



Summary Offences Act 2005

Reprinted as in force on 3 September 2007

Reprint No. 1D

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Queensland

Summary Offences Act 2005

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Summary Offences Act 2005

[as amended by all amendments that commenced on or before 3 September 2007]

An Act to define particular offences that may be dealt with in a summary way, and for other purposes

Part 1 Preliminary

1 Short title

This Act may be cited as the *Summary Offences Act 2005*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

4 Notes

A note in the text of this Act is part of this Act.

Part 2 Offences

Division 1 Offences about quality of community use of public places

5 Object of div 1

This division has, as its object, ensuring, as far as practicable, members of the public may lawfully use and pass through public places without interference from acts of nuisance committed by others.

6 Public nuisance

- (1) A person must not commit a public nuisance offence.
Maximum penalty—10 penalty units or 6 months imprisonment.
- (2) A person commits a public nuisance offence if—
 - (a) the person behaves in—
 - (i) a disorderly way; or
 - (ii) an offensive way; or
 - (iii) a threatening way; or
 - (iv) a violent way; and
 - (b) the person's behaviour interferes, or is likely to interfere, with the peaceful passage through, or enjoyment of, a public place by a member of the public.
- (3) Without limiting subsection (2)—
 - (a) a person behaves in an offensive way if the person uses offensive, obscene, indecent or abusive language; and
 - (b) a person behaves in a threatening way if the person uses threatening language.
- (4) It is not necessary for a person to make a complaint about the behaviour of another person before a police officer may start a proceeding against the person for a public nuisance offence.

- (5) Also, in a proceeding for a public nuisance offence, more than 1 matter mentioned in subsection (2)(a) may be relied on to prove a single public nuisance offence.

7 Review

- (1) As soon as practicable after 1 October 2005, the Crime and Misconduct Commission must review the use of the public nuisance provisions and prepare a report on the review.
- (2) The conduct of the review and the preparation of the report is a function of the Crime and Misconduct Commission for the *Crime and Misconduct Commission Act 2001*.
- (3) In the course of preparing the report, the Crime and Misconduct Commission must consult with the Minister.
- (4) The Crime and Misconduct Commission must give a copy of the report to the Speaker for tabling in the Legislative Assembly.
- (5) In this section—
- public nuisance provisions*** means the following—
- (a) section 6;
- (b) the repealed *Vagrants, Gaming and Other Offences Act 1931*, section 7AA.¹

8 Begging in a public place

- (1) A person must not—
- (a) beg for money or goods in a public place; or
- (b) cause, procure or encourage a child to beg for money or goods in a public place; or
- (c) solicit donations of money or goods in a public place.
- Maximum penalty—10 penalty units or 6 months imprisonment.
- (2) Subsection (1)(c) does not apply to a person who—

¹ *Vagrants, Gaming and Other Offences Act 1931*, section 7AA (Public nuisance)

- (a) is an individual authorised by a charity registered under the *Collections Act 1966* to solicit donations for the charity; or
 - (b) is authorised by a local government to busk in a public place.
- (3) In this section—
- procure* includes—
- (a) enable; and
 - (b) facilitate.

9 Wilful exposure

- (1) A person in a public place must not wilfully expose his or her genitals, unless the person has a reasonable excuse.

Maximum penalty—

- (a) 2 penalty units; or
 - (b) if the offence involves circumstances of aggravation—40 penalty units or 1 year's imprisonment.
- (2) A person who is so near a public place that the person may be seen from the public place must not wilfully expose his or her genitals so that the person's genitals may be seen from the public place, unless the person has a reasonable excuse.

Maximum penalty—

- (a) 2 penalty units; or
 - (b) if the offence involves circumstances of aggravation—40 penalty units or 1 year's imprisonment.
- (3) It is a circumstance of aggravation for this section for a person to wilfully expose his or her genitals so as to offend or embarrass another person.

10 Being drunk in a public place

A person must not be drunk in a public place.

Maximum penalty—2 penalty units.

Division 2 Offences involving presence on property

11 Trespass

- (1) A person must not unlawfully enter, or remain in, a dwelling or the yard for a dwelling.

Maximum penalty—20 penalty units or 1 year's imprisonment.

