

Version No. 083

Summary Offences Act 1966

Act No. 7405/1966

Version incorporating amendments as at 1 July 2004

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Summary Offences Act 1966

Act No. 7405/1966

Version incorporating amendments as at 1 July 2004

An Act to re-enact with Amendments the Law relating to certain
Police Offences.

BE IT ENACTED by the Queen's Most Excellent Majesty by
and with the advice and consent of the Legislative Council
and the Legislative Assembly of Victoria in this present
Parliament assembled and by the authority of the same as
follows (that is to say):

1. Short title, commencement and division

This Act may be cited as the **Summary Offences
Act 1966** and shall come into operation on a day
to be fixed by proclamation of the Governor in
Council published in the Government Gazette.

* * * * *

S. 1
amended by
Nos 8642
s. 7(a),
74/2000
s. 3(Sch. 1
item 121.1).

S. 2
repealed by
No. 71/1993
s. 4(a).

3. Definitions

In this Act unless inconsistent with the context or
subject-matter—

"animal" includes every species of quadruped
and every species of bird whether in a
natural or domestic state;

"cattle" includes any horse mare gelding ass bull
cow ox ram ewe wether pig goat and every
hybrid or cross thereof and the young of any
such animals;

No. 6337 s. 3.

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s. 3

Victorian Legislation and Parliamentary Documents

S. 3 def. of
"information"
repealed by
No. 57/1989
s. 3(Sch. item
190.1(a)).

S. 3 def. of
"local
authority"
amended by
Nos 9019
s. 2(1)(Sch.
item 214),
12/1989
s. 4(1)(Sch. 2
items
115.1–115.3),
57/1989
s. 3(Sch. item
190.1(b)).

S. 3 def. of
"public place"
amended by
No. 9549
s. 2(1)(Sch.
item 219),
substituted by
No. 97/1987
s. 181(14),
amended by
No. 74/2000
s. 3(Sch. 1
item 121.2).

* * * * *

"local authority" means—

- (a) the council of any municipal district;
- (b) any member of the staff of any such council authorized in writing by the council to exercise any of the powers and discretions conferred on a local authority by this Act; or
- (c) in the case of any portion of Victoria that is not part of any municipal district—the nearest venue of the magistrates' court;

"public place" includes and applies to—

- (a) any public highway road street bridge footway footpath court alley passage or thoroughfare notwithstanding that it may be formed on private property;
- (b) any park garden reserve or other place of public recreation or resort;
- (c) any railway station platform or carriage;
- (d) any wharf pier or jetty;
- (e) any passenger ship or boat plying for hire;
- (f) any public vehicle plying for hire;
- (g) any church or chapel open to the public or any other building where divine service is being publicly held;

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- (h) any State school or the land or premises in connexion therewith;
- (i) any public hall theatre or room while members of the public are in attendance at, or are assembling for or departing from, a public entertainment or meeting therein;
- (j) any market;
- (k) any auction room or mart or place while a sale by auction is there proceeding;
- (l) any licensed premises or authorised premises within the meaning of the **Liquor Control Reform Act 1998**;
- (m) any race-course cricket ground football ground or other such place while members of the public are present or are permitted to have access thereto whether with or without payment for admission;
- (n) any place of public resort;
- (o) any open place to which the public whether upon or without payment for admittance have or are permitted to have access; or
- (p) any public place within the meaning of the words "public place" whether by virtue of this Act or otherwise;

"road" includes and applies to every road street or bridge;

"Scheduled public place" means a public place described in Schedule 1;

S. 3 def. of
"Scheduled
public place"
inserted by
No. 44/1997
s. 53(1).

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"section" means section of this Act;

"town" means a populous area or place.

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**PART I—PROVISIONS APPLICABLE THROUGHOUT
VICTORIA**

Division 1—Public Order

Offences Relating to the Good Order

4. Offences relating to the good order of towns etc.

No. 6337 s. 5.

S. 4
amended by
No. 9554
s. 2(2)(Sch. 2
item 302).

Any person who—

- (a) burns rubbish shavings or other materials in a public place;
- (b) leaves inflammable materials or matter in or on a public shed or place or in an open space near a building without first obtaining the permission of the local authority;
- (c) opens a drain or sewer in or removes the surface of a footpath or road without first obtaining the permission of the local authority;
- (d) in a public place—
 - (i) flies a kite; or
 - (ii) plays at a game—
 to the annoyance of any person;
- (e) obstructs a footpath or road whether by allowing a vehicle to remain across such footpath or road or by placing goods thereon or otherwise;
- (f) has an awning on or over a footpath in a public street or thoroughfare not being 2·13 metres clear above the footpath or hangs goods on or under an awning over the footpath;

S. 4(f)
amended by
S.R. No.
302/1974
reg. 2.

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- (g) carries out a blasting operation in or near a public place without first obtaining the permission of the local authority or does not attend to all directions in regard thereto given by the local authority;
- (h) exposes in a public street or thoroughfare (except in a fair or market lawfully appointed for that purpose) a vehicle or a horse or other animal for show hire or sale;
- (i) makes a cellar, door or other opening from the footpath of a public street or thoroughfare without the consent of the local authority;
- (j) sets off fireworks in a public place without first obtaining the permission of the local authority—

* * * * *

S. 4(k)
repealed by
No. 24/1990
s. 13(4).

shall be guilty of an offence.

Penalty: 5 penalty units.

No. 6337 s. 7.

5. Obstruction of footpath etc.

Where in a prosecution for obstructing a footpath street or road under—

- (a) paragraph (e) of section 4; or
- (b) any local law made under section 111 of the **Local Government Act 1989** or any corresponding previous enactment—

S. 5(a)
amended by
No. 7635 s. 2.

S. 5(b)
amended by
No. 12/1989
s. 4(1)(Sch. 2
item 115.4).

the obstruction alleged is by assemblage of persons (not being a procession) or by any person or persons forming part of or connected with such

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assemblage the court shall not convict the defendant unless it is satisfied that, having regard to all the circumstances of the case and to the amount of traffic which actually was at the time on the footpath street or road, there was undue obstruction thereof.

* * * * *

S. 6 amended by Nos 9554 s. 2(2)(Sch. 2 item 303), 9902 s. 2(1)(Sch. item 232), 74/1988 s. 3, repealed by No. 12/1989 s. 4(1)(Sch. 2 item 115.5).

Division 2—General

Offences tending to Personal Injury, or Damage to Property, &c.

7. Offences tending to personal injury or damage to property

No. 6337 s. 17.
S. 7 amended by No. 9554 s. 2(2)(Sch. 2 item 304).

Any person who—

- (a) places upon any road footpath canal or waterway an obstruction likely to cause death or injury to any person passing thereon;
- (b) leaves a hole excavation or dangerous formation in or near a public place unguarded or without having a warning light burning nearby between sunset and sunrise;

S. 7(a) amended by No. 81/1989 s. 3(Sch. item 51.1(a)).

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S. 7(d)
amended by
No. 81/1989
s. 3(Sch.
item 51.1(b)).

- (c) fails to keep in good repair any protective cover rail gate or fence over or about a cellar or lower area opening into or upon or near a public place or keeps any such cover rail gate or fence open for an unreasonable time in the circumstances;
- (d) throws any offensive matter or thing or any animal into a waterway, canal or other place whence a supply of water for human use is obtained;
- (e) draws or trails a sledge or timber or other heavy material upon a public footpath or road so as to damage the surface thereof;
- (f) in a public place rolls a drum, barrel or cask or breaks in a horse to the injury of or danger to any person or damage to any property; or
- (g) throws or discharges a stone arrow or other missile to the injury of or danger to any person or damage to any property—

shall be guilty of an offence.

Penalty: 25 penalty units or imprisonment for six months or both.

Offences relating to Horse-drawn Vehicles, Public Vehicles, Animals, &c.

No. 6337 s. 18.
S. 8
amended by
No. 9554
s. 2(2)(Sch. 2
item 305).

8. Offences relating to horse-drawn vehicles, public vehicles, animals etc.

Any person who—

- (a) being the driver of a horse-drawn vehicle on a road goes away from the animal so as not to have control over it without securely fastening one of the wheels of the vehicle by a brake chain or strap so as to effectually prevent the wheel rotating;

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- (b) drives a cart wagon or dray in or through a public place without the name and residence of the owner thereof being painted in a legible and permanent manner on the right or off side in letters of at least 25 millimetres in length;
- (c) drives a dog or goat harnessed or attached to a vehicle in or through a public place;
- (d) turns loose or allows to wander any cattle or other beast upon a public road or thoroughfare;
- (e) sets on urges or permits a dog or other animal to attack or worry any person horse or other animal or by ill-usage or negligence in driving cattle causes any mischief to be done by such cattle;
- (f) obstructs or prevents the driving of cattle along over or across a public road or thoroughfare;
- (g) slaughters or skins a beast on a public road or thoroughfare;
- (h) leaves a dead beast or its skin on a public road or thoroughfare;
- (i) being the driver guard or conductor of a public vehicle for the conveyance of passengers wilfully delays on the road or uses any abusive or insulting language to any passenger, or by reason of intoxication or other misconduct endangers the safety or property of any passenger or other person—

S. 8(b)
 amended by
 S.R. No.
 137/1974
 reg. 2(a).

shall be guilty of an offence.

Penalty: 5 penalty units.

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Destroying, Damaging or Injuring Property—Trespass

9. Wilful destruction, damage etc. of property

(1) Any person who—

- (a) destroys damages pollutes or obstructs any aqueduct dam sluice pipe pump waterway pond pool or fountain;
- (b) being an artificer workman journeyman or apprentice wilfully damages spoils or destroys any goods wares work or material committed to his care or charge;
- (c) wilfully injures or damages any property (whether private or public) the injury done being under the value of \$500; or
- (d) wilfully trespasses in any public place other than a Scheduled public place and neglects or refuses to leave that place after being warned to do so by the owner occupier or a person authorized by or on behalf of the owner or occupier; or
- (e) without express or implied authority given by the owner or occupier or given on behalf of the owner or occupier by a person authorised to give it or without any other lawful excuse, wilfully enters any private place or Scheduled public place, unless for a legitimate purpose; or
- (f) neglects or refuses to leave a private place or Scheduled public place after being warned to do so by the owner or occupier or a person authorised to give that warning on behalf of

No. 6337 s. 20.

S. 9(1)
amended by
No. 9554
s. 2(2)(Sch. 2
item 306).

S. 9(1)(a)
amended by
No. 81/1989
s. 3(Sch.
item 51.2).

S. 9(1)(d)
amended by
Nos 8085
s. 2(1)(a)(b),
44/1997
s. 53(2)(a)(b).

S. 9(1)(e)
inserted by
No. 44/1997
s. 53(2)(b).

S. 9(1)(f)
inserted by
No. 44/1997
s. 53(2)(b).

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the owner or occupier, unless the person has a lawful excuse; or

- (g) without lawful excuse, enters any place (whether private or public) in a manner likely to cause a breach of the peace or reasonable apprehension of a breach of the peace—

S. 9(1)(g) inserted by No. 44/1997 s. 53(2)(b).

shall be guilty of an offence.

Penalty: 25 penalty units or imprisonment for six months.

