

Authorised Version No. 131
Summary Offences Act 1966
No. 7405 of 1966

Authorised Version incorporating amendments as at
1 March 2019

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No. 7405 of 1966

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1 March 2019

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repealed by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.

S. 3 def. of
*designated
place*
inserted by
No. 43/2011
s. 47,
substituted by
No. 37/2014
s. 10(Sch.
item 160.1(b)).

designated place has the same meaning as in the
Victoria Police Act 2013;

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repealed by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)).

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;

S. 3 def. of
police officer
inserted by
No. 37/2014
s. 10(Sch.
item 160.1(a)).

police officer has the same meaning as in the
Victoria Police Act 2013;

S. 3 def. of
*protective
services
officer*
inserted by
No. 43/2011
s. 47,
substituted by
No. 37/2014
s. 10(Sch.
item 160.1(c)).

protective services officer has the same meaning
as in the **Victoria Police Act 2013;**

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;
- (h) any Government 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**;

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 Nos 74/2000 s. 3(Sch. 1 item 121.2), 24/2006 s. 6.1.2(Sch. 7 item 39.1).

- (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).

section means section of this Act;

town means a populous area or place.

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.

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;

No. 6337 s. 5.
S. 4
amended by
No. 9554
s. 2(2)(Sch. 2
item 302).

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

- (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.
S. 5
amended by
No. 68/2009
s. 97(Sch.
item 115.1).

5 Obstruction of footpath etc.

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

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

- (a) paragraph (e) of section 4; or

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(b) any local law made under section 111 of the **Local Government Act 1989** or any corresponding previous enactment—

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 assemblage the court shall not convict the accused 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 1A—Move-on powers

Pt 1 Div. 1A
(Heading and
new s. 6)
inserted by
No. 92/2009
s. 3.

6 Direction to move on

S. 6 (Heading)
amended by
No. 43/2011
s. 48(1).
New s. 6
inserted by
No. 92/2009
s. 3.

S. 6(1)
amended by
Nos 43/2011
s. 48(2),
37/2014
s. 10(Sch.
item 160.2).

(1) A police officer, or a protective services officer on duty at a designated place, may give a direction to a person or persons in a public place to leave the public place, or part of the public place, if the police officer or protective services officer suspects on reasonable grounds that—

- (a) the person is or persons are breaching, or likely to breach, the peace; or
- (b) the person is or persons are endangering, or likely to endanger, the safety of any other person; or
- (c) the behaviour of the person or persons is likely to cause injury to a person or damage to property or is otherwise a risk to public safety.

S. 6(1)(c)
amended by
Nos 15/2014
s. 3(1), 6/2015
s. 4(1).

S. 6(1)(d)–(h)
inserted by
No. 15/2014
s. 3(2),
repealed by
No. 6/2015
s. 4(2).

* * * * *

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* * * * *

S. 6(1A)
inserted by
No. 15/2014
s. 3(3),
amended by
No. 37/2014
s. 10(Sch.
item 160.3),
repealed by
No. 6/2015
s. 4(3).

(2) A direction under this section may be given orally.

S. 6(2)
amended by
Nos 15/2014
s. 3(4), 6/2015
s. 4(4).

(3) A direction under this section may direct the person or persons not to return to the public place or part of a public place or not to be in that public place or part for a specified period of not more than 24 hours.

(4) A person must not without reasonable excuse contravene a direction given to the person under this section.

Penalty: 5 penalty units.

(4A) A protective services officer may only exercise the power to give a direction under this section in relation to a person who is at a public place that is at, or in the vicinity of, a designated place.

S. 6(4A)
inserted by
No. 45/2017
s. 57(1).

(5) This section does not apply in relation to a person who, whether in the company of other persons or not, is—

S. 6(5)
amended by
Nos 15/2014
s. 3(5), 6/2015
s. 4(5).

- (a) picketing a place of employment; or
- (b) demonstrating or protesting about a particular issue; or
- (c) speaking, bearing or otherwise identifying with a banner, placard or sign or otherwise behaving in a way that is apparently intended

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to publicise the person's view about a particular issue.

S. 6(6) inserted by No. 15/2014 s. 3(6), amended by No. 37/2014 s. 10(Sch. item 160.3), repealed by No. 6/2015 s. 4(6).	*	*	*	*	*
S. 6A inserted by No. 15/2014 s. 4, amended by No. 37/2014 s. 10(Sch. item 160.4), repealed by No. 6/2015 s. 5.	*	*	*	*	*
S. 6B inserted by No. 15/2014 s. 4, amended by Nos 37/2014 s. 10(Sch. item 160.5), 55/2014 s. 179, repealed by No. 6/2015 s. 6.	*	*	*	*	*

**Division 1B—Councils to consult
with Victoria Police**

Pt 1 Div. 1B
(Heading and
ss 6C–6J)
inserted by
No. 15/2014
s. 5,
amended by
No. 37/2014
s. 10(Sch.
items 160.6,
160.7),
repealed by
No. 6/2015
s. 7, new Pt 1
Div. 1B
(Heading and
new s. 6A)
inserted by
No. 32/2017
s. 3.

**6A Consultation with Victoria Police before issuing
permit to facilitate public protest**

New s. 6A
inserted by
No. 32/2017
s. 3.

- (1) A Council must consult with Victoria Police before granting an application for a permit for the use of council land, a road closure or anything else that the Council believes will facilitate a public protest being held by the applicant.
- (2) The Minister responsible for the administration of the **Victoria Police Act 2013** may publish in the Government Gazette guidelines relating to—
 - (a) how and when consultation with Victoria Police is to be conducted; and
 - (b) the permits or types of permits in relation to which a Council is not required to consult with Victoria Police under this section.
- (3) Any decision of a Council to issue or not issue a permit is not invalid merely because the Council has not complied with this section.
- (4) In this section—

Council has the same meaning as in section 3(1)
of the **Local Government Act 1989**;

public protest means an event held to advance, publicise or promote a political, ideological or industrial cause.

Division 2—General

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

7 Offences tending to personal injury or damage to property

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;
- (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;

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

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

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

- (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.

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;
- (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

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

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

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—

shall be guilty of an offence.

Penalty: 5 penalty units.

Destroying, Damaging or Injuring Property—Trespass

No. 6337 s. 20.

9 Wilful destruction, damage etc. of property

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

(1) Any person who—

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

- (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;

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- | | |
|--|--|
| (c) wilfully injures or damages any property (whether private or public) the injury done being under the value of \$5000; or | S. 9(1)(c)
amended by
No. 8/2008
s. 17. |
| (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 | S. 9(1)(d)
amended by
Nos 8085
s. 2(1)(a)(b),
44/1997
s. 53(2)(a)(b). |
| (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 | S. 9(1)(e)
inserted by
No. 44/1997
s. 53(2)(b). |
| (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 the owner or occupier, unless the person has a lawful excuse; or | S. 9(1)(f)
inserted by
No. 44/1997
s. 53(2)(b). |
| (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.

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S. 9(1A)
inserted by
No. 8085
s. 2(2),
amended by
Nos 68/2009
s. 97(Sch.
item 115.2),
6/2018
s. 68(Sch. 2
item 119.1).

(1A) In any proceedings for an offence against subsection (1) the statement on oath or by affirmation 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 accused 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).

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

(1B) A person may commit an offence against paragraph (d), (e), (f) or (g) of subsection (1) even though he or she did not intend to take possession of the place.

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

(1C) Without limiting paragraph (e) of subsection (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
- (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 subsection (1)(f) or subsection (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 subsection (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 subsection (1) even though he or she had a right to enter that place in a manner other than that described in that paragraph.
- (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.
- (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

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

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

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

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

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

- (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.

Penalty: 15 penalty units or imprisonment for three months.

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

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

S. 10(2)(a)
amended by
No. 68/2009
s. 97(Sch.
item 115.3).

- (a) the burden of proving any consent aforesaid shall be upon the accused; and
- (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 subsection (2) shall affect the liability under subsection (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. **S. 10(3) inserted by No. 8075 s. 2.**
- (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 subsection (1) shall be liable upon conviction for an offence against that subsection to a penalty of not more than 5 penalty units or to imprisonment for a term of not more than six months. **S. 10(4) inserted by No. 8075 s. 2, amended by No. 10/2004 s. 15(Sch. 1 item 30).**
- (5) Upon any proceedings for an offence against subsection (1) the burden of proving the authority referred to in subsection (4) shall be upon the accused. **S. 10(5) inserted by No. 8075 s. 2, amended by No. 68/2009 s. 97(Sch. item 115.3).**

S. 10(6)
inserted by
No. 8075 s. 2,
amended by
No. 68/2009
s. 97(Sch.
item 115.3).

- (6) The court before which any person is convicted for an offence against this section may, in addition to imposing any penalty, order the accused 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.

Fire

11 Lighting of fires in the open air

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.

- (1) Except as provided in subsection (2), a person must not—
- (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
 - (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.

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

- (2) Subsection (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—

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- (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.

* * * * *

Heading following s. 11 repealed by No. 70/2013 s. 3(Sch. 1 item 54).

* * * * *

S. 12 amended by Nos 9554 s. 2(2)(Sch. 2 item 309), 9928 s. 12, repealed by No. 5/2012 s. 117.

Offences relating to Drunkenness

No. 6337 s. 23.
S. 13
amended by
Nos 9554
s. 2(2)(Sch. 2
item 310),
92/2009 s. 4,
18/2010 s. 50,
43/2011 s. 49.

