

**SUBMISSION
TO
ACT STANDING COMMITTEE ON LEGAL AFFAIRS
ON
THE INQUIRY INTO
POLICE POWERS OF CROWD CONTROL**

Submitted by

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INTRODUCTION

This submission will restrict comments on the terms of reference for the Inquiry Into Police Powers for Crowd Control to the legislation and policies that relate to crowd situations that give rise to the potential for or threat of violence, or those where actual violence has occurred or is occurring, or a threat or actual damage to property has occurred or is occurring. Examples of such incidents may be those around the policing of late night entertainment areas, out of control parties, special events such as major sporting events, and public demonstrations.

This submission will not include reference to legislation or policies that relate to terrorist or emergency management incidents where crowd control responses such as the protection of the populace or evacuation procedures may be necessary but where there is no threat of crowd violence.

TERMS OF REFERENCE ONE: CURRENT POLICE POWERS UNDER LEGISLATION

The Committee is referred to Attachment A that sets out police powers and relevant offences relating to crowd control.

The legislation gives police powers to intervene in a range of incidents.

Depending on the circumstances, the nature of the intervention may range from questioning, conducting a search, ordering a person to leave the area, detaining briefly, to arrest using degrees of coercion and force reasonably required to effect the arrest.

The following sections explain in greater detail relevant law and protocols that apply.

Statute Powers of Arrest - ACT Offences / Jurisdiction

ACT legislation provides a general power of arrest without warrant to police officer's¹ and civilians² where the police officer has reasonable grounds to suspect (as of 27 September 2001) that the other person has committed or is committing an offence³ or the civilian has reasonable grounds to believe that the other person is committing or has just committed an offence.⁴

A civilian who arrests another person must, as soon as practicable after the arrest, arrange for the other person, and any property found on the other person, to be delivered into the custody of a constable.⁵

¹ Section 212(1), ACT Crimes Act 1900

² Section 218(1), ACT Crimes Act 1900

³ "Offence means an offence against a law of the Territory."

⁴ Ibid. "Offence"

⁵ Section 218(2), ACT Crimes Act 1900

These arrest powers also place upon the police officer (policing in the ACT) but not the civilian the requirement based on reasonable grounds to suspect that a summons would not achieve one or more of the following

- a) ensuring the appearance of the person before the court in respect of the offence;
- b) preventing a repetition or continuation of the offence or the commission of another offence;
- c) preventing the concealment, loss or destruction of evidence relating to the offence;
- d) preventing harassment of, or interference with a person who may be required to give evidence in proceedings in respect of the offence;
- e) preventing the fabrication of evidence in respect of the offence;
- f) preserving the safety or welfare of the person.⁶

If a person has been arrested by a police officer for an offence under this section and before the person is charged with the offence, the constable in charge of the investigation ceases to suspect on reasonable grounds that the person committed the offence or that holding the person in custody is necessary to achieve one or more of the criteria; the person must be released.⁷

In the ACT a police officer has a power of arrest without warrant for any person for whom there are reasonable grounds for suspecting that person has committed or is committing a domestic violence offence.⁸

A domestic violence offence means an offence;

- against the Crimes Act 1900 as defined in column 1 of schedule 2 (violence towards another person or property); or
- an attempt to commit such an offence;
- an offence against section 27 Domestic Violence Act 1986 (Contravention of a Domestic Violence Order that the person was aware of); or
- an offence against section 129 Motor Traffic Act 1936 (Dangerous Driving).⁹

Other arrest/detention powers provide where a police officer believes on reasonable grounds that a person in a public place is intoxicated and is, because of that intoxication is behaving in a disorderly manner; behaving in a manner likely to cause injury to himself, herself or another person or damage to any property; or incapable of protecting himself or herself from physical harm; the officer may take the person into custody and detained him or her.¹⁰ The legislation also provides a search (similar to an ordinary search) and seizure provision to ensure the safety of the person property/possessions.¹¹

⁶ Section 212(1)(b), ACT Crimes Act 1900

⁷ Section 212(3), ACT Crimes Act 1900

⁸ Section 212(1), ACT Crimes Act 1900

⁹ Section 4, ACT Crimes Act 1900

¹⁰ Section 4, ACT Intoxicated Persons (Care and Protection) Act 1994

¹¹ Section 5, ACT Intoxicated Persons (Care and Protection) Act 1994

Statute Powers of Arrest - Commonwealth Offences

Statute powers provide a variety of arrest powers, with and without warrant, which can be applied by civilians and police officers when investigating specific offences to which the statute applied. Simply stated a Commonwealth arrest provision can be used only in relation to a Commonwealth offence.

Commonwealth legislation provides a general power of arrest without warrant for police officer's¹² and civilians¹³ where the police officer has reasonable grounds to believe that the other person has committed or is committing an offence¹⁴ or the civilian has reasonable grounds to believe that the other person is committing or has just committed an indictable offence.¹⁵

A civilian who arrests another person must, as soon as practicable after the arrest, arrange for the other person, and any property found on the other person, to be delivered into the custody of a constable.¹⁶

These arrest powers also place upon the police officer or civilian the requirement based on reasonable grounds to believe that a summons would not achieve one or more of the following

- a) ensuring the appearance of the person before the court in respect of the offence;
- b) preventing a repetition or continuation of the offence or the commission of another offence;
- c) preventing the concealment, loss or destruction of evidence relating to the offence;
- d) preventing harassment of, or interference with a person who may be required to give evidence in proceedings in respect of the offence;
- e) preventing the fabrication of evidence in respect of the offence;
- f) preserving the safety or welfare of the person.¹⁷

If a person has been arrested by a police officer for an offence under this section and before the person is charged with the offence, the constable in charge of the investigation ceases to believe on reasonable grounds that the person committed the offence or that holding the person in custody is necessary to achieve a one or more of the criteria; the person must be released.¹⁸

¹² Section 3W(1), Commonwealth Crimes Act 1914

¹³ Section 3Z(1), Commonwealth Crimes Act 1914

¹⁴ "Offence means an offence against a law of the Commonwealth (other than the Defence Force Discipline Act 1982; or an offence against a law of a Territory other than the Australian Capital Territory."

¹⁵ Ibid. "Offence"

¹⁶ Section 3Z(2), Commonwealth Crimes Act 1914

¹⁷ Section 3W(1)(b), Commonwealth Crimes Act 1914

¹⁸ Section 3W(2), Commonwealth Crimes Act 1914

The Public Order (Protection of Persons and Property) Act 1971¹⁹ deals with demonstrations, assaults and trespass in relation to Commonwealth, Diplomatic and Territorial places. A police officer may arrest without warrant any person who he/she believes on reasonable grounds has committed an offence against this Act providing a summons would not be effective. The Act does not contain the criteria as defined in the Crimes Act 1914 and also permits the arrest in order to prevent persistence in or repetition of the offence.

What Is An Arrest?

Arrest is explained as follows:

*Arrest consists of the seizure or touching of a person's body with a view to his restraint, words may, however, amount to an arrest if, in the circumstances of the case, they are calculated to bring, and do bring, to a person's notice that he is under compulsion and he thereafter submits to the compulsion. An arrest may be effected with or without a warrant.*²⁰

How is an Arrest Effected

There are generally considered three ways in which a person can be arrested:

1. By seizing or touching a person with the view to total restraint.
2. By a person submitting to total restraint when told he is arrested, although not seized or touched.
3. By placing total restraint upon someone.

Use of Force When Making an Arrest

Both common law and statute allow the use of force, where necessary, to effect an arrest. However, the governing factors are that the use of force must be necessary and that only enough force may be used to effect the arrest. If more force than is necessary is used to effect the arrest then the arrest may well be unlawful.

Although a member is entitled to use a reasonable amount of force when effecting an arrest, the duty owed to the suspect is in all other respects the standard duty of care owed to any other person, namely to exercise such care and skill as is reasonable in all the circumstances.²¹

Statute provisions provide that person shall not, in the course of arresting another person for an offence, use more force, or subject the other person to greater indignity, than is necessary and reasonable to make the arrest or to

¹⁹ Section 22, Public Order (Protection of Persons and Property) Act 1971

²⁰ Halsbury's Laws of England, Fourth Edition, Volume 11, p. 517

²¹ Marshall v Osmond [1983] 2 All ER 225.

prevent the escape of the other person after the arrest.²² These provisions also state a police officer **shall not**, in the course of arresting a person for an offence do anything that is likely to cause the death of, or grievous bodily harm to, the person, **unless** -

the officer believes on reasonable grounds that it is necessary to do so to protect life or to prevent serious injury to the officer or another person; and

if the person is attempting to escape arrest by fleeing - the person has, if practicable, been called upon to surrender and the officer believes on reasonable grounds that the person cannot be apprehended in any other manner.

Commissioners Order 3

Commissioner's Order 3 gives effect to the policy of the Australian Federal Police (AFP) for the use of reasonable force and its implementation through the establishment and maintenance of appropriate competency standards, the accreditation of trainers, the qualification and re-qualification of AFP employees in the use of force, appropriate reporting mechanisms and management structures for training and monitoring use of force in the AFP. The purpose of Commissioner's Order 3 is to ensure the AFP operates to de-escalate potential conflict situations within the use of force continuum. The AFP stresses the use of minimum force and maintains the preference at all times to resolve incidents without force. The AFP also is concerned to ensure the safe carriage and handling of firearms and other weapons so as not to endanger the handler, other AFP employees and the public.

Commissioner's Order 3 is classified as "Security-in-confidence". As such, it may be disseminated upon request being made to AFP Professional Standards.

Commissioner's Order 3 is not routinely available to members of the public, as it contains internal working procedures and discloses police methodology.

Powers of Private Security Personnel

The Committee will be aware that the private security industry plays a role in controlling crowd behaviour, typically in and around licensed premises and at major events. While private security personnel have to be licensed and minimum training standards apply, there is no legislation in place in the ACT that gives private security personnel equivalent powers to those of a police officer. Private security personnel are required to respond to instances of threats of violence or actual violence in the same ways that apply to an ordinary citizen, as has been described previously in this submission.

