 of 1976	22.12.1976
<i>Licensing Act 1976</i>	No. 117 of 1976	10.8.1977
<i>Statute Law Revision Order (No. 4) 1977</i>	S.R. 1977, No. 255	5.10.1977
<i>Police Offences Amendment Act (No. 2) 1981</i>	No. 86 of 1981	17.12.1981
<i>Police Offences Amendment Act 1981</i>	No. 87 of 1981	24.12.1981
<i>Police Offences Amendment Act (No. 2) 1982</i>	No. 74 of 1982	9.12.1982
<i>Police Offences Amendment Act 1982</i>	No. 63 of 1982	14.12.1982
<i>Local Government (Consequential Amendments) Act 1982</i>	No. 51 of 1982	1.9.1983
<i>Police Offences Amendment Act 1984</i>	No. 42 of 1984	27.6.1984
<i>Police Offences Amendment Act 1985</i>	No. 1 of 1985	17.4.1985
<i>Statute Law Revision Act 1985</i>	No. 51 of 1985	23.5.1985
<i>Criminal Proceedings (Civil Remedies) Act 1986</i>	No. 93 of 1986	1.1.1987
<i>Penalty Units and Other Penalties Act 1987</i>	No. 13 of 1987	29.4.1987
<i>Police Offences Amendment Act 1987</i>	No. 90 of 1987	8.12.1987
<i>Dog Control Act 1987</i>	No. 112 of 1987	30.5.1988
<i>Police Offences Amendment Act (No. 2) 1985</i>	No. 100 of 1985	1.1.1989
<i>Administrative Arrangements (Miscellaneous Amendments) Act 1990</i>	No. 5 of 1990	1.7.1990
<i>Criminal Law Amendment Act 1990</i>	No. 13 of 1990	11.7.1990
<i>Liquor and Accommodation Act 1990</i>	No. 44 of 1990	1.4.1991
<i>Penalty Units and Other Penalties Amendment Act 1991</i>	No. 43 of 1991	18.12.1991
<i>Statute Law Revision Act 1991</i>	No. 46 of 1991	18.12.1991
<i>Police Offences Amendment Act 1992</i>	No. 4 of 1992	15.5.1992
<i>Justice Legislation Amendment (Domestic Violence) Act 1992</i>	No. 21 of 1992	1.8.1992
<i>Guns Act 1991</i>	No. 34 of 1991	1.1.1993
<i>Police Offences Amendment Act 1994</i>	No. 2 of 1994	1.5.1994
<i>Statute Law Revision Act 1994</i>	No. 68 of 1994	25.11.1994
<i>Tasmanian Development (Consequential Amendments) Act 1995</i>	No. 77 of 1995	1.7.1995
<i>Statute Law Revision (Repeals) Act 2000</i>	No. 27 of 2000	1.7.1995
<i>Local Government (Consequential Amendments) Act 1995</i>	No. 30 of 1995	1.9.1995

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Act	Number and year	Date of commencement
<i>Police Offences Amendment (Liquor) Act 1995</i>	No. 45 of 1995	22.9.1995
<i>Animal Health (Consequential Amendments) Act 1995</i>	No. 75 of 1995	1.9.1996
<i>Criminal Law (Detention and Interrogation) Act 1995</i>	No. 72 of 1995	2.12.1996
<i>Hydro-Electric Corporation (Consequential and Miscellaneous Provisions) Act 1996</i>	No. 61 of 1996	17.12.1996
<i>Statute Law Revision (Repeals) Act 2000</i>	No. 27 of 2000	1.2.1997
<i>Public Health Amendment Act 1996</i>	No. 49 of 1996	1.2.1997
<i>Marine (Consequential Amendments) Act 1997</i>	No. 16 of 1997	30.7.1997
<i>Police Offences Amendment Act 1998</i>	No. 10 of 1998	22.5.1998
<i>Sentencing Act 1997</i>	No. 59 of 1997	1.8.1998
<i>Search Warrants (Consequential Amendments) Act 1997</i>	No. 35 of 1997	1.6.1999
<i>Youth Justice (Consequential Amendments) Act 1999</i>	No. 49 of 1999	1.2.2000
<i>Children, Young Persons and Their Families and Youth Justice (Consequential Repeals and Amendments) Act 1998</i>	No. 2 of 1998	1.7.2000
<i>Police Offences Amendment (Loitering Near Children) Act 2000</i>	No. 47 of 2000	14.7.2000
<i>Vehicle and Traffic (Transitional and Consequential) Act 1999</i>	No. 90 of 1999	14.8.2000
<i>Forensic Procedures Act 2000</i>	No. 101 of 2000	1.1.2001
<i>Police Offences Amendment Act 2001</i>	No. 1 of 2001	12.4.2001
<i>Criminal Code Amendment Act 2001</i>	No. 83 of 2001	17.12.2001
<i>Police Offences Amendment Act (No. 2) 2001</i>	No. 86 of 2001	17.12.2001
<i>Traffic Control (Miscellaneous Amendments) Act 2001</i>	No. 104 of 2001	1.1.2002
<i>Police Offences Amendment (Public Drunkenness) Act 2000</i>	No. 59 of 2000	27.3.2002
<i>Burial and Cremation Act 2002</i>	No. 4 of 2002	1.7.2002
<i>Railway Management Act (Repeal) Act 1997</i>	No. 27 of 1997	1.10.2002
<i>Statute Law Revision Act 2003</i>	No. 9 of 2003	16.4.2003
<i>Animal (Brands and Movement) Amendment Act 2003</i>	No. 56 of 2003	1.11.2003
<i>Justice (Miscellaneous Amendments) Act 2003</i>	No. 69 of 2003	15.12.2003
<i>Police Offences Amendment Act 2003</i>	No. 77 of 2003	15.12.2003
<i>Police Service (Consequential</i>	No. 76 of 2003	1.1.2004

