



ANNO VICESIMO PRIMO

ELIZABETHAE II REGINAE

A.D. 1972

No. 27 of 1972

An Act to amend the Police Offences Act, 1953-1967.

[Assented to 6th April, 1972]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Police Offences Act Amendment Act, 1972". Short titles.

(2) The Police Offences Act, 1953-1967, as amended by this Act, may be cited as the "Police Offences Act, 1953-1972".

(3) The Police Offences Act, 1953-1967, is hereinafter referred to as "the principal Act".

2. This Act shall come into operation on a day to be fixed by proclamation. Commencement.

3. Section 18 of the principal Act is amended by inserting after the present contents thereof (which are hereby designated subsection (1) thereof) the following subsections:— Amendment of principal Act, s. 18—
Loitering in public place.

(2) Where a person is loitering in a public place and a member of the police force believes or apprehends on reasonable grounds—

(a) that an offence has been or is about to be committed by that person or by others in the vicinity;

(b) that a breach of the peace has occurred, is occurring or is about to occur in the vicinity of that person;

(c) that the movement of pedestrians or vehicular traffic is obstructed, or is about to be obstructed, by the presence of that person or of others in the vicinity;

or

(d) that the safety of that person or of others in the vicinity is in danger,

the member of the police force may request that person to cease loitering.

(3) A person of whom a request is made under subsection (2) of this section shall cease loitering and shall leave the place in which he was loitering and the area in the vicinity thereof.

Penalty: Fifty dollars or imprisonment for three months.

Repeal of
s. 58 of
principal Act
and enactment
of section in
its place—
Obstruction
of public
places.

4. Section 58 of the principal Act is repealed and the following section is enacted and inserted in its place:—

58. (1) Subject to subsection (2) of this section, a person who wilfully obstructs the free passage of a public place shall be guilty of an offence.

Penalty: Fifty dollars.

(2) This section shall not be construed as prohibiting any person from, or restricting any person in, the exercise of rights arising by reason of any legal or equitable interest that he has in any property constituting, or forming part of, a public place.

Amendment of
principal Act,
s. 59—
Regulation
of crowds.

5. Section 59 of the principal Act is amended—

(a) by striking out from subsection (2) the passage “give directions” and inserting in lieu thereof the passage “give reasonable directions”;

and

(b) by striking out subsection (6) and inserting in lieu thereof the following subsections:—

(6) A direction under this section must be given—

(a) by publication of the direction in a newspaper circulating generally throughout the State;

or

(b) in such other manner as to ensure as far as reasonably practicable that, prior to the special occasion, the direction will come to the attention of those who, by their actions or presence, are likely to cause, or contribute to, the crowding of the street, road or public place.

(7) Where a direction has been given under this section, a member of the police force may, upon the occurrence of the special occasion, give to any person, orally or in writing, such orders as are reasonably calculated to ensure compliance with the direction.

(8) A person who fails to comply forthwith with an order under this section shall be guilty of an offence.

Penalty: Forty dollars.

6. Section 60 of the principal Act is repealed.

Repeal of
s. 60 of
principal Act.

7. Section 80 of the principal Act is amended by striking out subsection (1) and inserting in lieu thereof the following subsection:—

Amendment of
principal Act,
s. 80—

(1) Where a person arrested without a warrant is delivered into the custody of a member of the police force at a police station who does not, on application, admit the arrested person to bail, the member of the police force—

Right of
arrested person
to apply for
bail.

(a) shall inform the arrested person that he is entitled to make an application for bail to a justice;

and

(b) shall, if so requested by the arrested person, bring him as soon as practicable before a justice in order that an application for bail may be made to, and dealt with by, that justice.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

M. L. OLIPHANT, Governor