



New South Wales

Summary Offences Regulation 2025

under the

Summary Offences Act 1988

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Summary Offences Act 1988*.

MICHAEL DALEY, MP
Attorney General

Explanatory note

The object of this regulation is to repeal and remake, without substantial amendments, the *Summary Offences Regulation 2020*, which would otherwise be repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

This regulation provides for the following—

- (a) procedures relating to the seizure of liquor from a minor and the keeping and return of seized liquor,
- (b) knives to which the offence of selling knives to children does not apply,
- (c) the content of notices at declared sex clubs prohibiting minors from entering,
- (d) the form and particulars of a notice of intention to hold a public assembly,
- (e) the penalty notice amount payable in relation to the offence of hunting on private land without the consent of the owner or occupier.

This regulation comprises or relates to matters set out in the *Subordinate Legislation Act 1989*, Schedule 3, namely—

- (a) matters of a machinery nature, and
- (b) matters that are not likely to impose an appreciable burden, cost or disadvantage on any sector of the public.

Section 9 may be made under a Henry VIII provision because the exemption impliedly amends the *Summary Offences Act 1988* by affecting the application of the Act.

Contents

	Page
Part 1 Preliminary	
1 Name of regulation	3
2 Commencement	3
3 Definitions	3
Part 2 Possession of liquor by minors—the Act, s 11(6)	
4 Reasons for seizing liquor from person	4
5 Certain seized liquor may be immediately disposed of	4
6 Information about keeping of seized liquor	4
7 Claim for return of seized liquor	4
8 Subsequent disposal of seized liquor	5
Part 3 Miscellaneous	
9 Knives not subject to prohibition on sale to children—the Act, s 11F(6)	6
10 Notice that minors not permitted in declared sex club	6
11 Notice of intention to hold public assembly	6
12 Penalty notice amount—hunting on private land without consent	6
13 Repeal and savings	6
Schedule 1 Notice of intention to hold public assembly	7

Summary Offences Regulation 2025

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Part 1 Preliminary

1 Name of regulation

This regulation is the *Summary Offences Regulation 2025*.

2 Commencement

This regulation commences on the day on which this regulation is published on the NSW legislation website.

Note— This regulation repeals and replaces the *Summary Offences Regulation 2020*, which would otherwise be repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

In this regulation—

seized liquor means liquor seized by a police officer under the Act, section 11(2).

the Act means the *Summary Offences Act 1988*.

Note— The Act and the *Interpretation Act 1987* contain definitions and other provisions that affect the interpretation and application of this regulation.

Part 2 Possession of liquor by minors—the Act, s 11(6)

4 Reasons for seizing liquor from person

A police officer seizing liquor from a person under the Act, section 11(2) must tell the person that the officer suspects, on reasonable grounds, the person—

- (a) is less than 18 years of age, and
- (b) is not under the supervision of a responsible adult, and
- (c) does not have a reasonable excuse for possessing the liquor.

5 Certain seized liquor may be immediately disposed of

- (1) A police officer may immediately dispose of seized liquor if—
 - (a) when the liquor is seized, the liquor—
 - (i) is in a container that is unsealed or from which part of the contents have been removed, or
 - (ii) is, or will likely soon become, unfit for human consumption, and
 - (b) it is not inappropriate or unreasonable to do so, including because of the quantity or value of the liquor.
- (2) The police officer must ensure seized liquor is disposed of in a way that ensures the liquor is not capable of being consumed.

6 Information about keeping of seized liquor

- (1) This section applies to seized liquor that is not disposed of by a police officer under section 5.
- (2) Immediately after seizing liquor from a person under the Act, section 11(2), the police officer must tell the person that—
 - (a) the liquor will be taken to a specified police station, and
 - (b) the liquor will be kept at the police station for at least 24 hours, and
 - (c) the person may make a claim for the return of the liquor at the police station.
- (3) A receipt that includes details of the seized liquor must be issued to the person by—
 - (a) the police officer seizing the liquor, or
 - (b) if a receipt was not issued under paragraph (a)—a police officer at the specified police station.
- (4) The receipt must be issued—
 - (a) for a receipt under subsection (3)(a)—immediately after the seizure, or
 - (b) for a receipt under subsection (3)(b)—as soon as possible after the liquor is taken to the specified police station.
- (5) The receipt may be issued in electronic form.
- (6) A police officer must ensure seized liquor to which this section applies is—
 - (a) taken to the specified police station, and
 - (b) kept at the police station for at least 24 hours.