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Act	Number and year	Date of commencement
<i>Amendments) Act 2003</i>		
<i>Police Offences Amendment Act 2004</i>	No. 29 of 2004	23.9.2004
<i>Police Offences Amendment Act (No. 2) 2004</i>	No. 68 of 2004	17.12.2004
<i>Liquor and Accommodation Amendment Act 2004</i>	No. 24 of 2004	1.1.2005
<i>Family Violence Act 2004</i>	No. 67 of 2004	30.3.2005
<i>Tasmanian Ports Corporation Act 2005</i>	No. 41 of 2005	31.12.2005
<i>Sex Industry Offences Act 2005</i>	No. 42 of 2005	1.1.2006
<i>Firearms Amendment Act 2007</i>	No. 43 of 2007	13.11.2007
<i>Police Offences Amendment Act 2007</i>	No. 39 of 2007	21.11.2007
<i>Monetary Penalties Enforcement (Transitional Arrangements and Consequential Amendments) Act 2007</i>	No. 72 of 2007	28.4.2008
<i>Police Miscellaneous Amendments Act 2009</i>	No. 49 of 2009	12.11.2009
<i>Police Miscellaneous Amendments Act (No. 2) 2009</i>	No. 50 of 2009	25.11.2009
<i>Police Offences Amendment (Clamping) Act 2009</i>	No. 62 of 2009	9.12.2009 11.12.2009
<i>Credit (Commonwealth Powers) (Transitional and Consequential Provisions) Act 2009</i>	No. 77 of 2009	1.7.2010
<i>Police Offences Amendment (Laser Pointers) Act 2010</i>	No. 11 of 2010	27.7.2010
<i>Rail Safety Act 2009</i>	No. 64 of 2009	24.11.2010
<i>Police Offences Amendment (Miscellaneous) Act 2010</i>	No. 45 of 2010	21.12.2010
<i>Personal Property Securities (National Uniform Legislation) Implementation Act 2011</i>	No. 2 of 2011	30.1.2012
<i>Rail Safety National Law (Tasmania) Act 2012</i>	No. 38 of 2012	20.1.2013
<i>Youth Justice (Miscellaneous Amendments) Act 2013</i>	No. 27 of 2013	1.3.2014
<i>Ambulance Service Amendment Act 2013</i>	No. 73 of 2013	1.7.2014
<i>Police Offences Amendment Act 2014</i>	No. 15 of 2014	19.12.2014
<i>Police Legislation (Miscellaneous Amendments) Act 2016</i>	No. 15 of 2016	21.6.2016
<i>Family Violence Reforms Act 2017</i>	No. 6 of 2017	28.4.2017
<i>Removal of Fortifications Act 2017</i>	No. 31 of 2017	5.9.2017
<i>Police Powers and Related Legislation (Evasion) Act 2017</i>	No. 20 of 2017	13.9.2017
<i>Domestic Violence Orders (National</i>	No. 29 of 2016	25.11.2017

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Act	Number and year	Date of commencement
<i>Recognition) Act 2016</i>		
<i>Police Offences Amendment (Consorting) Act 2018</i>	No. 22 of 2018	15.10.2018
<i>Road Safety (Alcohol and Drugs) Amendment Act 2017</i>	No. 38 of 2017	3.12.2018
<i>Police Offences Amendment (Prohibited Insignia) Act 2018</i>	No. 13 of 2018	1.1.2019
<i>Financial Management (Consequential and Transitional Provisions) Act 2017</i>	No. 4 of 2017	1.7.2019
<i>Police Legislation Miscellaneous Amendments Act 2020</i>	No. 20 of 2020	28.9.2020
<i>Magistrates Court (Criminal and General Division) (Consequential Amendments) Act 2019</i>	No. 44 of 2019	not commenced

TABLE OF AMENDMENTS

Provision affected	How affected
Section 2	Repealed by 25 Geo. V No. 78
Section 3	Amended by No. 71 of 1962, s. 2, No. 117 of 1976, s. 95 and Sched. 3, No. 99 of 1982, s. 3 and Sched. 2, No. 51 of 1985, s. 4 and Sched. 2, No. 13 of 1990, s. 7, No. 44 of 1990, s. 225 and Sched. 3, No. 45 of 1995, s. 4, No. 77 of 1995, s. 3 and Sched. 1, No. 61 of 1996, s. 15, No. 27 of 1997, s. 5, No. 27 of 2000, s. 6, No. 47 of 2000, s. 4, No. 86 of 2001, s. 5, No. 9 of 2003, Sched. 1, No. 69 of 2003, Sched. 1, No. 76 of 2003, Sched. 1, No. 77 of 2003, s. 4, No. 24 of 2004, s. 46, No. 29 of 2004, s. 4, No. 67 of 2004, Sched. 1, No. 41 of 2005, Sched. 1, No. 43 of 2007, s. 58, No. 72 of 2007, Sched. 1, No. 49 of 2009, s. 4, No. 50 of 2009, s. 4, No. 64 of 2009, s. 187, No. 38 of 2012, Sched. 1, No. 73 of 2013, Sched. 1, No. 15 of 2014, s. 4 and No. 15 of 2016, s. 4
Section 4	Amended by No. 32 of 1963, s. 2, No. 55 of 1965, s. 5, No. 74 of 1982, s. 4, No. 13 of 1987, s. 5 and Sched. 1, No. 44 of 1990, s. 225 and Sched. 3, No. 34 of 1991, s. 99 and No. 59 of 2000, s. 4
Section 4A	Inserted by No. 59 of 2000, s. 5 Amended by No. 29 of 2004, s. 5
Section 4B	Inserted by No. 59 of 2000, s. 5
Section 4C	Inserted by No. 59 of 2000, s. 5
Section 5	Amended by No. 13 of 1987, s. 5 and Sched. 1 Subsection (2A) inserted by No. 13 of 1987, s. 5 and Sched. 1

