

FIRST PRINT

**OFFENCES IN PUBLIC PLACES (AMENDMENT) BILL
1987**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The Inclosed Lands Protection (Amendment) Bill 1987 is cognate with this Bill.

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

- (a) the maximum penalties for offences under that Act; and
- (b) the maximum sum that a court may order to be paid as compensation for the cost of repairing damage caused by a person convicted under certain provisions of that Act.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides that the proposed Act will, with minor exceptions, commence on a day to be appointed by the Governor-in-Council.

Clause 3 is a formal provision that gives effect to the Schedule of amendments.

Clause 4 provides that the amendment proposed to be made by Schedule 1 (7) to section 11 of the Principal Act (increasing the maximum sum that a court may order to be paid as compensation for the cost of repairing damage caused by a person) does not apply to offences committed before the commencement of the proposed Act.

Offences in Public Places (Amendment) 1987

Schedule 1 (1) amends section 5 of the Principal Act by increasing the maximum penalty, for the offence of offensive conduct in, near or within view or hearing from a public place or school, from \$200 to \$500.

Schedule 1 (2) amends section 6 of the Principal Act by increasing the maximum penalty, for the offence of obscene exposure in or within view from a public place or a school, from \$400 to \$1,000.

Schedule 1 (3) amends section 7 of the Principal Act by increasing the maximum penalty, for the offence of preventing the free passage of a person, vehicle or vessel in a public place, from \$100 to \$300.

Schedule 1 (4) amends section 8 of the Principal Act by increasing the maximum penalty, for the offence of damaging a fountain erected in a public place, from \$100 to \$300.

Schedule 1 (5) amends section 9 of the Principal Act by increasing the maximum penalty, for the offence of damaging a shrine, monument or statue erected in a public place, from \$100 to \$300.

Schedule 1 (6) amends section 10 of the Principal Act by increasing the maximum penalty, for the offence of defacing walls within view from a public place, from \$100 to \$300.

Schedule 1 (7) amends section 11 of the Principal Act by increasing the maximum sum that a court may order to be paid, as the cost of or contribution to the repair or restoration of any damage caused by a person convicted of an offence under section 8, 9 or 10 of the Principal Act, from \$1,000 to \$2,000.

**OFFENCES IN PUBLIC PLACES (AMENDMENT) BILL
1987**

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 63, 1979
4. Transitional

SCHEDULE 1—AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT
1979

**OFFENCES IN PUBLIC PLACES (AMENDMENT) BILL
1987**

NEW SOUTH WALES



No. , 1987

A BILL FOR

An Act to amend the Offences in Public Places Act 1979 so as to increase the maximum penalties for offences and the maximum sum that may be ordered to be paid as compensation under that Act.

See also Inclosed Lands Protection (Amendment) Bill 1987.

Offences in Public Places (Amendment) 1987

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 1987".

Commencement

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

(2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor and 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.

Transitional

4. The amendment made by Schedule 1 (7) does not apply in relation to offences committed before the commencement of this Act.

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SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT 1979

(1) Section 5 (Offensive conduct)—

Section 5 (1)—

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Omit "\$200", insert instead "\$500".