²² Section 3ZC, Commonwealth Crimes Act; Section 221, ACT Crimes Act 1900

TERMS OF REFERENCE TWO: INSTANCES OF MISUSE OF CURRENT POWERS

The *Complaints (Australian Federal Police) Act 1981* provides a mechanism for people to raise their concerns if they consider there have been instances of misuse of police powers.

The complaints process is overseen by the Commonwealth Ombudsman, who is independently appointed under the *Ombudsman Act 1976* to investigate complaints about the administrative actions of Commonwealth government agencies. If the Ombudsman is not satisfied with the AFP's actions regarding a complaint, he can require the AFP to take further actions or he can conduct his own investigation. This ensures the integrity of the complaints process.

The following table illustrates the results of completed investigations (AFP Complaint issues) from the Year 2003 –2004²³. During this period there were no substantiated complaints relating to the use of force by police

Category	A	B	C	D	E	F	G	Total
Advice	1	2	0	0	17	0	7	27
Arrest	0	1	0	1	5	0	15	22
Assault	0	2	0	1	0	0	2	5
Conduct	0	2	0	1	11	0	4	18
Criminal Offence	0	0	0	0	0	0	3	3
Entry and Search	0	2	0	0	5	1	16	24
Fraud	0	0	0	0	0	0	0	0
Harassment	0	0	0	0	8	1	28	37
Incivility	0	0	0	10	58	3	19	90
Miscellaneous	0	0	0	1	1	0	10	12
Misuse of Authority	0	3	0	0	10	1	11	25
Neglect of Duty	0	1	0	18	57	10	63	149
Non-Complaint	0	0	0	1	0	0	0	1
Practices & Procedures	1	0	0	14	31	3	45	94
Property	0	3	0	2	9	1	9	24
Traffic	0	0	0	0	11	0	3	14
Use of Force/Person	0	4	0	9	5	3	31	52
Total	2	20	0	58	228	23	266	597

Note: The total number of complaint issues varies from the total number of actual complaints as each referral may comprise a number of separate complaints.

- A Substantiated
- B Unsubstantiated
- C Incapable of determination
- D Conciliation
- E Conciliation successful
- F Withdrawn
- G Discretion exercised by the Ombudsman not to investigate

²³ Source AFP Annual Report 2003 -2004 (Please note that the table relates to the AFP and is not specific to ACT Policing).

TERMS OF REFERENCE THREE: SPECIAL POWERS FOR PARTICULAR EVENTS

Major Events

The *Major Events Security Act 2000* (MESA) was introduced in 2000 in order to substantially upgrade security at declared major events. The Act provides powers designed to combat anti social behaviour, search for prohibited items as stated in the declaration of the event and powers to eject persons for anti social behaviour. The relevant sections are detailed in Attachment A, at Sections 80-83.

There have been two occasions in the ACT that a major event has been declared under the Act. The first occasion was the Olympic Football Tournament held in 2000 and the second occasion was the Rugby World Cup held in 2003.

On both these occasions the declaration was made in relation to security arrangements at Bruce Stadium.

Attachment A

In responding to Crowd Control issues ACT Policing utilise the following legislation to provide an appropriate response in any circumstance. The chart below contains relevant legislation as requested under terms of reference (a) Current police powers under legislation.

POLICE POWERS AND CROWD CONTROL OFFENCES			
COMMONWEALTH LEGISLATION			
#	Act	S./reg.no	Provision
1	Parliamentary Precincts Act 1988	6(1)	Precincts under the control of the President of the Senate or the Speaker of the House of Representatives. (Copy of Draft Guidelines provided.)
2	Public Order (Protection of Persons and Property) Act	6	<u>Assemblies involving violence or apprehension of violence</u> (1) Where persons taking part in an assembly that is in a Territory or is wholly or partly on Commonwealth premises conduct themselves, in the Territory or on the Commonwealth premises, in a way that gives rise to a reasonable apprehension that the assembly will be carried on in a manner involving unlawful physical violence to persons or unlawful damage to property, each of those persons is guilty of an offence, punishable on conviction by a fine of not more than 20 penalty units. (1A) For the purposes of an offence against subsection (1), absolute liability applies to such of the following physical elements of circumstance as are relevant to the offence: (a) that the assembly is in a Territory or is wholly or partly on Commonwealth premises; (b) that the persons conduct themselves in the Territory or on the Commonwealth premises. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>. (2) A person who, in a Territory or on Commonwealth premises, while taking part in an assembly, intentionally does an act of physical violence to another person, or an act that results in damage to property, is guilty of an offence, punishable on conviction by imprisonment for not more than 12 months. (3) For the purposes of an offence against subsection (2), absolute liability applies to the physical element of circumstance of the offence, that the person is in a Territory or on Commonwealth premises. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>.
3	Public Order (Protection of Persons and Property) Act	7	<u>Causing actual bodily harm or damage to property</u> (1) A person who, in a Territory or on Commonwealth premises, while taking part in an assembly, intentionally causes: (a) actual bodily harm to another person; or (b) damage, to an extent exceeding \$1,500, to property; is guilty of an indictable offence, punishable on conviction by imprisonment, in the case of causing actual bodily harm, for a term not exceeding five years or, in the case of causing damage to property, for a term not exceeding three years.

			(2) For the purposes of an offence against subsection (1), absolute liability applies to such of the following physical elements of circumstance as are relevant to the offence: (a) that the person is in a Territory or on Commonwealth premises; (b) that the extent of the damage to property exceeds \$1,500. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>.
4	Public Order (Protection of Persons and Property) Act	8	<u>Dispersal of certain assemblies</u> (1) Where there is an assembly consisting of not less than twelve persons in a Territory and: (a) persons taking part in the assembly have conducted themselves in a way that has caused a member of a Police Force of the rank of Sergeant or above reasonably to apprehend that the assembly will be carried on in a manner involving unlawful physical violence to persons or unlawful damage to property; or (b) the assembly is being carried on in a manner involving such unlawful violence or damage; a member of a Police Force of the rank of Sergeant or above may give a direction under this section. (2) A direction under this section shall be given orally and in such a manner as to be likely to be audible to the persons constituting the assembly, or to as many of them as practicable, and shall be in accordance with the following form or to the like effect: In pursuance of the Public Order (Protection of Persons and Property) Act of the Commonwealth of Australia, I [<i>name of police officer</i>], being a Sergeant [<i>or higher rank, as the case may be</i>] in the [<i>name of Police Force</i>], direct all persons taking part in this assembly to disperse forthwith. Persons who fail to disperse may render themselves liable to the penalties provided by the Act. (3) Where: (a) a direction is given under this section; and (b) the assembly, to the number of not less than twelve persons, continues after the expiration of fifteen minutes from the time of the direction; each of those persons who has failed to comply with the direction is guilty of an offence, punishable on conviction by imprisonment for not more than 6 months. (3A) Strict liability applies to paragraphs (3)(a) and (b). Note: For <i>strict liability</i>, see section 6.1 of the <i>Criminal Code</i>. (3B) Subsection (3) does not apply to a person who has a reasonable excuse. Note: A defendant bears an evidential burden in relation to the matter in subsection (3B) (see subsection 13.3(3) of the <i>Criminal Code</i>). (4) For the purpose of: (a) dispersing an assembly in respect of which a direction has been given under this section; or (b) dispersing or suppressing an assembly to which paragraph (1)(b) applies (whether or not a direction has been given under this section in respect of the assembly);

			it is lawful for a person to use such force as he or she believes, on reasonable grounds, to be necessary for that purpose and is reasonably proportioned to the danger which he or she believes, on reasonable grounds, is to be apprehended from the continuance of the assembly.
5	Public Order (Protection of Persons and Property) Act	9	<u>9 Unreasonable obstruction</u> (1) A person who, in a Territory or on Commonwealth premises, while taking part in an assembly, engages in unreasonable obstruction is Provisions applying in Commonwealth Territories and on Commonwealth premises guilty of an offence, punishable on conviction by a fine of not more than 20 penalty units. (2) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the person is in a Territory or on Commonwealth premises. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>.
6	Public Order (Protection of Persons and Property) Act	10	<u>Weapons, missiles etc.</u> (1) A person who, in a Territory or on Commonwealth premises, while taking part in an assembly: (a) has in his or her possession a weapon, a missile or a destructive, noxious or repulsive object or substance; (b) discharges or uses a weapon or throws a missile; (c) throws, releases or deposits a destructive, noxious or repulsive object or substance; or (d) throws, releases, deposits or deals with an object or substance, being reckless as to whether doing so will cause injury to persons or damage to property; is guilty of an offence. (1A) For the purposes of an offence against subsection (1), absolute liability applies to the physical element of circumstance of the offence, that the person is in a Territory or on Commonwealth premises. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>. (1B) Paragraph (1)(a) does not apply if the person has a reasonable excuse. Note: A defendant bears an evidential burden in relation to the matter in subsection (1B) (see subsection 13.3(3) of the <i>Criminal Code</i>). (2) An offence against subsection (1) is punishable on conviction: (a) in respect of an offence arising under paragraph (1)(a)—by a fine of not more than 20 penalty units; or (b) in any other case—by imprisonment for not more than 6 months.
7	Public Order (Protection of Persons and Property) Act	11	<u>Additional offences on premises in a Territory</u> (1) A person who trespasses on premises in a Territory is guilty of an offence, punishable on conviction by a fine of not more than 10 penalty units. (2) A person who: (a) engages in unreasonable obstruction in relation to the passage of persons or vehicles into, out of, or on premises in a Territory, or otherwise in relation to the

			use of premises in a Territory; (b) while trespassing on premises in a Territory, behaves in an offensive or disorderly manner; or (c) being in or on premises in a Territory, refuses or neglects to leave those premises on being directed to do so by the occupier or a person acting with the authority of the occupier; is guilty of an offence, punishable on conviction by a fine of not more than 20 penalty units. (2A) For the purposes of an offence against subsection (1) or (2), absolute liability applies to the physical element of circumstance of the offence, that the premises are in a Territory. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>. (2B) Subsection (1) and paragraph (2)(c) do not apply if the person has a reasonable excuse. Note: A defendant bears an evidential burden in relation to the matter in subsection (2B) (see subsection 13.3(3) of the <i>Criminal Code</i>). (3) Notwithstanding section 23, the consent of the Director of Public Prosecutions, or of a person, or of a person included in a class of persons, authorized by the Director of Public Prosecutions for the purposes of subsection (2) of that section, is not required for the institution of proceedings for the prosecution of an offence against this section. (3A) This section is not intended to exclude or limit the concurrent operation of any law of the Australian Capital Territory. (4) In this section, <i>premises</i> does not include Commonwealth premises.
8	Public Order (Protection of Persons and Property) Act	12	<u>Additional offences on Commonwealth premises</u> (1) A person who trespasses on Commonwealth premises is guilty of an offence, punishable on conviction by a fine of not more than 10 penalty units. (2) A person who: (a) engages in unreasonable obstruction in relation to the passage of persons or vehicles into, out of, or on Commonwealth premises, or otherwise in relation to the use of Commonwealth premises; (b) being in or on Commonwealth premises, behaves in an offensive or disorderly manner; or (c) being in or on Commonwealth premises, refuses or neglects to leave those premises on being directed to do so by a constable, by a protective service officer, or by a person authorized in writing by a Minister or the public authority under the Commonwealth occupying the premises to give directions for the purposes of this section; is guilty of an offence, punishable on conviction by a fine of not more than 20 penalty units. (3) For the purposes of an offence against subsection (1) or (2), absolute liability applies to the physical element of circumstance of the offence, that the premises are Commonwealth premises. Note: For <i>absolute liability</i>, see section 6.2 of the <i>Criminal Code</i>.