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Provision affected	How affected
Section 6	Repealed by No. 1 of 2001, s. 4 Amended by No. 13 of 1987, s. 5 and Sched. 1 Subsection (1A) inserted by No. 13 of 1987, s. 5 and Sched. 1 Amended by No. 13 of 1987, s. 5 and Sched. 1, No. 62 of 2009, s. 4
Section 6A	Repealed by No. 22 of 2018, s. 4
Section 6B	Inserted by No. 13 of 2018, s. 4
Section 7	Inserted by No. 13 of 2018, s. 4
Section 7A	Amended by No. 13 of 1987, s. 5 and Sched. 1, No. 39 of 2007, s. 4 and No. 15 of 2014, s. 5
Section 7B	Inserted by No. 47 of 2000, s. 5
Section 8	Amended by No. 15 of 2014, s. 6
Section 9	Inserted by No. 15 of 2014, s. 7
Section 10	Amended by No. 32 of 1963, s. 3, No. 55 of 1965, s. 5, No. 53 of 1971, s. 2, No. 13 of 1987, s. 5 and Sched. 1, No. 44 of 1990, s. 225 and Sched. 3, No. 1 of 2001, s. 5, No. 86 of 2001, s. 6, No. 42 of 2005, s. 30 and No. 15 of 2014, s. 8
Section 11	Amended by No. 13 of 1987, s. 5 and Sched. 1 Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1 Repealed by No. 1 of 2001, s. 6
Section 12	Amended by No. 32 of 1963, s. 4, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1, No. 1 of 2001, s. 7, No. 42 of 2005, s. 31 and No. 15 of 2014, s. 9
Section 13	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1 Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1 Repealed by No. 1 of 2001, s. 8
Section 13A	Amended by No. 32 of 1963, s. 5, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1, No. 44 of 1990, s. 225 and Sched. 3 and No. 15 of 2014, s. 10
Section 13B	Amended by 25 Geo. V No. 78, No. 71 of 1962, s. 3, No. 32 of 1963, s. 6, No. 55 of 1965, s. 5, No. 62 of 1965, s. 2, No. 75 of 1973, s. 2 and Sched. 1, No. 87 of 1981, s. 4, No. 99 of 1982, s. 3 and Sched. 2, No. 13 of 1987, s. 5 and Sched. 1, No. 112 of 1987, s. 89, No. 44 of 1990, s. 225 and Sched. 3, No. 46 of 1991, s. 4 and Sched. 3, No. 30 of 1995, s. 3 and Sched. 1, No. 1 of 2001, s. 9, No. 86 of 2001, s. 7, No. 9 of 2003, Sched. 1, No. 15 of 2014, s. 11 and No. 4 of 2017, Sched. 1
Section 13C	Inserted by No. 39 of 2007, s. 5
Section 13D	Amended by No. 15 of 2014, s. 12
Section 13E	Inserted by No. 39 of 2007, s. 5
Section 13F	Amended by No. 15 of 2014, s. 13
Section 13G	Inserted by No. 39 of 2007, s. 5
Section 13H	Amended by No. 15 of 2014, s. 14
Section 13I	Inserted by No. 39 of 2007, s. 5