- (2) A person must not unlawfully enter, or remain in, a place used as a yard for, or a place used for, a business purpose.

Maximum penalty—20 penalty units or 1 year's imprisonment.

Note—

See the *Police Powers and Responsibilities Act 2000*, section 634 for safeguards applying to starting proceedings for particular offences in this division.

- (3) This section does not prevent an authorised industrial officer entering a workplace in accordance with the terms of the person's appointment as an authorised industrial officer.²

11A Unlawful driving of motorbike on public land

- (1) A person must not drive a motorbike on public land in contravention of a regulation under this Act or a local law that regulates access by motorbikes to public land, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

- (2) If a regulation under this Act or a local law requires a person to possess a stated type of authority while driving a motorbike on public land, a person who drives a motorbike on public land must be in possession of the stated authority while driving the motorbike, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.

² *Industrial Relations Act 1999*, section 364 (Authorising industrial officers)

- (3) A person found by a police officer driving a motorbike on land mentioned in subsection (1) must produce the stated authority to the police officer on request.

Maximum penalty—20 penalty units.

- (4) In this section—

motorbike has the meaning given by the *Transport Operations (Road Use Management) Act 1995*, and includes a 4-wheeled motorbike that is ridden in the same way as a motorbike.

public land, for a regulation or local law, means public land as defined under the regulation or local law, but does not include a road.

road has the meaning given by the *Transport Operations (Road Use Management) Act 1995*.

12 **Persons unlawfully gathering in or on a building or structure**

- (1) Two or more persons must not, together—

(a) unlawfully enter—

- (i) any part of a public building or structure or a building or structure used for a business purpose; or
- (ii) any land occupied by or used in connection with any public building or structure or a building or structure used for a business purpose; or

(b) unlawfully remain in or on—

- (i) any part of a public building or structure or a building or structure used for a business purpose; or
- (ii) any land occupied by or used in connection with any public building or structure or a building or structure used for a business purpose.

Maximum penalty—10 penalty units or 6 months imprisonment.

- (2) Subsection (1)(b) applies whether or not the persons lawfully entered the building, structure or land.

- (3) A person must not, while unlawfully in or on a building or structure mentioned in subsection (1) that is not a public place, do an act or use language that, if done or used by a person in a public place, would be an offence.

Maximum penalty for subsection (3)—10 penalty units or 6 months imprisonment.

- (4) This section does not prevent an authorised industrial officer entering a workplace in accordance with the terms of the person's appointment as an authorised industrial officer.

13 Unlawfully entering farming land, etc.

- (1) A person must not unlawfully enter, or remain on, land used for—

- (a) agricultural or horticultural purposes; or
- (b) grazing; or
- (c) animal husbandry.

Maximum penalty—10 penalty units or 6 months imprisonment.

- (2) A person must not unlawfully open, and leave open, any gate, fence or other barrier that encloses all or part of enclosed land used for agricultural or horticultural purposes or for grazing or animal husbandry.

Maximum penalty—10 penalty units or 6 months imprisonment.

- (3) This section does not prevent an authorised industrial officer entering a workplace in accordance with the terms of the person's appointment as an authorised industrial officer.

14 Unregulated high-risk activities

- (1) A person must not unlawfully do any of the following—

- (a) parachute or hang-glide onto a building or structure;
- (b) BASE-jump or hang-glide from a building or structure;
- (c) climb up or down the outside of a building or a structure;

(d) abseil from a building or structure.

Maximum penalty—20 penalty units or 1 year's imprisonment.

- (2) It is not an offence against subsection (1) for a person—
- (a) to do an act mentioned in that subsection involving a building or structure that has been built for use, or is designated for use, for a purpose mentioned in that subsection; or
 - (b) to do an act mentioned in that subsection involving a building or structure for a stunt performed with the permission of the owner of the building or structure and as part of the person's engagement or employment for the production of a cinematographic film or for television; or
 - (c) to climb up or down a building or structure for cleaning, maintaining or repairing the building or structure.
- (3) In addition to any penalty that may be imposed on a person who is found guilty of, or has pleaded guilty to, a charge of an offence against subsection (1), a court hearing the charge of the offence may order the person to pay to a stated person the costs the court decides are the other person's costs of rescuing or attempting to rescue the person.