13 Persons found drunk

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

Penalty: 8 penalty units.

No. 6337 s. 24.
S. 14
amended by
Nos 9554
s. 2(2)(Sch. 2
item 311),
92/2009 s. 5,
18/2010 s. 51,
12/2011 s. 9,
43/2011 s. 49.

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—20 penalty units or imprisonment for three days;

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

S. 15
repealed by
No. 8/1998
s. 4, new s. 15
inserted by
No. 43/2011
s. 50.

15 Arrest of person found drunk or drunk and disorderly

(1) A person found drunk, or drunk and disorderly, in a public place may be arrested by—

S. 15(1)(a)
amended by
No. 37/2014
s. 10(Sch.
item 160.8).

(a) a police officer; or

(b) if the public place is at or in the vicinity of a designated place—a protective services officer on duty at the designated place.

S. 15(2)
amended by
No. 37/2014
s. 10(Sch.
item 160.8).

(2) If a protective services officer arrests a person under subsection (1)(b), the protective services officer must hand the person into the custody of a police officer as soon as practicable after the person is arrested.

- (3) A police officer who arrests a person under subsection (1)(a) or into whose custody is handed a person arrested by a protective services officer under subsection (2) must ensure the person is lodged in safe custody.

S. 15(3)
amended by
No. 37/2014
s. 10(Sch.
item 160.8).

16 Drunkards behaving in riotous or disorderly manner

No. 6337 s. 25.

Any person who, while drunk—

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

- (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—

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

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

No. 6337 s. 26.

- (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—

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).

- (a) sings an obscene song or ballad;

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

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

- (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.

S. 17(1A)
inserted by
No. 47/2016
s. 24.

- (1A) For the purposes of subsection (1)(d), behaviour that is indecent offensive or insulting includes behaviour that involves a person exposing (to any extent) the person's anal or genital region.

Example

Mooning or streaking.

S. 17(2)
amended by
No. 37/2014
s. 10(Sch.
item 160.8).

- (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 police officer who is present to remove such person from the hall room or building or the neighbourhood thereof and the police officer shall remove such person accordingly.

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

- (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.

- (4) Where a person is liable to be removed from a meeting under subsection (3) the Chairman may verbally direct any police officer 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 police officer shall remove such person accordingly.

S. 17(4)
inserted by
No. 9519 s. 2,
amended by
No. 37/2014
s. 10(Sch.
item 160.8).

17A Disorderly conduct

Any person who behaves in a disorderly manner in a public place is guilty of an offence and liable to a penalty not exceeding 10 penalty units.

S. 17A
inserted by
No. 92/2009
s. 6,
amended by
No. 18/2010
s. 52.

* * * * *

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

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 subsection (4); and

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.

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(d) the words are likely to offend, or the gesture is likely to offend, a reasonable person.

- (2) An offence against subsection (1) is an offence of strict liability.
- (3) A person who is guilty of an offence against subsection (1) is liable to a fine not exceeding 5 penalty units.

Note to s. 18(3) amended by Nos 32/2006 s. 94(Sch. item 46(1)), 37/2014 s. 10(Sch. item 160.9).

Note

A police officer may issue an infringement notice for an offence against subsection (1) (see section 60AA).

S. 18(4) amended by No. 63/2010 s. 81(Sch. item 13).

- (4) The Minister may, by notice published in the Government Gazette, declare one or more areas for the purposes of subsection (1)(c) if the Minister is satisfied that conduct contrary to section 12 or 13 of the **Sex Work Act 1994** frequently occurs in the area or areas.
- (5) A declaration under subsection (4) must specify the particular streets or parts of streets that are included in the area or form its boundary.

S. 18(6) repealed by No. 77/2013 s. 52.

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*	*	*	*	*	<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>
*	*	*	*	*	<p>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).</p>
*	*	*	*	*	<p>Heading preceding s. 19 repealed by No. 71/1993 s. 4(b).</p>

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),
new s. 19
inserted by
No. 56/2005
s. 4,
substituted by
No. 47/2016
s. 25.

19 Sexual exposure

- (1) A person (A) commits an offence if—
 - (a) A exposes (to any extent) A's genitals; and
 - (b) A intends to expose (to any extent) A's genitals; and
 - (c) the exposure is sexual; and
 - (d) the exposure is in, or is within the view of, a public place.
- (2) A person who commits an offence against subsection (1) is liable to level 7 imprisonment (2 years maximum).
- (3) It is not a defence to a charge for an offence against subsection (1) that, at the time of the conduct constituting the offence, A was under a mistaken but honest and reasonable belief that the exposure was not sexual.
- (4) It is a defence to a charge for an offence against subsection (1) that, at the time of the conduct constituting the offence, A was under a mistaken but honest and reasonable belief that the exposure was not in, or within the view of, a public place.
- (5) For the purposes of subsection (1), A's exposure of A's genitals may be sexual due to—
 - (a) the fact that A seeks or gets sexual arousal or sexual gratification from the exposure; or
 - (b) any other aspect of the exposure, including the circumstances in which it takes place and whether it is contrary to community standards of acceptable conduct.
- (6) A's exposure of A's genitals is not sexual only because it is the genitals that are exposed.

- (7) In this section, a reference to genitals includes a reference to surgically altered or constructed genitals.

S. 19(7)
inserted by
No. 5/2018
s. 20.

Conduct of Refreshment Houses

20 Improperly conducting refreshment house

No. 6337 s. 32.

- (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.

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

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

- (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

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

such meeting or any of the persons there assembled shall be guilty of an offence.

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

S. 22(1)
amended by
No. 37/2014
s. 10(Sch.
item 160.10).

- (1) A police officer 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.

S. 22(2)
amended by
Nos 9554
s. 2(2)(Sch. 2
item 316),
37/2014
s. 10(Sch.
item 160.10).

- (2) Any person who needlessly delays to admit a police officer, 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

23 Common assault

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

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

Penalty: 15 penalty units or imprisonment for three months.

24 Aggravated assault

- (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 an accused to be imprisoned until he complies with the order:

No. 6337 s. 39.

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)).

S. 24(1)(b)
amended by
No. 68/2009
s. 97(Sch.
item 115.4).

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.

No. 6337 s. 40.
S. 25
amended by
Nos 57/1989
s. 3(Sch. item
190.4(a)-(c)),
68/2009
s. 97(Sch.
item 115.5).

25 Conviction or dismissal a bar to criminal proceedings

If any person against whom a charge-sheet charging 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.

No. 6337 s. 42.

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)).

26 Unexplained possession of personal property reasonably suspected to be stolen

- (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.
- (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).

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

No. 6337 s. 43.

- (1) If a magistrate is satisfied, by evidence on oath or by affirmation 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—

S. 27(1)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.7(a)–(e)),
6/2018
s. 68(Sch. 2
item 119.2).

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 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 police officer 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

S. 27(2)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.8(a)(b)),
37/2014
s. 10(Sch.
item 160.10).

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

- (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 subsection (1) or subsection (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.

Penalty: 25 penalty units or imprisonment for six months.

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.

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—

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

- (2) An application—
- (a) may be made without notice to any other person; and
 - (b) must be supported by evidence on oath or by affirmation 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—

S. 28(2)(b)
amended by
No. 6/2018
s. 68(Sch. 2
item 119.2).

- (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 subsection (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 subsection (3)(a) takes effect 7 days after service and an order under subsection (3)(b) takes effect on service.
- (6) If within 7 days after service of an order under subsection (3) the person to whom the order is directed lodges an objection with the Court—
- (a) the order under subsection (3)(a) lapses and is of no effect; and
 - (b) the application under subsection (1) must be referred to the Court constituted by a magistrate.
- (7) The Court may extend or abridge the time fixed by subsections (4), (5) and (6) or by an order fixing, extending or abridging time.
- (8) The Court may extend time under subsection (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 subsection (6) that all or any of the cattle were stolen not more than 12 months before the application under subsection (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

S. 28(9)(c)
amended by
No. 37/2014
s. 10(Sch.
item 160.11).

- (c) if necessary, issue a warrant in the form prescribed by rules of the Court directed to a police officer authorising the police officer forthwith to seize the stolen cattle and to deliver them to the owner; and
 - (d) subject to subsection (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 subsection (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.

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.

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(3) Upon complaint on oath or by affirmation made by any person or vendor as aforesaid or any person on his behalf—

S. 29(3)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.12(a)-(c)),
6/2018
s. 68(Sch. 2
item 119.1).

(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—

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

(a) may examine the parties or either of them and their respective witnesses (if any) upon oath or by affirmation 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(4)(a)
amended by
No. 6/2018
s. 68(Sch. 2
item 119.1).

(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.

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

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

No. 6337 s. 46.

30 Possession of skin or carcass of stolen cattle

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).

- (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.

Penalty: 50 penalty units or imprisonment for one year.

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.

- (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 **Meat Industry Act 1993** at a meat processing facility licensed under that Act 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.
- (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.
- (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.
- Penalty: 5 penalty units.
- (6) Any inspector or police officer 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

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),
46/2008 s. 288.