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Provision affected	How affected
Section 14	Amended by No. 32 of 1963, s. 7, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1 and No. 86 of 2001, s. 8
Part II, Div. IA	Heading inserted by No. 82 of 1973, s. 2
Section 14A	Inserted by No. 19 of 1961, s. 2 Amended by No. 32 of 1963, s. 8, No. 55 of 1965, s. 5, No. 74 of 1982, s. 5 and No. 13 of 1987, s. 5 and Sched. 1
Section 14B	Inserted by No. 82 of 1973, s. 3 Amended by No. 74 of 1982, s. 6, No. 13 of 1987, s. 5 and Sched. 1, No. 4 of 1992, s. 4, No. 86 of 2001, s. 9, No. 43 of 2007, s. 59 and No. 15 of 2014, s. 15
Section 14C	Inserted by No. 82 of 1973, s. 3 Amended by No. 74 of 1982, s. 7 and No. 13 of 1987, s. 5 and Sched. 1
Section 14D	Inserted by No. 82 of 1973, s. 3
Section 15	Subsection (2) inserted by 4 Geo. VI No. 12, s. 2 Subsection (3) inserted by 4 Geo. VI No. 12, s. 2 Subsection (4) inserted by 4 Geo. VI No. 12, s. 2 Subsection (5) added by 4 Geo. VI No. 12, s. 2 Subsection (6) (formerly (2)) added by 7 Geo. VI No. 66, s. 2 Subsection (6) renumbered by No. 36 of 1958, s. 4 and Sched. 3 Amended by No. 32 of 1963, s. 9, No. 55 of 1965, s. 5, No. 75 of 1973, s. 2 and Sched. 1, No. 82 of 1973, s. 4, No. 99 of 1982, s. 3 and Sched. 2, No. 13 of 1987, s. 5 and Sched. 1 Subsection (7) added by No. 13 of 1987, s. 5 and Sched. 1 Amended by No. 30 of 1995, s. 3 and Sched. 1, No. 1 of 2001, s. 10 Subsection (2) omitted by No. 1 of 2001, s. 10 Subsection (3) omitted by No. 1 of 2001, s. 10 Subsection (4) omitted by No. 1 of 2001, s. 10 Subsection (5) omitted by No. 1 of 2001, s. 10 Subsection (6) omitted by No. 1 of 2001, s. 10 Amended by No. 1 of 2001, s. 10 Repealed by No. 15 of 2014, s. 16
Section 15A	Inserted by No. 71 of 1962, s. 4 Amended by No. 55 of 1965, s. 5, No. 62 of 1965, s. 3, No. 75 of 1973, s. 2 and Sched. 1, No. 13 of 1987, s. 5 and Sched. 1 Subsection (1A) inserted by No. 13 of 1987, s. 5 and Sched. 1 Amended by No. 30 of 1995, s. 3 and Sched. 1, No. 1 of 2001, s. 11, No. 86 of 2001, s. 10 Repealed by No. 15 of 2014, s. 16
Section 15B	Inserted by No. 71 of 1962, s. 4 Amended by No. 55 of 1965, s. 5, No. 51 of 1982, s. 8, No. 13 of 1987, s. 5 and Sched. 1

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Provision affected	How affected
Section 15C	Repealed by No. 1 of 2001, s. 12
	Inserted by No. 86 of 2001, s. 11
	Inserted by No. 71 of 1962, s. 4
	Amended by No. 55 of 1965, s. 5, No. 75 of 1973, s. 2 and Sched. 1, No. 99 of 1982, s. 3, No. 13 of 1987, s. 5 and Sched. 1
	Subsection (2A) inserted by No. 13 of 1987, s. 5 and Sched. 1
	Amended by No. 13 of 1987, s. 5 and Sched. 1
Section 15CA	Subsection (5) added by No. 13 of 1987, s. 5 and Sched. 1
	Repealed by No. 1 of 2001, s. 12
Section 15D	Inserted by No. 86 of 2001, s. 11
	Amended by No. 29 of 2004, s. 6 and No. 15 of 2016, s. 5
Section 15E	Inserted by No. 49 of 2009, s. 5
	Inserted by No. 71 of 1962, s. 4
	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1, No. 5 of 1990, s. 3 and Sched. 1
	Repealed by No. 86 of 2001, s. 11
	Amended by No. 4 of 2002, s. 59
	Inserted by No. 29 of 2004, s. 7
Section 15F	Amended by No. 29 of 2016, Sched. 1
	Inserted by No. 62 of 1965, s. 4
	Amended by No. 75 of 1973, s. 2 and Sched. 1, No. 13 of 1987, s. 5 and Sched. 1
	Subsection (4) substituted by No. 13 of 1987, s. 5 and Sched. 1
	Amended by No. 112 of 1987, s. 89, No. 30 of 1995, s. 3 and Sched. 1
	Repealed by No. 86 of 2001, s. 11
Section 16	Inserted by No. 49 of 2009, s. 6
	Amended by No. 45 of 2010, s. 4 and No. 29 of 2016, Sched. 1
Section 17	Inserted by No. 11 of 2010, s. 4
	Amended by No. 32 of 1963, s. 10, No. 55 of 1965, s. 5, No. 75 of 1973, s. 2 and Sched. 1, No. 13 of 1987, s. 5 and Sched. 1
Section 18	Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1
	Substituted by No. 86 of 2001, s. 11
Section 18	Amended by No. 55 of 1965, s. 5 and No. 13 of 1987, s. 5 and Sched. 1
	Amended by No. 32 of 1963, s. 11, No. 55 of 1965, s. 5
	Subsection (1A) inserted by No. 62 of 1965, s. 6
	Amended by No. 75 of 1973, s. 2 and Sched. 1, No. 13 of 1987, s. 5 and Sched. 1
	Subsection (1AA) (formerly 1A) inserted by No. 13 of 1987, s. 5 and Sched. 1
	Subsection (1B) inserted by No. 13 of 1987, s. 5 and Sched. 1