- (1A) In any proceedings for an offence against sub-section (1) the statement on oath of any person that he is or was at any stated time the owner or occupier of any place or a person authorized by or on behalf of the owner or occupier thereof shall be evidence until the contrary is proved by or on behalf of the defendant that such person is or was the owner or occupier of that place or a person authorized by or on behalf of the owner or occupier thereof (as the case requires).
- (1B) A person may commit an offence against paragraph (d), (e), (f) or (g) of sub-section (1) even though he or she did not intend to take possession of the place.
- (1C) Without limiting paragraph (e) of sub-section (1), examples of circumstances in which a person does not have express or implied authority to enter a place are—
 - (a) the person enters that place after having been previously warned not to enter by the owner or occupier or a person authorised to give such a warning on behalf of the owner or occupier; or

S. 9(1A) inserted by No. 8085 s. 2(2).

S. 9(1B) inserted by No. 44/1997 s. 53(3).

S. 9(1C) inserted by No. 44/1997 s. 53(3).

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- (b) the person enters that place despite being then warned not to enter by the owner or occupier or a person authorised to give such a warning on behalf of the owner or occupier; or
- (c) the person enters that place in breach of a prominently displayed sign erected at that place by the owner or occupier or a person authorised to erect such a sign on behalf of the owner or occupier stating that—
 - (i) the person concerned, or a class of persons of which the person concerned is a member, is prohibited from entering that place; or
 - (ii) persons engaging in that place in the type of activity in which the person concerned is proposing to engage in that place are prohibited from entering that place—

and the person has no other lawful excuse for entering that place.

- (1D) A warning may be given to a person under sub-section (1)(f) or sub-section (1C)(a) or (b)—
 - (a) orally; or
 - (b) by delivering written notice of it personally to the person; or
 - (c) except in the case of a warning under sub-section (1)(f), by sending written notice of it by certified mail addressed to the person at his or her usual or last known place of residence.
- (1E) A person may commit an offence against paragraph (g) of sub-section (1) even though he or she had a right to enter that place in a manner other than that described in that paragraph.

S. 9(1D)
inserted by
No. 44/1997
s. 53(3).

S. 9(1E)
inserted by
No. 44/1997
s. 53(3).

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(2) For the purposes of section 86 of the **Sentencing Act 1991** the cost of repairing or making good anything spoiled or damaged in contravention of this section shall be deemed to be loss or damage suffered in relation thereto.

S. 9(2)
amended by
No. 49/1991
s. 119(7)
(Sch. 4
item 19.1).

(3) Nothing contained in this section shall extend to any case where the person offending acted under a fair and reasonable supposition that he had a right to do the act complained of or to any trespass (not being wilful and malicious) committed in hunting or the pursuit of game.

* * * * *

S. 9A
inserted by
No. 36/1988
s. 9,
repealed by
No. 10/2003
s. 15.

Bill Posting, &c.

10. Posting bills etc. and defacing property

(1) Any person who posts any placard bill sticker or other document on or writes or paints on or otherwise defaces any road bridge or footpath or any house building hoarding wall fence gate tree tree-guard post pillar hydrant fire-alarm petrol pump or other structure whatsoever without the consent of the occupier or owner of the premises concerned or of any person or body having authority to give such consent shall be guilty of an offence.

S. 10(1)
amended by
No. 9554
s. 2(2)(Sch. 2
item 307).

Penalty: 15 penalty units or imprisonment for three months.

(2) Upon any proceedings for an offence against subsection (1)—

S. 10(2)
substituted by
No. 8075 s. 2.

(a) the burden of proving any consent aforesaid shall be upon the defendant; and

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S. 10(3)
inserted by
No. 8075 s. 2.

S. 10(4)
inserted by
No. 8075 s. 2,
amended by
No. 10/2004
s. 15(Sch. 1
item 30).

- (b) in the case of any placard, bill, sticker, poster, or other document containing an advertisement of a commercial nature any person who appears to the satisfaction of the court to have authorized the publication thereof or to be in any manner concerned in the promotion or management of any business or entertainment or any sport, game, exhibition, or other event of a commercial nature whatsoever referred to therein shall, unless he satisfies the court that he did not post such placard, bill, sticker, poster, or document or authorize the posting thereof and that otherwise he had no knowledge of such posting, be deemed to have posted such placard, bill, sticker, poster, or document (as the case may be).
- (3) Nothing in sub-section (2) shall affect the liability under sub-section (1) of any person who actually posts any such placard, bill, sticker, poster, or other document and the conviction of any other person in relation thereto shall not exonerate from any penalty under this section any person who actually so posts any such placard, bill, sticker, poster, or document.
- (4) Any person who without the authority of the publisher of a placard, bill, sticker, poster, or other document containing an advertisement of a commercial nature or of some person concerned in the promotion or management of any business, entertainment, sport, game, exhibition, or other event referred to therein posts the placard, bill, sticker, poster, or document in contravention of the provisions of sub-section (1) shall be liable upon conviction for an offence against that sub-section to a penalty of not more than 5 penalty units or to imprisonment for a term of not more than six months.

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|---|---|
| <p>(5) Upon any proceedings for an offence against sub-section (1) the burden of proving the authority referred to in sub-section (4) shall be upon the defendant.</p> | <p>S. 10(5)
inserted by
No. 8075 s. 2.</p> |
| <p>(6) The court before which any person is convicted for an offence against this section may, in addition to imposing any penalty, order the defendant to pay to any person named in the order the cost of removing or obliterating any thing written posted or painted without such consent as aforesaid and making good any damage done thereby and every amount so ordered to be paid shall for the purpose of enforcing the payment thereof be regarded as part of the penalty and be recoverable accordingly.</p> | <p>S. 10(6)
inserted by
No. 8075 s. 2.</p> |

Fire

11. Lighting of fires in the open air

- | | |
|--|---|
| <p>(1) Except as provided in sub-section (2), a person must not—</p> <p style="margin-left: 20px;">(a) light or use a fire in the open air or carry when lighted any flammable material resulting in the destruction, damaging or endangering of the life or property of others; or</p> <p style="margin-left: 20px;">(b) leave a fire in the open air which that person has lighted or of which that person is in charge without leaving another person in charge of that fire.</p> | <p>No. 6337 s. 21.
S. 11
amended by
Nos 7854 s. 2,
7877 s. 2(2),
S.R. No.
137/1974
reg. 2(b)(c),
Nos 9019
s. 2(1)(Sch.
item 213),
9554
s. 2(2)(Sch. 2
item 308),
substituted by
No. 50/1989
s. 51.</p> |
|--|---|

Penalty: 25 penalty units or imprisonment for 12 months or both.

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- (2) Sub-section (1) does not apply to the owner or occupier of any land or a person acting under the direction of an owner or occupier of any land who burns any grass, stubble, weeds, scrub, undergrowth or any vegetation, wood or other flammable material in an area of land if—
 - (a) a fire-break of not less than 3 metres and cleared of all flammable material has been prepared around the perimeter of the area of land; and
 - (b) at least two hours before burning is commenced, notice of intention to burn has been given to each owner or occupier of land contiguous to the area of land.
- (3) This section does not apply in the country area of Victoria within the meaning of the **Country Fire Authority Act 1958** during a fire danger period within the meaning of that Act.
- (4) This section does not affect the right of any person to sue for and recover at common law or otherwise compensation for or in respect of any damage caused by reckless or negligent use of fire.

False Alarms of Fire

12. Wilfully giving false alarm of fire

- (1) Any person who wilfully gives or causes to be given to any brigade within the meaning of the **Metropolitan Fire Brigades Act 1958** or the **Country Fire Authority Act 1958** a false alarm of fire shall be guilty of an offence.

Penalty: For a first offence—10 penalty units or imprisonment for two months;

For a second or subsequent offence—imprisonment for three months.

No. 6337 s. 22.

S. 12(1)
amended by
No. 9554
s. 2(2)(Sch. 2
item 309).

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(2) In addition to any penalty or punishment imposed under this section, the court may order any person convicted of an offence under this section to pay to the Metropolitan Fire Brigades Board or the Country Fire Authority (as the case may be), as compensation for the expenses and charges incurred by any brigade under the control of the Board or the Authority (as the case may be) by reason of the false alarm having been given, such amount as is provided for by the regulations made under the **Metropolitan Fire Brigades Act 1958** or the **Country Fire Authority Act 1958** or such lesser amount as the court thinks fit.

S. 12(2)
amended by
No. 9928
s. 12(a).

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S. 12(3)
repealed by
No. 9928
s. 12(b).

Offences relating to Drunkenness

13. Persons found drunk

Any person found drunk in a public place shall be guilty of an offence and may be arrested by a member of the police force and lodged in safe custody.

Penalty: 1 penalty unit.

No. 6337 s. 23.
S. 13
amended by
No. 9554
s. 2(2)(Sch. 2
item 310).

14. Persons found drunk and disorderly

Any person found drunk and disorderly in a public place shall be guilty of an offence.

Penalty: For a first offence—1 penalty unit or imprisonment for three days;

For a second or subsequent offence—
5 penalty units or imprisonment for one month.

No. 6337 s. 24.
S. 14
amended by
No. 9554
s. 2(2)(Sch. 2
item 311).

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S. 15
repealed by
No. 8/1998
s. 4.

No. 6337 s. 25.

S. 16
amended by
No. 9554
s. 2(2)(Sch. 2
item 312).

S. 16(b)
amended by
No. 127/1986
s. 102(Sch. 4
item 27.1).

No. 6337 s. 26.

S. 17(1)
amended by
Nos 9509
s. 11(1), 9554
s. 2(2)(Sch. 2
item 313) (as
amended by
No. 9902
s. 2(1)(Sch.
item
194(a)(b)),
9945 s. 3(1)
(Sch. 1
item 100).

S. 17(1)(b)
amended by
No. 8267 s. 6.

* * * * *

16. Drunkards behaving in riotous or disorderly manner

Any person who, while drunk—

- (a) behaves in a riotous or disorderly manner in a public place;
- (b) is in charge, in a public place, of a carriage (not including a motor vehicle within the meaning of the **Road Safety Act 1986**) or a horse or cattle or a steam engine—

shall be guilty of an offence.

Penalty: 10 penalty units or imprisonment for two months.

Obscene, Threatening, Insulting, Abusive, &c. Words and Behaviour

17. Obscene, indecent, threatening language and behaviour etc. in public

- (1) Any person who in or near a public place or within the view or hearing of any person being or passing therein or thereon—

(a) sings an obscene song or ballad;

(b) writes or draws exhibits or displays an indecent or obscene word figure or representation;

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- (c) uses profane indecent or obscene language or threatening abusive or insulting words; or
- (d) behaves in a riotous indecent offensive or insulting manner—

shall be guilty of an offence.

Penalty: 10 penalty units or imprisonment for two months;

For a second offence—15 penalty units or imprisonment for three months;

For a third or subsequent offence—25 penalty units or imprisonment for six months.

- (2) Where in the opinion of the chairman presiding at a public meeting any person in or near the hall room or building in which the meeting is being held—
 - (a) behaves in a riotous indecent offensive threatening or insulting manner; or
 - (b) uses threatening abusive obscene indecent or insulting words—

the chairman may verbally direct any member of the police force who is present to remove such person from the hall room or building or the neighbourhood thereof and the member of the police force shall remove such person accordingly.

- (3) Where at a general meeting of a corporation a person wilfully fails to obey a ruling or direction given in good faith by the chairman presiding at the meeting for the preservation of order at the meeting, such person shall be liable to be removed from the meeting if the meeting so resolves or where because the meeting has been so disrupted that it is not practicable to put such a resolution to the meeting the Chairman so directs.

