

## FACT SHEET

### *Police Offences Amendment (Prohibited Insignia) Bill 2018*

The Government has introduced legislation into Parliament that inserts into the *Police Offences Act 1935*, a new offence of wearing, carrying or displaying a prohibited item in a public place.

#### *Prohibited Insignia Legislation*

The Bill introduces the new offence into section 6 of the *Police Offences Act 1935*. The Bill also provides an objective for this new offence that has two components. The first objective of the offence is to ensure that members of the public may lawfully use and pass through public places without experiencing fear or intimidation, because other persons are visibly wearing or carrying prohibited items. The second objective is to reduce the likelihood of public disorder or acts of violence in public places.

The new prohibited item offence states that a person who is in a public place, or in a vehicle that is in a public place, must not wear or carry a prohibited item that, if another person were in the public place, would be visible to the other person.

A prohibited item is any piece of clothing, jewellery, or other accessory that displays:

- the name of an identified organisation; or
- the club patch, insignia or logo of an identified organisation; or
- an image, symbol, abbreviation, acronym or other form of writing that indicates membership of, or in association with, an identified organisation.

Prohibited items will be allowed to be worn for reasonable and genuine artistic, educational, legal or law enforcement purposes.

The Bill allows an organisation to be prescribed in regulations as an identified organisation. Such regulations can only be made on the recommendation of the Minister for Police, Fire and Emergency Management. However, the Minister may only make such a recommendation if satisfied, having regard to the advice of the Commissioner of Police, that the wearing or carrying of such an item in a public place, may cause members of the public to feel threatened, fearful or intimidated; or may have an undue adverse effect on the health or safety of members of the public, or the amenity of the community.

The Bill places a further caveat upon prescribing an organisation, stating that the Minister, when making his or her determination, must also have regard to whether any person has, while a member of, or a participant in the organisation, engaged in serious criminal activity or been convicted of public acts of violence, damage, or disorderly, offensive, threatening or violent behaviour in public.

The Bill will give a police officer who has reasonable grounds to believe that a person in a public place, has committed or is committing a prohibited item offence, the authority to stop that person or any vehicle they may be in, search the person and vehicle and seize any prohibited items found.

Finally, the Bill amends section 55(2D) of the *Police Offences Act 1935*, by including the prohibited item offence into its list of offences that have a power of arrest. This will authorise a police officer to arrest any person whom the police officer has reasonable grounds for believing has committed the new offence.