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	Subsection (1AA) renumbered by No. 46 of 1991, s. 5 and Sched. 3
Section 17A	Repealed by No. 1 of 2001, s. 13 Inserted by No. 39 of 2007, s. 6 Amended by No. 15 of 2014, s. 17 Inserted by No. 71 of 1962, s. 5 Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1
Section 17B	Repealed by No. 86 of 2001, s. 12 Amended by No. 55 of 1965, s. 5 Inserted by No. 62 of 1965, s. 5 Amended by No. 13 of 1987, s. 5 Subsection (2) inserted by No. 13 of 1987, s. 5 and Sched. 1
Section 19	Repealed by No. 1 of 2001, s. 13 Amended by No. 32 of 1963, s. 12, No. 55 of 1965, s. 5 and No. 13 of 1987, s. 5 and Sched. 1
Section 19AA	Inserted by No. 71 of 1962, s. 6 Amended by No. 55 of 1965, s. 5, No. 75 of 1973, s. 2 and Sched. 1 and No. 13 of 1987, s. 5 and Sched. 1
Section 19A	Inserted by No. 19 of 1961, s. 3 Amended by No. 55 of 1965, s. 5, No. 86 of 1981, s. 3, No. 13 of 1987, s. 5 and Sched. 1 and No. 15 of 2014, s. 18
Section 20	Amended by No. 32 of 1963, s. 13, No. 55 of 1965, s. 5 and No. 13 of 1987, s. 5 and Sched. 1
Part II, Div. III	Repealed by No. 34 of 1991, s. 99
Division III of Part II	Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20A	Inserted by No. 22 of 2018, s. 5 Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20B	Inserted by No. 22 of 2018, s. 5 Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20C	Inserted by No. 22 of 2018, s. 5 Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20D	Inserted by No. 22 of 2018, s. 5 Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20E	Inserted by No. 22 of 2018, s. 5 Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20F	Inserted by No. 22 of 2018, s. 5 Inserted by No. 39 of 2007, s. 7 Repealed by No. 31 of 2017, Sched. 1
Section 20AA	Inserted by No. 22 of 2018, s. 5 Inserted by No. 71 of 1962, s. 7

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Provision affected	How affected
	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1
Section 20G	Repealed by No. 15 of 2014, s. 19 Inserted by No. 39 of 2007, s. 7
Section 20H	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 20I	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 20J	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 20K	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 20L	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 20M	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 20N	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Division IIIA of Part II	Repealed by No. 31 of 2017, Sched. 1 Inserted by No. 39 of 2007, s. 7
Section 21	Inserted by No. 39 of 2007, s. 7
Section 21A	Inserted by No. 39 of 2007, s. 7
Part II, Div. IV	Substituted by No. 15 of 2014, s. 20
Section 25	Inserted by No. 45 of 1995, s. 5 Inserted by No. 45 of 1995, s. 5
Part II, Div. V	Amended by No. 90 of 1999, Sched. 1, No. 24 of 2004, s. 47, No. 39 of 2007, s. 8 and No. 50 of 2009, s. 5
Division V of Part II	Repealed by No. 49 of 1996, s. 31 Inserted by No. 49 of 2009, s. 7
Section 26	Repealed by No. 103 of 1974, s. 2 Inserted by No. 49 of 2009, s. 7
Section 27	Repealed by No. 103 of 1974, s. 2
Section 28	Repealed by No. 103 of 1974, s. 2
Section 29	Repealed by No. 103 of 1974, s. 2
Section 30	Repealed by No. 103 of 1974, s. 2
Section 31	Repealed by No. 49 of 1996, s. 5
Section 32	Repealed by No. 49 of 1996, s. 5
Part II, Div. VI	Repealed by No. 44 of 1990, s. 225 and Sched. 3
Part II, Div. VII	Inserted by No. 53 of 1965, s. 2
Section 34B	Inserted by No. 53 of 1965, s. 2
	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1, No. 44 of 1990, s. 225 and Sched. 3, No. 4 of 1992, s. 5, No. 77 of 2003, s. 5 and No. 15 of 2014, s. 21
Section 35	Amended by No. 48 of 1951, s. 3, No. 32 of 1963, s. 17, No. 55 of 1965, s. 5, No. 62 of 1965, s. 7, No. 13 of

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Provision affected	How affected
	1987, s. 5 and Sched. 1, No. 59 of 1997, No. 83 of 2001, s. 5, No. 77 of 2003, s. 6, No. 49 of 2009, s. 8, No. 15 of 2014, s. 22 and No. 6 of 2017, s. 10
Section 35A	Inserted by No. 1 of 1985, s. 4 Amended by No. 13 of 1987, s. 5 and Sched. 1 Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1 Repealed by No. 86 of 2001, s. 13 Inserted by No. 15 of 2014, s. 23
Section 36	Amended by No. 48 of 1960, s. 79 and Sched. 1, No. 41 of 1961, s. 6 and Sched. 5, No. 99 of 1982, s. 3 and Sched. 2 and No. 13 of 1987, s. 5 and Sched. 1
Section 37	Amended by No. 71 of 1962, s. 8, No. 32 of 1963, s. 18, No. 55 of 1965, s. 5, No. 75 of 1973, s. 2 and Sched. 1, No. 13 of 1987, s. 5 and Sched. 1, No. 86 of 2001, s. 14 and No. 15 of 2014, s. 24
Section 37AAA	Inserted by No. 15 of 2014, s. 25
Section 37AA	Inserted by No. 15 of 2014, s. 25
Part IVA	Inserted by No. 23 of 1973, s. 2
Division 1 of Part IVA	Heading inserted by No. 29 of 2004, s. 8
Section 37A	Inserted by No. 23 of 1973, s. 2 Amended by No. 99 of 1982, s. 3 and Sched. 2, No. 90 of 1999, Sched. 1 and No. 50 of 2009, s. 6
Section 37B	Inserted by No. 23 of 1973, s. 2 Amended by No. 10 of 1998, s. 4, No. 90 of 1999, Sched. 1 and No. 86 of 2001, s. 15
Section 37C	Inserted by No. 23 of 1973, s. 2 Amended by No. 13 of 1987, s. 5 and Sched. 1
Section 37D	Inserted by No. 23 of 1973, s. 2
Section 37E	Inserted by No. 23 of 1973, s. 2 Amended by No. 13 of 1987, s. 5 and Sched. 1
Section 37F	Inserted by No. 23 of 1973, s. 2 Amended by No. 93 of 1986, s. 11, No. 90 of 1999, Sched. 1, No. 86 of 2001, s. 16 and No. 27 of 2013, s. 55
Section 37G	Repealed by No. 93 of 1986, s. 12 Inserted by No. 50 of 2009, s. 7 Amended by No. 20 of 2017, s. 7
Section 37GA	Inserted by No. 50 of 2009, s. 7
Section 37GB	Inserted by No. 50 of 2009, s. 7
Section 37H	Substituted by No. 96 of 1976, s. 15 and Sched. II Amended by No. 90 of 1999, Sched. 1
Section 37I	Inserted by No. 104 of 2001, s. 5 Substituted by No. 15 of 2014, s. 26
Section 37J	Inserted by No. 29 of 2004, s. 9 Amended by No. 15 of 2014, s. 27
Section 37JA	Inserted by No. 43 of 2007, s. 60 Amended by No. 62 of 2009, s. 5 and No. 73 of 2013, Sched. 1