			(4) For the purposes of an offence against paragraph (2)(c), strict liability applies to the physical element of circumstance of the offence, that the direction had been given by: (a) a constable; or (b) a protective service officer; or (c) a person authorised in writing by a Minister or the public authority under the Commonwealth occupying the premises to give directions for the purposes of this section. Note: For <i>strict liability</i>, see section 6.1 of the <i>Criminal Code</i>. (5) Subsection (1) and paragraph (2)(c) do not apply if the person has a reasonable excuse.
9	Public Order (Protection of Persons and Property) Act	13B	<u>Application of Part</u> [applies to courts] This Part applies only to a court (as defined by section 13A) that is prescribed by the regulations for the purposes of this Part.
10	Public Order (Protection of Persons and Property) Act	13C	<u>Power of authorised officer [includes police] to require information</u> (1) Subject to any limitations and restrictions provided by the regulations, if an authorised officer in relation to a court believes on reasonable grounds that it is necessary in the interests of security to do so, the officer may require a person who is on the court premises to tell the officer: (a) the person's name; and (b) the address of the person's place of residence; and (c) the person's reason for being on the premises; and (d) evidence of the person's identity. (2) A person of whom such a requirement is made must not: (a) refuse or fail to comply with the requirement; or (b) give false information, or false evidence of identity, in response to the requirement. Penalty: 20 penalty units. (3) Subsection (2) does not apply if the person has a reasonable excuse. Note: A defendant bears an evidential burden in relation to the matter in subsection (3) (see subsection 13.3(3) of the <i>Criminal Code</i>).
11	Public Order (Protection of Persons and Property) Act	13D	<u>13D Power of authorised officer to search a person or require a person to deposit personal effects</u> (1) Subject to any limitations and restrictions provided by the regulations, if an authorised officer in relation to a court believes on reasonable grounds that it is necessary in the interests of security to do so, the officer may: (a) require a person who is on the court premises to submit to either or both of the following: (i) a screening search and/or a frisk search of the person; (ii) a search of any of the person's personal effects that are reasonably capable of concealing a firearm, explosive substance or offensive weapon; for the purposes of finding out whether a firearm, explosive substance or offensive weapon is hidden in

			the person's clothing or personal effects; and (b) require a person who is on the court premises to deposit with the authorised officer any personal effects that are reasonably capable of: (i) concealing a firearm, explosive substance or offensive weapon; or (ii) being used to cause injury to, or incapacitate, a person. (2) A person of whom a requirement is made under subsection (1) must not refuse or fail to comply with the requirement. Penalty: 20 penalty units. (2A) Subsection (2) does not apply if the person has a reasonable excuse. Note: A defendant bears an evidential burden in relation to the matter in subsection (2A) (see subsection 13.3(3) of the <i>Criminal Code</i>). (3) If, in the course of a search under paragraph (1)(a), a firearm, explosive substance or offensive weapon is found, an authorised officer in relation to the court: (a) may take possession of the firearm, substance or weapon; and (b) may retain it for any period that he or she thinks necessary for the purposes of this Part. (4) This section does not authorise anyone conducting a frisk search of a person to remove, or to require the person to remove, any of the person's clothing. (5) A frisk search of a person under this section is to be conducted by: (a) an authorised officer of the same sex as the person; or (b) if an authorised officer of the same sex as the person is not available to conduct the search—any other person who is of the same sex and: (i) is requested by an authorised officer; and (ii) agrees; to conduct the search. (6) An action or proceeding, whether civil or criminal, does not lie against a person who, at the request of an authorised officer, conducts a search under this section if the person acts in good faith and does not contravene subsection (7). (7) An authorised officer or other person who conducts a search under this section must not use more force, or subject a person to greater indignity, than is reasonably necessary in order to conduct the search.
12	Public Order (Protection of Persons and Property) Act	13E	<u>Removal from court premises</u> (1) An authorised officer in relation to a court may direct a person to leave the court premises if the person: (a) refuses or fails to comply with a requirement made under subsection 13C(1) or 13D(1); or (b) does not satisfy the authorised officer that the person has a proper reason for being on the court premises. (2) For the purposes of paragraph (1)(b), without limiting what constitutes a proper reason for being on court premises, a person has such a reason if he or she wishes to attend the hearing of the proceedings in the court. (3) If a person refuses or fails to comply with a direction

			given to the person under subsection (1): (a) the person is guilty of an offence punishable on conviction by a fine of not more than 20 penalty units; and (b) a constable may refuse the person entry to, or remove the person from, the court premises, as the case requires. (4) Except as provided in subsection (1), a person is entitled to enter and remain on court premises if there is room for the person on the premises.
13	Public Order (Protection of Persons and Property) Act	13F	<u>Person not to carry firearm, explosive substance or offensive weapon on court premises</u> A person must not, while on any court premises, carry or otherwise have in his or her possession a firearm, an explosive substance or an offensive weapon. Penalty: Imprisonment for 12 months.
14	Australian Road Rules	304	Obedience to reasonable directions of a police officer or authorised person
ACT LEGISLATION			
15	Crime (Prevention Powers) Act 1998	4	<u>Move-on powers</u> (1) This section applies if there are reasonable grounds for a police officer to believe that a person in a public place has engaged, or is likely to engage, in violent conduct in that place. (2) The police officer may direct the person to leave the vicinity of the public place. (3) The direction may be made subject to either or both of the following conditions: (a) if the police officer has reasonable grounds for believing that the person is likely to engage in violent conduct while, or immediately after, leaving the vicinity by a particular route—that the person leave the vicinity by a different route (whether the route is stated or unstated); (b) that the person not return to the vicinity for a stated period of not longer than 6 hours. (4) A person must not, without reasonable excuse, contravene a direction (including a condition of a direction) given to the person under subsection (2). Maximum penalty: 2 penalty units. (5) This section does not apply in relation to a person who, whether in the company of other people or not, is— (a) picketing a place of employment; or (b) demonstrating or protesting about a particular issue; or (c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended to publicise the person's view about a particular issue.

16	Crimes Act 1900	19	<u>Intentionally inflicting grievous bodily harm</u> A person who intentionally inflicts grievous bodily harm on another person is guilty of an offence punishable, on conviction, by imprisonment for 15 years.
17	Crimes Act 1900	20	<u>Recklessly inflicting grievous bodily harm</u> A person who recklessly inflicts grievous bodily harm on another person is guilty of an offence punishable, on conviction, by imprisonment for 10 years.
18	Crimes Act 1900	21	<u>Wounding</u> A person who intentionally wounds another person is guilty of an offence punishable, on conviction, by imprisonment for 5 years.
19	Crimes Act 1900	22	<u>Assault with intent to commit certain indictable offences</u> A person who assaults another person with intent to commit another offence against this part punishable by imprisonment for a maximum period of 5 years or longer is guilty of an offence punishable, on conviction, by imprisonment for 5 years.
20	Crimes Act 1900	23	<u>Inflicting actual bodily harm</u> A person who intentionally or recklessly inflicts actual bodily harm on another person is guilty of an offence punishable, on conviction, by imprisonment for 5 years.
21		24	<u>Assault occasioning actual bodily harm</u> A person who assaults another person and by the assault occasions actual bodily harm is guilty of an offence punishable, on conviction, by imprisonment for 5 years.
22	Crimes Act 1900	25	<u>Causing grievous bodily harm</u> A person who, by any unlawful or negligent act or omission, causes grievous bodily harm to another person is guilty of an offence punishable, on conviction, by imprisonment for 2 years.
23	Crimes Act 1900	26	<u>Common assault</u> A person who assaults another person is guilty of an offence punishable, on conviction, by imprisonment for 2 years.
24	Crimes Act 1900	26A	<u>Common assault—summary offence</u> (1) A person commits an offence if the person assaults someone else. Maximum penalty: 50 penalty units, imprisonment for 6 months or both (2) The Criminal Code, chapter 2 (other than the immediately applied provisions) does not apply to an offence against this section. (3) Subsections (2) and (4) and this subsection expire on the default application date. (4) In this section: default application date —see the Criminal Code, section 10. immediately applied provisions —see the Criminal Code, section 10.