S. 17(3)
inserted by
No. 9519 s. 2.

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S. 17(4)
inserted by
No. 9519 s. 2.

Heading
preceding
s. 18
substituted by
No. 9509
s. 11(2),
repealed by
No. 71/1993
s. 4(b).

S. 18
amended by
No. 9214 s. 2,
substituted by
No. 9509
s. 11(2),
amended by
No. 9945
s. 3(1)(Sch. 1
item 101),
repealed by
No. 124/1986
s. 76(a), new
s. 18
inserted by
No. 33/2003
s. 3.

- (4) Where a person is liable to be removed from a meeting under sub-section (3) the Chairman may verbally direct any member of the police force who is present to remove such person from the hall, room or building in which the meeting is being held or the neighbourhood thereof and the member of the police force shall remove such person accordingly.

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18. Offensive behaviour by a person in a motor vehicle in a declared area

- (1) A person is guilty of an offence if—
- (a) the person uses words, or makes a gesture, while in a motor vehicle; and
 - (b) the person does so within the view or hearing of another person in a public place; and
 - (c) the motor vehicle is (wholly or partly) in an area declared by the Minister under sub-section (4); and
 - (d) the words are likely to offend, or the gesture is likely to offend, a reasonable person.
- (2) An offence against sub-section (1) is an offence of strict liability.
- (3) A person who is guilty of an offence against sub-section (1) is liable to a fine not exceeding 5 penalty units.

Note: A member of the police force may issue an infringement notice for an offence against sub-section (1) (see sections 60AA to 60AH).

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- (4) The Minister may, by notice published in the Government Gazette, declare one or more areas for the purposes of sub-section (1)(c) if the Minister is satisfied that conduct contrary to section 12 or 13 of the **Prostitution Control Act 1994** frequently occurs in the area or areas.
 - (5) A declaration under sub-section (4) must specify the particular streets or parts of streets that are included in the area or form its boundary.
 - (6) Unless sooner revoked, a declaration under sub-section (4) expires on the day which is the first anniversary of the day on which it was published in the Government Gazette.

*	*	*	*	*	<p>S. 18A inserted by No. 7635 s. 3, amended by No. 9214 s. 3, substituted by No. 9509 s. 11(2), amended by No. 9945 s. 3(1)(Sch. 1 item 102), repealed by No. 124/1986 s. 76(a).</p>
*	*	*	*	*	<p>S. 18AA inserted by No. 10094 s. 12, repealed by No. 124/1986 s. 76(a).</p>
*	*	*	*	*	<p>S. 18B inserted by No. 9509 s. 11(2), repealed by No. 124/1986 s. 76(a).</p>

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S. 18C
inserted by
No. 9509
s. 11(2),
amended by
No. 9945
s. 3(1)(Sch. 1
item 103),
repealed by
No. 8/1991
s. 20(1).

* * * * *

Heading
preceding
s. 19
repealed by
No. 71/1993
s. 4(b).

* * * * *

S. 19
amended by
Nos 7876
s. 2(3), 8179
s. 4, 9008
s. 2(1)(Sch.
item 4(a)),
repealed by
No. 57/1989
s. 3(Sch.
item 190.2).

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Conduct of Refreshment Houses

No. 6337 s. 32.

20. Improperly conducting refreshment house

S. 20(1)
amended by
Nos 9554
s. 2(2)(Sch. 2
item 314),
124/1986
s. 76(b).

- (1) Any person who allows in any house building tent or other premises wherein liquors provisions or refreshments are sold or disposed of any drunkenness or other disorderly conduct or suffers any gaming whatsoever therein or suffers persons of notoriously bad character to frequent his premises shall be guilty of an offence.

Penalty: For a first offence—5 penalty units;

For a second or subsequent offence—
imprisonment for three months.

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- (2) Where a person convicted of an offence against this section is registered in respect of the premises concerned the registration shall be deemed to be cancelled and the premises to be unregistered and the court may, if it thinks fit, order that the premises be not again registered for any period not exceeding six months.

Disturbing Religious Worship

21. Disturbing religious worship

No. 6337 s. 33.

- (1) Any person who wilfully and without lawful justification or excuse, the proof of which lies on him, disquiets or disturbs any meeting of persons lawfully assembled for religious worship or assaults any person lawfully officiating at any such meeting or any of the persons there assembled shall be guilty of an offence.

S. 21(1)
amended by
No. 9554
s. 2(2)(Sch. 2
item 315).

Penalty: 15 penalty units or imprisonment for three months.

- (2) A prosecution for an offence against this section shall be commenced within three months after the offence is committed.

Entry of Police into Houses, Buildings, &c.

22. Entry of police

- (1) A member of the police force may at any time enter into any house building room premises or place which is a public place within the meaning of that interpretation in section 3, notwithstanding that the place be upon private premises, when and so often as he thinks proper for securing the observance of this Act and no such entry shall in any way be deemed a trespass.

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S. 22(2)
amended by
No. 9554
s. 2(2)(Sch. 2
item 316).

- (2) Any person who needlessly delays to admit a member of the police force, whether by day or night, into any house building room premises or place which is a public place as aforesaid shall be guilty of an offence.

Penalty: 1 penalty unit.

Assaults

No. 6337 s. 38.
S. 23
amended by
No. 9554
s. 2(2)(Sch. 2
item 317).

23. Common assault

Any person who unlawfully assaults or beats another person shall be guilty of an offence.

Penalty: 15 penalty units or imprisonment for three months.

No. 6337 s. 39.

24. Aggravated assault

S. 24(1)(a)
amended by
Nos 7876
s. 2(3), 9554
s. 2(2)(Sch. 2
item 318),
57/1989
s. 3(Sch. item
190.3(a)(b)).

- (1) (a) Where a person is convicted before the Magistrates' Court of an assault or battery upon any male child whose age in the opinion of the court does not exceed fourteen years or upon any female, if in the opinion of the court the assault or battery is of such an aggravated nature that it cannot sufficiently be punished under the last preceding section, the person offending shall be liable on conviction to a penalty of 25 penalty units or to imprisonment for six months and the court may (if it thinks fit in any of the said cases) without any further or other charge adjudge any person convicted to enter into a recognizance and find sureties to keep the peace and be of good behaviour for a term of not more than six months from the expiration of such sentence.
- (b) In default of compliance with any such order to enter into a recognizance and find sureties the court may order a defendant to be imprisoned until he complies with the order:

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Provided that no person shall be imprisoned for non-compliance with any such order for a longer period than twelve months.

- (2) Any person who in company with any other person or persons assaults another person shall be liable to imprisonment for twelve months and any person who by kicking or with any weapon or instrument whatsoever assaults another person shall be liable to imprisonment for two years.

S. 24(2)
amended by
No. 8226 s. 2.

25. Conviction or dismissal a bar to criminal proceedings

No. 6337 s. 40.
S. 25
amended by
No. 57/1989
s. 3(Sch. item
190.4(a)–(c)).

If any person against whom a charge for an offence against section 23 or section 24 has been filed has been convicted and has paid the whole amount adjudged to be paid or has suffered the imprisonment awarded in lieu thereof or for non-payment thereof or if the charge against that person has been dismissed in every such case he shall be released from all further or other criminal proceedings for the same cause; but any person so convicted shall remain liable to all civil proceedings in like manner as if he had not been so convicted.

Property Suspected to be Stolen, &c.

26. Unexplained possession of personal property reasonably suspected to be stolen

No. 6337 s. 42.

- (1) Any person having in his actual possession or conveying in any manner any personal property whatsoever reasonably suspected of being stolen or unlawfully obtained whether in or outside Victoria may be arrested either with or without warrant and brought before a bail justice or the Magistrates' Court, or may be summoned to appear before the Magistrates' Court.

S. 26(1)
amended by
Nos 7876
s. 2(3), 8226
s. 3(1),
70/1987
s. 7(a),
57/1989
s. 3(Sch. item
190.5(a)(b)).

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- (2) If such person does not in the opinion of the court give a satisfactory account as to how he came by such property he shall be guilty of an offence.

Penalty: Imprisonment for one year.

- (3) Upon proof that any property was or had been in the actual possession of such person or under his control and whether or not such person still has possession or control thereof when brought before the court the property shall for the purposes of this section be deemed to be in his actual possession.

- (4) Where a person is charged before the Magistrates' Court with an offence under this section the court may proceed to hear and determine the matter notwithstanding that it appears from the evidence that the person charged stole or unlawfully obtained the property concerned in a place outside Victoria in circumstances amounting to the commission of a criminal offence in that place.

S. 26(4)
inserted by
No. 8226
s. 3(2),
amended by
Nos 70/1987
s. 7(b),
57/1989
s. 3(Sch.
item 190.6).

No. 6337 s. 43.

S. 27(1)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.7(a)–(e)).

27. Search warrant for skins of cattle, goods from wreck etc.

- (1) If a magistrate is satisfied, by evidence on oath or by affidavit, that there is reasonable cause to suspect that any of the following articles, namely—

- (a) the skin or carcass or any part of the skin or carcass of any cattle;
- (b) any goods merchandise or article reasonably believed to have been taken or to have come from a ship or vessel in distress or wrecked stranded or cast on shore—

has been stolen or unlawfully taken or obtained and is to be found in a house or other place the magistrate may issue a warrant to search the house or place for the articles and to bring before the Magistrates' Court all such articles found therein and to bring before a bail justice or the

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Magistrates' Court, or summon to appear before the Magistrates' Court, any person in whose possession or on whose premises those articles are so found.

- (2) Whenever a member of the police force finds any such articles on the premises or in the possession of any person or persons and has reasonable cause to suspect that any of such articles has been stolen or unlawfully taken or obtained he may bring all such articles before the Magistrates' Court and also may summon such a person to appear before the Magistrates' Court or arrest such a person and bring him or her before a bail justice or the Magistrates' Court.

S. 27(2)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.8(a)(b)).

- (3) Any person on whose premises or in whose possession any such article is so found who, after proof of the matters referred to in sub-section (1) or sub-section (2) of this section, does not satisfy the court before which he is brought or appears that he came lawfully by the article or that the article was on his premises without his knowledge or assent shall be guilty of an offence.

S. 27(3)
amended by
No. 9554
s. 2(2)(Sch. 2
item 319).

Penalty: 25 penalty units or imprisonment for six months.

28. Recovery of possession of stolen cattle

- (1) A person claiming to be entitled to the possession of cattle which—
- (a) have been reported to the police as having been stolen not more than 12 months before the application; and
 - (b) are in the possession or under the control of another person—

No. 6337 s. 44.
S. 28
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch.
items
190.9(a)–(f),
190.10,
190.11(a)(b)),
substituted by
No. 71/1993
s. 3.

may apply to the Magistrates' Court for an order for delivery of the cattle.