Division 3 Possession offences

15 Possession of implement in relation to particular offences

- (1) A person must not possess an implement that is being, or is to be, used—
- (a) for burglary of a dwelling; or
 - (b) for unlawfully entering a place; or
 - (c) for entering a vehicle with intent to commit an indictable offence; or
 - (d) to steal or unlawfully use a vehicle; or
 - (e) to unlawfully injure a person; or

(f) to unlawfully damage property.

Maximum penalty—20 penalty units or 1 year's imprisonment.

(2) A person must not possess an implement that has been used—

(a) for burglary of a dwelling; or

(b) for unlawfully entering a place; or

(c) for entering a vehicle with intent to commit an indictable offence; or

(d) to steal or unlawfully use a vehicle; or

(e) to unlawfully injure a person; or

(f) to unlawfully damage property.

Maximum penalty—20 penalty units or 1 year's imprisonment.

(3) For subsection (2), it is a defence for the person to prove that the person's possession of the implement was not connected to any involvement by the person in the preparation of the offence or in any criminal responsibility in relation to the offence.

Note—

See the *Police Powers and Responsibilities Act 2000*, section 634 for safeguards applying to starting proceedings for offences against this section and sections 16 and 17.

16 Unlawful possession of suspected stolen property

A person must not unlawfully possess a thing that is reasonably suspected of having been stolen or unlawfully obtained.

Maximum penalty—20 penalty units or 1 year's imprisonment.

17 Graffiti instrument

(1) A person must not possess a graffiti instrument that—

(a) is reasonably suspected of having been used for graffiti;
or

- (b) is being used for graffiti; or
- (c) is reasonably suspected of being about to be used for graffiti.

Maximum penalty—20 penalty units or 1 year's imprisonment.

- (2) The court may, whether or not it imposes any other penalty for the offence, order the offender—
 - (a) to perform community service under the *Penalties and Sentences Act 1992*, part 5, division 2³ including, for example, removing graffiti from property; or
 - (b) to pay compensation to any person under the *Penalties and Sentences Act 1992*, part 3, division 4.⁴
- (3) For subsection (1)(a), it is a defence for the person to prove that the person's possession of the graffiti instrument was not connected to any involvement by the person in the preparation of the offence or in any criminal responsibility in relation to the offence.

Division 4 Offences relating to children or minors

18 Particular body piercing of minor prohibited

- (1) A person must not, as part of a business transaction, perform body piercing to any part of—
 - (a) the external genitalia of a female who is a minor; or
 - (b) the penis or scrotal skin of a male who is a minor; or
 - (c) the nipples of a minor.

Maximum penalty—

- (a) 40 penalty units or 6 months imprisonment; or

³ *Penalties and Sentences Act 1992*, part 5 (Intermediate orders), division 2 (Community service orders)

⁴ *Penalties and Sentences Act 1992*, part 3 (Releases, restitution and compensation), division 4 (Orders for restitution and compensation)

- (b) if the minor is an intellectually impaired person or the minor's decision-making capacity is impaired because of alcohol or a drug—80 penalty units or 1 year's imprisonment.
- (2) It is not a defence to a prosecution of a person for a charge of an offence against subsection (1) that the minor, or a parent or guardian of the minor, consented to the body piercing.
- (3) In this section—

body piercing means the process of penetrating a person's skin or mucous membrane with a sharp instrument for the purpose of implanting jewellery or other foreign material through or into the skin or mucous membrane.

Examples of foreign material—

- a ring
- a bar
- a pin
- a stud

genitalia see the Criminal Code, section 1.⁵

intellectually impaired person see the Criminal Code, section 1.

19 Tattooing minor prohibited

- (1) A person must not perform tattooing on a minor.
Maximum penalty—40 penalty units or 6 months imprisonment.
- (2) In this section—
- tattooing—***
- (a) means the process of penetrating a person's skin and inserting into it colour pigments to make a permanent mark, pattern or design on the skin; and

⁵ Criminal Code, section 1 (Definitions)

- (b) includes any process that penetrates the skin and inserts into it colour pigments to make a semipermanent mark, pattern or design on the skin including for example—
 - (i) the process known as cosmetic tattooing; or
 - (ii) the process for applying semipermanent make-up.