7 Claim for return of seized liquor

- (1) If liquor is taken to a police station under section 6(6), the person from whom the liquor was seized (the *claimant*) may make a claim for the return of the liquor.

- (2) Before deciding whether to return seized liquor, the police officer deciding the claim may require the claimant to present one or more of the following—
 - (a) the receipt for the seized liquor issued to the claimant under section 6(3),
 - (b) other evidence that the claimant is entitled to possession of the seized liquor.
- (3) The seized liquor must be returned to the claimant if—
 - (a) the claimant proves the claimant was at least 18 years of age when the liquor was seized, or
 - (b) the claimant establishes the claimant had a reasonable excuse for possessing the liquor, or
 - (c) the claimant establishes the claimant was under the supervision of a responsible adult when the liquor was seized, or
 - (d) the police officer deciding the claim is satisfied the return of the liquor is otherwise justified in the circumstances.
- (4) Despite subsection (3)(a)–(c), the police officer deciding the claim may refuse to return seized liquor if the claimant—
 - (a) is less than 18 years of age and not accompanied by a responsible adult, or
 - (b) does not comply with a requirement imposed under subsection (2) to provide a receipt or other evidence of the claimant’s entitlement to possess the seized liquor, or
 - (c) refuses to sign an acknowledgement of the return of the seized liquor.

8 Subsequent disposal of seized liquor

- (1) The Commissioner of Police may issue instructions for disposing of seized liquor forfeited to the Crown.
- (2) Seized liquor that is kept at a police station must be dealt with in accordance with the instructions if no claim is made for the return of the liquor within 24 hours after the liquor is taken to the police station.

Part 3 Miscellaneous

9 Knives not subject to prohibition on sale to children—the Act, s 11F(6)

The Act, section 11F does not apply to the following—

- (a) knives that are—
 - (i) designed to be used for eating, and
 - (ii) made of a material other than ceramic or metal,
- (b) blades that are not—
 - (i) knife blades, or
 - (ii) part of a cleaver, machete or sword.

10 Notice that minors not permitted in declared sex club

- (1) For the Act, section 21E(2), each notice must contain the following—

SUMMARY OFFENCES ACT 1988



IF YOU ARE UNDER 18 YOU ARE NOT PERMITTED TO ENTER THIS CLUB

- (2) The words included in the notice must be in capital letters not less than 1cm in height.

11 Notice of intention to hold public assembly

- (1) For the Act, section 23(1)(b) and (c)(v), the form and particulars set out in Schedule 1 are prescribed.
- (2) For the Act, section 23(2), the following address is prescribed—
NSW Police Headquarters
1 Charles Street
Parramatta NSW 2150

12 Penalty notice amount—hunting on private land without consent

For the Act, section 29B(1), the prescribed amount is \$550.

13 Repeal and savings

- (1) The *Summary Offences Regulation 2020* is repealed.
- (2) An act, matter or thing that, immediately before the repeal of the *Summary Offences Regulation 2020*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Notice of intention to hold public assembly

section 11(1)

(Summary Offences Act 1988, section 23)

To: The Commissioner of Police

- 1 I, [name] of [address] on behalf of [organisation] notify the Commissioner of Police that on the [day] of [month and year], it is intended to hold—
 - *(a) a public assembly, not being a procession, of approximately [number] persons, which will assemble at [place] at approximately [time], and disperse at approximately [time], or
 - *(b) a public assembly, being a procession of approximately [number] persons, which will commence at [place] at approximately [time] and proceed—[specify route of proposed assembly, including places the procession will stop, the approximate length of each stop and the approximate time each stop will end. A diagram may be attached], before dispersing at approximately [time].
- 2 The purpose of the proposed assembly is—[state purpose].
- 3 The following special characteristics of the assembly would be useful for the Commissioner of Police to be aware of in regulating the flow of traffic or in regulating the assembly—
 - *(a) There will be [number] vehicles and/or* floats involved in the assembly of the following type and dimensions—[state type and dimensions].
 - *(b) There will be [number] bands, musicians, entertainers, etc. entertaining or addressing the assembly.
 - *(c) The following number and type of animals will be involved in the assembly—[state number and type].
 - *(d) Other special characteristics as follows—[state characteristics].
- 4 I take responsibility for organising and conducting the proposed public assembly.
- 5 Notices for the purposes of the *Summary Offences Act 1988*, Part 4 may be served on me at [address].
Capacity/Title—
Telephone—
Signed—
Date—

*Strike out whichever does not apply.