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

S. 30(5)
amended by
No. 9554
s. 2(2)(Sch. 2
item 324).

S. 30(6)
amended by
Nos 57/1989
s. 3(Sch.
item 190.16),
40/1993(Sch. 2
item 11.2),
37/2014
s. 10(Sch.
item 160.12).

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inquiry therein as is necessary for the discovery of the offence and of the offender.

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),
37/2014
s. 10(Sch.
item 160.12).

- (7) Any person who obstructs or hinders any inspector or police officer 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.

Penalty: 5 penalty units.

S. 30(8)
amended by
Nos 12/1989
s. 4(1)(Sch. 2
item 115.6),
57/1989
s. 3(Sch.
item 190.18).

- (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).

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).

- (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:

S. 30
(Proviso)
amended by
Nos 9902
s. 2(1)(Sch.
item 233),
46/1998
s. 7(Sch. 1),
29/2010
s. 72(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 Health shall form part of the Consolidated Fund.

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

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),
29/2010
s. 72(1).

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.

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).

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

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).

(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.

S. 32(2)
amended by
Nos 57/1989
s. 3(Sch.
item 190.21),
37/2014
s. 10(Sch.
item 160.12).

- (2) In every such case any person to whom any such goods merchandise or articles are offered for sale or any police officer 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. 49.

33 Examination of persons through whose hands property has passed

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

- (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—

if on the hearing of the charge—

S. 33(1)(c)(i)
amended by
No. 68/2009
s. 97(Sch.
item 115.6).

- (i) the accused 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 or by affirmation—

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

S. 33(2)
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch.
item 190.23),
6/2018
s. 68(Sch. 2
item 119.1).

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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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).

(4) The Magistrates' Court may, on an application under subsection (3), make such orders in relation to the property to which the application relates as it considers just.

S. 33(5)
inserted by
No. 101/1986
s. 59(1),
amended by
No. 57/1989
s. 3(Sch.
item 190.26).

(5) Examples of the kind of order that the Magistrates' Court may make under subsection (4) are:

- (a) If the property is not money, an order that the property be sold;
- (b) An order that the property, if money or converted into money, be paid into the Consolidated Fund;
- (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;
- (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.

S. 33(6)
inserted by
No. 101/1986
s. 59(1).

(6) The applicant for an order under subsection (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.

- (7) The Magistrates' Court may, at any time before the final determination of an application under subsection (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. S. 33(7) inserted by No. 101/1986 s. 59(1), amended by No. 57/1989 s. 3(Sch. item 190.27).
- (8) The Magistrates' Court has power to give all directions that are necessary to give effect to an order made by it under subsection (4). S. 33(8) inserted by No. 101/1986 s. 59(1), amended by No. 57/1989 s. 3(Sch. item 190.28).

34 Retaining or disposing of property as workmen etc. No. 6337 s. 50.

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

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

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.

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Heading preceding s. 36 repealed by No. 9902 s. 2(1)(Sch. item 235).

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S. 36 amended by No. 7967 s. 2, repealed by No. 8276 s. 70(1).

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Passing Valueless Cheques

No. 6337 s. 58.

37 Obtaining goods etc. by valueless cheque

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

- (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.

Penalty: 25 penalty units or imprisonment for one year.

S. 37(2) amended by No. 68/2009 s. 97(Sch. item 115.7).

- (2) It shall be a defence to a charge for an offence against subsection (1) of this section to prove that the accused—

- (a) had reasonable grounds for believing that the cheque would be paid in full on presentation; and
- (b) had no intent to defraud.
- (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.

S. 37(4)
amended by
No. 9848
s. 18(1).

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.

S. 38(1)
amended by
Nos 9554
s. 2(2)(Sch. 2
item 330),
127/1986
s. 102(Sch. 4
item 27.2).

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.

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

Division 4—Advertising of live sexually-explicit entertainment

39 Advertising regulations

- (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 subsection (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

- (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 subsection (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 subparagraphs (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 subparagraphs (i) and (ii); and

- (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.

Pt 1 Div. 4A
(Heading)
amended by
No. 74/2014
s. 23.

Pt 1 Div. 4A
(Heading and
ss 40-41G)
inserted by
No. 49/2007
s. 3.

New s. 40
inserted by
No. 49/2007
s. 3.

Division 4A—Observation or visual capturing of genital or anal region and distribution of intimate images

40 Definitions

In this Division—

child means a person under the age of 18 years;

community standards of acceptable conduct, in relation to the distribution of an intimate image, includes standards of conduct having regard to the following—

S. 40 def. of *community standards of acceptable conduct* inserted by No. 74/2014 s. 24.

- (a) the nature and content of the image;
- (b) the circumstances in which the image was captured;
- (c) the circumstances in which the image was distributed;
- (d) the age, intellectual capacity, vulnerability or other relevant circumstances of a person depicted in the image;
- (e) the degree to which the distribution of the image affects the privacy of a person depicted in the image;

consent means free agreement;

S. 40 def. of *consent* inserted by No. 74/2014 s. 24.

device means device of any kind capable of being used to observe a person's genital or anal region including—

- (a) a mirror; and
- (b) a tool when used to make an aperture; and
- (c) a ladder—

but does not include spectacles, contact lenses or a similar device when used by a person with impaired sight to overcome that impairment;

distribute includes—

- (a) publish, exhibit, communicate, send, supply or transmit to any other person, whether to a particular person or not; and
- (b) make available for access by any other person, whether by a particular person or not;

genital or anal region, in relation to a person, means the person's genital or anal region whether bare or covered by underwear;

intimate image means a moving or still image that depicts—

- (a) a person engaged in sexual activity; or
- (b) a person in a manner or context that is sexual; or
- (c) the genital or anal region of a person or, in the case of a female, the breasts;

S. 40 def. of *intimate image* inserted by No. 74/2014 s. 24.

law enforcement officer means—

- (a) a police officer or a member of the police force or police service of any other State or of the Northern Territory; or
- (b) a member of the Australian Federal Police; or
- (c) a member of staff of the Australian Crime Commission established by the Australian Crime Commission Act 2002 of the Commonwealth;

S. 40 def. of *law enforcement officer* amended by No. 37/2014 s. 10(Sch. item 160.13).

place includes land, premises and a vehicle;

visually capture, in relation to a person's genital or anal region, means capture moving or still images of that region by a camera or any

other means in such a way that a recording is made of those images or those images are otherwise capable of being distributed.

41 Location immaterial

An offence against this Division may be committed even if the person whose genital or anal region is being observed or visually captured is in a public place.

New s. 41
inserted by
No. 49/2007
s. 3.

41A Observation of genital or anal region

A person must not, with the aid of a device, intentionally observe another person's genital or anal region in circumstances in which it would be reasonable for that other person to expect that his or her genital or anal region could not be observed.

S. 41A
inserted by
No. 49/2007
s. 3.

Penalty: 3 months imprisonment.

Notes

- 1 The reasonable expectation test is an objective one—what would a reasonable person in the position of the person being observed have expected.
- 2 Section 41D(1) sets out exceptions to this offence.

41B Visually capturing genital or anal region

A person must not intentionally visually capture another person's genital or anal region in circumstances in which it would be reasonable for that other person to expect that his or her genital or anal region could not be visually captured.

S. 41B
inserted by
No. 49/2007
s. 3.

Penalty: 2 years imprisonment.

Notes

- 1 The reasonable expectation test is an objective one—what would a reasonable person in the position of the person whose genital or anal region is being visually captured have expected.
- 2 Section 41D(1) sets out exceptions to this offence.

S. 41C
inserted by
No. 49/2007
s. 3.

41C Distribution of image of genital or anal region

A person who visually captures or has visually captured an image of another person's genital or anal region (whether or not in contravention of section 41B) must not intentionally distribute that image.

Penalty: 2 years imprisonment.

Note

Section 41D(2) sets out exceptions to this offence.

S. 41D
inserted by
No. 49/2007
s. 3.

41D Exceptions to offences

- (1) Section 41A or 41B does not apply to an observation or visual capturing made—
 - (a) with the express or implied consent of the person whose genital or anal region is observed or visually captured; or
 - (b) by accessing the Internet or a broadcasting service (within the meaning of the Broadcasting Services Act 1992 of the Commonwealth) or datacasting service (within the meaning of that Act); or
 - (c) by a law enforcement officer acting reasonably in the performance of his or her duty.
- (2) Section 41C does not apply to a distribution of an image—
 - (a) for a particular purpose if the person whose genital or anal region is visually captured (*the subject*) has expressly or impliedly consented to the distribution of the image for that purpose or a similar purpose; or

Example 1

A patient gives consent to doctor A distributing an image of a mole in her genital region to another doctor for a second opinion. A distribution by

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doctor A of the image to a non-medical friend is not covered by the exception as the purpose of the distribution is different.

Example 2

A model gives consent to a photographer distributing an image to magazine A for a commercial purpose. A distribution by the photographer of the image to magazine B is covered by the exception as the purpose of the distribution is the same—commercial.

- (b) if—
- (i) the subject is a child or other person incapable of giving consent; and
 - (ii) the capturing was not made in contravention of section 41B; and
 - (iii) in the particular circumstances, a reasonable person would regard the distribution of that image as acceptable;
- or

Example

Emailing by a person of a photograph of a naked newborn relative to a family member or friend may not be an offence against section 41C because of paragraph (b).

- (c) by a law enforcement officer acting reasonably in the performance of his or her duty.