Division 5 Other offences

20 Preventing public meetings

A person must not intentionally prevent or attempt to prevent the holding of a public meeting.

Maximum penalty—10 penalty units or 6 months imprisonment.

Examples of actions that may prevent the holding of a public meeting—

- 1 making a noise to prevent a public meeting starting or continuing
- 2 blocking a door to prevent persons lawfully entering a place where a public meeting is to be held

21 False advertisements etc., about births, deaths, marriages or employment

- (1) A person must not publish in a newspaper or by radio, television or on the internet an advertisement or notice that states, expressly or by implication, any of the following, knowing what is stated to be false—
 - (a) a child has been born who has not been born;
 - (b) a person who is still living has died;
 - (c) a funeral for a person who is still living is to happen or has happened;
 - (d) a particular couple who have not become engaged are engaged;
 - (e) a particular couple who do not intend to marry have married or are to marry;
 - (f) employment that is not available is available.

Maximum penalty—10 penalty units or 6 months imprisonment.

- (2) In this section—

publish includes cause to be published.

22 Imposition

- (1) A person must not impose or attempt to impose on another person to obtain money or an advantage.

Maximum penalty—20 penalty units or 1 year's imprisonment.

- (2) A person imposes or attempts to impose on another person if the person—

(a) makes an oral or written representation that is false or fraudulent with intent to obtain money or an advantage from the other person; or

(b) by dress, apparel or otherwise, fraudulently seeks to obtain money or an advantage from the other person.

- (3) In this section—

advantage includes benefit.

23 Sale of potentially harmful things

- (1) A seller must not sell a potentially harmful thing to another person if the seller knows or believes, on reasonable grounds, that the other person—

(a) intends to inhale or ingest the thing; or

(b) intends to sell the thing to another person for inhalation or ingestion whether by that person or someone else.

Maximum penalty—

(a) for a first offence—25 penalty units or 3 months imprisonment; or

(b) for a second or later offence—50 penalty units or 1 year's imprisonment.

- (2) For the purposes of the *Anti-Discrimination Act 1991*, section 46,⁶ a seller is not to be taken to discriminate against a person only because the seller refuses to sell a potentially harmful thing to the person because of subsection (1).
- (3) In this section—
- potentially harmful thing***—
- (a) means a thing a person may lawfully possess that is or contains a substance that may be harmful to a person if ingested or inhaled; and
- Examples*—
- glue
 - paint
 - a solvent
- (b) includes methylated spirits; and
- (c) does not include a thing intended by its manufacturer to be inhaled or ingested by a person using it.

23A Seller must take prevention measures in relation to spray paint

- (1) This section applies in relation to selling spray paint.
- (2) A seller who is an employer must take prevention measures in relation to each employee of the seller.
- Maximum penalty—40 penalty units.
- (3) The seller takes prevention measures for subsection (2) in relation to an employee if the seller—
- (a) instructs the employee—
- (i) not to sell spray paint to minors in any circumstances, even if the sale is for, or claimed to be for, an adult; and

⁶ *Anti-Discrimination Act 1991*, section 46 (Discrimination in goods and services area)

- (ii) to sight acceptable evidence of age for a person before selling spray paint to the person, unless satisfied the person is an adult; and
 - (b) warns the employee that if the employee disregards the instructions mentioned in paragraph (a) and sells spray paint to minors, the employee commits an offence against section 23C; and
 - (c) obtains written acknowledgment by the employee that the employee received the instructions and warning mentioned in paragraphs (a) and (b).
- (4) In this section—
acceptable evidence of age see section 23B.

23B Sale of spray paint to minors

- (1) A seller of spray paint must not sell spray paint to a minor.
Maximum penalty—
- (a) for a first offence—140 penalty units; or
 - (b) for a second offence—280 penalty units; or
 - (c) for a third or later offence—420 penalty units.
- (2) An employee who sells spray paint to a minor in the course of the employment can not be prosecuted under this section.

Note—

See section 23C for when an employee is liable for selling spray paint to a minor.