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- (2) An application—
 - (a) may be made without notice to any other person; and
 - (b) must be supported by evidence on oath or by affidavit.
 - (3) If satisfied that the applicant may be entitled to possession of the cattle, the Court constituted by a registrar may make an order directing the person who has possession or control of the cattle—
 - (a) to deliver them to the applicant; and
 - (b) to refrain from disposing of them except in accordance with paragraph (a) pending any further hearing of the application.
 - (4) An order under sub-section (3) must be served on the person to whom it is directed within 7 days after the making of the order.
 - (5) Subject to this section, an order under sub-section (3)(a) takes effect 7 days after service and an order under sub-section (3)(b) takes effect on service.
 - (6) If within 7 days after service of an order under sub-section (3) the person to whom the order is directed lodges an objection with the Court—
 - (a) the order under sub-section (3)(a) lapses and is of no effect; and
 - (b) the application under sub-section (1) must be referred to the Court constituted by a magistrate.
 - (7) The Court may extend or abridge the time fixed by sub-sections (4), (5) and (6) or by an order fixing, extending or abridging time.
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- (8) The Court may extend time under sub-section (7) before or after the time expires whether or not an application for the extension is made before the time expires.
- (9) If it seems to the Court hearing a referral under sub-section (6) that all or any of the cattle were stolen not more than 12 months before the application under sub-section (1), the Court may—
- (a) determine who owns the stolen cattle; and
 - (b) order possession of the stolen cattle to be given to the owner; and
 - (c) if necessary, issue a warrant in the form prescribed by rules of the Court directed to a member of the police force authorising the member forthwith to seize the stolen cattle and to deliver them to the owner; and
 - (d) subject to sub-section (12), make any order as to costs that the Court thinks fit.
- (10) If the Court is not so satisfied, it must dismiss the application.
- (11) The Court may make any order that it thinks fit with respect to the delivery, preservation or care of the cattle pending the determination of an application under this section.
- (12) The person from whom the cattle are seized in accordance with a warrant issued under sub-section (9)(c) must pay all lawful costs of executing the warrant.
- (13) An application under this section is civil in nature.
- (14) The Magistrates' Court has jurisdiction to determine an application under this section irrespective of the value of the cattle.
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No. 6337 s. 45.

29. Recovery of price paid for stolen cattle

- (1) Any person from whom or from whose possession cattle are taken or detained under an order or warrant under the last preceding section may recover from his vendor the amount paid by him as the purchase money of the cattle.
- (2) Any vendor of such cattle who may repay or is compelled to repay the purchase money he has received for such cattle may in like manner recover back from his vendor the amount he has paid such last-mentioned vendor as the purchase money of the cattle.
- (3) Upon complaint on oath made by any person or vendor as aforesaid or any person on his behalf—
 - (a) that such person or vendor has paid for the cattle and that the cattle have been taken from him; or
 - (b) that he has paid or been compelled to repay the amount he received—a magistrate may summon the party who sold the cattle to such last-mentioned person or vendor to appear before the Magistrates' Court or may issue a warrant to arrest the party.
- (4) Upon the appearance of such party or upon proof of the due service of a summons the Magistrates' Court—
 - (a) may examine the parties or either of them and their respective witnesses (if any) upon oath touching the purchase and payment of the amount of the purchase money for such cattle and the restitution of the cattle purchased or the repayment of the sum received; and

S. 29(3)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.12(a)–(c)).

S. 29(4)
amended by
No. 7876
s. 2(3).

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- (b) may make such order for the repayment of that amount with the costs incurred in the recovery thereof as to the court appears reasonable:

Provided that the execution of the order shall be stayed for such time as the court may order if the person from whom or from whose possession the cattle have been taken or on whom such order for payment is made forthwith enters into a bond to the complainant with two sufficient sureties in such amount as the court thinks reasonable conditioned to prosecute to conviction within the time aforesaid the person guilty of having stolen the cattle; and a conviction within the time aforesaid shall supersede the order so made by the court as aforesaid, and no subsequent proceedings shall be had thereon:

Provided further that the court on the application of such party and on notice to the complainant may extend the time aforesaid.

- (5) In this section "**vendor**" includes the auctioneer or other agent of the vendor.

S. 29(5)
substituted by
No. 84/2001
s. 13.

30. Possession of skin or carcass of stolen cattle

No. 6337 s. 46.

- (1) If the skin or carcass or any part of the skin or carcass of any cattle stolen from any person is found in the possession of any other person or on the premises of any other person with his knowledge and that other person being taken or summoned before the Magistrates' Court does not satisfy the court that he came lawfully by such skin carcass or part thereof respectively shall be guilty of an offence.

S. 30(1)
amended by
Nos 7876
s. 2(3), 9554
s. 2(2)(Sch. 2
item 320),
57/1989
s. 3(Sch.
item 190.13).

Penalty: 50 penalty units or imprisonment for one year.

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S. 30(2)
amended by
Nos 7876
s. 2(3), 9554
s. 2(2)(Sch. 2
item 321),
57/1989
s. 3(Sch.
item 190.14).

- (2) If the skin or carcass or any part of the skin or carcass of any cattle is found in the possession of any person or on the premises of any person with his knowledge and such person being summoned before the Magistrates' Court does not satisfy the court that he came lawfully by that skin or carcass or part thereof he shall be guilty of an offence.

Penalty: 25 penalty units or imprisonment for six months.

S. 30(3)
amended by
Nos 9554
s. 2(2)(Sch. 2
item 322),
57/1989
s. 3(Sch.
item 190.15),
40/1993(Sch. 2
item 11.1).

- (3) An inspector may demand the skins of any cattle whatsoever that have been or that appear from the record book required to be kept by or under the **Health Act 1958** at a meat processing facility licensed under the **Meat Industry Act 1993** to have been slaughtered within one month previously to the date of such demand or a full and satisfactory account showing to whom any such skin has been sold or in what manner disposed of, and every person who upon such demand refuses or neglects to produce such skin or in the case the skin cannot be produced to give a full and satisfactory account of how and in what manner the skin has been disposed of shall be guilty of an offence.

Penalty: 5 penalty units.

S. 30(4)
amended by
No. 9554
s. 2(2)(Sch. 2
item 323).

- (4) Any person who destroys the skin of any cattle or cuts out burns or otherwise destroys or defaces a brand which has been upon such skin and any person who is in possession of any skin from which a brand has been cut or burnt or otherwise destroyed or defaced without being able to give a satisfactory account thereof shall be guilty of an offence.

Penalty: 5 penalty units.

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| <p>(5) Any person purchasing a raw hide or skin from which a brand has been cut or burnt out or destroyed or otherwise defaced shall be guilty of an offence.</p> <p style="padding-left: 2em;">Penalty: 5 penalty units.</p> | <p>S. 30(5) amended by No. 9554 s. 2(2)(Sch. 2 item 324).</p> |
| <p>(6) Any inspector or member of the police force may at any time of the day or night enter any meat processing facility licensed under the Meat Industry Act 1993 or any other place or premises whatsoever at which there is good cause to suspect that stolen cattle have been slaughtered or are intended to be slaughtered and may make such search and inquiry therein as is necessary for the discovery of the offence and of the offender.</p> | <p>S. 30(6) amended by Nos 57/1989 s. 3(Sch. item 190.16), 40/1993(Sch. 2 item 11.2).</p> |
| <p>(7) Any person who obstructs or hinders any inspector or member of the police force so as to prevent him from or delay him in entering a meat processing facility licensed under the Meat Industry Act 1993 or any other house place or premises for the purpose of examining any cattle or skins of cattle shall be guilty of an offence.</p> <p style="padding-left: 2em;">Penalty: 5 penalty units.</p> | <p>S. 30(7) amended by Nos 9554 s. 2(2)(Sch. 2 item 325), 57/1989 s. 3(Sch. item 190.17), 40/1993(Sch. 2 item 11.3).</p> |
| <p>(8) If any person convicted under this section holds a licence or registration under any Act or any local law or regulation the licence or registration may, if the Magistrates' Court thinks fit, be cancelled or suspended and thereupon such person or premises shall be deemed to be unlicensed or unregistered (as the case may be).</p> | <p>S. 30(8) amended by Nos 12/1989 s. 4(1)(Sch. 2 item 115.6), 57/1989 s. 3(Sch. item 190.18).</p> |
| <p>(9) Every fine penalty or forfeiture accruing under this section within a municipal council shall be paid to the council of that district for the public uses thereof:</p> | <p>S. 30(9) amended by Nos 12/1989 s. 4(1)(Sch. 2 item 115.7), 71/1993 s. 4(c), 125/1993 s. 20(11) (a)(i)(ii).</p> |
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S. 30
(Proviso)
amended by
Nos 9902
s. 2(1)(Sch.
item 233),
46/1998
s. 7(Sch. 1).

Provided that all moneys arising from fines penalties and forfeitures imposed under this section and recovered by an employee or inspector in the Department of Human Services shall form part of the Consolidated Fund.

S. 30(10)
amended by
Nos 9902
s. 2(1)(Sch.
item 233),
10262 s. 4,
12/1989
s. 4(1)(Sch. 2
item 115.8),
125/1993
s. 20(11)(b),
46/1998
s. 7(Sch. 1).

- (10) In this section "**inspector**" includes any inspector or acting or assistant inspector of the Department of Human Services or any environmental health officer of a council.

No. 6337 s. 47.

S. 31
amended by
Nos 7876
s. 2(3), 9554
s. 2(2)(Sch. 2
item 326),
57/1989
s. 3(Sch.
item 190.19).

31. Possession of property from wrecks

If any goods merchandise or articles belonging to a ship or vessel in distress or wrecked stranded or cast on shore are found in the possession of any person or on the premises of any person with his knowledge and such person being taken or summoned before the Magistrates' Court does not satisfy the court that he came lawfully by the same such person shall be liable to a penalty over and above the value of the goods merchandise or articles of not more than 25 penalty units or to imprisonment for a term of not more than six months.

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32. Offering property from wrecks for sale

- (1) Any person who offers or exposes for sale any goods merchandise or articles which have been unlawfully taken or obtained or are reasonably suspected to have been unlawfully taken or obtained from a ship or vessel in distress or wrecked stranded or cast on shore, and who being summoned to appear before the Magistrates' Court does not appear and satisfy the court that he came lawfully by the same shall pay such sum as the court fixes as a reasonable reward to the person (if any) who has seized the same, and shall also be liable to a penalty over and above the value of the goods merchandise or articles of not more than 25 penalty units or to be imprisoned for a term of not more than six months.
- (2) In every such case any person to whom any such goods merchandise or articles are offered for sale or any member of the police force may seize the same and shall with all convenient speed cause the same to be removed to, or notice of such seizure to be given to, the Magistrates' Court.

No. 6337 s. 48.

S. 32(1)
amended by
Nos 7876
s. 2(3), 9554
s. 2(2)(Sch. 2
item 327),
10087
s. 3(1)(Sch. 1
item 242),
57/1989
s. 3(Sch.
item 190.20).

S. 32(2)
amended by
No. 57/1989
s. 3(Sch.
item 190.21).

33. Examination of persons through whose hands property has passed

- (1) In any proceedings under any of the provisions of sections 26 to 32 (both inclusive) in which any person is required—
 - (a) to give a satisfactory account as to how he came by any property;
 - (b) to satisfy the court that he lawfully came by any property; or
 - (c) to satisfy the court that any property was on his premises without his knowledge or assent—

No. 6337 s. 49.

S. 33(1)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch.
item 190.22).

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if on the hearing of the charge—

- (i) the defendant declares that he received the property from any other person; or
- (ii) it appears to the court that the property has passed through the hands or possession of any other person or has been in the possession of any other person or on his premises with his knowledge or assent—

the court may in its discretion by warrant or summons cause every such other person to be brought before it to give an account of the property.