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Subdivision 1 of Part IVA	Amended by No. 29 of 2004, s. 10
Section 37K	Substituted by No. 43 of 2007 Amended by No. 50 of 2009, s. 8, No. 62 of 2009, s. 7, No. 15 of 2014, s. 28, No. 38 of 2017, s. 62 and No. 20 of 2020, s. 8
Section 37L	Amended by No. 77 of 2009, Sched. 1
Section 37MA	Inserted by No. 62 of 2009, s. 8 Amended by No. 45 of 2010, s. 5
Subdivision 2 of Part IVA	Amended by No. 29 of 2004, s. 10
Section 37N	Amended by No. 39 of 2007, s. 9, No. 50 of 2009, s. 9, No. 62 of 2009, s. 10, No. 15 of 2014, s. 29 and No. 20 of 2017, s. 8
Section 37O	Amended by No. 39 of 2007, s. 10 Substituted by No. 50 of 2009, s. 10, No. 62 of 2009, s. 11 Amended by No. 15 of 2014, s. 30, No. 20 of 2017, s. 9 and No. 20 of 2020, s. 9
Section 37P	Amended by No. 39 of 2007, s. 11 Substituted by No. 62 of 2009, s. 11 Amended by No. 15 of 2014, s. 31, No. 20 of 2017, s. 10 and No. 20 of 2020, s. 10
Section 37Q	Amended by No. 39 of 2007, s. 12 Substituted by No. 62 of 2009, s. 11 Amended by No. 15 of 2014, s. 32, No. 20 of 2017, s. 11 and No. 20 of 2020, s. 11
Section 37QA	Inserted by No. 20 of 2017, s. 12
Section 37QB	Inserted by No. 20 of 2017, s. 12
Section 37R	Amended by No. 62 of 2009, s. 12
Section 37S	Amended by No. 62 of 2009, s. 13
Section 37SA	Inserted by No. 62 of 2009, s. 14 Amended by No. 15 of 2014, s. 33
Section 37T	Amended by No. 62 of 2009, s. 15, No. 15 of 2014, s. 34 and No. 20 of 2017, s. 13
Section 37U	Amended by No. 50 of 2009, s. 11 Substituted by No. 62 of 2009, s. 16
Section 37V	Amended by No. 62 of 2009, s. 17
Section 37VA	Inserted by No. 20 of 2017, s. 14
Section 37W	Amended by No. 62 of 2009, s. 18
Subdivision 3 of Part IVA	Amended by No. 29 of 2004, s. 10
Section 37Y	Substituted by No. 62 of 2009, s. 19 Amended by No. 2 of 2011, Sched. 1 and No. 15 of 2014, s. 35
Section 37Z	Amended by No. 62 of 2009, s. 20 and No. 15 of 2014, s. 36
Section 37ZA	Substituted by No. 62 of 2009, s. 21 Amended by No. 15 of 2014, s. 37

