

CONCURRENCE COPY

OFFENCES IN PUBLIC PLACES (AMENDMENT) BILL, 1983

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The Inclosed Lands Protection (Amendment) Bill, 1983, is cognate with this Bill.

The object of this Bill is to amend section 5 of the Offences in Public Places Act, 1979, so as—

- (a) to make it an offence for a person to conduct himself or herself in, near or within view or hearing from a public place or school in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive; and
 - (b) to cast expressly on a person accused of such an offence the onus of establishing that the person had a reasonable excuse.
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OFFENCES IN PUBLIC PLACES (AMENDMENT) BILL, 1983

No. , 1983.

A BILL FOR

An Act to amend the Offences in Public Places Act, 1979, with respect to
offensive conduct in public and certain other places.

[MR WALKER—30 *November*, 1983.]

See also Inclosed Lands Protection (Amendment) Bill, 1983.

Offences in Public Places (Amendment).

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

5 Short title.

1. This Act may be cited as the "Offences in Public Places (Amendment) Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

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

Amendment of Act No. 63, 1979.

15 3. The Offences in Public Places Act, 1979, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT, 1979.

(1) Section 5—

20 Omit:—

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

Offences in Public Places (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT, 1979—*continued.*

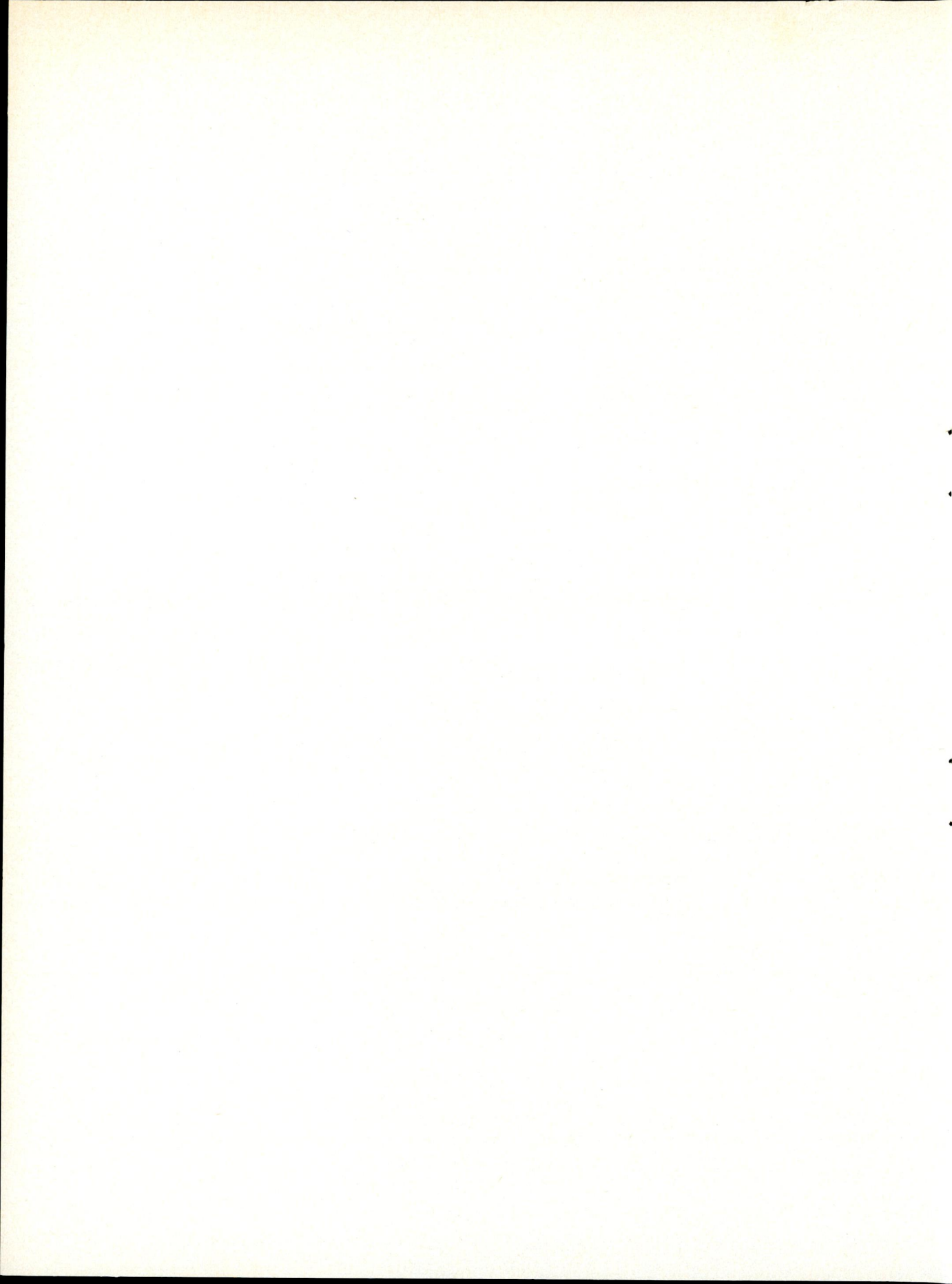
insert instead:—

5 A person shall not conduct himself or herself in, near or within view or hearing from a public place or school in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive.

(2) Section 5 (2)—

At the end of section 5, insert:—

10 (2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.