- (2) If it appears by the admission of any person so brought before the Magistrates' Court or by proof on oath—

- (a) that such last-mentioned person had possession of the property; or
- (b) that the property was on his premises—

and if such person—

- (i) does not give a satisfactory account as to how he came by the property; or
- (ii) does not satisfy the court that he lawfully came by the property or that the property was on his premises without his knowledge or assent—

he shall be liable to the punishment specified in the sections respectively under which the proceedings are taken.

- (3) If a person has been convicted of an offence under any of the provisions of sections 26 to 32 in relation to any property, the informant, the Director of Public Prosecutions or any person who claims an interest in the property may, at the time

S. 33(2)
amended by
No. 7876
s. 2(3),
57/1989
s. 3(Sch.
item 190.23).

S. 33(3)
substituted by
No. 101/1986
s. 59(1),
amended by
No. 57/1989
s. 3(Sch.
item 190.24).

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the conviction is made or at any later time, apply to the Magistrates' Court for an order in relation to the property.

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| <p>(4) The Magistrates' Court may, on an application under sub-section (3), make such orders in relation to the property to which the application relates as it considers just.</p> | <p>S. 33(4)
amended by
No. 9902
s. 2(1)(Sch.
item 234),
substituted by
No. 101/1986
s. 59(1),
amended by
No. 57/1989
s. 3(Sch.
item 190.25).</p> |
| <p>(5) Examples of the kind of order that the Magistrates' Court may make under sub-section (4) are:</p> <p style="margin-left: 20px;">(a) If the property is not money, an order that the property be sold;</p> <p style="margin-left: 20px;">(b) An order that the property, if money or converted into money, be paid into the Consolidated Fund;</p> <p style="margin-left: 20px;">(c) An order declaring the nature, extent and value (as at the time of making the order) of the interest of a person specified in the order in the property and directing that the whole or any part of the property (including money into which the property has been converted) be transferred to that person;</p> <p style="margin-left: 20px;">(d) An order directing that a person specified in the order retain the whole or any part of the property (including money into which the property has been converted) for a period specified in the order.</p> | <p>S. 33(5)
inserted by
No. 101/1986
s. 59(1),
amended by
No. 57/1989
s. 3(Sch.
item 190.26).</p> |
| <p>(6) The applicant for an order under sub-section (4) must give notice of the application in the manner prescribed by rules of court to each other person whom the applicant has reason to believe could have applied for the order.</p> | <p>S. 33(6)
inserted by
No. 101/1986
s. 59(1).</p> |

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S. 33(7)
inserted by
No. 101/1986
s. 59(1),
amended by
No. 57/1989
s. 3(Sch.
item 190.27).

S. 33(8)
inserted by
No. 101/1986
s. 59(1),
amended by
No. 57/1989
s. 3(Sch.
item 190.28).

No. 6337 s. 50.

S. 34(1)
amended by
No. 9554
s. 2(2)(Sch. 2
item 328).

S. 34(2)
amended by
Nos 9902
s. 2(1)(Sch.
item 234),
57/1989
s. 3(Sch.
item 190.29).

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- (7) The Magistrates' Court may, at any time before the final determination of an application under sub-section (3), direct the applicant to give or publish notice of the application to such persons, in such manner and within such time as the Court thinks fit.
- (8) The Magistrates' Court has power to give all directions that are necessary to give effect to an order made by it under sub-section (4).

34. Retaining or disposing of property as workmen etc.

- (1) Any artificer workman journeyman apprentice or other person who unlawfully disposes of or retains in his possession without the consent of the person by whom he is hired retained or employed any goods wares work or materials committed to his care or charge (the value of such goods wares work or materials being not more than \$100) or any person who receives any of the same knowing them to have been stolen or unlawfully obtained shall be guilty of an offence.

Penalty: For a first offence—5 penalty units or imprisonment for three months;

For a second or subsequent offence—
10 penalty units or imprisonment for
six months.

- (2) If any person to whom any property is offered to be sold pawned or delivered has reasonable cause to suspect that an offence referred to in the last preceding sub-section has been committed in respect of the property, he may arrest without a warrant and with all convenient speed take before a bail justice or the Magistrates' Court the person offering the property together with the property to be dealt with according to law; and in every such

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case the stolen property shall by order of the court by which the case is heard and determined be delivered over to the rightful owner, if known, or if the rightful owner is not known shall be sold and the proceeds of the sale shall be paid into and form part of the Consolidated Fund.

*	*	*	*	*	Heading preceding s. 35 and s. 35 repealed by No. 7786 s. 2.
*	*	*	*	*	Heading preceding s. 36 repealed by No. 9902 s. 2(1)(Sch. item 235).
*	*	*	*	*	S. 36 amended by No. 7967 s. 2, repealed by No. 8276 s. 70(1).

Passing Valueless Cheques

37. Obtaining goods etc. by valueless cheque

No. 6337 s. 58.

- (1) Any person who obtains any chattel money valuable security credit benefit or advantage by passing a cheque which is not paid on presentation shall be guilty of an offence.

S. 37(1) amended by No. 9554 s. 2(2)(Sch. 2 item 329).

Penalty: 25 penalty units or imprisonment for one year.

- (2) It shall be a defence to a charge for an offence against sub-section (1) of this section to prove that the defendant—
- (a) had reasonable grounds for believing that the cheque would be paid in full on presentation; and
 - (b) had no intent to defraud.

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- (3) The fact that at the time when the cheque was passed there were some funds to the credit of the account on which the cheque was drawn shall not of itself be a defence.
- (4) No proceedings shall be brought against any person for an offence against this section except with the consent of the Director of Public Prosecutions.

Division 3—Illegal Taking or Using of Vehicles

38. Taking or using vehicle without consent of owner etc.

- (1) Any person who takes or in any manner uses a vehicle (including a bicycle but not including a motor vehicle within the meaning of the **Road Safety Act 1986**) or a boat ship or other vessel the property of any other person without the consent of the owner or person in lawful possession thereof shall be guilty of an offence.

Penalty: 15 penalty units or imprisonment for three months.

- (2) Nothing in this section shall affect any other liability civil or criminal of any person guilty of an offence against this section.

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**Division 4—Advertising of Live Sexually-Explicit
Entertainment**

Pt 1 Div. 4
(Heading and
ss 39–41)
repealed by
No. 8642
s. 7(b).

New Pt 1
Div. 4
(Heading
and s. 39)
inserted by
No. 44/1999
s. 32.

39. Advertising regulations

S. 39
inserted by
No. 44/1999
s. 32.

- (1) The Governor in Council may make regulations for or with respect to—
 - (a) the size, form and content of advertisements for live sexually-explicit entertainment;
 - (b) prohibiting the advertising—
 - (i) in a specified publication or specified class of publication; or
 - (ii) in a specified manner—
 of advertisements for live sexually-explicit entertainment;
 - (c) generally regulating the publication of advertisements for live sexually-explicit entertainment.
- (2) A power conferred by sub-section (1) to make regulations may be exercised—
 - (a) either in relation to all cases to which the power extends, or in relation to all those cases subject to specified exceptions, or in relation to any specified case or class of case; and

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- (b) so as to make, as respects the cases in relation to which the power is exercised—
- (i) the same provision for all cases in relation to which the power is exercised, or different provisions for different cases or classes of case, or different provisions for the same case or class of case for different purposes; or
 - (ii) any such provision either unconditionally or subject to any specified condition.
- (3) Regulations made under sub-section (1) may be made—
- (a) so as to apply—
 - (i) at all times or at a specified time; or
 - (ii) throughout the whole of the State or in a specified part of the State; or
 - (iii) as specified in both sub-paragraphs (i) and (ii); and
 - (b) so as to require a matter affected by the regulations to be—
 - (i) in accordance with a specified standard or specified requirement; or
 - (ii) approved by or to the satisfaction of a specified person or a specified class of person; or
 - (iii) as specified in both sub-paragraphs (i) and (ii); and
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- (c) so as to apply, adopt or incorporate any matter contained in any document whatsoever whether—
 - (i) wholly or partially or as amended by the regulations; or
 - (ii) as in force at the time the regulations are made or at any time before then; and
- (d) so as to confer a discretionary authority or impose a duty on a specified person or a specified class of person; and
- (e) so as to provide in a specified case or class of case for the exemption of persons or things or a class of persons or things from any of the provisions of the regulations, whether unconditionally or on specified conditions and either wholly or to such an extent as is specified; and
- (f) so as to impose a penalty not exceeding 20 penalty units for a contravention of the regulations.

Division 5—Tattooing of Juveniles

42. Tattooing of juveniles

- (1) Any person who performs any tattooing or like process on any person under the age of eighteen years shall be guilty of an offence.

Penalty: 5 penalty units.

- (2) Nothing in this Division shall apply to any tattooing or other like process performed by or at the written request of a registered medical practitioner within the meaning of the **Medical Practice Act 1994**.

No. 6878 s. 5.

S. 42(1)
amended by
No. 9554
s. 2(2)(Sch. 2
item 331).

S. 42(2)
amended by
No. 23/1994
s. 118(Sch. 1
item 55.1).

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Pt 1 Div. 6
(Heading)
repealed by
No. 74/2000
s. 3(Sch. 1
item 121.3).

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S. 43
amended by
Nos 8075
s. 3(a)(b), 9554
s. 2(2)(Sch. 2
item 332),
repealed by
No. 81/1987
s. 46.

* * * * *

S. 44
amended by
Nos 8075
s. 4(a)(b), 9554
s. 2(2)(Sch. 2
items 333,
334),
repealed by
No. 81/1987
s. 46.

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Division 7—Homing Pigeons

No. 6337
s. 224.

45. Definition

In this Division "**homing pigeon**" means a pigeon used as a bearer of messages or as a racing pigeon and which has affixed or attached to either or both legs a metal or other ring.

No. 6337
s. 225.

46. Destruction of homing pigeons

A person other than the owner shall not shoot kill wound or in any way injure destroy ensnare catch or take a homing pigeon.

S. 46
amended by
No. 9554
s. 2(2)(Sch. 2
item 335).

Penalty: 1 penalty unit.

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47. Compensation

For the purposes of section 59 of the **Sentencing Act 1991** the court may, in assessing the value of a homing pigeon, take into account the racing record (if any) of the pigeon as well as the market value of pigeons of that type.

S. 47
amended by
No. 49/1991
s. 119(7)
(Sch. 4
item 19.2).

48. Entering in pursuit of homing pigeons

Any person entering upon enclosed land or premises for the purpose of killing wounding disabling ensnaring taking or in any way injuring or destroying a homing pigeon of which he is not the owner shall be guilty of an offence.

No. 6337
s. 227.
S. 48
amended by
No. 9554
s. 2(2)(Sch. 2
item 336).

Penalty: 1 penalty unit.

49. Existing remedies preserved

Nothing in this Division shall in any way limit or abridge any other civil or criminal proceedings in respect of pigeons.

No. 6337
s. 228.

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Part II—Provisions Applicable to Special Localities

s. 50

PART II—PROVISIONS APPLICABLE TO SPECIAL LOCALITIES

Matches

50. Prohibition of use of certain kinds of matches in specified localities in certain months

- (1) The Governor in Council by Order published in the Government Gazette may prohibit in any locality specified in the Order during all or any of the months from November to April (both inclusive) the sale offering for sale distribution or use of any matches other than those so made as to strike only on a preparation affixed to the containing box or to a box containing the same description of matches.
- (2) The Governor in Council may in like manner rescind revoke amend or vary any Order under this section.
- (3) Any person who sells offers for sale distributes or uses any matches in contravention of an Order under this section shall be guilty of an offence.
Penalty: 1 penalty unit.
- (4) Nothing in this section shall apply to matches used or for use in any mine within the meaning of the **Mineral Resources Development Act 1990**.