25	Crimes Act 1900	27	<u>Acts endangering life etc</u> (1) In this section: conveyance means a vehicle (including an aircraft) or vessel of a kind used for transporting persons, animals or goods. public utility service means— (a) the supply of electricity, gas or water; or (b) the supply of fuel; or (c) the collection and disposal of sewerage and other waste; as a service to the public. transport facility means a facility provided to permit the transportation of persons, animals or goods, whether by air or over land or water, or provided in connection with such transportation. (2) For subsection (3) (g), an interference shall be taken to include any act or omission that, whether temporarily or permanently, damages, renders inoperative, obstructs, causes to malfunction or puts to an improper purpose. (3) A person who intentionally and unlawfully— (a) chokes, suffocates or strangles another person so as to render that person insensible or unconscious or, by any other means, renders another person insensible or unconscious; or (b) administers to, or causes to be taken by, another person any stupefying or overpowering drug or poison or any other injurious substance likely to endanger human life or cause a person grievous bodily harm; or (c) uses against another person any offensive weapon likely to endanger human life or cause a person grievous bodily harm; or (d) discharges any loaded arms at another person or so as to cause another person reasonable apprehension for his or her safety; or (e) causes an explosion or throws, places, sends or otherwise uses any explosive device or any explosive, corrosive or inflammable substance in circumstances likely to endanger human life or cause a person grievous bodily harm; or (f) sets a trap or device for the purpose of creating circumstances likely to endanger human life or cause a person (including a trespasser) grievous bodily harm; or (g) interferes with any conveyance or transport facility or any public utility service in circumstances likely to endanger human life or cause a person grievous bodily harm; or (h) interferes with a prescribed traffic control device (within the meaning of the <i>Road Transport (Safety and Traffic Management) Act 1999</i>) in circumstances likely to endanger life or cause a person grievous bodily harm; is guilty of an offence punishable, on conviction, by imprisonment for 10 years.
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			(4) A person who does an act referred to in subsection (3)— (a) intending to commit an indictable offence against this part punishable by imprisonment for a maximum period exceeding 10 years; or (b) intending to prevent or hinder his or her lawful apprehension or detention or that of another person; or (c) intending to prevent or hinder a police officer from lawfully investigating an act or matter that reasonably calls for investigation by the officer; is guilty of an offence punishable, on conviction, by imprisonment for 15 years.
26	Crimes Act 1900	28	<u>Acts endangering health etc</u> (1) In this section: conveyance—see section 27 (1). interferes with—see section 27 (2). public utility service—see section 27 (1). transport facility—see section 27 (1). (2) A person who intentionally and unlawfully— (a) administers to, or causes to be taken by, another person any poison or other injurious substance with intent to injure or cause pain or discomfort to that person; or (b) causes an explosion or throws, places, sends or otherwise uses any explosive device or any explosive, corrosive or inflammable substance in circumstances dangerous to the health, safety or physical wellbeing of another person; or (c) sets a trap or device for the purpose of creating circumstances dangerous to the health, safety or physical wellbeing of another person (including a trespasser); or (d) interferes with any conveyance or transport facility or any public utility service in circumstances dangerous to the health, safety or physical wellbeing of another person; is guilty of an offence punishable, on conviction, by imprisonment for 5 years.
27	Crimes Act 1900	116	<u>Destroying or damaging property</u> (1) A person who destroys or damages (otherwise than by means of fire or explosive) any property with intent to endanger the life of another person by that destruction or damage is guilty of an offence punishable, on conviction, by imprisonment for 20 years. (2) A person who dishonestly, with a view to gain for himself or herself or another person, destroys or damages (otherwise than by means of fire or explosive) any property is guilty of an offence

			punishable, on conviction, by imprisonment for 15 years. (3) A person who, intentionally and without lawful excuse, and by means other than fire or explosive, destroys or damages property that— (a) belongs to another person, or to himself or herself and another person; and (b) does not exceed \$1 000 in value; is guilty of an offence punishable, on conviction, by imprisonment for 6 months, a fine not exceeding 50 penalty units or both.
28	Crimes Act 1900	117	<u>Arson</u> (1) A person who destroys or damages by means of fire or explosive any property with intent to endanger the life of another person by that destruction or damage is guilty of an offence punishable, on conviction, by imprisonment for 25 years. (2) A person who dishonestly, with a view to gain for himself or herself or another person, destroys or damages by means of fire or explosive any property is guilty of an offence punishable, on conviction, by imprisonment for 20 years.
29	Crimes Act 1900	119	<u>Defacing property</u> (1) A person shall not— (a) affix a placard or paper on any private premises; or (b) wilfully mark, by means of chalk, paint or any other material, any private premises; unless the person has first obtained the consent— (c) if the premises are occupied—of the occupier or person in charge of the premises; or (d) if the premises are not occupied—of the owner or person in charge of the premises. Maximum penalty: \$1 000, imprisonment for 6 months or both. (2) A person shall not, without lawful authority, affix a placard or paper on, or wilfully mark, by means of chalk, paint or any other material, any public street, road, footpath, bus shelter or other property of the Territory or the Commonwealth or of an authority or body constituted by or under a law of the Territory, the Commonwealth or another Territory. Maximum penalty: \$1 000, imprisonment for 6 months or both.

30	Crimes Act 1900	211	<u>Requirement to provide name etc</u> (1) If— (a) a police officer has reason to believe that an offence has been or may have been committed; and (b) believes on reasonable grounds that a person may be able to assist him or her in inquiries in relation to that offence; and (c) the name or address (or both) of that person is unknown to the officer; the officer— (d) may request the person to provide his or her name or address (or both) to the officer; and (e) if making such a request—shall inform the person of the reason for the request. (2) If a police officer— (a) makes a request of a person under subsection (1); and (b) informs the person of the reason for the request; and (c) complies with subsection (3) if the person makes a request under that subsection; the person shall not, without reasonable excuse— (d) fail to comply with the request; or (e) give a name or address that is false in a material particular. (3) If a police officer who makes a request of a person under subsection (1) is requested by the person to provide to the person— (a) his or her name or the address of his or her place of duty; or (b) his or her name and that address; or (c) if he or she is not in uniform and it is practicable for the police officer to provide the evidence—evidence that he or she is a police officer; the police officer shall not— (d) fail to comply with the request; or (e) give a name or address that is false in a material particular. (4) As soon as possible after making such a request, the police officer shall make a written record of the grounds for his or her belief. Maximum penalty: \$500.
31	Crimes Act 1900	212	<u>Power of arrest without warrant by police officers</u> (1) A police officer may, without warrant, arrest a person for an offence if the police officer suspects on reasonable grounds that— (a) the person has committed or is committing the offence; and (b) proceedings by summons against the person would not achieve 1 or more of the following purposes: (i) ensuring the appearance of the person before a court in respect of the offence; (ii) preventing a repetition or continuation of the offence or the commission of another offence; (iii) preventing the concealment, loss or destruction of evidence relating to the offence; (iv) preventing harassment of, or interference with, a person who may be required to give evidence in proceedings in

			respect of the offence; (v) preventing the fabrication of evidence in respect of the offence; (vi) preserving the safety or welfare of the person. (2) A police officer may, without warrant, arrest a person for a domestic violence offence if the police officer suspects on reasonable grounds that the person has committed or is committing the offence. (3) If— (a) a person has been arrested under subsection (1) or (2) in connection with an offence; and (b) before the person is charged with the offence, the police officer in charge of the investigation into the offence does not have, or ceases to have, reasonable grounds to suspect that— (i) the person committed the offence; or (ii) for a person arrested under subsection (1)—holding the person in custody is necessary to achieve any of the purposes referred to in subsection (1) (b); the person shall forthwith be released from custody in respect of the offence. (4) A police officer may, without warrant, arrest a person whom he or she suspects on reasonable grounds has escaped from lawful custody to which the person is still liable in respect of an offence. (5) In this section: <i>domestic violence offence</i>—an offence that a person is suspected of committing is a <i>domestic violence offence</i> if the conduct making up the offence is domestic violence under the <i>Domestic Violence and Protection Orders Act 2001</i>.
32	Crimes Act 1900	221	<u>Use of force in making arrest</u> (1) A person shall not, in the course of arresting another person for an offence, use more force, or subject the other person to greater indignity, than is necessary and reasonable to make the arrest or to prevent the escape of the other person after the arrest. (2) Without limiting the operation of subsection (1), a police officer shall not, in the course of arresting a person for an offence do anything that is likely to cause the death of, or grievous bodily harm to, the person, unless— (a) the officer believes on reasonable grounds that it is necessary to do so to protect life or to prevent serious injury to the officer or another person; and (b) if the person is attempting to escape arrest by fleeing—the person has, if practicable, been called on to surrender and the officer believes on reasonable grounds that the person cannot be apprehended in any other way.
33	Crimes Act 1900	222	<u>Persons to be informed of grounds of arrest</u> (1) A person who arrests another person for an offence shall inform the other person, at the time of the arrest, of the offence for which the other person is being arrested. (2) It is sufficient if the other person is informed of the substance of the offence, and it is not necessary that this be done in language of a precise or technical nature.

			(3) Subsection (1) does not apply to the arrest of the other person if— (a) the other person should, in the circumstances, know the substance of the offence for which he or she is being arrested; or (b) the other person's actions make it impracticable for the person making the arrest to inform the other person of the offence for which he or she is being arrested.
34	Crimes Act 1900	223	<u>Power to conduct frisk search of arrested person</u> (1) A police officer who arrests a person for an offence, or who is present at such an arrest, may, if the police officer suspects on reasonable grounds that it is prudent to do so to ascertain whether the person is carrying any seizable items— (a) conduct a frisk search of the person at or soon after the time of arrest; and (b) seize any seizable items found as a result of the search. (2) The police officer may arrange for another police officer to conduct the frisk search if, having regard to section 240 (Conduct of ordinary searches and frisk searches), the officer considers that it would be more appropriate for the other officer to conduct the frisk search. (3) The other police officer is authorised— (a) to conduct the frisk search; and (b) to seize any seizable items found as a result of the search.
35	Crimes Act 1900	224	<u>Power to conduct ordinary search of arrested person</u> (1) If a police officer suspects on reasonable grounds that a person who has been arrested is carrying— (a) evidential material in relation to any offence; or (b) a seizable item; the police officer may conduct an ordinary search of the person at or soon after the time of arrest, and seize any such thing found as a result of the search. (2) The police officer may arrange for another police officer to conduct the ordinary search if, having regard to section 240 (Conduct of ordinary searches and frisk searches), the officer considers that it would be more appropriate for the other officer to conduct the frisk search. (3) The other police officer is authorised— (a) to conduct the ordinary search; and (b) to seize anything mentioned in subsection (1) found as a result of the search.
36	Crimes Act 1900	225	<u>Power to conduct search of arrested person's premises</u> A police officer who arrests a person at premises for an offence, or who is present at such an arrest, may seize things in plain view at those premises that the police officer believes on reasonable grounds to be— (a) evidential material in relation to any offence; or (b) seizable items.