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Provision affected	How affected
Subdivision 4 of Part IVA	Amended by No. 29 of 2004, s. 10
Section 37ZC	Amended by No. 50 of 2009, s. 12 Substituted by No. 62 of 2009, s. 23 Amended by No. 20 of 2017, s. 15
Section 37ZD	Amended by No. 62 of 2009, s. 24, No. 45 of 2010, s. 6 and No. 15 of 2014, s. 38
Section 37ZE	Amended by No. 62 of 2009, s. 25
Section 37ZF	Amended by No. 62 of 2009, s. 26
Section 37ZG	Substituted by No. 62 of 2009, s. 27
Subdivision 5 of Division 2 of Part IVA	Heading inserted by No. 62 of 2009, s. 28
Section 37ZH	Amended by No. 62 of 2009, s. 29 and No. 15 of 2014, s. 39
Section 37ZJ	Amended by No. 62 of 2009, s. 30 and No. 15 of 2014, s. 40
Section 37ZK	Amended by No. 62 of 2009, s. 31 Substituted by No. 15 of 2014, s. 41
Section 37ZL	Amended by No. 2 of 2011, Sched. 1 and No. 4 of 2017, Sched. 1
Subdivision 6 of Division 2 of Part IVA	Heading inserted by No. 62 of 2009, s. 32
Section 37ZLA	Inserted by No. 62 of 2009, s. 33
Section 37ZM	Amended by No. 62 of 2009, s. 34
Section 38	Amended by No. 13 of 1987, s. 5 and Sched. 1 Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1 Repealed by No. 86 of 2001, s. 17
Section 38A	Inserted by No. 44 of 1990, s. 225 and Sched. 3
Section 39	Amended by No. 32 of 1963, s. 19, No. 13 of 1987, s. 5 and Sched. 1, No. 86 of 2001, s. 18 and No. 15 of 2014, s. 42
Section 39A	Inserted by No. 71 of 1962, s. 9 Amended by No. 55 of 1965, s. 5, No. 75 of 1973, s. 2 and Sched. 1, No. 13 of 1987, s. 5 and Sched. 1 Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1 Amended by No. 46 of 1991, s. 5 and Sched. 3, No. 75 of 1995, s. 3 and Sched. 1, No. 56 of 2003, s. 15 Repealed by No. 15 of 2014, s. 43
Section 40	Amended by No. 13 of 1987, s. 5 and Sched. 1 Subsection (1A) inserted by No. 13 of 1987, s. 5 and Sched. 1 Repealed by No. 15 of 2014, s. 43
Section 41	Amended by No. 55 of 1965, s. 5 and No. 13 of 1987, s. 5 and Sched. 1
Section 42	Substituted by No. 32 of 1963, s. 20 Amended by No. 55 of 1965, s. 5, No. 99 of 1982, s. 3 and

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Provision affected	How affected
Section 43	Sched. 2, No. 13 of 1987, s. 5 and Sched. 1, No. 16 of 1997, Sched. 1 and No. 90 of 1999, Sched. 1 Amended by No. 58 of 1957, s. 3, No. 19 of 1961, s. 5, No. 32 of 1963, s. 21, No. 55 of 1965, s. 5, No. 87 of 1981, s. 7, No. 13 of 1987, s. 5 and Sched. 1, No. 46 of 1991, s. 5 and Sched. 3, No. 76 of 2003, Sched. 1, No. 77 of 2003, s. 7, No. 49 of 2009, s. 9 and No. 4 of 2017, Sched. 1
Part VA	Inserted by No. 13 of 1990, s. 8
Section 43A	Inserted by No. 13 of 1990, s. 8
Section 43B	Inserted by No. 13 of 1990, s. 8
Section 43C	Inserted by No. 13 of 1990, s. 8
Section 43D	Inserted by No. 13 of 1990, s. 8
Section 43E	Inserted by No. 13 of 1990, s. 8
Part VI, Div. I	Heading substituted by No. 58 of 1957, s. 8
Section 44	Substituted by No. 58 of 1957, s. 4 Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1 and No. 9 of 2003, Sched. 1
Section 44A	Inserted by 11 Geo. VI No. 52, s. 2 Amended by No. 32 of 1963, s. 22, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1, No. 43 of 1991, s. 5 and Sched. 1, No. 39 of 2007, s. 13, No. 15 of 2014, s. 44 and No. 4 of 2017, Sched. 1
Division II of Part VI	Repealed by No. 1 of 2001, s. 14
Section 45	Repealed by No. 1 of 2001, s. 14
Section 46	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1 Subsection (1A) inserted by No. 13 of 1987, s. 5 and Sched. 1 Repealed by No. 1 of 2001, s. 14
Part VI, Div IIA	Inserted by No. 76 of 1974, s. 2
Section 46A	Repealed by No. 2 of 1994, s. 4
Part VI, Div. III	Amended by No. 58 of 1957, s. 8
Section 47	Amended by No. 58 of 1957, s. 5, No. 89 of 1958, s. 2, No. 10 of 1959, s. 2, No. 71 of 1973, s. 35 and Sched. 3, No. 90 of 1999, Sched. 1, No. 68 of 2004, s. 4, No. 39 of 2007, s. 14, No. 50 of 2009, s. 13, No. 15 of 2014, s. 45 and No. 20 of 2020, s. 12
Section 48	Amended by No. 58 of 1957, s. 6, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1 and No. 39 of 2007, s. 15
Section 49	Amended by No. 58 of 1957, s. 8, No. 89 of 1958, s. 3, No. 10 of 1959, s. 3, 25 Geo. V No. 78, No. 55 of 1965, s. 5, No. 71 of 1973, s. 35 and Sched. 3, No. 82 of 1973, s. 6, No. 87 of 1981, s. 8, No. 13 of 1987, s. 5 and Sched. 1, No. 39 of 2007, s. 16 and No. 15 of 2014, s. 46
Section 49AA of Part VI	Inserted by No. 104 of 2001, s. 6