No. 6337
s. 223.

S. 50(3)
amended by
No. 9554
s. 2(2)(Sch. 2
item 337).

S. 50(4)
amended by
Nos 6/1987
s. 5(1)(Sch.
item 7),
92/1990
s. 128(Sch. 1
item 28).

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Part II—Provisions Applicable to Special Localities

s. 50A

Trespass for certain Purposes

Heading preceding s. 50A inserted by No. 8065 s. 2.

50A. Trespass—land used for primary production

S. 50A inserted by No. 8065 s. 2.

- (1) In this section unless inconsistent with the context or subject-matter "**primary production**" means farming agricultural horticultural viticultural pastoral or grazing operation and without affecting the generality of the foregoing provisions includes dairy farming poultry farming and bee farming operations.
- (2) The provisions of this section shall apply only within such districts as are specified by proclamation made under this section.
- (3) Upon the application of the municipal council the Governor in Council may by proclamation published in the Government Gazette—
 - (a) declare the municipal district of the municipal council or any part thereof to be a district to which this section applies; and
 - (b) revoke or vary any such proclamation.
- (4) The Governor in Council may by proclamation published in the Government Gazette—
 - (a) declare an area that is not part of a municipal district to be an area to which this section applies; and
 - (b) revoke or vary any such proclamation.

S. 50A(3) amended by No. 12/1989 s. 4(1)(Sch. 2 item 115.9).

S. 50A(3)(a) amended by No. 12/1989 s. 4(1)(Sch. 2 item 115.10).

S. 50A(4)(a) amended by No. 12/1989 s. 4(1)(Sch. 2 item 115.11).

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Part II—Provisions Applicable to Special Localities

s. 50A

S. 50A(5)
amended by
No. 9554
s. 2(2)(Sch. 2
item 338).

- (5) Any person who within any district specified by proclamation made under this section and during the fire danger period within the meaning of the **Country Fire Authority Act 1958** engages in or enters with the intention of ferreting on any land which is used in connexion with primary production without the consent, express or implied, of the occupier of that land or of some person apparently authorized to act on behalf of such occupier shall be guilty of an offence against this section and liable for a first offence to a penalty of not more than 1 penalty unit and for a second or subsequent offence to a penalty of not more than 5 penalty units.
- (6) It shall be a defence to a prosecution for an offence against sub-section (5) if the defendant satisfies the court that he did not actually engage in ferreting on that land but was approaching the residence of the occupier of the land along a defined or customary path for the purpose of applying for such consent.
- (7) Upon any proceedings for an offence against this section the burden of proving the consent of the occupier of any land concerned or of any person apparently authorized to act on behalf of such occupier shall be upon the person charged.
- (8) Nothing in this section shall in any way limit or abridge any other civil or criminal proceeding in relation to any such trespass.

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Part III—Supplementary

s. 52

PART III—SUPPLEMENTARY

* * * * *

S. 51
repealed by
No. 8247 s. 5.

52. Assaulting or resisting constables etc.

No. 6337
s. 189.

- (1) Any person who assaults resists obstructs hinders or delays or incites or encourages any other person to assault resist obstruct hinder or delay any member of the police force in the execution of his duty under this Act or otherwise, or any person lawfully assisting any such member in the execution of his duty under this Act, or any member of the staff of the local authority in the execution of his duty under this Act shall be guilty of an offence.

S. 52(1)
amended by
Nos 8085
s. 3(1), 9554
s. 2(2)(Sch. 2
item 339),
12/1989
s. 4(1)(Sch. 2
item 115.12).

Penalty: 25 penalty units or imprisonment for six months.

- (1A) Any person who together with others wilfully and without lawful authority besets any premises, whether public or private, for the purpose and with the effect of obstructing, hindering, or impeding by an assemblage of persons the exercise by any person of any lawful right to enter, use, or leave such premises shall be guilty of an offence.

S. 52(1A)
inserted by
No. 8085
s. 3(2),
amended by
No. 9554
s. 2(2)(Sch. 2
item 340).

Penalty: 15 penalty units or imprisonment for three months.

- (2) In addition to imposing a penalty the court may order and award a sum sufficient to cover any damage which any such member of the police force person or member of staff has sustained by such assault resistance obstruction hindrance or delay, such sum to be recoverable in the same manner as the penalty.

S. 52(2)
amended by
No. 46/1998
s. 7(Sch. 1).

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Part III—Supplementary

s. 52A

S. 52A
inserted by
No. 8/1991
s. 17.

52A. Offence to harass witnesses etc.

A person must not harass a person because that person has taken part, is about to take part or is taking part in a criminal proceeding in any court as a witness or in any other capacity.

Penalty: 120 penalty units or imprisonment for 12 months.

No. 6337
s. 189A.

53. Making false reports to police etc.

S. 53(1)
amended by
Nos 9554
s. 2(2)(Sch. 2
item 341),
9642 s. 2(1),
8/1998
s. 5(1).

- (1) Any person who falsely and with knowledge of the falsity of the report voluntarily reports or causes to be reported to any member of the police force that an act has been done or an event has occurred, which act or event as so reported is such as calls for an investigation by a member of the police force shall be guilty of an offence.

Penalty: 120 penalty units or imprisonment for 1 year.

S. 53(2)
substituted by
No. 9642
s. 2(2).

- (2) For the purposes of sub-section (1)—
- (a) "**voluntarily**", in respect of a report by any person, means—
- (i) of that person's own motion and volition; and
 - (ii) otherwise than in the course of an interrogation made by a member of the police force; and
- (b) "**causes to be reported**" includes creating any circumstances or doing any acts for the purpose of inducing or which induce some other person to report to a member of the police force that an act has been done or event occurred which calls for investigation by a member of the police force.

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Part III—Supplementary

s. 53

- (3) Where a person is charged before a court of summary jurisdiction with an offence against this section the court shall, as soon as the person is charged and before any evidence has been given in support of the charge, cause the person charged to be informed that he may object to being summarily dealt with and may elect to be tried by a jury.
- (4) Where a person charged with an offence against this section is not present before the court upon the hearing the court may, if it thinks fit, adjourn the hearing of the charge with a view of securing the attendance of that person, if practicable, at the hearing of the charge, but nevertheless the court shall have jurisdiction to deal summarily with the case in the absence of the person charged.
- (5) If before any evidence is given in support of the charge the person charged objects to the charge being dealt with summarily by the court and elects that he be tried by a jury the court shall hear and inquire into the charge as if it had no jurisdiction finally to determine the matter and may direct the person charged to be tried by a jury as aforesaid or discharge him.
- (6) Any person directed to be tried as aforesaid shall notwithstanding any law usage or practice to the contrary be tried upon presentment made as for an indictable offence cognisable by the Supreme Court or the County Court.
- (6A) In addition to and without derogating from section 86 of the **Sentencing Act 1991**, if a court finds a person guilty of, or convicts a person of, an offence against this section, the court may order the person to pay to the informant a reasonable amount for any expenses, including remuneration payable to any emergency service worker within the meaning of Division 2B of

S. 53(6)
 amended by
 No. 9019
 s. 2(1)(Sch.
 item 215).

S. 53(6A)
 inserted by
 No. 9642 s. 3,
 substituted by
 No. 8/1998
 s. 5(2),
 amended by
 No. 80/2001
 s. 6(1).

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s. 54

Part 4 of the **Sentencing Act 1991**, incurred by the State arising out of or incidental to the commission of the offence.

- (6AB) In sub-section (6A) "**remuneration**", in relation to a person, includes long service leave entitlements, holiday pay, superannuation contributions and any other employment benefits.
- (6AC) If a court decides to make an order under sub-section (6A), sub-sections (2), (3), (4), (7), (8) and (9) of section 86 of the **Sentencing Act 1991** apply as if—
- (a) a reference to an order under sub-section (1) were a reference to an order under sub-section (6A); and
 - (b) a reference to compensation were a reference to expenses referred to in sub-section (6A).
- (6AD) An order under sub-section (6A) must be taken to be a judgment debt due by the offender to the informant and payment of any amount remaining unpaid under the order may be enforced in the court by which it was made.
- (6B) Any moneys received by the informant under sub-section (6A) shall be paid by him to the Consolidated Fund.

54. Offence by body corporate

Where a body corporate is guilty of an offence against this Act the body corporate shall be liable to the penalties therefor so far as those penalties are capable of being imposed upon a body corporate, and any director manager or officer of the body corporate who knowingly directs authorizes or suffers the commission of the offence by the body corporate shall, without affecting the liability of the body corporate therefor, be severally guilty of an offence and

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Part III—Supplementary

s. 55

liable to the penalty or punishment applicable thereto.

55. Liability of masters

Where it appears to the court on the hearing of a charge for an offence against this Act that the person committing the offence has acted only under the orders or by the sanction of his master or employer and that the master or employer is in fact the offending party, either solely or as well as the person so offending, the court may by summons or warrant order the master or employer to appear to answer the charge as if it had originally been filed against the master or employer and may either discharge the person first charged or may hear and determine the charge against both as the court thinks fit.

No. 6337 s. 14.
 S. 55
 amended by
 No. 57/1989
 s. 3(Sch. item
 190.30(a)-(d)).

56. Informations

- (1) Unless otherwise expressly provided any member of the police force or any inspector or other employee in the Department of Human Services or any member of the staff of any municipal council may file a charge for a breach of or an offence against any of the provisions of this Act.
- (2) No fee shall be payable on the issue of a summons to answer to a charge for an offence against this Act.

No. 6337
 s. 190.

S. 56(1)
 amended by
 Nos 12/1989
 s. 4(1)(Sch. 2
 item 115.13),
 57/1989
 s. 3(Sch.
 item 190.31),
 46/1998
 s. 7(Sch. 1).

S. 56(2)
 amended by
 No. 57/1989
 s. 3(Sch.
 item 190.32).

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s. 57

No. 6337
s. 191.

S. 57
amended by
No. 57/1989
s. 3(Sch.
item 190.33).

No. 6337
s. 192.

S. 58
amended by
No. 8179 s. 4.

No. 6337
s. 195.

S. 59
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch.
item 190.34).

No. 6337
s. 204.

S. 60
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.35(a)(b)).

Victorian Legislation and Parliamentary Documents

57. Neglect to prosecute

If a person who has filed a charge in respect of an alleged offence against this Act does not appear at the hearing or declines or neglects to proceed upon or prosecute the charge the court may authorize some other person to proceed upon or prosecute the charge or may authorize any other person to take proceedings.

58. Accomplice

No member of the police force or person if such member or person is acting under instructions given in writing in relation to a particular case by a member of the police force not below the rank of senior sergeant shall be deemed to be an offender or accomplice in the commission of an offence against this Act although such member or person might, but for this section, have been deemed to be such an offender or accomplice.

59. Procedure

Unless otherwise expressly provided all charges for or in respect of offences against this Act shall be heard and determined by the Magistrates' Court.