37	Crimes Act 1900	226	<u>Power to conduct search at police station</u> (1) If— (a) a person has been brought to a police station following arrest for an offence; and (b) an ordinary search of the person has not been conducted; a police officer may conduct an ordinary search of the person. (2) If— (a) a person is in lawful custody in a police station; and (b) a police officer— (i) of the rank of sergeant or higher; or (ii) who is for the time being in charge of the police station; suspects on reasonable grounds that it is prudent to do so to ascertain whether the person is carrying any evidential material in relation to any offence or seizable items; the police officer may cause a frisk search or an ordinary search of the person to be conducted. (3) If a person is searched under this section and as a result of the search is found to be carrying— (a) evidential material in relation to any offence; or (b) a seizable item; the police officer conducting the search may seize that thing. (4) If a person is searched under this section, the police officer who conducts or causes the search to be conducted shall make a record of the reasons for the search and of the type of search.
38	Crimes Act 1900	227	<u>Power to conduct strip search</u> (1) Subject to this section, if a person arrested for an offence is brought to a police station, a police officer may conduct a strip search of the person. (2) A strip search may be conducted if— (a) a police officer suspects on reasonable grounds that the person has in his or her possession— (i) evidential material in relation to that or another offence; or (ii) a seizable item; or (b) the police officer suspects on reasonable grounds that a visual inspection of the person's body will provide evidence of the person's involvement in an offence; and— (c) the police officer suspects on reasonable grounds that it is necessary to conduct a strip search of the person to recover that thing or to discover that evidence; and (d) a police officer of the rank of superintendent or higher has approved the conduct of the search. (3) Subject to section 228, a strip search may also be conducted if the person consents in writing. (4) Subject to section 228, a strip search may be conducted in the presence of a medical practitioner who may assist in the search. (5) The approval may be obtained by telephone, telex, fax or other electronic means.

			(6) A police officer who gives or refuses to give an approval under subsection (2) (d) shall make a record of the decision and of the reasons for the decision. (7) The force that is necessary and reasonable in the circumstances may be used to conduct a strip search under subsection (2). (8) Any item of a kind referred to in subsection (2) (a) that is found during a strip search may be seized.
39	Crimes Act 1900	228	<u>Rules for conduct of strip search</u> (1) A strip search— (a) shall be conducted in a private area; and (b) subject to subsection (6), shall be conducted by a police officer who is of the same sex as the person being searched; and (c) subject to subsections (3) and (4), shall not be conducted in the presence or view of a person who is of the opposite sex to the person being searched; and (d) shall not be conducted in the presence or view of a person whose presence is not necessary for the purposes of the search; and (e) shall not be conducted on a person who is under 10; and (f) if the person being searched is at least 10 but under 18, or is incapable of managing his or her affairs— (i) may only be conducted if the person has been arrested and charged or if a court orders that it be conducted; and (ii) shall be conducted in the presence of a parent or guardian of the person being searched or, if that is not acceptable to the person, in the presence of another person (other than a police officer) who is capable of representing the interests of the person and who, as far as is practicable in the circumstances, is acceptable to the person; and (g) shall not involve a search of a person's body cavities; and (h) shall not involve the removal of more garments than the police officer conducting the search believes on reasonable grounds to be necessary to determine whether the person has in his or her possession the item searched for or to establish the person's involvement in the offence; and (i) shall not involve more visual inspection than the police officer believes on reasonable grounds to be necessary to establish the person's involvement in the offence. (2) In deciding whether to make an order referred to in subsection (1) (f), the court shall have regard to— (a) the seriousness of the offence; and (b) the age or any disability of the person; and (c) any other matters the court thinks fit. (3) A strip search may be conducted in the presence of a medical practitioner of the opposite sex to the person

			searched if a medical practitioner of the same sex as the person being searched is not available within a reasonable time. (4) Subsection (1) (c) does not apply to a parent, guardian or personal representative of the person being searched if the person being searched has no objection to the person being present. (5) If any of a person's garments are seized as a result of a strip search, the person shall be provided with adequate clothing. (6) If a strip search of a person is to be conducted and no police officer of the same sex as that person is available to conduct the search, any other person— (a) of the same sex as the person to be searched; and (b) who has been requested to conduct the search by a police officer; may conduct the search. (7) No action or proceeding, civil or criminal, lies against a person who conducts a strip search under a request under subsection (6) in respect of a strip search that would have been lawful if conducted by a police officer.
40	Crimes Act 1900	379	<u>Misbehaviour at public meetings</u> (1) A person shall not, in any premises where a public meeting is being held, behave in a manner that disrupts, or is likely to disrupt, the meeting. Maximum penalty: \$1 000, imprisonment for 6 months or both. (2) If a person presiding at any public meeting reasonably believes that another person in the premises where the meeting is being held is behaving in a manner that is disrupting, or is likely to disrupt, the meeting, the person so presiding may request any police officer who is present to remove the other person and the police officer may remove that other person accordingly.
41	Crimes Act 1900	380	<u>Possession of offensive weapons and disabling substances</u> (1) A person who, without reasonable excuse, has in his or her possession, in a public place, in circumstances likely to cause alarm, an offensive weapon or a disabling substance is guilty of an offence punishable, on conviction, by a fine of \$1000, imprisonment for 6 months or both. (2) In subsection (1): disabling substance means any anaesthetising or other substance made for use for disabling a person, or intended for that use by the person who has it in his or her possession.
42	Crimes Act 1900	381	<u>Possession of offensive weapons and disabling substances with intent</u> (1) A person who has on his or her person an offensive weapon or a disabling substance, in circumstances indicating intent to use the weapon or substance to commit an offence involving actual or threatened

			violence, is guilty of an offence punishable, on conviction, by a fine of \$2 000, imprisonment for 1 year or both. (2) In subsection (1): <i>disabling substance</i> means any anaesthetising or other substance made for use for disabling a person, or intended for that use by the person who has it in his or her possession.
43	Crimes Act 1900	383	<u>Possession of knife in public place or school</u> (1) A person shall not, without reasonable excuse, have a knife in his or her possession in a public place or school. Maximum penalty: 10 penalty units, imprisonment for 6 months or both. (2) Without limiting what may constitute a reasonable excuse, it is a reasonable excuse for a person to have a knife in his or her possession in a public place or school if— (a) the possession is necessary or reasonable for, or for a purpose incidental to— (i) the lawful pursuit of the person's occupation; or (ii) the preparation or consumption of food; or (iii) participation in a lawful entertainment, recreation or sport; or (iv) the exhibition of knives for retail or other trade purposes; or (v) an organised exhibition by knife collectors; or (vi) the wearing of an official uniform; or (vii) religious purposes; or (b) the possession is of a prescribed kind. (3) It is not a reasonable excuse for a person to have a knife in his or her possession in a public place or school solely for the purpose of self defence or the defence of another person.
44	Crimes Act 1900	391	<u>Fighting</u> A person shall not fight with another person in a public place. Maximum penalty: \$1 000.
45	Crimes Act 1900	392	<u>Offensive behaviour</u> A person shall not in, near, or within the view or hearing of a person in, a public place behave in a riotous, indecent, offensive or insulting manner. Maximum penalty: \$1 000.
46	Crimes Act 1900	394	<u>Noise abatement directions</u> (1) If it appears to a police officer that offensive noise is being, or has at any time during the previous 30 minutes been, emitted from any premises, he or she may— (a) direct the person whom he or she believes to be the occupier of those premises to cause the emission of the noise to cease; or (b) direct any person whom he or she believes to be making, or contributing to the making of, the noise to cease making, or contributing to the making of, the noise; or he or she may give directions under both paragraphs

			(a) and (b). (2) A person to whom a direction referred to in subsection (1) (a) is given shall not, without reasonable excuse— (a) fail to cause the emission from the premises of the noise in respect of which the direction was given to cease promptly; or (b) at any time within 6 hours after the time when the direction was given, cause, permit or allow any offensive noise to be emitted from the premises. Maximum penalty: \$1 000, imprisonment for 6 months or both. (3) A person to whom a direction referred to in subsection (1) (b) is given shall not, without reasonable excuse— (a) fail to promptly cease making, or contributing to the making of, the noise in respect of which the direction was given; or (b) at any time within 6 hours after the time when the direction was given, make, or contribute to the making of, any offensive noise emitted from the premises. Maximum penalty: \$1 000, imprisonment for 6 months or both. (4) A person shall not be convicted of an offence against this section unless the prosecution establishes that the noise to which the alleged offence relates was an offensive noise. (5) If a police officer believes on reasonable grounds that a person has committed an offence against subsection (2) or (3), the officer may seize anything (other than an animal) that the officer suspects on reasonable grounds was used in, or in connection with, committing the offence. (6) However, the police officer may seize the thing under subsection (5) only if the police officer has told the person, before the offence against subsection (2) or (3) was committed, that failure to comply with the direction, or resumption of conduct contrary to the direction within 6 hours after the direction was given, may lead to the thing being seized. (7) If a police officer seizes anything under subsection (5), the officer must give the occupier of the premises, or the person from whom the thing was seized, a written notice that— (a) describes the thing seized; and (b) states the police station where the thing will be taken; and (c) states that the thing may be claimed from that police station not earlier than 48 hours after the seizure. (8) If a police officer seizes anything under subsection (5), then, not earlier than 48 hours after the seizure, the occupier of the premises from which the thing was seized, or the owner of the thing, is entitled to its return from the police station where the thing has been taken if the person produces the notice under subsection (7) or anything else that provides satisfactory proof that the person is entitled to its possession. (9) However, if—
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			(a) a person is charged with an offence against this section; and (b) the chief police officer or director of public prosecutions believes, on reasonable grounds, that something seized by a police officer under subsection (5) may provide evidence of the offence; no-one is entitled to its return until the prosecution for the offence has been finally decided. (10) In this section: offensive noise means noise that, because of its level or nature, or the time when it is made, or any other circumstances, is likely to be harmful or offensive to, or to interfere unreasonably with the comfort or repose of, persons who are— (a) if the noise is made in premises other than a public place— outside the premises; or (b) if the noise is made in premises that are a public place—within or outside the premises. premises include any place, vehicle or vessel.
47	Crimes Act 1900	397	<u>Apprehended violence or injury—recognisance to keep the peace etc</u> (1) In every case of apprehended violence by any person to the person of another, or of his or her domestic partner or child, or of apprehended injury to his or her property, a magistrate may on the complaint of the person apprehending the violence or injury, issue a summons or warrant as in any case of apprehended violence to the person, if at present security is required to keep the peace, and a magistrate may examine the complainant, and defendant, and their witnesses, as to the truth of the matter alleged, and, if it appears that the apprehension alleged is reasonable, but not otherwise, the magistrate may require the defendant to enter into a recognisance to keep the peace, with or without sureties, as in any case of a like nature. (2) If in any such case the defendant has spoken any offensive or defamatory words to or of the complainant, on an occasion when a breach of the peace might have been induced thereby, he or she may be required by the magistrate to enter into a recognisance, with or without sureties, to be of good behaviour for a term not exceeding 6 months, and, in default of its being entered into forthwith, the defendant may be imprisoned for 3 months, unless such recognisance is sooner entered into. (3) The magistrate, in every such case, may award costs to either complainant or defendant, to be recovered as costs in summary jurisdiction cases are recoverable.
48	Criminal Code 2002	403	<u>Damaging property</u> (1) A person commits an offence if the person— (a) causes damage to property belonging to someone else; and (b) intends to cause, or is reckless about causing,