- (3) It is a defence to a charge of an offence against subsection (1) for the seller to prove—
- (a) that the seller, or an employee of the seller, required a person to produce acceptable evidence of age; and
 - (b) the person produced acceptable evidence of age showing the person was not a minor; and
 - (c) the seller or employee had no reason to believe the evidence was false.
- (4) Also, for the purposes of the *Anti-Discrimination Act 1991*, section 46, a seller is not to be taken to discriminate against a

person only because the seller refuses to sell spray paint to the person because of subsection (1).

(5) In this section—

acceptable evidence of age, for a person, means a document that—

- (a) is a driver licence, proof of age card or an Australian or foreign passport; and
- (b) bears a photograph of the person; and
- (c) indicates by reference to the person's date of birth or otherwise that the person has attained a particular age.

23C When employee of seller liable

- (1) This section applies if a seller has, in relation to an employee of the seller, taken the prevention measures mentioned in section 23A(3).
- (2) The employee of the seller must not, in the course of the employee's employment, sell spray paint to a minor.

Maximum penalty—

- (a) for a first offence—20 penalty units; or
 - (b) for a second or later offence—40 penalty units.
- (3) For deciding whether a person has committed a second or later offence for subsection (2), it does not matter whether the prevention measures taken in relation to the employee were taken by the same or a different employer.

23D Seller of spray paint must display prohibition sign

- (1) A seller of spray paint who is an employer must display, as prescribed under a regulation, a prohibition sign at each point of sale at the seller's retail outlet.

Maximum penalty—20 penalty units.

(2) In this section—

point of sale means a counter or similar fixture where spray paint may be sold.

prohibition sign means a sign about the supply of spray paint to minors complying with the requirements prescribed under a regulation.

retail outlet means premises where spray paint is available for sale to the public.

23E Provision about definition of *sell* for ss 23A–23D

- (1) This section applies for the application of the definition *sell* in the dictionary to sections 23A to 23D.
- (2) A seller does not keep or expose for sale or offer to sell spray paint to a minor only because the seller keeps or exposes for sale or offers to sell spray paint to the public generally.

24 Throwing things at a sporting event

- (1) A person at a sporting event must not throw or propel an object that may—
 - (a) injure a person; or
 - (b) damage property; or
 - (c) disrupt the event.Maximum penalty—10 penalty units or 6 months imprisonment.
- (2) Subsection (1) does not apply to a person actually participating in a sporting event who throws or propels an object the person ordinarily throws or propels as part of the sporting event.
- (3) Also, subsection (1) does not apply to a person who is a spectator at a sporting event who returns an object ordinarily used in the sporting event to a person actually participating in the sporting event in a way not intended to contravene subsection (1).

Example for subsection (3)—

Returning to a cricket player a cricket ball that has been hit over the fence in a cricket match.

24A Unlawful SMS messages etc.

- (1) A person must not, in trade or commerce, provide, in Queensland or elsewhere, a service of informing another person of the location of a traffic enforcement site for the purpose of, or that has the effect of, enabling the other person to avoid, or be prepared for, a check made at the site.

Maximum penalty—100 penalty units.

- (2) For subsection (1), a person provides a service of informing another person of the location of a traffic enforcement site if the person makes information about the location of a traffic enforcement site available to the other person by a relevant message.
- (3) Subsection (1) does not apply to the provider of a telephone service or an internet service provider only because another person uses the provider's telephone or internet service to inform someone else of the location of a traffic enforcement site.
- (4) In this section—

internet message means a message that may be viewed by a person on a website.

message includes information in any form, whether or not for a particular person.

relevant message means any of the following that informs a person of the location of a traffic enforcement site—

- (a) an internet message;
- (b) an SMS message;
- (c) another type of message that may be heard, read or otherwise viewed by a person using a mobile phone.

SMS message means a text message sent using the mobile phone service known as the short messaging service.

traffic enforcement site means a place being used by a police officer to perform random or systematic checks of compliance by drivers with the *Transport Operations (Road Use Management) Act 1995*.