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Section 49AA	Amended by No. 49 of 2009, s. 10
Section 49AB of Part VI	Inserted by No. 104 of 2001, s. 6
Section 49AB	Amended by No. 49 of 2009, s. 11
Part VI, Div. IIIA	Inserted by No. 71 of 1962, s. 10
Section 49A	Inserted by No. 71 of 1962, s. 10
Section 49B	Inserted by No. 71 of 1962, s. 10
	Amended by No. 55 of 1965, s. 5 and No. 13 of 1987, s. 5 and Sched. 1
Section 49C	Substituted by No. 90 of 1987, s. 3
	Repealed by No. 86 of 2001, s. 19
Division IV of Part VI	Repealed by No. 1 of 2001, s. 15
Section 50	Repealed by No. 1 of 2001, s. 15
Section 51	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1
	Subsection (2) added by No. 13 of 1987, s. 5 and Sched. 1
	Repealed by No. 1 of 2001, s. 15
Section 52	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1
	Repealed by No. 1 of 2001, s. 15
Section 53	Amended by No. 32 of 1963, s. 23, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1
	Subsection (3) added by No. 13 of 1987, s. 5 and Sched. 1
	Repealed by No. 1 of 2001, s. 15
Section 54	Amended by No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1
	Subsection (3) added by No. 13 of 1987, s. 5 and Sched. 1
	Repealed by No. 1 of 2001, s. 15
Section 55	Amended by No. 71 of 1962, s. 11, No. 74 of 1982, s. 8, No. 4 of 1992, s. 6, No. 21 of 1992, s. 11, No. 49 of 1999, Sched. 1, No. 86 of 2001, s. 20, No. 77 of 2003, s. 8, No. 29 of 2004, s. 11, No. 67 of 2004, Sched. 1, No. 39 of 2007, s. 17, No. 49 of 2009, s. 12, No. 11 of 2010, s. 5, No. 27 of 2013, s. 56, No. 15 of 2014, s. 47, No. 13 of 2018, s. 5 and No. 22 of 2018, s. 6
Section 55A	Inserted by No. 19 of 1961, s. 6
	Amended by No. 55 of 1965, s. 5, No. 82 of 1973, s. 7, No. 13 of 1987, s. 5 and Sched. 1
	Substituted by No. 15 of 2014, s. 48
Section 56	Amended by No. 72 of 1995, s. 19
Section 57	Amended by No. 42 of 1959, s. 4, No. 32 of 1963, s. 24, No. 55 of 1965, s. 5, No. 13 of 1987, s. 5 and Sched. 1, No. 76 of 2003, Sched. 1 and No. 42 of 2005, s. 32
Section 57A	Inserted by No. 71 of 1962, s. 12
Section 57B	Inserted by No. 71 of 1962, s. 12
	Amended by No. 9 of 2003, Sched. 1
	Repealed by No. 15 of 2014, s. 49

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Section 58	Amended by No. 76 of 2003, Sched. 1
Section 58A	Inserted by No. 45 of 1995, s. 6 Amended by No. 15 of 2014, s. 50
Section 58B	Inserted by No. 101 of 2000, s. 67 Amended by No. 76 of 2003, Sched. 1
Section 59	Amended by No. 42 of 1959, s. 6, 25 Geo. V No. 78, No. 28 of 1963, s. 4, No. 103 of 1974, s. 2 Repealed by No. 35 of 1997, Sched. 1
Part VII, Div. IV	Inserted by No. 45 of 1995, s. 8
Section 61	Inserted by No. 45 of 1995, s. 8 Amended by No. 72 of 2007, Sched. 1, No. 49 of 2009, s. 13, No. 15 of 2014, s. 52 and No. 15 of 2016, s. 6
Section 62	Inserted by No. 45 of 1995, s. 8 Substituted by No. 72 of 2007, Sched. 1 Amended by No. 4 of 2017, Sched. 1
Part VIII	Repealed by No. 66 of 1954, s. 17 Inserted by No. 49 of 2009, s. 14
Division 1 of Part VIII	Inserted by No. 49 of 2009, s. 14
Section 63	Inserted by No. 45 of 1995, s. 8 Repealed by No. 72 of 2007, Sched. 1 Inserted by No. 49 of 2009, s. 14
Section 63A	Inserted by No. 49 of 2009, s. 14
Division 2 of Part VIII	Inserted by No. 49 of 2009, s. 14
Section 63B	Inserted by No. 49 of 2009, s. 14 Amended by No. 15 of 2014, s. 53
Section 63C	Inserted by No. 49 of 2009, s. 14
Section 66	Substituted by No. 42 of 1984, s. 3
Section 67A	Inserted by No. 45 of 1995, s. 7 Amended by No. 24 of 2004, s. 48 and No. 15 of 2014, s. 54
Section 68	Repealed by No. 59 of 1997, Sched. 1 Inserted by No. 43 of 2007, s. 62 Amended by No. 15 of 2014, s. 55
Section 69	Amended by No. 68 of 1994, s. 3 and Sched. 1 and No. 4 of 2017, Sched. 1
Section 70	Repealed by No. 66 of 1954, s. 17
Section 71	Repealed by No. 32 of 1963, s. 26
Section 72	Subsection (6) added by No. 58 of 1957, s. 7 Amended by 25 Geo. V No. 78, No. 48 of 1970, s. 2, No. 99 of 1982, s. 3 and Sched. 2 Repealed by No. 59 of 1997, Sched. 1
Section 73	Amended by No. 68 of 1994, s. 3 and Sched. 1
Schedule I	Amended by 25 Geo. V No. 78
Schedule II	Amended by 25 Geo. V No. 78, No. 55 of 1965, s. 5, No. 103 of 1974, s. 2, No. 99 of 1982, s. 3 and Sched. 2, No. 35 of 1997, Sched. 1, No. 1 of 2001, s. 16 and No. 9 of

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2003, Sched. 1	