			damage to that property or any other property belonging to someone else. Maximum penalty: 1 000 penalty units, imprisonment for 10 years or both. (2) A conviction for an offence against this section is an alternative verdict to a charge for— (a) an offence against section 416 (Unauthorised modification of data to cause impairment); or (b) an offence against section 417 (Unauthorised impairment of electronic communication).
49	Criminal Code 2002	404	<u>Arson</u> (1) A person commits an offence if the person— (a) causes damage to a building or vehicle by fire or explosive; and (b) intends to cause, or is reckless about causing, damage to that or any other building or vehicle. Maximum penalty: 1 500 penalty units, imprisonment for 15 years or both. (2) A person commits an offence if the person— (a) makes to someone else (person B) a threat to damage, by fire or explosive, a building or vehicle belonging to person B or to another person; and (b) intends to cause, or is reckless about causing, person B to fear that the threat will be carried out. Maximum penalty: 700 penalty units, imprisonment for 7 years or both. (3) In the prosecution of an offence against subsection (2) it is not necessary to prove that the person threatened (person B) actually feared that the threat would be carried out. (4) In this section: building includes— (a) part of a building; or (b) any structure (whether or not moveable) that is used, designed or adapted for residential purposes. vehicle means motor vehicle, motorised vessel or aircraft.
50	Criminal Code 2002	406	<u>Threat to cause property damage—fear of death or serious harm</u> (1) A person commits an offence if the person— (a) intentionally makes to someone else a threat to damage property; and (b) is reckless about causing that person to fear that the carrying out of the threat will kill or cause serious harm to that person or another person. Maximum penalty: 700 penalty units, imprisonment for 7 years or both. <i>Note</i> The fault element of recklessness can be satisfied by proof of intention, knowledge or recklessness (see s 20 (4)). (2) In the prosecution of an offence against this section it is not necessary to prove that the person threatened actually feared that the threat would be carried out.
51	Criminal Code 2002	407	<u>Threat to cause property damage</u> (1) A person commits an offence if the person— (a) intentionally makes to someone else a threat to

			damage property belonging to that person or to another person; and (b) intends that person to fear that the threat will be carried out. Maximum penalty: 200 penalty units, imprisonment for 2 years or both. (2) In the prosecution of an offence against this section it is not necessary to prove that the person threatened actually feared that the threat would be carried out.
52	Criminal Code 2002	408	<u>Possession of thing with intent to damage property</u> (1) A person commits an offence if the person possesses a thing with the intention that the person or someone else will use it to damage property belonging to another person. Maximum penalty: 300 penalty units, imprisonment for 3 years or both. (2) In this section: possess a thing includes— (a) have control over disposing of the thing (whether or not the thing is in the custody of the person); or (b) have joint possession of the thing.
53	Criminal Code 2002	423	<u>Sabotage</u> (1) A person commits an offence if— (a) the person causes damage to a public facility by committing a property offence or by causing an unauthorised computer function; and (b) the person intends to cause— (i) major disruption to government functions; or (ii) major disruption to the use of services by the public; or (iii) major economic loss. Maximum penalty: 2 500 penalty units, imprisonment for 25 years or both. (2) To remove any doubt, a person does not commit an offence against this section only because the person takes part in a protest, strike or lockout.
54	Criminal Code 2002	424	<u>Threaten sabotage</u> (1) A person commits an offence if— (a) the person intentionally makes to someone else a threat to cause damage to a public facility by committing a property offence or by causing an unauthorised computer function; and (b) the person intends the other person to fear that the threat will be carried out and will cause— (i) major disruption to government functions; or (ii) major disruption to the use of services by the public; or (iii) major economic loss. Maximum penalty: 1 500 penalty units, imprisonment for 15 years or both. (2) To remove any doubt, a person does not commit an offence against this section only because the person intends to or threatens to take part in a protest, strike or lockout.

			(3) In the prosecution of an offence against this section it is not necessary to prove that the person threatened actually feared that the threat would be carried out. (4) For this section— (a) a threat can be made by any conduct and can be explicit or implicit and conditional or unconditional; and (b) a threat to a person includes a threat to a group of people; and (c) fear that a threat will be carried out includes apprehension that it will be carried out.
55	Drugs of Dependence Act 1989	164	<u>Sale or supply</u> (1) In this section: <i>prohibited substance</i> does not include cannabis. (2) A person shall not— (a) sell or supply a drug of dependence to any person; or (b) participate in the sale or supply of a drug of dependence to any person; or (c) <u>possess a drug of dependence for the purpose of sale or supply</u> to any person. Maximum penalty: 500 penalty units, imprisonment for 5 years or both. (3) A person shall not— (a) sell or supply a prohibited substance to any person; or (b) participate in the sale or supply of a prohibited substance to any person; or (c) possess a prohibited substance for the purpose of sale or supply to any person. Maximum penalty: 500 penalty units, imprisonment for 5 years or both.
56	Drugs of Dependence Act 1989	184	<u>Search and seizure</u> (1) A police officer may search a person or the clothing that is being worn by, or property in the immediate control of, a person and may seize any thing that he or she suspects on reasonable grounds to be connected with an offence that is found in the course of the search, if, and only if, the search and seizure is made by the police officer— (a) after obtaining the consent of the person to the search in accordance with section 185; or (b) in accordance with section 186 on taking the person into lawful custody in relation to an offence; or (c) under a warrant issued under section 187; or (d) in circumstances of seriousness and urgency, in accordance with section 188; or (e) under an order made by a court; or (f) otherwise under a provision of a law in force in the ACT. (2) A police officer may enter any place, and may search for and seize any thing that he or she suspects on reasonable grounds to be connected with an offence that is found on or in the place if, and only if, the search and seizure is made by the police officer— (a) after obtaining the consent of the occupier of the place to the entry in accordance with section 185; or

			(b) under a warrant issued under section 187; or (c) in circumstances of seriousness and urgency, in accordance with section 188; or (d) under an order made by a court; or (e) otherwise under a provision of a law in force in the ACT.
57	Drugs of Dependence Act 1989	188	<u>Searches in emergencies</u> (1) A police officer may only exercise a power under this section if the police officer believes, on reasonable grounds— (a) that it is necessary to do so to prevent the concealment, loss or destruction of any thing connected with an offence; and (b) that the circumstances are of such seriousness and urgency as to require the immediate exercise of the power without the authority of a warrant issued under section 187 or of an order of a court. (2) A police officer may— (a) search a person or the clothing that is being worn by, and property in the apparent control of, a person suspected by the police officer to be carrying any thing connected with an offence; or (b) enter any place at or in which the police officer believes on reasonable grounds that any thing connected with an offence is situated; and (c) seize any such thing that he or she finds in the course of that search, or at or in the place. (3) A police officer who believes on reasonable grounds that a person is, without lawful authority or reasonable excuse, carrying any thing connected with an offence may, for this section, detain that person. (4) A police officer who believes on reasonable grounds that any thing connected with an offence is on or in a vehicle, vessel or aircraft may, for this section, stop that vehicle, vessel or aircraft.
58	Drugs of Dependence Act 1989	189	<u>Clothing and body searches</u> (1) If a police officer is authorised under this division to search the clothing that a person is wearing, the police officer may remove, or require the person to remove, any clothing that the person is wearing. (2) A person shall not be searched under this division except by a police officer of the same sex. (3) However, if a transgender or intersex person is searched, the person may require that the search be conducted by either a male or a female. <i>Note 1</i> For the meaning of <i>transgender person</i> see Legislation Act, s 169A. <i>Note 2</i> For the meaning of <i>intersex person</i>, see Legislation Act, s 169B. (4) If the transgender or intersex person requires that the search be conducted by a male, the person is taken, for this section, to be male. (5) If the transgender or intersex person requires that the search be conducted by a female, the person is taken,

			for this section, to be female. (6) Nothing in this division authorises a police officer to conduct an internal body search.
59	Enclosed Lands Act 1943	4	<u>Penalty for unlawful entry on enclosed lands</u> (1) Any person who, without lawful excuse (proof of which shall lie on the person), enters into the enclosed land of any other person, without the consent of the owner or occupier or the person in charge of those lands, commits an offence. Maximum penalty: 5 penalty units. (2) Without limiting the expression <i>lawful excuse</i> in subsection (1), a drover or person in charge of stock being driven on a road lawfully enclosed with the lands of any person shall be deemed to have lawful excuse for entering those lands for the purpose of preventing the stock from straying or of regaining control of stock that have strayed from that road. (3) If a road is lawfully enclosed with the lands of any person and the road is not clearly defined and— (a) if there is a reasonably defined track commonly used by persons passing through those lands—the centre of the track shall, for this Act, be deemed to be the centre of the road; or (b) if there is no reasonably defined track through the lands—a person passing through the lands shall not commit an offence against this section unless it is shown that the route taken by the person in so passing was, having regard to the circumstances, unreasonable.
60	Firearms Act 1996	16	<u>Unauthorised possession or use of firearms prohibited</u> (1) A person commits an offence if— (a) the person possesses or uses a firearm; and (b) the person is not authorised by a licence or permit, or this Act, to possess or use the firearm. Maximum penalty: (a) for the possession or use of a prohibited firearm or prohibited pistol—200 penalty units, imprisonment for 2 years or both; and (b) for the possession or use of any other firearm—100 penalty units, imprisonment for 1 year or both. Example of unauthorised possession or use of firearm A person possesses or uses a firearm for a purpose other than the purpose established by the person as the genuine reason for possessing or using the firearm. <i>Note 1</i> A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including regulations (see Legislation Act, s 104). <i>Note 2</i> An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132). (2) Without limiting subsection (1), a person who is a licence holder is taken to possess or use a firearm in contravention of the subsection if the person contravenes a condition of the person's licence.