Examples of traffic enforcement site—

- the site of a speed camera
- a random breath test site
- a vehicle safety check site

25 Use of vehicles

A person must not—

- (a) unlawfully use a vehicle without the consent of the person in lawful possession of the vehicle; or
- (b) have a vehicle in the person's possession without the consent of the person in lawful possession of it (the *other person*) with intent to temporarily or permanently deprive the other person of the use or possession of the vehicle.

Maximum penalty—20 penalty units or 1 year's imprisonment.

Part 3 Procedural provisions

26 Offences are simple offences

- (1) An offence against this Act is a simple offence.
- (2) A proceeding for an offence against this Act is a summary proceeding under the *Justices Act 1886*.

27 Forfeiture

If a court finds a person guilty of an offence against section 15, 16, 17, 23B or 23C, the court may order that the thing to which the offence relates be forfeited to the State.

Note—

For how something forfeited to the State may be disposed of, see the *Police Powers and Responsibilities Act 2000*, chapter 21 (Administration), part 3 (Dealing with things in the possession of police service), division 7 (Dealing with forfeited things).

28 Evidentiary provision

- (1) In a proceeding, a statement in a charge of an offence that a place is a place to which a provision of this Act applies is evidence that the place is what it is claimed to be.
- (2) In a proceeding for an offence against section 16, it is not necessary to prove that the police officer starting the proceeding knew anything had recently been stolen or unlawfully obtained, or that in fact anything had been stolen or unlawfully obtained, if the circumstances in which the property had been found gives rise to a reasonable suspicion that the property had been stolen or unlawfully obtained.

Note—

See the *Police Powers and Responsibilities Act 2000*, section 634 for procedural safeguards a police officer must follow before charging a person with an offence against section 16 of this Act.

Part 3A General**28A Regulation-making power**

The Governor in Council may make regulations under this Act.

Part 4 Repeal**29 Act repealed**

The Vagrants, Gaming and Other Offences Act 1931 22 Geo 5 No. 27 is repealed.

Schedule 2 Dictionary

section 3

authorised industrial officer means—

- (a) an authorised industrial officer appointed under the *Industrial Relations Act 1999*, section 364;⁷ or
- (b) an authorised officer appointed under the *Workplace Relations Act 1996* (Cwlth), section 83BG.⁸

business purpose includes commercial purpose.

dwelling includes, when used as a dwelling, a boat or part of a boat, a caravan, and a tent.

employee, of a seller, means a person who sells, or may sell, spray paint in the course of the person's employment.

graffiti see the Criminal Code, section 469, punishment in special cases, paragraph 9.⁹

graffiti instrument includes—

- (a) a container from which paint or another marking substance may be forced by pressure, suction or in another way; or
- (b) an etching instrument.

implement includes equipment and substance.

place includes dwelling.

possession has the same meaning as in the Criminal Code.

Note—

Under the *Acts Interpretation Act 1954*, section 32, if an Act defines a word or expression, other parts of speech and grammatical forms of the word or expression have corresponding meanings.

7 *Industrial Relations Act 1999*, section 364 (Authorising industrial officers)

8 *Workplace Relations Act 1996* (Cwlth), section 83BG (Appointment of authorised officers)

9 Criminal Code, section 469 (Wilful damage)

Schedule 2 (continued)

potentially harmful thing see section 23.

public place means a place that is open to or used by the public, whether or not on payment of a fee.

sell includes—

- (a) sell by wholesale, retail or auction; and
- (b) supply in trade or commerce or under an arrangement; and
- (c) agree, attempt or offer to sell; and
- (d) keep or expose for sale; and
- (e) cause or permit to be sold.

seller, of potentially harmful things or of spray paint, means a person who, in trade or commerce, sells potentially harmful things or spray paint to the public, and includes an employee of a seller.

spray can includes a thing that is made or adapted for use for emitting paint by the operation of air, gas or vapour pressure on the contents of the thing.

spray paint includes—

- (a) any liquid or other substance in a spray can that, if applied to a surface of a thing by using a spray can, is designed to colour, stain, mark or corrode the surface of the thing; and
- (b) the spray can.

unlawfully means without authorisation, justification or excuse by law.

vehicle includes a motor vehicle, bicycle and boat.

yard means—

- (a) for a dwelling other than a boat, the parcel of land related to the dwelling that appears to be within identifiable boundaries; or