Notes

- 1 Subdivision (8D) of Division 1 of Part I of the **Crimes Act 1958** sets out offences in relation to child abuse material.
- 2 Part 6 of the **Classification (Publications, Films and Computer Games) (Enforcement) Act 1995** sets out offences in relation to the distribution of objectionable material by an on-line information service.

Note 1 to s. 41D(2) substituted by No. 47/2016 s. 45(1).

S. 41DA
inserted by
No. 74/2014
s. 25.

41DA Distribution of intimate image

- (1) A person (A) commits an offence if—
 - (a) A intentionally distributes an intimate image of another person (B) to a person other than B; and
 - (b) the distribution of the image is contrary to community standards of acceptable conduct.

Example

A person (A) posts a photograph of another person (B) on a social media website without B's express or implied consent and the photograph depicts B engaged in sexual activity.

- (2) A person who commits an offence against subsection (1) is liable to level 7 imprisonment (2 years maximum).
- (3) Subsection (1) does not apply to A if—
 - (a) B is not a person under the age of 18 years; and
 - (b) B had expressly or impliedly consented, or could reasonably be considered to have expressly or impliedly consented, to—
 - (i) the distribution of the intimate image; and
 - (ii) the manner in which the intimate image was distributed.

S. 41DA(3)(a)
amended by
No. 47/2016
s. 45(2).

S. 41DB
inserted by
No. 74/2014
s. 25.

41DB Threat to distribute intimate image

- (1) A person (A) commits an offence if—
 - (a) A makes a threat to another person (B) to distribute an intimate image of B or of another person (C); and
 - (b) the distribution of the image would be contrary to community standards of acceptable conduct; and

- (c) A intends that B will believe, or believes that B will probably believe, that A will carry out the threat.
- (2) A person who commits an offence against subsection (1) is liable to level 8 imprisonment (1 year maximum).
- (3) For the purposes of this section, a threat may be made by any conduct and may be explicit or implicit.

41E Search warrant

S. 41E
inserted by
No. 49/2007
s. 3.

- (1) A police officer of or above the rank of sergeant may apply to a magistrate for the issue of a search warrant under this section in relation to a particular place if the police officer believes on reasonable grounds that there is, or may be within the next 72 hours, in that place evidence of the commission of an offence against section 41A, 41B, 41C, 41DA or 41DB.
- (2) If the magistrate is satisfied by the evidence on oath or by affirmation or by affidavit of the applicant that there are reasonable grounds for suspecting that there is, or may be within the next 72 hours, in that place evidence of the commission of an offence against section 41A, 41B, 41C, 41DA or 41DB, the magistrate may issue a search warrant authorising any police officer named in the warrant—
- (a) to enter the place, or the part of the place, named or described in the warrant; and
- (b) to search for and seize any thing named or described in the warrant.

S. 41E(1)
amended by
Nos 37/2014
s. 10(Sch.
item
160.14(a)),
74/2014 s. 26.

S. 41E(2)
amended by
Nos 29/2011
s. 3(Sch. 1
item 92),
37/2014
s. 10(Sch.
item
160.14(b)),
74/2014 s. 26,
6/2018
s. 68(Sch. 2
item 119.2).

- (3) In addition to any other requirement, a search warrant issued under this section must state—
- (a) the offence suspected; and
 - (b) the place to be searched; and
 - (c) a description of the thing for which the search is to be made; and
 - (d) any conditions to which the warrant is subject; and
 - (e) whether entry is authorised to be made at any time or during stated hours; and
 - (f) a day, not later than 7 days after the issue of the warrant, on which the warrant ceases to have effect.
- (4) A search warrant must be issued in accordance with the **Magistrates' Court Act 1989** and must be in the form set out in the regulations under that Act.
- (5) Subject to any provision to the contrary in this Division, the rules to be observed with respect to search warrants mentioned in the **Magistrates' Court Act 1989** extend and apply to warrants under this section.

S. 41F
inserted by
No. 49/2007
s. 3,
amended by
No. 37/2014
s. 10(Sch.
item 160.15).

41F Seizure of things not mentioned in the warrant

A search warrant authorises a police officer executing the warrant, in addition to the seizure of any thing of a kind described in the warrant, to seize any thing which is not of a kind described in the warrant if the police officer believes on reasonable grounds—

- (a) that the thing—
 - (i) is of a kind which could have been included in a warrant issued under section 41E; or

- | | |
|---|--|
| <p>(ii) will afford evidence about the commission of an offence against section 41A, 41B, 41C, 41DA or 41DB; and</p> | <p>S. 41F(a)(ii)
amended by
No. 74/2014
s. 27.</p> |
| <p>(b) that it is necessary to seize that thing in order to prevent its concealment, loss or destruction or its use in the commission of an offence against section 41A, 41B, 41C, 41DA or 41DB.</p> | <p>S. 41F(b)
amended by
No. 74/2014
s. 27.</p> |
| <p>41G Announcement before entry</p> | <p>S. 41G
inserted by
No. 49/2007
s. 3.</p> |
| <p>(1) Before executing a search warrant, a police officer named in the warrant must—</p> <p>(a) announce that he or she is authorised by the warrant to enter the place; and</p> <p>(b) give any person at the place an opportunity to allow entry to the place.</p> | <p>S. 41G(1)
amended by
No. 37/2014
s. 10(Sch.
item 160.16).</p> |
| <p>(2) The police officer need not comply with subsection (1) if he or she believes on reasonable grounds that immediate entry to the place is required to ensure—</p> <p>(a) the safety of any person; or</p> <p>(b) that the effective execution of the search warrant is not frustrated.</p> | <p>S. 41G(2)
amended by
No. 37/2014
s. 10(Sch.
item 160.16).</p> |

Pt 1 Div. 4B
(Heading and
s. 41H)
inserted by
No. 1/2009
s. 4.

Division 4B—Food or drink spiking

S. 41H
inserted by
No. 1/2009
s. 4.

41H Food or drink spiking

(1) In this section—

give, in relation to food or drink, includes—

- (a) prepare food or drink; and
- (b) make food or drink available for consumption;

harm includes impair the senses or understanding of a person in a way that the person might reasonably be expected to object to in the circumstances;

impair includes further impair;

intoxicating substance includes any substance that affects a person's senses or understanding.

(2) A person—

- (a) who gives another person (*the victim*), or causes the victim to be given or to consume, food or drink that contains an intoxicating substance; and
- (b) who—
 - (i) knows that the victim is not aware, or is reckless as to whether the victim is aware, that the food or drink contains the intoxicating substance; or
 - (ii) knows that the victim is not aware, or is reckless as to whether the victim is aware, that the food or drink contains more of an intoxicating substance than

the victim would reasonably expect it to contain; and

(c) who intends the victim to be harmed by the consumption of that food or drink—

is guilty of an offence and liable to a term of imprisonment not exceeding 2 years.

Division 5—Tattooing of juveniles

42 Tattooing of juveniles

No. 6878 s. 5.

(1AA) In this section—

S. 42(1AA)
inserted by
No. 49/2008
s. 3(1).

beading means the cutting of the skin of a person and the insertion of an object beneath the skin to produce a lump;

branding means the application of heat, cold or a substance to the skin of a person to produce scar tissue;

like process includes scarification, tongue splitting, branding and beading;

person means a living human being;

scarification means the cutting of the skin of a person to create scar tissue;

tongue splitting means the cutting of the tongue of a person to divide the tongue, or part of the tongue, into 2 or more segments.

(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: 60 penalty units.

S. 42(1)
amended by
Nos. 9554
s. 2(2)(Sch. 2
item 331),
49/2008
s. 3(2).

S. 42(2)
amended by
Nos 23/1994
s. 118(Sch. 1
item 55.1),
97/2005
s. 182(Sch. 4
item 49),
13/2010
s. 51(Sch.
item 54.1).

- (2) Nothing in this Division shall apply to any tattooing or other like process performed by or at the written request of a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student).

Pt 1 Div. 6
(Heading)
repealed by
No. 74/2000
s. 3(Sch. 1
item 121.3),
new Pt 1
Div. 6
(Heading and
ss 43–44A)
inserted by
No. 49/2008
s. 4.

Division 6—Body piercing

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,
new s. 43
inserted by
No. 49/2008
s. 4.

43 Definitions

- (1) In this Division—

body piercer means a person of or over the age of 16 years who—

- (a) carries on a body piercing business; or
- (b) is employed in a body piercing business; or
- (c) performs body piercing for a fee, wage or other remuneration or payment in kind;

body piercing means the piercing of the human body to create one or more entry holes, or entry and exit holes, for the insertion of an object;

body piercing business means a business that provides a service of body piercing, whether or not the business provides any other service;

evidence of age document, in relation to a person, means—

S. 43(1) def. of *evidence of age document* amended by No. 58/2011 s. 104(Sch. item 5).

- (a) a proof of age card issued to the person by the Victorian Commission for Gambling and Liquor Regulation under section 176 of the **Liquor Control Reform Act 1998** or a corresponding law of another State or a Territory;
- (b) a driver licence or learner permit issued to the person under the **Road Safety Act 1986** or a corresponding law of another State or a Territory;
- (c) a passport issued to the person by any country;
- (d) a document that—
 - (i) bears a photograph of the person; and
 - (ii) states the person's age or date of birth; and
 - (iii) is issued by a person, or by or on behalf of a government department or an agency, approved by the Minister under subsection (2);

registered health practitioner means a person registered under the Health Practitioner Regulation National Law to practise a health profession;

S. 43(1) def. of *registered health practitioner* substituted by Nos 13/2010 s. 51(Sch. item 54.2), 27/2012 s. 26(1).

S. 43(1) def. of
*registered
student*
substituted by
Nos 13/2010
s. 51(Sch.
item 54.2),
27/2012
s. 26(2).

registered student means a person whose name is entered in a student register for a health profession kept by a National Board under the Health Practitioner Regulation National Law;

S. 43(1) def. of
*regulated
health service*
substituted by
No. 13/2010
s. 51(Sch.
item 54.2),
amended by
No. 27/2012
s. 26(3).

regulated health service means a health profession that is regulated by a National Board under the Health Practitioner Regulation National Law.