(2) Section 6 (Obscene exposure)—

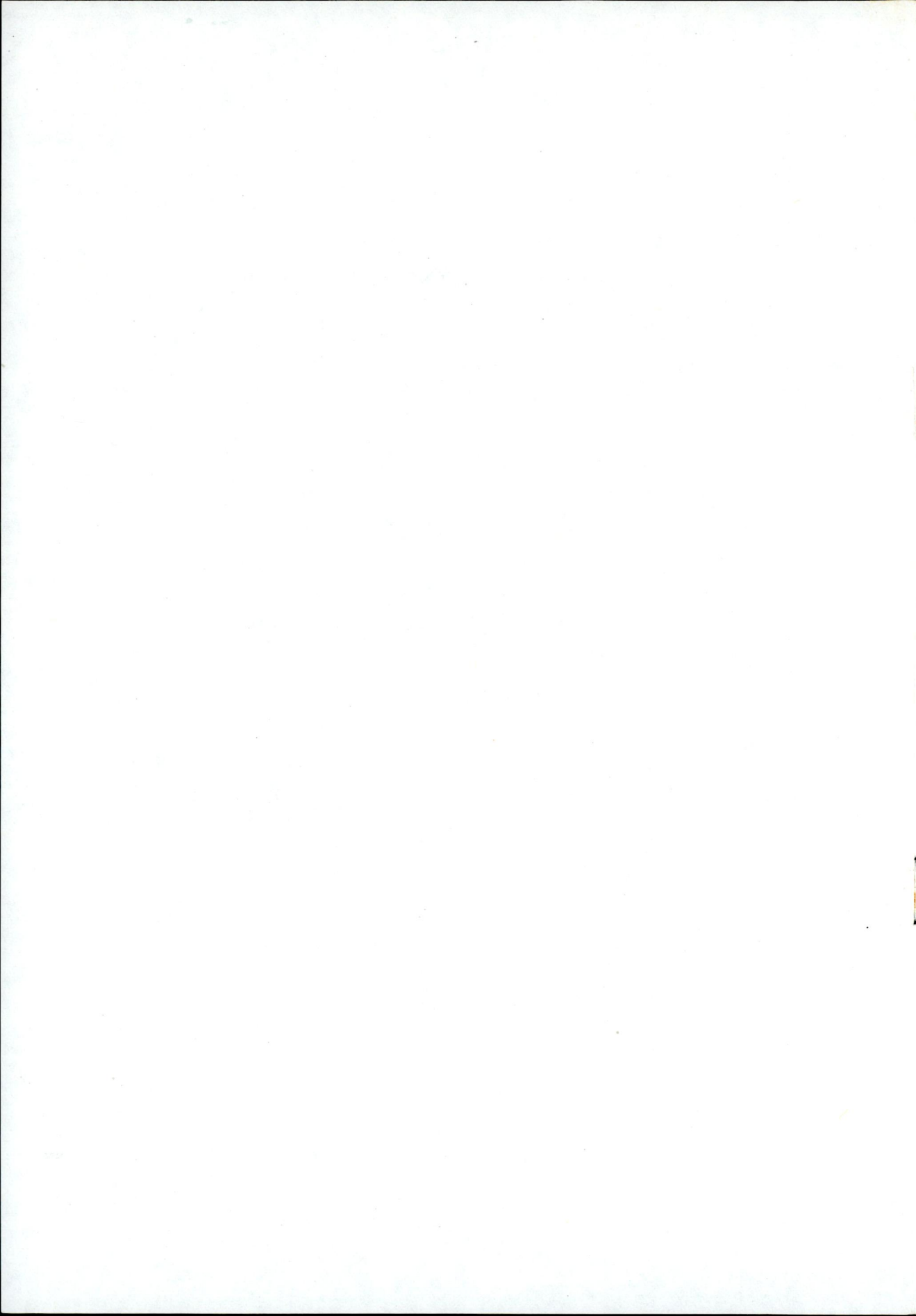
Omit "\$400", insert instead "\$1,000".

Offences in Public Places (Amendment) 1987

SCHEDULE 1—*continued*

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

- (3) Section 7 (**Obstructing traffic**)—
Omit "\$100", insert instead "\$300".
- (4) Section 8 (**Damaging fountains**)—
Omit "\$100", insert instead "\$300".
- 5 (5) Section 9 (**Damaging shrines, monuments or statues**)—
Omit "\$100", insert instead "\$300".
- (6) Section 10 (**Defacing walls**)—
Omit "\$100", insert instead "\$300".
- (7) Section 11 (**Convicted person to pay certain damages**)—
10 Omit "\$1,000", insert instead "\$2,000".



OFFENCES IN PUBLIC PLACES (AMENDMENT) ACT 1987
No. 38

NEW SOUTH WALES



TABLE OF PROVISIONS

1. Short title
2. Commencement
3. Amendment of Act No. 63, 1979
4. Transitional

**SCHEDULE 1—AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT
1979**

OFFENCES IN PUBLIC PLACES (AMENDMENT) ACT 1987 No. 38

NEW SOUTH WALES



Act No. 38, 1987

An Act to amend the Offences in Public Places Act 1979 so as to increase the maximum penalties for offences and the maximum sum that may be ordered to be paid as compensation under that Act. [Assented to 21 May 1987]

See also Inclosed Lands Protection (Amendment) Act 1987.

Offences in Public Places (Amendment) 1987

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 1987".

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 and 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.

Transitional

4. The amendment made by Schedule 1 (7) does not apply in relation to offences committed before the commencement of this Act.

SCHEDULE 1

(Sec. 3)

AMENDMENTS TO THE OFFENCES IN PUBLIC PLACES ACT 1979

(1) Section 5 (**Offensive conduct**)—

Section 5 (1)—

Omit "\$200", insert instead "\$500".

(2) Section 6 (**Obscene exposure**)—

Omit "\$400", insert instead "\$1,000".

Offences in Public Places (Amendment) 1987

SCHEDULE 1—*continued*

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

- (3) Section 7 (**Obstructing traffic**)—
Omit "\$100", insert instead "\$300".
- (4) Section 8 (**Damaging fountains**)—
Omit "\$100", insert instead "\$300".
- (5) Section 9 (**Damaging shrines, monuments or statues**)—
Omit "\$100", insert instead "\$300".
- (6) Section 10 (**Defacing walls**)—
Omit "\$100", insert instead "\$300".
- (7) Section 11 (**Convicted person to pay certain damages**)—
Omit "\$1,000", insert instead "\$2,000".