60. Offences of more serious nature not to be dealt with under this Act

If the Magistrates' Court is of the opinion that an offence against this Act alleged before it does not properly come within the meaning and intention of this Act but that an offence of a more serious or heinous kind has been committed the court may refuse to entertain or to further entertain the charge and may proceed as if the more serious or more heinous offence had been charged in the charge before the court whether the person charged has or has not pleaded thereto.

Summary Offences Act 1966
Act No. 7405/1966

Part III—Supplementary

s. 60AA

60AA. Power to serve infringement notice

- (1) A member of the police force may serve an infringement notice on any person that he or she has reason to believe has committed an offence against section 18.

Note: Section 18 deals with offensive behaviour by a person in a motor vehicle in a declared area.

- (2) An infringement notice may be served on a person—
- (a) by delivering it personally to the person; or
 - (b) by sending it by post addressed to the person's last known place of residence or business.

S. 60AA
inserted by
No. 33/2003
s. 4.

60AB. Form of notice

- (1) An infringement notice must state—
- (a) the date of the notice; and
 - (b) that section 18 of this Act creates the offence; and
 - (c) the nature, and a brief description, of the alleged offence; and
 - (d) the date, time and place of the alleged offence; and
 - (e) that the amount payable (the "**infringement penalty**") in respect of the alleged offence is 1 penalty unit; and
 - (f) the manner in which the infringement penalty may be paid; and
 - (g) the time (which must be at least 28 days after the date on which the notice is served) within which the infringement penalty must be paid; and

S. 60AB
inserted by
No. 33/2003
s. 4.

Summary Offences Act 1966
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s. 60AC

S. 60AC
inserted by
No. 33/2003
s. 4.

S. 60AD
inserted by
No. 33/2003
s. 4.

- (h) that, if the amount of the infringement penalty is paid before the end of that time, the matter will not be brought before the Magistrates' Court unless the notice is withdrawn within 28 days after the date on which it was served; and
 - (i) that the person is entitled to disregard the notice and defend any proceedings in respect of the offence in the Magistrates' Court; and
 - (j) any other prescribed particulars.
- (2) The Governor in Council may make regulations for or with respect to prescribing particulars for the purposes of sub-section (1)(j).

60AC. Late payment of penalty

A member of the police force may accept payment of the infringement penalty even after the time for payment stated in the infringement notice expires if—

- (a) neither a charge has been filed nor a courtesy letter served under Part 2 of Schedule 7 to the **Magistrates' Court Act 1989** in respect of the offence to which the infringement penalty relates; and
- (b) the infringement notice has not been withdrawn.

60AD. Withdrawal of notice

- (1) A member of the police force may withdraw an infringement notice at any time within 28 days after the date on which the notice was served by serving a withdrawal notice on the person served with the infringement notice.

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Part III—Supplementary

s. 60AE

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- (2) A withdrawal notice may be served on a person—
- (a) by delivering it personally to the person; or
 - (b) by sending it by post addressed to the person's last known place of residence or business.
- (3) An infringement notice may be withdrawn even if the infringement penalty has been paid.
- (4) If an infringement notice is withdrawn, the amount of any infringement penalty paid must be refunded and the Consolidated Fund is, to the necessary extent, appropriated accordingly.

60AE. Payment exiates offence

If an infringement notice is not withdrawn and the infringement penalty is paid within the time for payment stated in the notice or is accepted in accordance with section 60AC, then—

- (a) the person on whom the notice was served has exiated the offence by that payment; and
- (b) no proceedings may be taken against that person in respect of that offence; and
- (c) no conviction is to be taken to have been recorded against that person for that offence.

S. 60AE
 inserted by
 No. 33/2003
 s. 4.

60AF. Payment not to have certain consequences

- (1) The payment of an infringement penalty is not and must not be taken to be—
- (a) an admission of guilt in relation to the offence; or
 - (b) an admission of liability for the purpose of any civil claim or proceeding arising out of the same occurrence and the payment does not in any way affect or prejudice any such claim or proceeding.

S. 60AF
 inserted by
 No. 33/2003
 s. 4.

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Part III—Supplementary

s. 60AG

- (2) The payment of an infringement penalty must not be referred to in any report provided to a court for the purpose of determining sentence for an offence.

60AG. Prosecution after service of infringement notice

A charge may be filed in respect of an offence to which an infringement notice relates if—

- (a) the infringement penalty has not been paid within the time for payment stated in the notice or in accordance with section 60AC; or
(b) the notice is withdrawn.

60AH. Enforcement of infringement penalty

Payment of the infringement penalty may be enforced in accordance with Part 2 of Schedule 7 to the **Magistrates' Court Act 1989** if—

- (a) the infringement notice is an infringement notice within the meaning of Schedule 7 to that Act; and
(b) the infringement penalty has not been paid within the time stated in the notice or in accordance with section 60AC; and
(c) the notice has not been withdrawn; and
(d) a charge has not been filed in accordance with section 60AG.

60A. Forfeiture of weapons or instruments

A court that convicts a person of an offence under section 24(2) may order that the weapon or instrument be forfeited to Her Majesty and be sold or destroyed as specified in the order.

Summary Offences Act 1966
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Part III—Supplementary

s. 61

61. Proceeds of sale of forfeited property to be paid to Consolidated Fund

The proceeds of the sale of any property forfeited to Her Majesty under the provisions of this Act shall be paid into and form part of the Consolidated Fund.

S. 61
amended by
No. 9902
s. 2(1)(Sch.
item 236).

62. Transitional provisions

(1) If on the commencement of section 55 of the **Law and Justice Legislation Amendment Act 1997**, section 57 of the **Children's Services Act 1996** is not in operation, Schedule 1 to this Act has effect, until that section comes into operation, as if item 2 of that Schedule referred to a children's service centre within the meaning of Part XIA of the **Health Act 1958** that directly receives any financial assistance from the State.

S. 62
amended by
Nos 7967
s. 3(a)(b), 9902
s. 2(1)(Sch.
item 236),
repealed by
No. 10012 s. 3,
new s. 62
inserted by
No. 44/1997
s. 54,
amended by
No. 8/1998
s. 6 (ILA
s. 39B(1)).

(2) Section 53 as amended by section 5 of the **Summary Offences (Amendment) Act 1998** applies only to offences committed after the commencement of that Act.

S. 62(2)
inserted by
No. 8/1998
s. 6.

(3) The amendment of section 53(6A) made by section 6(1) of the **Sentencing (Emergency Service Costs) Act 2001** applies only to offences against section 53 alleged to have been committed on or after the commencement of the **Sentencing (Emergency Service Costs) Act 2001**.

S. 62(3)
inserted by
No. 80/2001
s. 6(2).

(4) For the purposes of sub-section (3), if an offence is alleged to have been committed between two dates, one before and one after the commencement of the **Sentencing (Emergency Service Costs) Act 2001**, the offence is alleged to have been committed before that commencement.

S. 62(4)
inserted by
No. 80/2001
s. 6(2).

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Part III—Supplementary

s. 63

S. 63
repealed by
No. 9554
s. 2(1)(Sch. 1
item 16) (as
amended by
No. 9902
s. 2(1)(Sch.
item 189)).

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Victorian Legislation and Parliamentary Documents

Summary Offences Act 1966
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Sch. 1

SCHEDULE 1

SCHEDULED PUBLIC PLACES

1. Land used for the purposes of a State school within the meaning of the **Education Act 1958**.
2. Premises or place where a children's service within the meaning of the **Children's Services Act 1996** operates in respect of which the Secretary within the meaning of that Act provides grants, payments, subsidies or other financial assistance.
3. Premises that are—
 - (a) a residential institution within the meaning of the **Intellectually Disabled Persons' Services Act 1986**; or
 - (b) used to provide a residential program within the meaning of that Act; or
 - (c) used by a registered residential service within the meaning of that Act to provide residential services to eligible persons within the meaning of that Act.
4. Premises that are an approved mental health service within the meaning of the **Mental Health Act 1986**.
5. Land held or managed by the trustees of a public cemetery to which the **Cemeteries Act 1958** applies.

Sch.
amended by
Nos 7876
s. 2(3), 9019
s. 2(1)(Sch.
item 216),
repealed by
No. 9008
s. 2(1)(Sch.
item 4(b)),
new Sch. 1
inserted by
No. 44/1997
s. 55.

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Endnotes

ENDNOTES

1. General Information

The **Summary Offences Act 1966** was assented to on 17 May 1966 and came into operation on 21 December 1966: Government Gazette 21 December 1966 page 4265.

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Endnotes

2. Table of Amendments

This Version incorporates amendments made to the **Summary Offences Act 1966** by Acts and subordinate instruments.

Summary Offences Act 1967, No. 7635/1967

Assent Date: 19.12.67
Commencement Date: 19.12.67
Current State: All of Act in operation

Summary Offences (Sunday Newspapers) Act 1969, No. 7786/1969

Assent Date: 1.4.69
Commencement Date: 24.4.69: Government Gazette 23.4.69 p. 1075
Current State: All of Act in operation

Summary Offences Act 1969, No. 7854/1969

Assent Date: 14.10.69
Commencement Date: 19.12.69: Government Gazette 19.12.69 p. 4136
Current State: All of Act in operation

Justices (Amendment) Act 1969, No. 7876/1969

Assent Date: 25.11.69
Commencement Date: S. 2(3)(Sch.) on 1.4.70: Government Gazette 25.2.70 p. 463
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Country Fire Authority (Amendment) Act 1969, No. 7877/1969

Assent Date: 25.11.69
Commencement Date: 25.11.69
Current State: All of Act in operation

Summary Offences Act 1970, No. 7967/1970

Assent Date: 13.4.70
Commencement Date: 13.4.70
Current State: All of Act in operation

Summary Offences (Trespass to Farms) Act 1970, No. 8065/1970

Assent Date: 22.12.70
Commencement Date: 27.1.71: Government Gazette 27.1.71 p. 200
Current State: All of Act in operation

Summary Offences Act 1970, No. 8075/1970

Assent Date: 22.12.70
Commencement Date: 22.12.70
Current State: All of Act in operation

Summary Offences (Trespasses) Act 1970, No. 8085/1970

Assent Date: 22.12.70
Commencement Date: 22.12.70
Current State: All of Act in operation

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Police Regulation (Amendment) (No. 2) Act 1971, No. 8179/1971

Assent Date: 23.11.71
Commencement Date: 15.12.71: Government Gazette 15.12.71 p. 3845
Current State: All of Act in operation

Summary Offences (Amendment) Act 1971, No. 8226/1971

Assent Date: 14.12.71
Commencement Date: 14.12.71
Current State: All of Act in operation

Crimes (Powers of Arrest) Act 1972, No. 8247/1972

Assent Date: 6.4.72
Commencement Date: 1.7.72: Government Gazette 28.6.72 p. 2360
Current State: All of Act in operation

Police Offences Act 1972, No. 8267/1972

Assent Date: 9.5.72
Commencement Date: 9.5.72
Current State: All of Act in operation

Consumer Protection Act 1972, No. 8276/1972

Assent Date: 13.5.72
Commencement Date: Ss 1–4, Pts 1, 2 (*except* Divs 2, 3), 3 (*except* Div. 2), 4, 5 on 1.7.72; Divs 2, 3 of Pt 2, Div. 2 of Pt 3 on 13.7.72: see s. 2(2) of Act No. 8382
Current State: All of Act in operation

Health (Contraceptives) Act 1974, No. 8642/1974

Assent Date: 17.12.74
Commencement Date: S. 7 on 1.9.75: Government Gazette 25.6.75 p. 2179
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Bail Act 1977, No. 9008/1977