**OFFENCES IN PUBLIC PLACES (AMENDMENT) ACT,
1983, No. 187**

New South Wales



ANNO TRICESIMO SECUNDO

ELIZABETHÆ II REGINÆ

Act No. 187, 1983.

An Act to amend the Offences in Public Places Act, 1979, with respect to
offensive conduct in public and certain other places. [Assented to, 31st
December, 1983.]

See also Inclosed Lands Protection (Amendment) Act, 1983.

Offences in Public Places (Amendment).

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

Short title.

1. This Act may be cited as the "Offences in Public Places (Amendment) Act, 1983".

Commencement.

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

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

Amendment of Act No. 63, 1979.

3. The Offences in Public Places Act, 1979, is amended in the manner set forth in Schedule 1.

SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT, 1979.

(1) Section 5—

Omit:—

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

Offences in Public Places (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT, 1979—*continued.*

insert instead:—

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(2) Section 5 (2)—

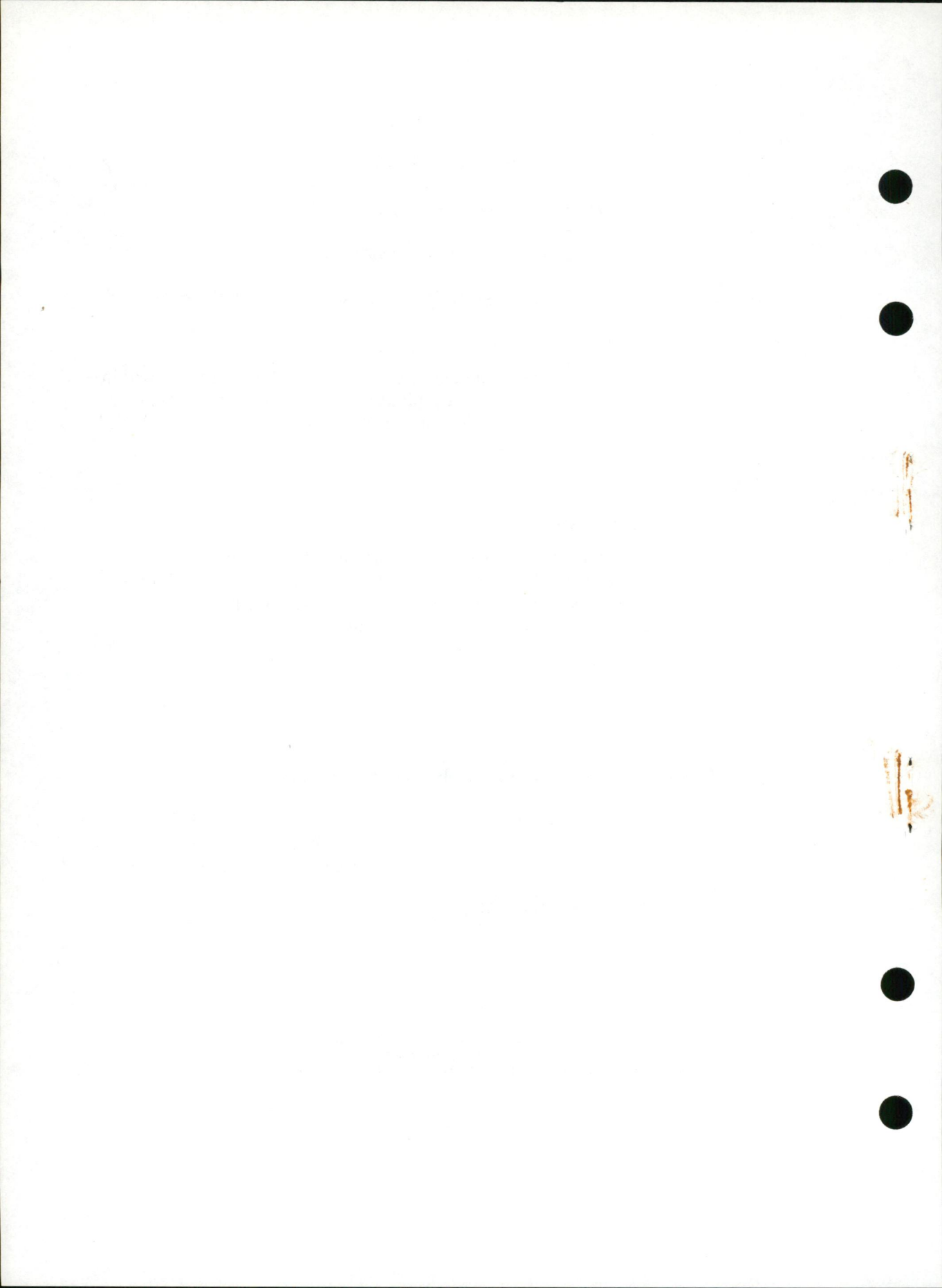
At the end of section 5, insert:—

(2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

In the name and on behalf of Her Majesty I assent to this Act.

L. W. STREET,
*By Deputation from
His Excellency the Governor.*

*Government House,
Sydney, 31st December, 1983.*



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AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT, 1979.

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Omit:—

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

Offences in Public Places (Amendment).

SCHEDULE 1—*continued.*

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT, 1979—*continued.*

insert instead:—

A person shall not conduct himself or herself in, near or within view or hearing from a public place or school in such a manner as would be regarded by reasonable persons as being, in all the circumstances, offensive.

(2) Section 5 (2)—

At the end of section 5, insert:—

(2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

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