61	Firearms Act 1996	75	<u>Search of persons, vehicles, vessels—without warrant</u> (1) If a police officer has reasonable grounds for believing that a firearm connected with an offence may be found in the possession of a person, or in or on a vehicle or vessel, the police officer may, without warrant— (a) stop and search the person, the clothing being worn by the person, or property in, or apparently in, the immediate control of the person; or (b) stop, search and detain the vehicle or vessel; and seize any such firearm and any thing that is found in the course of a search referred to in paragraph (a) or (b) that he or she believes on reasonable grounds is connected with that offence. (2) If a person is searched under this section, the search shall be carried out by a police officer of the same sex. (3) However, if a transgender or intersex person is searched, the person may require that the search be carried out by either a male or a female. <i>Note</i> For the meaning of transgender person see Legislation Act, s 169A. <i>Note</i> For the meaning of intersex person, see Legislation Act, s 169B. (4) If the transgender or intersex person requires that the search be carried out by a male, the person is taken, for this section, to be male. (5) If the transgender or intersex person requires that the search be carried out by a female, the person is taken, for this section, to be female.
62	Firearms Act 1996	80	<u>Discharge etc of firearm—public places etc</u> (1) A person shall not, without reasonable excuse— (a) have a firearm in his or her possession in or near a street or public place; or (b) discharge a firearm in, near or onto a street or public place; except with the written approval of the registrar. Maximum penalty: 100 penalty units, imprisonment for 1 year or both. (2) A person shall not, without reasonable excuse, have a firearm in his or her possession in a place (other than a street or public place) so as to endanger the life of another person. Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
63	Firearms Act 1996	81	<u>Discharge of firearm—general</u> (1) A person shall not, without reasonable excuse, discharge a firearm on, onto or across— (a) land, (other than land that is in or near a street or public place) that is— (i) leased land; or (ii) occupied under a licence granted by the Territory; except with the written consent of the lessee or occupier of that land or other person apparently acting with the authority of the lessee or occupier; or (b) any other land—except with the written approval of the registrar.

			Maximum penalty: 50 penalty units, imprisonment for 6 months or both. (2) Subsection (1) does not apply in relation to a person who is on an approved shooting range owned or used by an approved club if the person is taking part in a competition or activity conducted by or in association with the club.
64	Firearms Act 1996	82	<u>Carriage or use of firearm—improper manner</u> A person shall not, without reasonable excuse, carry or use a firearm— (a) in or on any premises in a manner likely to— (i) injure, or endanger the safety of, another person; or (ii) cause reasonable fear of the infliction of injury; or (iii) destroy or damage any property; or (b) with disregard for his or her own safety or for the safety of other persons. Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
65	Intoxicated Persons (Care and Protection) Act 1994	4	<u>Detention of intoxicated persons</u> (1) Where a police officer believes on reasonable grounds that a person in a public place is intoxicated and is, because of that intoxication— (a) behaving in a disorderly manner; or (b) behaving in a manner likely to cause injury to himself, herself or another person, or damage to any property; or (c) incapable of protecting himself or herself from physical harm; the officer may take the person into custody and detain him or her. (2) The police officer may take the person into custody only if the officer is satisfied that there is no other reasonable alternative for the person's care and protection. (3) A person detained under subsection (1) shall be released— (a) when he or she ceases to be intoxicated; or (b) at the expiration of the period of 8 hours after he or she is so detained; whichever is earlier. (4) A police officer shall not allow a person detained under subsection (1) to remain at a police station in which the person was detained for more than 12 hours after the person is first detained. (5) Nothing in this section prevents a police officer from releasing a person detained under subsection (1) if, in the opinion of the police officer, it is reasonable to do so. (6) For subsection (5), a police officer shall be taken to have acted reasonably if the officer releases a person detained under subsection (1) into the care of the manager of a licensed place.
66	Intoxicated Persons (Care and Protection) Act 1994	5	<u>Search of persons in custody</u> (1) A police officer may search a person who is taken into custody under section 4 (1) and may take possession of any articles found in his or her possession.

			(2) A person is entitled to the return of any articles taken from him or her under subsection (1) when he or she ceases to be detained under section 4. (3) In subsection (1): <i>search</i> means a search of a person or of articles in the possession of a person that may include— (a) requiring the person to remove his or her overcoat, coat or jacket and any gloves, shoes, socks and hat; and (b) an examination of those items.
67	Litter Act 2004	20	<u>Request to remove litter</u> (1) This section applies if an authorised person or police officer believes on reasonable grounds that litter in a public place has been deposited by a person in contravention of this Act. (2) The authorised person or police officer may ask the person to remove the litter from the public place. (3) The person commits an offence if the person fails to comply with the request. Maximum penalty: 10 penalty units. (4) An offence against this section is a strict liability offence.
68	Liquor Act 1975	27	<u>Seizure</u> (1) An inspector or police officer may seize as much of any liquor that he or she has reasonable grounds for suspecting to be connected with the commission of an offence against this Act as is, in the opinion of the inspector or officer, necessary for the purposes of adducing evidence of the commission of the offence at the hearing of a prosecution for the offence. (2) Subject to subsection (3), an inspector or police officer may seize any liquor that he or she has reasonable grounds for suspecting to be connected with the commission of an offence against section 139, section 152, section 153, section 154 or section 155, being liquor within the meaning of that section. (3) An inspector or police officer must not seize liquor that he or she has reasonable grounds for suspecting to be connected with the commission of an offence against section 139 unless he or she has informed the person in possession of the liquor of the reason why the liquor is being seized. (4) An inspector is not authorised to seize liquor from a person if, on being requested by the person to produce his or her identity card, the inspector fails to do so. (5) For this section— (a) a beverage in a container that purports to contain liquor; or (b) a beverage that there are reasonable grounds for believing has been taken from a container that purports to contain liquor; or (c) a beverage that is held out as being liquor and that is or has been sold or held for the purpose of sale in premises where the sale of liquor is authorised; is taken to be liquor unless the contrary is established.

69	Liquor Act 1975	30	<u>People under 18—powers of inspectors and police officers</u> (1) If— (a) an inspector or police officer has reasonable grounds for suspecting that a person (the young person) has done or is doing anything that— (i) would constitute an offence against section 154 or section 156 if the young person were under 18 years old; or (ii) constitutes an offence against section 158; and (b) the inspector or officer has reasonable grounds for suspecting that the young person is under 18 years old; the inspector or officer may— (c) subject to subsection (3), require the young person to give his or her name, address and age to the inspector or officer; and (d) if— (i) the young person refuses to give his or her name, address or age; or (ii) the inspector or officer has reasonable grounds for suspecting that the young person has not given his or her correct name, address or age; or (iii) the inspector or officer is not satisfied that the young person is 18 years old or older; apprehend the young person using reasonable and necessary force. (2) If— (a) an inspector or police officer has reasonable grounds for suspecting that a person has done or is doing anything in relation to another person (the young person) that would constitute an offence against section 152 or section 155 if the young person were under 18 years old; and (b) the inspector or officer has reasonable grounds for suspecting that the young person is under that age; the inspector or officer may— (c) subject to subsection (3), require the young person to give his or her name, address and age to the inspector or officer; and (d) if— (i) the young person refuses to give his or her name, address or age; or (ii) the inspector or officer has reasonable grounds for suspecting that the young person has not given his or her correct name, address or age; or (iii) the inspector or officer is not satisfied that the young person is 18 years old or older; apprehend the young person using reasonable and necessary force. (3) An inspector must not make a requirement of a person under subsection (1) (c) or (2) (c) unless immediately before making the request the inspector displays his or her identity card to the person. (4) A person must not, without reasonable excuse, contravene a requirement made of him or her in accordance with subsection (1) (c) or (2) (c). Maximum penalty: 5 penalty units. (5) If, in response to a requirement made of him or her under subsection (1) (c) or (2) (c), a young person produces to an inspector or police officer a form of
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			identification (other than a passport) that the inspector or officer has reasonable grounds for suspecting does not belong to the young person or is forged, the inspector or officer may seize that form of identification. (6) If an inspector apprehends a young person, the inspector must— (a) deliver the young person to a police officer as soon as practicable; and (b) give to the police officer any liquor seized under section 27 (2) from the young person or the person first mentioned in subsection (2) of this section; and (c) give to the police officer any form of identification seized under subsection (5). (7) If— (a) a police officer apprehends a young person; or (b) an inspector delivers a young person to a police officer who is not at a police station; the officer must take the young person to a police station as soon as practicable. (8) If— (a) an inspector seizes a form of identification under subsection (5) and does not apprehend the young person from whom the identification is seized; or (b) a police officer seizes a form of identification under subsection (5); or (c) a police officer has a form of identification given to him or her in accordance with subsection (6) (c); the inspector or police officer must take necessary and reasonable force to decide whether the form of identification belongs to the young person from whom it was seized or is forged. (9) If, after taking action under subsection (8), the inspector or officer is satisfied that the form of identification does belong to the young person from whom it was seized and is not forged, he or she must return the form of identification to the young person as soon as practicable.
70	Liquor Act 1975	139	<u>Consumption of liquor in certain public places</u> (1) A person must not consume liquor in a prescribed public place. Maximum penalty: 5 penalty units. (2) A person must not possess an open container of liquor in a prescribed public place with the intention of consuming the liquor in that place. Maximum penalty: 2 penalty units. (3) For subsection (2), a container is taken to be open if a manufacturer's seal is broken or the contents of the container are otherwise accessible. (4) Subsections (1) and (2) do not apply to the consumption or possession of liquor— (a) on licensed premises or on premises where food is sold for consumption on those premises; or (b) within 50m of premises mentioned in paragraph (a) by a person using furniture or other facilities lawfully provided by the proprietor or lessee of those premises for that purpose; or (c) at a time and place stated in a liquor permit. (5) In this section: liquor means a beverage that contains more than 0.5%