Assent Date: 10.5.77
Commencement Date: 1.9.77: Government Gazette 17.8.77 p. 2654
Current State: All of Act in operation

Statute Law Revision 1977, No. 9019/1977

Assent Date: 17.5.77
Commencement Date: 17.5.77: subject to s. 2(2)
Current State: All of Act in operation

Summary Offences (Amendment) Act 1978, No. 9214/1978

Assent Date: 19.12.78
Commencement Date: 20.12.78: Government Gazette 20.12.78 p. 3886
Current State: All of Act in operation

Crimes (Sexual Offences) Act 1980, No. 9509/1980

Assent Date: 23.12.80
Commencement Date: 1.3.81: Government Gazette 4.2.81 p. 338
Current State: All of Act in operation

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Summary Offences (Corporation Meetings) Act 1981, No. 9519/1981

Assent Date: 24.3.81
Commencement Date: 6.5.81: Government Gazette 6.5.81 p. 1434
Current State: All of Act in operation

Statute Law Revision Act 1981, No. 9549/1981

Assent Date: 19.5.81
Commencement Date: 19.5.81: subject to s. 2(2)
Current State: All of Act in operation

Penalties and Sentences Act 1981, No. 9554/1981 (as amended by No. 9902/1983)

Assent Date: 19.5.81
Commencement Date: S. 44 on 26.9.80: s. 1(3); ss 1, 36–46 on 3.6.81: Government Gazette 3.6.81 p. 1778; rest of Act on 1.9.81: Government Gazette 26.8.81 p. 2799
Current State: All of Act in operation

Summary Offences (False Reports to Police) Act 1981, No. 9642/1981

Assent Date: 15.12.81
Commencement Date: 15.12.81
Current State: All of Act in operation

Director of Public Prosecutions Act 1982, No. 9848/1982

Assent Date: 21.12.82
Commencement Date: Ss 1–8, 17 on 12.1.83: Government Gazette 12.1.83 p. 80; rest of Act on 1.6.83: Government Gazette 11.5.83 p. 1146
Current State: All of Act in operation

Statute Law Revision Act 1983, No. 9902/1983

Assent Date: 15.6.83
Commencement Date: 15.6.83: subject to s. 2(2)
Current State: All of Act in operation

Fire Authorities Act 1983, No. 9928/1983

Assent Date: 28.6.83
Commencement Date: S. 13 on 29.6.83: Government Gazette 29.6.83 p. 1889; rest of Act on 20.7.83: Government Gazette 20.7.83 p. 2291
Current State: All of Act in operation

Penalties and Sentences (Amendment) Act 1983, No. 9945/1983

Assent Date: 20.9.83
Commencement Date: S. 2 on 1.9.81: s. 1(4); rest of Act (*except* s. 8) on 20.12.83: Government Gazette 14.12.83 p. 4035; s. 8 repealed by No. 10096 s. 4(4)
Current State: All of Act in operation

Legal Profession Practice (Further Amendment) Act 1983, No. 10012/1983

Assent Date: 13.12.83
Commencement Date: 1.1.84: Government Gazette 29.12.83 p. 4149
Current State: All of Act in operation

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Statute Law Revision Act 1984, No. 10087/1984

Assent Date: 22.5.84
Commencement Date: 22.5.84: subject to s. 3(2)
Current State: All of Act in operation

Planning (Brothels) Act 1984, No. 10094/1984

Assent Date: 22.5.84
Commencement Date: Ss 1–4, 7(2), 9–14 on 2.7.84: Government Gazette 30.5.84 p. 1674; ss 49D, 49E inserted by s. 7(1) in the **Town and Country Planning Act 1961** on 2.7.84: Government Gazette 30.5.84 p. 1674; ss 5, 6, 8 on 1.7.85: Government Gazette 19.6.85 p. 2336; ss 49C, 49F–49O inserted by s. 7(1) in the **Town and Country Planning Act 1961** on 1.7.85: Government Gazette 19.6.85 p. 2336
Current State: All of Act in operation

Health (Amendment) Act 1985, No. 10262/1985

Assent Date: 10.12.85
Commencement Date: S. 4(Sch.) on 1.3.86: Government Gazette 26.2.86 p. 451
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Crimes (Confiscation of Profits) Act 1986, No. 101/1986

Assent Date: 16.12.86
Commencement Date: 1.8.87: Government Gazette 22.7.87 p. 1924
Current State: All of Act in operation

Prostitution Regulation Act 1986, No. 124/1986

Assent Date: 23.12.86
Commencement Date: S. 76 on 16.8.87: Government Gazette 12.8.87 p. 2175
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Road Safety Act 1986, No. 127/1986 (as amended by No. 87/1987)

Assent Date: 23.12.86
Commencement Date: S. 102 on 1.3.87: Government Gazette 25.2.87 p. 445; Sch. 4 (items 27.1, 27.2) on 1.7.87: Special Gazette (No. 27) 25.6.87 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1986**

Coal Mines (Amendment) Act 1987, No. 6/1987

Assent Date: 28.4.87
Commencement Date: 11.5.87: Government Gazette 6.5.87 p. 1004
Current State: All of Act in operation

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Planning and Environment Act 1987, No. 45/1987

Assent Date: 27.5.87
Commencement Date: Pt 1, s. 204 on 27.5.87: s. 2(1); rest of Act (*except* Sch. items 118, 119) on 16.2.88: Government Gazette 10.2.88 p. 218; Sch. items 118, 119 repealed by No. 86/1989 s. 24
Current State: All of Act in operation

Crimes (Amendment) Act 1987, No. 70/1987

Assent Date: 24.11.87
Commencement Date: Ss 1–3, 5–7 on 6.12.87: Government Gazette 2.12.87 p. 3309; s. 8 on 1.9.88: Government Gazette 31.8.88 p. 2598; s. 4 on 27.6.89: Special Gazette (No. 35) 27.6.89 p. 1
Current State: All of Act in operation

Tobacco Act 1987, No. 81/1987

Assent Date: 24.11.87
Commencement Date: Ss 6(1)(3), 13, 15 on 1.4.88: s. 2(2); s. 6(2) on 1.1.89: s. 2(4); s. 14 on 1.7.88: s. 2(3); rest of Act on 24.11.87: s. 2(1)
Current State: All of Act in operation

Liquor Control Act 1987, No. 97/1987

Assent Date: 1.12.87
Commencement Date: S. 181(14) on 3.5.88: Government Gazette 27.4.88 p. 1044
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Crimes (Computers) Act 1988, No. 36/1988

Assent Date: 24.5.88
Commencement Date: 1.6.88: Government Gazette 1.6.88 p. 1487
Current State: All of Act in operation

Summary Offences (Amendment) Act 1988, No. 74/1988

Assent Date: 15.12.88
Commencement Date: 16.12.88: Special Gazette (No. 99) 16.12.88 p. 1
Current State: All of Act in operation

Local Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date: 9.5.89
Commencement Date: S. 4(1)(Sch. 2 items 112.28–115.7, 115.9–117.3) on 1.11.89: Government Gazette 1.11.89 p. 2798; Sch. 2 item 115.8 on 3.6.92: Government Gazette 3.6.92 p. 1306
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Fire Authorities Act 1989, No. 50/1989

Assent Date: 14.6.89
Commencement Date: S. 51 on 1.7.89: Government Gazette 28.6.89 p. 1559
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

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Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989

Assent Date: 14.6.89
Commencement Date: S. 4(1)(a)–(e)(2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217
Current State: All of Act in operation

Water (Consequential Amendments) Act 1989, No. 81/1989

Assent Date: 5.12.89
Commencement Date: 1.11.90: Government Gazette 15.8.89 p. 2473
Current State: All of Act in operation

Control of Weapons Act 1990, No. 24/1990

Assent Date: 5.6.90
Commencement Date: 31.8.90: Government Gazette 29.8.90 p. 2616
Current State: All of Act in operation

Mineral Resources Development Act 1990, No. 92/1990

Assent Date: 18.12.90
Commencement Date: S. 128(Sch. 2 item 28) on 6.11.91: Government Gazette 30.10.91 p. 2970
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Crimes (Sexual Offences) Act 1991, No. 8/1991

Assent Date: 16.4.91
Commencement Date: S. 20(1) on 5.8.91: Government Gazette 24.7.91 p. 2026
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Sentencing Act 1991, No. 49/1991

Assent Date: 25.6.91
Commencement Date: 22.4.92: Government Gazette 15.4.92 p. 898
Current State: All of Act in operation

Meat Industry Act 1993, No. 40/1993

Assent Date: 1.6.93
Commencement Date: Sch. 2(items 11.1–11.3) on 30.6.93: Government Gazette 24.6.93 p. 1596
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences (Stolen Cattle) Act 1993, No. 71/1993

Assent Date: 5.10.93
Commencement Date: 5.10.93
Current State: All of Act in operation

Local Government (Miscellaneous Amendments) Act 1993, No. 125/1993

Assent Date: 7.12.93
Commencement Date: S. 20(11) on 7.12.93: s. 2(4)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

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Medical Practice Act 1994, No. 23/1994

Assent Date: 17.5.94
Commencement Date: Ss 1, 2 on 17.5.94: s. 2(1); rest of Act on 1.7.94:
Government Gazette 23.6.94 p. 1672
Current State: All of Act in operation

Law and Justice Legislation Amendment Act 1997, No. 44/1997

Assent Date: 11.6.97
Commencement Date: Ss 53–55 on 19.6.97: Government Gazette 19.6.97
p. 1384
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Summary Offences (Amendment) Act 1998, No. 8/1998

Assent Date: 21.4.98
Commencement Date: 21.4.98: s. 2
Current State: All of Act in operation

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Prostitution Control (Amendment) Act 1999, No. 44/1999

Assent Date: 8.6.99
Commencement Date: S. 32 on 8.6.99: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Statute Law Revision Act 2000, No. 74/2000

Assent Date: 21.11.00
Commencement Date: S. 3(Sch. 1 item 121) on 22.11.00: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Sentencing (Emergency Service Costs) Act 2001, No. 80/2001

Assent Date: 4.12.01
Commencement Date: S. 6 on 5.12.01: s. 2
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Auction Sales (Repeal) Act 2001, No. 84/2001

Assent Date: 11.12.01
Commencement Date: S. 13 on 1.1.03: s. 2(4)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Crimes (Property Damage and Computer Offences) Act 2003, No. 10/2003

Assent Date: 6.5.03
Commencement Date: S. 15 on 7.5.03: s. 2
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

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Summary Offences (Offensive Behaviour) Act 2003, No. 33/2003

Assent Date: 27.5.03
Commencement Date: 27.5.04: s. 2(2)
Current State: All of Act in operation

Monetary Units Act 2004, No. 10/2004

Assent Date: 11.5.04
Commencement Date: S. 15(Sch. 1 item 30) on 1.7.04: s. 2(2)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Metric Conversion (Summary Offences Act 1966) Regulations 1974,
S.R. No. 137/1974

Date of Making: 23.4.74
Date of Commencement: 23.4.74

Metric Conversion (Summary Offences Act 1966 No. 2) Regulations 1974,
S.R. No. 302/1974

Date of Making: 25.6.74
Date of Commencement: 25.6.74

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Endnotes

3. Explanatory Details

No entries at date of publication.