- (2) For the purposes of paragraph (d)(iii) of the definition of *evidence of age document*, the Minister, by notice published in the Government Gazette, may approve a person, a government department or an agency for the purposes of this Division.
- (3) The Minister, by notice published in the Government Gazette, may vary or revoke an approval under subsection (2).

S. 43A
inserted by
No. 49/2008
s. 4.

43A Application

- (1) Nothing in this Division applies to body piercing performed in good faith—
 - (a) in the course of a regulated health service provided by a registered health practitioner; or
 - (b) in the course of clinical training by a registered student.
- (2) Nothing in this Division affects liability for an offence against any other provision of this Act or any other Act or at common law.

- (3) Consent given under this Division to body piercing does not constitute a defence to a charge for an offence against any other provision of this Act or any other Act or at common law.

44 Intimate body piercing of persons under 18

- (1) In this section, *genitalia* includes surgically constructed genitalia.
- (2) A body piercer must not perform body piercing on the genitalia, anal region, perineum or nipples of a person under the age of 18 years, whether or not consent has been given to the body piercing.

Penalty: 60 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) to prove that, at the time of the alleged offence—

(a) the accused had seen an evidence of age document in relation to the person whose age is material to the offence; and

(b) the evidence of age document indicated that the person was of or over the age of 18 years.

- (4) A body piercer must not employ or, in the course of the body piercing business, direct or allow a person under the age of 16 years to perform body piercing on the genitalia, anal region, perineum or nipples of a person under the age of 18 years, whether at the premises of the business or elsewhere.

Penalty: 60 penalty units.

44A Non-intimate body piercing of persons under 16

- (1) In this section, *consent* means consent to the number and location of piercings to be performed.

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, new s. 44 inserted by No. 49/2008 s. 4.

S. 44(3)(a) amended by No. 68/2009 s. 97(Sch. item 115.8).

S. 44A inserted by No. 49/2008 s. 4.

- (2) A body piercer must not perform body piercing on a person under the age of 16 years unless written consent has been given in person to the body piercer by—
- (a) a parent or guardian of the person to be pierced; and
 - (b) if the person to be pierced is of or over the age of 10 years and has capacity to consent, that person.

Penalty: 20 penalty units.

- (3) It is a defence to a prosecution for an offence against subsection (2) to prove that, at the time of the alleged offence—

- (a) the accused had seen an evidence of age document in relation to the person whose age is material to the offence; and

- (b) the evidence of age document indicated that the person was of or over the age of 16 years.

- (4) A body piercer must not employ or, in the course of the body piercing business, direct or allow a person under the age of 16 years to perform body piercing on another person under the age of 16 years without the written consents required by subsection (2), whether at the premises of the business or elsewhere.

Penalty: 20 penalty units.

Division 7—Homing pigeons

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.

S. 44A(3)(a)
amended by
No. 68/2009
s. 97(Sch.
item 115.9).

No. 6337
s. 224.

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.

Penalty: 1 penalty unit.

No. 6337
s. 225.
S. 46
amended by
No. 9554
s. 2(2)(Sch. 2
item 335).

47 Compensation

For the purposes of section 69ZB 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
Nos 49/1991
s. 119(7)
(Sch. 4
item 19.2),
26/2012 s. 79,
32/2013 s. 64.

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.

Penalty: 1 penalty unit.

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

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.

Division 8—Other offences

Pt 1 Div. 8
(Heading and
ss 49A–49F)
inserted by
No. 56/2005
s. 5.

49A Begging or gathering alms

(1) A person must not beg or gather alms.

Penalty: 12 months imprisonment.

S. 49A
inserted by
No. 56/2005
s. 5.

- (2) A person must not cause, procure or encourage a child to beg or gather alms.

Penalty: 12 months imprisonment.

S. 49B
inserted by
No. 56/2005
s. 5.

49B Loitering with intent to commit an indictable offence

- (1) A person who—
- (a) is a known or reputed thief or is known or reputed to have committed drug-related offences; and
 - (b) is loitering in a public place; and
 - (c) is so loitering with intent to commit an indictable offence; and
 - (d) while so loitering engages in conduct in the furtherance of the commission of that indictable offence—

is guilty of an offence and liable to a term of imprisonment not exceeding 2 years.

- (2) In a proceeding for an offence against subsection (1), the informant may give or produce evidence—
- (a) to prove that the accused is a known or reputed thief or is known or reputed to have committed drug-related offences; or
 - (b) to rebut any evidence (including evidence as to general character) given by or on behalf of the accused.

S. 49B(2)(a)
amended by
No. 68/2009
s. 97(Sch.
item 115.10).

S. 49B(2)(b)
amended by
No. 68/2009
s. 97(Sch.
item 115.10).

49C Being disguised with unlawful intent

A person must not with unlawful intent—

- (a) be disguised or have a blackened face; or
- (b) have an article of disguise in his or her custody or possession.

Penalty: 2 years imprisonment.

S. 49C
inserted by
No. 56/2005
s. 5.

49D Possessing housebreaking implements

- (1) A person must not, without lawful excuse, have an implement of housebreaking in his or her custody or possession.

Penalty: 2 years imprisonment.

- (2) The accused bears the burden of proving lawful excuse for having custody or possession of any implement to which a charge of an offence against subsection (1) relates.

S. 49D
inserted by
No. 56/2005
s. 5.

S. 49D(2)
amended by
No. 68/2009
s. 97(Sch.
item 115.11).

49E Escaping from lawful custody

A person must not escape or attempt to escape from—

- (a) any place in which he or she is being lawfully detained; or
- (b) any person in whose legal custody he or she is or by whom he or she is being lawfully detained.

Penalty: 2 years imprisonment.

S. 49E
inserted by
No. 56/2005
s. 5.

* * * * *

S. 49F
inserted by
No. 56/2005
s. 5,
amended by
No. 68/2009
s. 97(Sch.
item 115.12),
repealed by
No. 48/2015
s. 9.

Part II—Provisions applicable to special localities

Matches

No. 6337
s. 223.

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.

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),
63/2006
s. 61(Sch.
item 29).

- (4) Nothing in this section shall apply to matches used or for use in any mine within the meaning of the **Mineral Resources (Sustainable Development) Act 1990**.

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—

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

(a) declare the municipal district of the municipal council or any part thereof to be a district to which this section applies; and

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

(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

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

(b) revoke or vary any such proclamation.

Summary Offences Act 1966
No. 7405 of 1966
Part II—Provisions applicable to special localities

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.

S. 50A(6)
amended by
No. 68/2009
s. 97(Sch.
item 115.13).

- (6) It shall be a defence to a prosecution for an offence against subsection (5) if the accused 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.

Part III—Supplementary

51 Assaulting, etc. emergency workers, custodial officers, youth justice custodial workers or local authority staff on duty

S. 51
(Heading)
amended by
No. 28/2016
s. 8(1),
substituted by
No. 43/2017
s. 49(1).

S. 51
repealed by
No. 8247 s. 5,
new s. 51
inserted by
No. 51/2004
s. 23,
substituted by
No. 69/2014
s. 14.

(1) In this section—

custodial officer on duty and *custodial officer*
have the same meanings as in section 10AA
of the **Sentencing Act 1991**;

S. 51(1) defs
of *custodial
officer on duty*
and *custodial
officer*
inserted by
No. 28/2016
s. 8(2).

emergency worker on duty and *emergency
worker* have the same meanings as in
section 10AA of the **Sentencing Act 1991**;

S. 51(1) defs
of *emergency
worker on
duty* and
*emergency
worker*
amended by
No. 43/2017
s. 49(2)(a).

youth justice custodial worker on duty and
youth justice custodial worker have the
same meanings as in section 10AA of the
Sentencing Act 1991.

S. 51(1) defs
of *youth
justice
custodial
worker on
duty* and
*youth justice
custodial
worker*
inserted by
No. 43/2017
s. 49(2)(b).

S. 51(2)
amended by
Nos 28/2016
s. 8(3),
43/2017
s. 49(3).

(2) A person must not assault, resist, obstruct, hinder or delay an emergency worker on duty, a custodial officer on duty or a youth justice custodial worker on duty.

Penalty: 60 penalty units or imprisonment for 6 months.

(3) A person must not assault, resist, obstruct, hinder or delay a member of staff of a local authority in the execution of the member's duty under this Act.

Penalty: 60 penalty units or imprisonment for 6 months.

S. 51(4)
amended by
Nos 28/2016
s. 8(3),
43/2017
s. 49(4).

(4) A person must not assault, resist, obstruct, hinder or delay a person lawfully assisting an emergency worker on duty, a custodial officer on duty or a youth justice custodial worker on duty.

