

South Australia



**SUMMARY OFFENCES (OVERCROWDING AT PUBLIC VENUES)  
AMENDMENT ACT 1995**

**No. 106 of 1995**

**SUMMARY OF PROVISIONS**

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**ELIZABETHAE II REGINAE**

A.D. 1995

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**No. 106 of 1995**

**An Act to amend the Summary Offences Act 1953.**

*[Assented to 14 December 1995]*

The Parliament of South Australia enacts as follows:

**Short title**

1. (1) This Act may be cited as the *Summary Offences (Overcrowding at Public Venues) Amendment Act 1995*.

(2) The *Summary Offences Act 1953* is referred to in this Act as "the principal Act".

**Commencement**

2. This Act will come into operation on a day to be fixed by proclamation.

**Amendment of s. 4—Interpretation**

3. Section 4 of the principal Act is amended—

(a) by striking out from subsection (1) the definition of "place of public entertainment";

(b) by inserting after the definition of "public place" in subsection (1) the following definition:

"public venue" means a place where members of the public are gathered for an entertainment or an event or activity of any kind, whether admission is open, procured by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic, but does not include a church or place of public worship ;.

**Amendment of s. 73—Power of police to remove disorderly persons from public venues**

4. Section 73 of the principal Act is amended by striking out "place of public entertainment" wherever it occurs and substituting, in each case, "public venue".

**Insertion of s. 83BA**

5. The following section is inserted after section 83B of the principal Act:

**Overcrowding at public venues**

**83BA.** (1) A member of the police force may enter and inspect a public venue to determine whether there is overcrowding such that there is serious risk of injury or damage.

(2) Where a senior police officer forms the opinion that there is serious risk of injury or damage due to overcrowding at a public venue, the officer may do one or more of the following:

- (a) order persons to leave the place immediately;
- (b) order the occupier of the place immediately to remove persons from the place;
- (c) order the occupier of the place to take other specified action to rectify the situation immediately or within a specified period;
- (d) if an order under paragraph (a), (b) or (c) is not obeyed, take action to carry out the order;
- (e) if satisfied that the safety of persons cannot reasonably be ensured by other means, order the occupier of the place to close the place immediately and for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger;
- (f) if a closure order under paragraph (e) cannot for any reason be given to the occupier, or if a closure order, having been given to the occupier, is not immediately obeyed, take action to close the place for such period as the officer considers necessary (but not exceeding 12 hours) for the alleviation of the danger.

(3) An order under this section may be given orally or by notice in writing served on the occupier of the place.

(4) If a closure order under this section is given orally, the officer must as soon as practicable cause a written notice containing the order to be served on the occupier of the place.

(5) If a person given an order under this section refuses or fails to obey the order, the person is guilty of an offence.

**Penalty:** Division 7 fine or division 7 imprisonment.

(6) When a senior police officer is satisfied that the danger has been alleviated, he or she may rescind an order under this section.

(7) A senior police officer may authorise another member of the police force to exercise all or any of the powers conferred by subsection (2) if satisfied (whether on the basis of his or her own observations or the report of another member of the police force) that urgent action is required.

(8) A member of the police force may use such force to enter a place, or to take other action under this section, as is reasonably necessary for the purpose.

(9) The Commissioner must include in the Commissioner's annual report to the Minister to whom the administration of the *Police Act 1952* is for the time being committed a record of the authorisations issued under subsection (7) during the period to which the report relates.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

ROMA MITCHELL Governor