

OFFENCES IN PUBLIC PLACES ACT, 1979, No. 63

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ



Act No. 63, 1979.

An Act to make provisions with respect to certain offences in public places consequentially upon the enactment of the Summary Offences (Repeal) Act, 1979. [Assented to, 11th May, 1979.]

Offences in Public Places.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Offences in Public Places Act, 1979".

**Commence-
ment.** **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Arrange-
ment.** **3.** This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—OFFENCES—ss. 5–10.

PART III.—GENERAL—ss. 11–13.

**Interpre-
tation.** **4.** (1) In this Act, except in so far as the context or subject-matter otherwise indicates or requires—

“premises” includes any structure, building, vehicle, vessel or place, whether built upon or not, and any part thereof;

“public place” means—

(a) a place (whether or not covered by water); or

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(b) a part of premises,

that is open to the public, or is used by the public, whether or not on payment of money or other consideration, whether or not the place or part is ordinarily so open or used, and whether or not the public to whom it is open consists only of a limited class of persons, but does not include a school;

“school” means any land occupied or used in connection with a public school or a technical school and any land which belongs to and is occupied or used in connection with a school registered under the Bursary Endowment Act, 1912, or any certified school under the Public Instruction (Amendment) Act, 1916, and any building or structure erected on any such land but does not include any building or structure or any part of any building or structure that is occupied or used solely as a residence or any land, building or structure or any part of any land, building or structure that is for the time being occupied or used for a purpose unconnected with the conduct of the school.

(2) Section 8 of the Crimes Act, 1900, does not apply to the interpretation of the expression “public place” occurring in this Act.

PART II.

OFFENCES.

5. A person shall not, without reasonable excuse, in, near or within view or hearing from a public place or school behave in such a manner as would be likely to cause reasonable persons justifiably in all the circumstances to be seriously alarmed or seriously affronted. Causing serious alarm or affront.

Penalty: \$200.

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Obscene
exposure.

6. A person shall not, in or within view from a public place or a school, wilfully and obscenely expose his or her person.

Penalty: \$400 or imprisonment for 6 months.

Obstructing
traffic.

7. A person shall not, without reasonable excuse, wilfully prevent, in any manner, the free passage of a person, vehicle or vessel in a public place.

Penalty: \$100.

Damaging
fountains.

8. A person shall not wilfully damage or deface, enter upon, or cause any foreign material or substance to enter into, any part of a fountain erected in a public place.

Penalty: \$100.

Damaging
shrines,
monuments
or statues.

9. A person shall not wilfully damage or deface any shrine, monument or statue erected in a public place.

Penalty: \$100.

Defacing
walls.

10. A person shall not—

(a) affix a placard or paper upon any premises; or

(b) wilfully mark, by means of chalk, paint or any other material, any premises,

so that the placard, paper or marking is within view from a public place unless he has first obtained the consent, where the premises are occupied, of the occupier or person in charge of the premises or, where the premises are unoccupied, of the owner or person in charge of the premises.

Penalty: \$100.

11. Any person convicted of an offence under sections 8, 9 or 10 of this Act shall be liable to pay such sum not exceeding \$1,000 as the court may order as the cost of or contribution to the repair or restoration of any damage caused by his action which resulted in his conviction.

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PART III.

GENERAL.

12. It is a sufficient defence to a prosecution for an offence under any of the provisions of Part II if the defendant satisfies the court that the act complained of in the information for the offence was done with lawful authority. Defence to prosecution.

13. (1) Where a defendant charged with an offence under any of the provisions of Part II has requested the informant to furnish to the defendant reasonable particulars of the behaviour or conduct the subject of the charge, and the informant, or some person on his behalf, has not so furnished those particulars, the court before which the defendant is charged shall adjourn the charge pending the furnishing of those particulars or may dismiss the charge. Particulars to be furnished.

(2) Where at the hearing of a charge for an offence referred to in subsection (1) the evidence discloses behaviour or conduct that constitutes such an offence and that behaviour or conduct is different from the behaviour or conduct of which particulars have been given to the defendant under subsection (1), the court may, on the application of the defendant and if it is of the opinion that the defendant was deceived by those particulars, adjourn the hearing upon such terms as it thinks fit.

14. Proceedings for an offence against this Act may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone. Summary jurisdiction.