Penalty: 60 penalty units or imprisonment for 6 months.

S. 51(5)
amended by
No. 28/2016
s. 8(4),
substituted by
No. 43/2017
s. 49(5).

(5) In addition to imposing a penalty under this section, the court may order and award a sum sufficient to cover any damage which an emergency worker, a custodial officer, a youth justice custodial worker or a member of staff of a local authority or a person lawfully assisting an emergency worker, a custodial officer or a youth justice custodial worker has sustained by the assault, resistance, obstruction, hindrance or delay.

(6) A sum awarded under subsection (5) may be recovered in the same manner as the penalty.

S. 51A
inserted by
No. 79/2014
s. 59.

51A Assaulting registered health practitioners

(1) If a registered health practitioner—

(a) is employed, self-employed or engaged to provide, or support the provision of, care or treatment in a hospital to a person; and

(b) is in the hospital or on the hospital premises—

a person must not assault the practitioner, knowing or being reckless as to whether the practitioner is a health practitioner.

Penalty: 60 penalty units or imprisonment for 6 months.

(2) If a registered health practitioner—

(a) is employed, self-employed or engaged to provide, or support the provision of, care or treatment, other than in a hospital, to a person; and

(b) is providing, or supporting the provision of, care or treatment to a person in the course of that employment, self-employment or engagement—

a person must not assault the practitioner, knowing or being reckless as to whether the practitioner is a health practitioner acting in accordance with paragraph (b).

Penalty: 60 penalty units or imprisonment for 6 months.

(3) In this section—

health practitioner and *registered health practitioner* have the same meanings as in the Health Practitioner Regulation National Law;

hospital means a public hospital, private hospital, denominational hospital or day procedure centre within the meaning of the **Health Services Act 1988**;

hospital premises includes parking areas, driveways, courtyards and forecourts on the premises occupied by a hospital.

No. 6337
s. 189.

52 Besetting premises

S. 52
(Heading)
inserted by
No. 69/2014
s. 15(1).

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),
43/2011
s. 51(1),
37/2014
s. 10(Sch.
item
160.17(a)),
repealed by
No. 69/2014
s. 15(2).

* * * * *

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

(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.

Penalty: 15 penalty units or imprisonment for three months.

* * * * *

S. 52(2)
amended by
Nos 46/1998
s. 7(Sch. 1),
43/2011
s. 51(2),
37/2014
s. 10(Sch.
item
160.17(b)),
repealed by
No. 69/2014
s. 15(3).

52A Offence to harass witnesses etc.

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

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.

53 Making false reports to police etc.

No. 6337
s. 189A.

- (1) Any person who falsely and with knowledge of the falsity of the report voluntarily reports or causes to be reported to any police officer or to a protective services officer 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 police officer or a protective services officer shall be guilty of an offence.

S. 53(1)
amended by
Nos 9554
s. 2(2)(Sch. 2
item 341),
9642 s. 2(1),
8/1998
s. 5(1),
43/2011
s. 52(1),
37/2014
s. 10(Sch.
item 160.18).

Penalty: 120 penalty units or imprisonment for 1 year.

- (2) For the purposes of subsection (1)—

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

- (a) *voluntarily*, in respect of a report by any person, means—

- (i) of that person's own motion and volition; and

Summary Offences Act 1966
 No. 7405 of 1966
 Part III—Supplementary

S. 53(2)(a)(ii)
 amended by
 Nos 43/2011
 s. 52(2)(a),
 37/2014
 s. 10(Sch.
 item 160.18).

(ii) otherwise than in the course of an
 interrogation made by a police officer
 or a protective services officer; and

S. 53(2)(b)
 amended by
 Nos 43/2011
 s. 52(2)(b)(c),
 37/2014
 s. 10(Sch.
 item 160.18).

(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 police officer or to
 a protective services officer that an act has
 been done or event occurred which calls for
 investigation by a police officer or a
 protective services officer.

S. 53(3)
 repealed by
 No. 7/2009
 s. 436 (as
 amended by
 No. 68/2009
 s. 54(v)).

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S. 53(4)
 repealed by
 No. 68/2009
 s. 97(Sch.
 item 115.14).

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S. 53(5)
 repealed by
 No. 7/2009
 s. 436 (as
 amended by
 No. 68/2009
 s. 54(v)).

* * * * *

S. 53(6)
 amended by
 No. 9019
 s. 2(1)(Sch.
 item 215),
 repealed by
 No. 7/2009
 s. 436 (as
 amended by
 No. 68/2009
 s. 54(v)).

* * * * *

- (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 Part 4 of the **Sentencing Act 1991**, incurred by the State arising out of or incidental to the commission of the offence.
- (6AB) In subsection (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 subsection (6A), subsections (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 subsection (1) were a reference to an order under subsection (6A); and
 - (b) a reference to compensation were a reference to expenses referred to in subsection (6A).
- (6AD) An order under subsection (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 subsection (6A) shall be paid by him to the Consolidated Fund.

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).

S. 53(6AB)
inserted by
No. 8/1998
s. 5(2).

S. 53(6AC)
inserted by
No. 8/1998
s. 5(2).

S. 53(6AD)
inserted by
No. 8/1998
s. 5(2).

S. 53(6B)
inserted by
No. 9642 s. 3.

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 liable to the penalty or punishment applicable thereto.

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

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.

56 Who may file charge-sheet

No. 6337
s. 190.
S. 56
(Heading)
inserted by
No. 68/2009
s. 97(Sch.
item 115.15).

- (1) Unless otherwise expressly provided any police officer or any protective services officer or any inspector or other employee in the Department of Health or any member of the staff of any municipal council may file a charge-sheet charging an offence against any of the provisions of this Act.

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),
68/2009
s. 97(Sch.
item 115.16),
29/2010
s. 72(2),
43/2011 s. 53,
37/2014
s. 10(Sch.
item 160.18).

- (2) No fee shall be payable on the issue of a summons to answer to a charge for an offence against this Act.

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

57 Neglect to prosecute

If a person who has filed a charge-sheet charging an 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.

No. 6337
s. 191.
S. 57
amended by
Nos 57/1989
s. 3(Sch.
item 190.33),
68/2009
s. 97(Sch.
item 115.17).

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No. 6337
s. 192.
S. 58
amended by
No. 8179 s. 4,
repealed by
No. 16/2004
s. 56.

* * * * *

No. 6337
s. 195.
S. 59
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch.
item 190.34).

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.

No. 6337
s. 204.
S. 60
amended by
Nos 7876
s. 2(3),
57/1989
s. 3(Sch. item
190.35(a)(b)),
68/2009
s. 97(Sch.
item 115.18).

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-sheet before the court whether the person charged has or has not pleaded thereto.

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

60AA Power to serve infringement notice

S. 60AA(1)
amended by
Nos 92/2009
s. 7(1),
37/2014
s. 10(Sch.
item 160.18).

- (1) A police officer may serve an infringement notice on any person that he or she has reason to believe has committed an offence against section 6, 13, 14, 17A or 18.

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Note

Section 6 deals with persons who are in a public place and are directed to move on.

Section 13 deals with persons who are found drunk in a public place.

Section 14 deals with persons who are drunk and disorderly in a public place.

Section 17A deals with disorderly behaviour by a person in a public place.

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

- (1A) A police officer may serve an infringement notice on any person that he or she has reason to believe has committed an offence against the following sections—

* * * * *

Note to s. 60AA(1) substituted by No. 92/2009 s. 7(2).

S. 60AA(1A) inserted by No. 9/2008 s. 9(1), amended by No. 37/2014 s. 10(Sch. item 160.18).

S. 60AA (1A)(a) amended by No. 21/2008 s. 28, repealed by No. 27/2011 s. 6(1).

(b) section 17(1)(c);

(c) section 17(1)(d).

- (1AB) A protective services officer may serve an infringement notice on any person who he or she has reason to believe has committed at or in the vicinity of a designated place an offence against—

(a) section 6, 13, 14, or 17A; or

(b) section 17(1)(c) or (1)(d).

S. 60AA(1AB) inserted by No. 43/2011 s. 54(1).

S. 60AA(1B)
inserted by
No. 9/2008
s. 9(1),
amended by
No. 43/2011
s. 54(2).

(1B) An infringement notice under subsection (1A) or (1AB)(b) must not be served on a person who is under 18 years of age at the time of the alleged offence.

S. 60AA(1C)
inserted by
No. 45/2017
s. 57(2).

(1C) A protective services officer may only exercise the power to serve an infringement notice under this section in relation to a person who was at or in the vicinity of a designated place at the time of the alleged offence.

S. 60AA(2)
substituted by
No. 32/2006
s. 94(Sch.
item 46(2)),
amended by
No. 9/2008
s. 9(2).

(2) An offence referred to in subsection (1) or (1A) for which an infringement notice may be served is an infringement offence within the meaning of the **Infringements Act 2006**.

S. 60AA(3)
inserted by
No. 92/2009
s. 7(3).

(3) Despite subsection (1), an infringement notice cannot be served on a person for an alleged offence against—

- (a) section 14, if an infringement notice has been served on that person for an alleged offence against section 17A arising out of the same incident;
- (b) section 17A, if an infringement notice has been served on that person for an alleged offence against section 14 arising out of the same incident.