			by volume of ethyl alcohol. <i>prescribed public place</i> means a public place that— (a) is, or is within 50m of, a bus interchange; or (b) is within 50m of a shop or licensed premises; or (c) is declared by the regulations to be a public place to which this section applies. (6) Regulations made for subsection (5), definition of <i>prescribed public place</i>, paragraph (c) may provide that a public place specified in the regulations is taken to be a public place to which this section applies only at specified times or during specified periods, and if the regulations so provide, subsections (1) and (2) apply in relation to that public place accordingly.
71	Liquor Act 1975	154	<u>Buying, possession and consumption of liquor by under-age people</u> (1) A person under 18 years old must not— (a) buy liquor; or (b) possess or consume liquor on premises where the sale or supply of liquor is authorised or in a public place. Maximum penalty: 5 penalty units. (2) This section does not apply to the possession of liquor by a person— (a) in the course of the person's employment; or (b) in the course of a training program conducted by— (i) the Canberra Institute of Technology; or (ii) a person approved in writing by the registrar.
72	Road Transport (General) Act 1999	60	<u>Police officer or authorised person may require people to disclose identity of driver</u> (1) If the driver of a motor vehicle is alleged to have committed an offence against the road transport legislation— (a) the responsible person for the vehicle, or the person in possession of the vehicle, must, when required to do so by a police officer or authorised person, give information (which must, if so required, be given in the form of a written statement signed by the person) about the name and home address of the driver at the time of the offence; and (b) anyone else must, when required to do so by a police officer or authorised person, give any information that the person can give that may lead to the identification of the driver. Maximum penalty: 20 penalty units. (2) It is a defence to a prosecution for an offence against subsection (1) (a) if the defendant establishes that he or she did not know and could not with reasonable diligence have found out the driver's name and home address. (3) If— (a) a written statement purporting to be given under subsection (1) (a) is produced in court in a prosecution of the

			person named in the statement as the driver of a vehicle at the time of an alleged offence against the road transport legislation; and (b) the person does not appear before the court; and (c) a copy of the statement was served on the person before the proceeding was begun; the statement is evidence without proof of signature that the named person was the driver of the vehicle at that time.
73	Road Transport (General) Act 1999	231	<u>Person not to hinder or obstruct</u> A person must not, without reasonable excuse, hinder or obstruct a police officer, an authorised person or anyone else in the exercise of a function under the road transport legislation. Maximum penalty: 50 penalty units, imprisonment for 6 months or both.
74	Road Transport (Safety and Traffic Management) ACT 1999	30	<u>Road or road related area may be closed temporarily to traffic</u> (1) A police officer may— (a) close a road or road related area to traffic during a temporary obstruction or danger to traffic or for any temporary purpose; and (b) give directions to prevent the traffic of any vehicles, people or animals in or on a road or road related area closed to traffic under paragraph (a) or under the authority of another Act. (2) A person must not, without reasonable excuse, contravene a direction of a police officer under this section. Maximum penalty: 20 penalty units.
75	Road Transport (Safety and Traffic Management) ACT 1999	32	<u>Removal of dangers and obstructions to traffic</u> (1) If a danger or obstruction to traffic on a road or road related area is caused by— (a) a vehicle that is involved in a traffic accident or is broken down; or (b) anything that has fallen, escaped or been removed from a vehicle; or (c) a container used for transporting materials or rubbish (including a building skip) or anything else left or placed on a road or road related area; a police officer or authorised person may remove the vehicle, thing or container and take other steps necessary to protect the public and assist the free flow of traffic. (2) The road transport authority may recover the cost of action taken under subsection (1) as a debt payable to the Territory

			by— (a) for a vehicle—the driver of, or responsible person for, the vehicle at the time of the traffic accident or breakdown; or (b) for anything that has fallen, escaped or been removed from a vehicle—the driver of, or responsible person for, the vehicle at the time of the fall, escape or removal; or (c) for anything else left or placed on a road or road related area—the person who left or placed it, or had possession of it when it was left or placed. (3) A certificate given by or on behalf of the road transport authority, and stating that a stated amount is the cost of taking stated action under subsection (1), is evidence of the facts stated.
76	Road Transport (Safety and Traffic Management) ACT 1999	32	<u>Removal of unattended vehicles from certain places</u> (1) A police officer or authorised person may move an unattended vehicle from a road or road related area to a retention area— (a) if the vehicle is unlawfully parked; or (b) if the police officer or authorised person believes on reasonable grounds that the vehicle is causing, or is likely to cause, a danger to the public or an unreasonable obstruction to other users of the road or road related area; or (c) in any other circumstances prescribed under the regulations. (2) As soon as practicable after moving the vehicle to a retention area, the police officer or authorised person must report the action to the police officer in charge of the closest police station and ask that the responsible person for the vehicle (or other person entitled to possession of the vehicle) be told where it has been moved to. (3) A vehicle moved to a retention area is taken to be uncollected goods under the <i>Uncollected Goods Act 1996</i> and— (a) the road transport authority is taken to be the possessor of the vehicle under that Act; and (b) the responsible person for the vehicle is taken to be the owner of the vehicle; and (c) the road transport authority may dispose of the vehicle in accordance with that Act, part 3; and (d) reasonable costs of the possessor in complying with that Act are taken to include the cost of moving the vehicle to the retention area. (4) However, the responsible person for the vehicle is not required to pay costs under the <i>Uncollected Goods Act 1996</i>, section 26 (2) (a) or (b) if the person satisfies the road transport authority that the vehicle was stolen or illegally taken or used at the relevant time.

			<i>Note The Uncollected Goods Act 1996, s 26 (2) (a) and (b) require the owner to pay the reasonable costs incurred by the possessor in complying with that Act and the possessor's reasonable costs in storing and maintaining the goods before they are collected.</i>
77	Road (Safety and Traffic Management) Regulations 2000	109	<u>Additional powers of police</u> (1) A police officer may request or signal the driver of a vehicle to stop the vehicle. (2) A person must not, without reasonable excuse, fail to comply with a request or signal made or given by a police officer under subsection (1). Maximum penalty: 20 penalty units. (3) A police officer may, during a temporary obstruction or danger to traffic or in an emergency, direct the responsible person for or driver of a vehicle parked in any part of a pay parking area to remove the vehicle or, if no-one appears to be in charge of the vehicle, remove the vehicle.
78	Trespass on Territory Lands Act 1932	4	<u>Trespass on Territory land</u> (1) The Minister may cause to be placed on unleased Territory land or land occupied by the Territory a notice prohibiting trespass on the land. (2) A person who, without reasonable excuse, trespasses or enters— (a) unleased Territory land or land occupied by the Territory— (i) about which any notice is posted on it prohibiting trespass; or (ii) that is in the city area and is delineated on any of the subdivisional plans held by the Territory, and has on it a dwelling house; or (b) any garden, plantation or afforestation area on unleased Territory land or land occupied by the Territory; commits an offence. Maximum penalty: 5 penalty units.
79	Trespass on Territory Lands Act 1932	9	<u>Persons reasonably suspected to give name and address</u> (1) An inspector, or any forest overseer employed by the Territory or any person authorised in writing by the Minister, may require any person reasonably suspected of having committed, or of being about to commit an offence against this Act to give his or her name in full and place of abode. (2) Any person who, after being so required and on production of the necessary authority, fails to give his or her real name or place of abode, commits an offence. Maximum penalty: 5 penalty units.

80	Major Events Security Act 2000	9	<u>Search of personal property</u> (1)A police officer may ask a person seeking to enter or in a major event venue to permit a search to be made of his or her personal property. (2)The person must not, without reasonable excuse, refuse to permit a police officer to search his or her personal property. Maximum penalty: 10 penalty units. (3)This section applies to the major event venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the venue that a person seeking to enter or in the venue must, if asked by a police officer, permit a search to be made of his or her personal property.
81	Major events security Act 2000	10	<u>Frisk search of people</u> (1)A police officer may ask a person seeking to enter or in a major event venue to permit a frisk search of the person. (2)The person must not, without reasonable excuse, refuse to permit a police officer to frisk search the person. Maximum penalty: 10 penalty units. (3)This section applies to the major event venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the venue that a person seeking to enter or in the venue must, if asked by a police officer, permit a frisk search to be made.
82	Major events Security Act 2000	11	<u>Prohibited items</u> (1)A person must not, without reasonable excuse, take a prohibited item into, or possess a prohibited item in, a major event venue. Maximum penalty: 10 penalty units. (2)It is not an offence against subsection (1) if the person disposes of the item before entering the major event venue. (3)This section applies to the venue only if the declaration of the event to be held at the venue states that it is a condition of entry to the venue that a person must not take into or possess in the venue a prohibited item.
83	Major Events Security Act 2000	12	<u>People entering venue</u> (1)A police officer may ask a person seeking to enter a major event venue to provide his or her name or address (or both). (2)The person must not, without reasonable excuse—

			(a)refuse to comply with the request; or (b)give a name or address that is false in a material particular. Maximum penalty: 5 penalty units. (3) A police officer may refuse a person entry to a major event venue if the police officer has reasonable grounds for believing that— (a)the person has committed, or is likely to commit, an offence against this Act; or (b)the person is likely to contravene a condition of entry to the venue imposed by an occupier of the venue.
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