

FACT SHEET

POLICE OFFENCES AMENDMENTS BILL 2013

The Government has introduced legislation into Parliament to amend the *Police Offences Act 1935* (the Act), the *Forensic Procedure Act 2000* and the *Law of Animals Act 1962*.

In 2011, it was determined that a review of the Act was to be conducted to identify areas that require amendment or repeal to ensure that this legislation is consistent and contemporary with policy, practice and community standards. This review involved government and public consultation.

The *Police Offences Amendment Bill 2013* (the Bill) amends the *Police Offences Act 1935* to:

- Provide an authority to issue infringement notices for certain offences under the Act. The types of offences for which infringement notices will be issued are classified as minor summary offences. The amendments provide another option for police officers to deal with existing offences. If appropriate, police officers will still be able to put a person before a Court or a person issued with an infringement notice can have the matter determined by a Court.
- Insert an offence for stealing within the Act, which allows proceedings for property up to the value of \$500, and also allow an infringement notice to be issued for this offence of stealing.
- Insert a summary offence for unlawfully setting fire to property or vegetation that does not exceed damage to the value of \$5000;
- Provide for a consequential amendment to the *Forensic Procedures Act 2000* to include the new summary offences of stealing and unlawfully setting fire to property and vegetation in the definition of 'serious offences' to allow for forensic material to be obtained from offenders.
- Create legislation to regulate tattooing, piercing and body modifications for youth. In 2001, the *Police Offences Act 1935* was amended to decriminalise the tattooing of youths. The legislation will provide for an offence for a person to perform a body modification on a youth (a person aged less than 18 years of age). It also creates an offence for a person to perform an intimate body piercing on a youth or an offence for a person to perform any other body piercing on a youth, unless the youth is aged at least 16 years old, without the consent, in writing, of the youth's guardian. There are some defences to performing piercings or body modifications on a youth to safe guard the industry.
- Extend the offence of false report to police to include situations where a report is made to any person, and the circumstances of such report are likely to be investigated by police. This section has been amended to ensure that where a report is made to any person and the circumstances of such report are likely to be investigated by police, then action can be taken if it is found to be false.
- Introduce a specific offence for 'interfering with a war memorial'. The word 'interfere' means destroy, damage, move or mark it; and otherwise deal with it in a way that is likely to cause offence to a reasonable person.

- Improve existing legislation to ensure that is consistent and contemporary with policy, practice and community standards.
- Repeal of certain sections of the Act which are no longer relevant in today's society.
- Increase penalties where current penalties are inadequate.
- Provide a consequential amendment to the *Law of Animals Act 1962* to allow s20AA to be removed from the *Police Offences Act 1935* and inserted within the *Law of Animals Act 1962*.

Regulations will be drafted once the legislation has passed to give effect to several of these amendments (eg infringement notices). The Bill will become law on a date to be proclaimed.