Schedule 2 (continued)*Examples for paragraph (a)—*

- 1 The boundaries may be defined by the position of fencing.
 - 2 There may be a garden along a boundary of the land giving a general indication of where the boundary is.
 - 3 It may be easy to recognise the position of the front boundary of land because of the position of fencing along the front of adjoining land.
- (b) for a place used for a business purpose, a part of the place not occupied by buildings—
- (i) that is fenced in a way that ordinarily restricts access to the place when the place is not open to the public; or
 - (ii) that is otherwise ordinarily enclosed to restrict access to the place; or
 - (iii) to which entry is prohibited by signs displayed on the premises.

Example for paragraph (b)—

The place may have a high chain-wire fence along its boundaries.

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 3 September 2007. Future amendments of the Summary Offences Act 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	21 March 2005	
1A	2005 Act No. 64	1 July 2006	
1B	2006 Act No. 26 2000 Act No. 5 (amd 2006 Act No. 26)	21 July 2006	
1C	2007 Act No. 1	16 February 2007	
1D	2007 Act No. 1	3 September 2007	

5 List of legislation

Summary Offences Act 2005 No. 4

date of assent 3 March 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 21 March 2005 (2005 SL No. 34)

amending legislation—

Police Powers and Responsibilities (Motorbike Noise) Amendment Act 2005 No. 64 pts 1, 4

date of assent 28 November 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 2006 (2006 SL No. 107)

Police Powers and Responsibilities and Other Acts Amendment Act 2006 No. 26 ss 1–2(1), 119 sch 2

date of assent 1 June 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 21 July 2006 (2006 SL No. 185)

Police Powers and Responsibilities Act 2000 No. 5 s 810 sch 4 (prev s 459A sch 3A) (this Act is amended, see amending legislation below)

amending legislation—

Police Powers and Responsibilities and Other Acts Amendment Act 2006 No. 26 ss 1–2, 84, 86 (amends 2000 No. 5 above)

date of assent 1 June 2006

ss 1–2 commenced on date of assent

remaining provisions commenced 21 July 2006 (2006 SL No. 185)

Summary Offences and Other Acts Amendment Act 2007 No. 1 ss 1–2(1), pt 2

date of assent 16 February 2007

ss 1–2 commenced on date of assent

ss 4–5, 7–8 commenced 3 September 2007 (2007 SL No. 180)

remaining provisions commenced on date of assent

6 List of annotations**Unlawful driving of motorbike on public land**

s 11A ins 2005 No. 64 s 33

Trespass

s 11 amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86)

Possession of implement in relation to particular offences

s 15 amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86)

Sale of potentially harmful things

s 23 amd 2007 No. 1 s 4

Seller must take prevention measures in relation to spray paint

s 23A ins 2007 No. 1 s 5

Sale of spray paint to minors

s 23B ins 2007 No. 1 s 5

When employee of seller liable

s 23C ins 2007 No. 1 s 5

Seller of spray paint must display prohibition sign

s 23D ins 2007 No. 1 s 5

Provision about definition of “sell” for ss 23A–23D

s 23E ins 2007 No. 1 s 5

Unlawful SMS messages etc.

s 24A ins 2007 No. 1 s 6

Forfeiture

s 27 amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86); 2007 No. 1 s 7

Evidentiary provision

s 28 amd 2000 No. 5 s 810 sch 4 (amd 2006 No. 26 ss 84, 86); 2006 No. 26 s 119 sch 2

PART 3A—GENERAL

pt 3A (s 28A) ins 2005 No. 64 s 34

PART 4—REPEAL

pt hdg amd 2006 No. 26 s 119 sch 2

Other Acts amended

s 30 om R1 (see RA s 40)

SCHEDULE 1—ACTS AMENDED

om R1 (see RA s 40)

SCHEDULE 2—DICTIONARY

def “**employee**” ins 2007 No. 1 s 8

def “**potentially harmful thing**” ins 2007 No. 1 s 8

def “**sell**” ins 2007 No. 1 s 8

def “**seller**” ins 2007 No. 1 s 8

def “**spray can**” ins 2007 No. 1 s 8

def “**spray paint**” ins 2007 No. 1 s 8