S. 60AB
inserted by
No. 33/2003
s. 4,
substituted by
No. 32/2006
s. 94(Sch.
item 46(3)),
amended by
No. 9/2008
s. 9(3) (ILA
s. 39B(1)).

60AB Infringement penalty

(1) The amount payable for an alleged offence for which an infringement notice may be served is 1 penalty unit.

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- (2) Despite subsection (1)—
- S. 60AB(2)**
inserted by
No. 9/2008
s. 9(3),
substituted by
No. 18/2010
s. 53.
- (a) the infringement penalty for an alleged offence against section 17(1)(c) for which an infringement notice may be served is 2 penalty units; and
- (b) the infringement penalty for an alleged offence against section 17(1)(d) for which an infringement notice may be served is 4 penalty units.
- S. 60AB(2)(a)**
amended by
No. 27/2011
s. 6(2).
- (3) Despite subsection (1) the infringement penalty for an alleged offence against section 6 for which an infringement notice may be served is 2 penalty units.
- S. 60AB(3)**
inserted by
No. 92/2009
s. 8,
substituted by
No. 18/2010
s. 53.
- (4) Despite subsection (1) the infringement penalty for an alleged offence against section 13 or 17A for which an infringement notice may be served is 4 penalty units.
- S. 60AB(4)**
inserted by
No. 18/2010
s. 53,
amended by
No. 12/2011
s. 10(1).
- (5) Despite subsection (1) the infringement penalty for an alleged offence against section 14 for which an infringement notice may be served is—
- (a) 5 penalty units; or
- (b) in the case of—
- (i) a person who has within the previous 3 years been served with an infringement notice under section 60AA in respect of an alleged offence against section 14 (whether or not the infringement penalty set out in the
- S. 60AB(5)**
inserted by
No. 12/2011
s. 10(2).

notice has been paid)—10 penalty units; or

- (ii) a person who has been convicted of an offence against section 14—10 penalty units.

S. 60AC
inserted by
No. 12/2011
s. 11.

60AC Partial exclusion of the operation of the expiation principle

To the extent necessary to give effect to section 60AB(5)(b), sections 32 and 33 of the **Infringements Act 2006** do not apply.

Ss 60AC–
60AH
inserted by
No. 33/2003
s. 4,
repealed by
No. 32/2006
s. 94(Sch.
item 46(4)).

* * * * *

S. 60A
inserted by
No. 101/1986
s. 60(1),
amended by
No. 24/1990
s. 15.

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.

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

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.

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 subsection (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). |
| (5) Section 42 as amended by section 3(1) of the Summary Offences Amendment (Tattooing and Body Piercing) Act 2008 applies only to offences alleged to have been committed on or after the commencement of section 3(1) of that Act. | S. 62(5) inserted by No. 49/2008 s. 5. |

S. 62(6)
inserted by
No. 49/2008
s. 5.

(6) For the purposes of subsection (5), if an offence is alleged to have been committed between two dates, one before and one after the commencement of section 3(1) of the **Summary Offences Amendment (Tattooing and Body Piercing) Act 2008**, the offence is alleged to have been committed before that commencement.

S. 62(7)
inserted by
No. 68/2009
s. 97(Sch.
item 115.19).

(7) Section 53 as amended by section 436 of the **Criminal Procedure Act 2009** applies to an offence alleged to have been committed on or after the commencement of section 436 of that Act.

S. 62(8)
inserted by
No. 68/2009
s. 97(Sch.
item 115.19).

(8) For the purposes of subsection (7), if an offence is alleged to have been committed between two dates, one before and one on or after the commencement of section 436 of the **Criminal Procedure Act 2009**, the offence is alleged to have been committed before that commencement.

S. 62(9)
inserted by
No. 15/2014
s. 6.

(9) This Act, as amended by section 5 of the **Summary Offences and Sentencing Amendment Act 2014**, applies in respect of a direction given under section 6 on or after the commencement of that Act.

S. 62(10)
inserted by
No. 6/2015
s. 8.

(10) Section 6A as in force immediately before its repeal by the **Summary Offences Amendment (Move-on Laws) Act 2015** continues to apply in respect of an arrest made under that section before the commencement of the **Summary Offences Amendment (Move-on Laws) Act 2015**.

S. 62(11)
inserted by
No. 6/2015
s. 8.

(11) An exclusion order made under Division 1B of Part I and in effect immediately before the commencement of the **Summary Offences Amendment (Move-on Laws) Act 2015** ceases to have effect on that commencement.

(12) On the commencement of the **Summary Offences Amendment (Move-on Laws) Act 2015**, the Chief Commissioner of Police is not required to provide to the Minister a report under section 6J (as in force immediately before its repeal) in respect of the period during which section 6J was in force.

S. 62(12)
inserted by
No. 6/2015
s. 8.

63 Savings and validation provision—Summary Offences and Control of Weapons Acts Amendment Act 2009—lodgeable infringement offences

S. 63
repealed by
No. 9554
s. 2(1)(Sch. 1
item 16) (as
amended by
No. 9902
s. 2(1)(Sch.
item 189)),
new s. 63
inserted by
No. 27/2011
s. 7.

- (1) Despite anything to the contrary in the **Infringements Act 2006**, on and from 16 December 2009, an offence against section 6, 13, 14 or 17A which is an infringement offence within the meaning of that Act—
- (a) is taken to be, and to always have been, a lodgeable infringement offence within the meaning of that Act as if it had been prescribed as a lodgeable infringement offence by regulations made under that Act; and
 - (b) may be dealt with as a lodgeable infringement offence under that Act.
- (2) Any lodgement under Part 4 of the **Infringements Act 2006** and any enforcement action taken under that Act in respect of an infringement offence referred to in subsection (1) is taken to be, and to always have been, a valid and lawful lodgement or enforcement action under that Act, as the case requires, to the extent that the lodgement or enforcement action was taken on the basis that the infringement offence was a lodgeable infringement offence.

S. 64
inserted by
No. 43/2017
s. 64(3).

**64 Transitional provision—Children and Justice
Legislation Amendment (Youth Justice Reform)
Act 2017**

- (1) The amendments made to this Act by Division 1 of Part 8 of the **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017** apply to the sentencing of an offender for an offence alleged to have been committed on or after the commencement of that Part.
- (2) For the purposes of subsections (1), if an offence is alleged to have been committed between 2 dates, one before and one after the commencement of **Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017**, the offence is alleged to have been committed before that commencement.

Schedule 1—Scheduled public places

1. Land used for the purposes of a Government school within the meaning of the **Education and Training Reform Act 2006**.
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 residential service, residential institution or residential treatment facility within the meaning of the **Disability Act 2006**.
4. Premises that are a designated mental health service within the meaning of the **Mental Health Act 2014**.
5. Land held or managed by a cemetery trust of a public cemetery to which the **Cemeteries and Crematoria Act 2003** applies.
6. Premises or place where an education and care service within the meaning of the Education and Care Services National Law (Victoria) operates in respect of which the Regulatory Authority within the meaning of that Law provides grants, payments, subsidies or other financial assistance.

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,
amended by
Nos 80/2003
s. 183, 23/2006
s. 249, 24/2006
s. 6.1.2(Sch. 7
item 39.2),
80/2011
s. 79(Sch.
item 8),
26/2014
s. 455(Sch.
item 28).

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative 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.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

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- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

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2 Table of Amendments

This publication 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

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

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

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

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**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

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**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

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**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

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

Cemeteries and Crematoria Act 2003, No. 80/2003

Assent Date: 11.11.03
Commencement Date: S. 183 on 1.7.05: s. 2
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

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**

Crimes (Controlled Operations) Act 2004, No. 16/2004

Assent Date: 18.5.04
Commencement Date: S. 56 on 2.11.08: Government Gazette 30.10.08 p. 2530
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Ambulance Services (Amendment) Act 2004, No. 51/2004

Assent Date: 22.6.04
Commencement Date: S. 23 on 5.8.04: Government Gazette 5.8.04 p. 2172—see **Interpretation of Legislation Act 1984**
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Vagrancy (Repeal) and Summary Offences (Amendment) Act 2005, No. 56/2005

Assent Date: 13.9.05
Commencement Date: Ss 4, 5 on 14.9.05: s. 2
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Health Professions Registration Act 2005, No. 97/2005

Assent Date: 7.12.05
Commencement Date: S. 182(Sch. 4 item 49) on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Disability Act 2006, No. 23/2006

Assent Date: 16.5.06
Commencement Date: S. 249 on 1.7.07: s. 2(3)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

Education and Training Reform Act 2006, No. 24/2006

Assent Date: 16.5.06
Commencement Date: S. 6.1.2(Sch. 7 item 39) on 1.7.07: Government Gazette 28.6.07 p. 1304
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Infringements (Consequential and Other Amendments) Act 2006, No. 32/2006

Assent Date: 13.6.06
Commencement Date: S. 94(Sch. item 46) on 1.7.06: Government Gazette 29.6.06 p. 1315
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Mineral Resources Development (Sustainable Development) Act 2006, No. 63/2006

Assent Date: 29.8.06
Commencement Date: S. 61(Sch. item 29) on 30.8.06: s. 2(1)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences Amendment (Upskirting) Act 2007, No. 49/2007

Assent Date: 25.9.07
Commencement Date: 26.9.07: s. 2
Current State: All of Act in operation

Criminal Procedure Legislation Amendment Act 2008, No. 8/2008

Assent Date: 18.3.08
Commencement Date: S. 17 on 1.7.08: s. 2(5)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Infringements and Other Acts Amendment Act 2008, No. 9/2008

Assent Date: 18.3.08
Commencement Date: S. 9 on 1.7.08: Special Gazette (No. 172) 27.6.08 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment Act 2008, No. 21/2008

Assent Date: 2.6.08
Commencement Date: S. 28 on 1.7.08: s. 2(7)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Public Health and Wellbeing Act 2008, No. 46/2008

Assent Date: 2.9.08
Commencement Date: S. 288 on 1.1.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

**Summary Offences Amendment (Tattooing and Body Piercing) Act 2008,
No. 49/2008**

Assent Date: 15.9.08
Commencement Date: Ss 3–5 on 1.1.09: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Crimes Legislation Amendment (Food and Drink Spiking) Act 2009, No. 1/2009

Assent Date: 10.2.09
Commencement Date: S. 4 on 11.2.09: s. 2
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Criminal Procedure Act 2009, No. 7/2009 (as amended by No. 68/2009)

Assent Date: 10.3.09
Commencement Date: S. 436 on 1.1.10: Government Gazette 10.12.09
p. 3215
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

**Criminal Procedure Amendment (Consequential and Transitional Provisions)
Act 2009, No. 68/2009**

Assent Date: 24.11.09
Commencement Date: S. 97(Sch. item 115) on 1.1.10: Government Gazette
10.12.09 p. 3215
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

**Summary Offences and Control of Weapons Acts Amendment Act 2009,
No. 92/2009**

Assent Date: 15.12.09
Commencement Date: Ss 3–8 on 16.12.09: s. 2
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

**Statute Law Amendment (National Health Practitioner Regulation) Act 2010,
No. 13/2010**

Assent Date: 30.3.10
Commencement Date: S. 51(Sch. item 54) on 1.7.10: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

**Justice Legislation Amendment (Victims of Crime Assistance and Other
Matters) Act 2010, No. 18/2010**

Assent Date: 18.5.10
Commencement Date: Ss 50–53 on 1.7.10: Government Gazette 1.7.10
p. 1359
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Health and Human Services Legislation Amendment Act 2010, No. 29/2010

Assent Date: 8.6.10
Commencement Date: S. 72 on 1.7.10: Special Gazette (No. 235) 23.6.10 p. 1
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

Consumer Affairs Legislation Amendment (Reform) Act 2010, No. 63/2010

Assent Date: 28.9.10
Commencement Date: S. 81(Sch. item 13) on 1.11.10: s. 2(2)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment Act 2011, No. 12/2011

Assent Date: 10.5.11
Commencement Date: Ss 9–11 on 1.8.11: Special Gazette (No. 245) 26.7.11 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment (Infringement Offences) Act 2011, No. 27/2011
(as amended by No. 26/2012)

Assent Date: 21.6.11
Commencement Date: S. 7 on 16.12.09: s. 2(3); s. 6 on 1.7.14: s. 2(5)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Statute Law Revision Act 2011, No. 29/2011

Assent Date: 21.6.11
Commencement Date: S. 3(Sch. 1 item 92) on 22.6.11: s. 2(1)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment (Protective Services Officers) Act 2011, No. 43/2011

Assent Date: 6.9.11
Commencement Date: Ss 47–54 on 28.11.11: Special Gazette (No. 379) 22.11.11 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Victorian Commission for Gambling and Liquor Regulation Act 2011, No. 58/2011

Assent Date: 2.11.11
Commencement Date: S. 104(Sch. item 5) on 6.2.12: Special Gazette (No. 423) 21.12.11 p. 4
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Children's Services Amendment Act 2011, No. 80/2011

Assent Date: 21.12.11
Commencement Date: S. 79(Sch. item 8) on 1.1.12: Special Gazette (No. 423) 21.12.11 p. 2
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Emergency Services Legislation Amendment Act 2012, No. 5/2012

Assent Date: 6.3.12
Commencement Date: S. 117 on 1.5.12: Special Gazette (No. 140) 1.5.12 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

Courts and Sentencing Legislation Amendment Act 2012, No. 26/2012

Assent Date: 29.5.12
Commencement Date: S. 79 on 16.7.12: Special Gazette (No. 237) 3.7.12 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Health Professions Registration (Repeal) Act 2012, No. 27/2012

Assent Date: 29.5.12
Commencement Date: S. 26 on 1.7.12: s. 2
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Sentencing Amendment (Abolition of Suspended Sentences and Other Matters) Act 2013, No. 32/2013

Assent Date: 4.6.13
Commencement Date: S. 64 on 19.4.14: Special Gazette (No. 122) 15.4.14 p. 2
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Statute Law Revision Act 2013, No. 70/2013

Assent Date: 19.11.13
Commencement Date: S. 3(Sch. 1 item 54) on 1.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment (Miscellaneous) Act 2013, No. 77/2013

Assent Date: 17.12.13
Commencement Date: S. 52 on 18.12.13: s. 2(1)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences and Sentencing Amendment Act 2014, No. 15/2014

Assent Date: 18.3.14
Commencement Date: Ss 3, 4 on 28.5.14: Special Gazette (No. 155) 20.5.14 p. 1; ss 5, 6 on 1.9.14: s. 2(2)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Mental Health Act 2014, No. 26/2014

Assent Date: 8.4.14
Commencement Date: S. 455(Sch. item 28) on 1.7.14: s. 2(1)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Victoria Police Amendment (Consequential and Other Matters) Act 2014, No. 37/2014

Assent Date: 3.6.14
Commencement Date: S. 10(Sch. items 160.1–160.5, 160.8–160.18) on 1.7.14: Special Gazette (No. 200) 24.6.14 p. 2; s. 10(Sch. items 160.6, 160.7) on 1.9.14: Special Gazette (No. 200) 24.6.14 p. 2
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

**Criminal Organisations Control and Other Acts Amendment Act 2014,
No. 55/2014**

Assent Date: 26.8.14
Commencement Date: S. 179 on 27.8.14: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Sentencing Amendment (Emergency Workers) Act 2014, No. 69/2014

Assent Date: 23.9.14
Commencement Date: Ss 14, 15 on 2.11.14: Special Gazette (No. 330)
23.9.14 p. 1
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Crimes Amendment (Sexual Offences and Other Matters) Act 2014, No. 74/2014

Assent Date: 21.10.14
Commencement Date: Ss 23–27 on 3.11.14: Special Gazette (No. 400)
29.10.14 p. 1
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

**Justice Legislation Amendment (Confiscation and Other Matters) Act 2014,
No. 79/2014**

Assent Date: 21.10.14
Commencement Date: S. 59 on 2.11.14: Special Gazette (No. 400) 29.10.14
p. 2; s. 60 of the **Justice Legislation Amendment
(Confiscation and Other Matters) Act 2014,
No. 79/2014**, which was intended to amend s. 51A(3)
of the **Summary Offences Act 1966, No. 7405/1966**,
never commenced (contingent upon non-enacted
legislation)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Summary Offences Amendment (Move-on Laws) Act 2015, No. 6/2015

Assent Date: 25.3.15
Commencement Date: Ss 4–8 on 26.3.15: s. 2
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

**Criminal Organisations Control Amendment (Unlawful Associations) Act 2015,
No. 48/2015**

Assent Date: 13.10.15
Commencement Date: S. 9 on 1.7.16: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Crimes Legislation Amendment Act 2016, No. 28/2016

Assent Date: 31.5.16
Commencement Date: S. 8 on 3.10.16: Special Gazette (No. 296) 27.9.16 p. 1
Current State: This information relates only to the provision/s
amending the **Summary Offences Act 1966**

Summary Offences Act 1966
No. 7405 of 1966
Endnotes

Crimes Amendment (Sexual Offences) Act 2016, No. 47/2016

Assent Date: 6.9.16
Commencement Date: Ss 24, 25, 45 on 1.7.17: s. 2(2)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Crimes Legislation Amendment (Public Order) Act 2017, No. 32/2017

Assent Date: 15.8.17
Commencement Date: S. 3 on 13.9.17: Special Gazette (No. 303) 12.9.17 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Children and Justice Legislation Amendment (Youth Justice Reform) Act 2017, No. 43/2017

Assent Date: 26.9.17
Commencement Date: S. 64(3) on 30.11.17: Special Gazette (No. 406) 28.11.17 p. 1; s. 49 on 5.4.18: Special Gazette (No. 136) 27.3.18 p. 1
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment (Protective Services Officers and Other Matters) Act 2017, No. 45/2017

Assent Date: 26.9.17
Commencement Date: S. 57 on 1.4.18: Special Gazette (No. 136) 27.3.18 p. 3
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Justice Legislation Amendment (Victims) Act 2018, No. 5/2018

Assent Date: 27.2.18
Commencement Date: S. 20 on 28.2.18: s. 2(1)
Current State: This information relates only to the provision/s amending the **Summary Offences Act 1966**

Oaths and Affirmations Act 2018, No. 6/2018

Assent Date: 27.2.18
Commencement Date: S. 68(Sch. 2 item 119) on 1.3.19: 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

3 Amendments Not in Operation

There are no amendments which were Not in Operation at the date of this publication.

4 Explanatory details

No entries at date of publication.