

**POLICE OFFENCES AMENDMENT ACT 1992**

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**No. 4 of 1992**

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**AN ACT to amend the *Police Offences Act 1935* and the *Forestry Act 1920***

[Royal Assent 15 May 1992]

**B**E it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

**Short title**

**1**—This Act may be cited as the *Police Offences Amendment Act 1992*.

**Commencement**

2—This Act commences on the day on which it receives the Royal Assent.

**Principal Act**

3—In this Act, the *Police Offences Act 1935*\* is referred to as the Principal Act.

**Section 14B amended (Unlawful entry on land)**

4—Section 14B of the Principal Act is amended as follows:—

- (a) by omitting from subsection (1) “on the land of another person” and substituting “on land”;
- (b) by omitting from subsection (2) (a) “the dwelling-house” and substituting “a dwelling-house”;
- (c) by omitting from subsection (2) (b) “part of the land, of another person” and substituting “land”.

**Section 34B amended (Resistance to, and obstruction of, public officers prohibited)**

5—Section 34B of the Principal Act is amended as follows:—

- (a) by inserting in subsection (2) (a) “intimidate” after “resist,”;
- (b) by omitting from subsection (2) (b) “, intimidate, or use improper or” and substituting “or use”;
- (c) by omitting from subsection (3) “(1)” and substituting “(1) or (2) (a)”.

**Section 55 amended (Arrest)**

6—Section 55 (2B) of the Principal Act is amended by omitting “on the land of another person” and substituting “on land”.

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\* 26 Geo. V No. 44. For this Act, as amended to 1 October 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 117 of 1976, Nos 86 and 87 of 1981, Nos. 51, 63, 74 and 99 of 1982, No. 42 of 1984, Nos. 1, 51 and 100 of 1985, No. 93 of 1986, Nos. 13, 90 and 112 of 1987, Nos. 5, 13 and 44 of 1990 and Nos. 43 and 46 of 1991.

**Forestry Act 1920† amended**

7—(1) Section 44A of the *Forestry Act 1920* is amended as follows:—

- (a) by omitting from subsection (2) “area.” and substituting “area or with the operation of any vehicle or other equipment in that area.”;
- (b) by omitting from subsection (4) “Fine not exceeding 5 penalty units.” and substituting “Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months.”.

(2) Section 46 of the *Forestry Act 1920* is amended as follows:—

- (a) by inserting the following subsections after subsection (1):—

(1A) A person must not, without lawful authority—

- (a) interfere with any vehicle or other equipment;
- or

- (b) interfere with the operation of any vehicle or other equipment—

in an area of State forest in which forest operations are being carried out, or are being attempted to be carried out.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 12 months.

(1B) In subsection (1A), “forest operations” has the same meaning as in section 44A.

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† 11 Geo. V No. 60. For this Act, as amended to 1 September 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 117 of 1977, Nos. 19 and 95 of 1980, No. 18 of 1981, Nos. 29, 56 and 104 of 1984, No. 49 of 1985, No. 69 of 1986, Nos. 18, 27 and 28 of 1989, No. 5 of 1990 and Nos. 40 and 42 of 1991.

(b) by omitting subsection (2) and substituting the following subsection:—

(2) A court that convicts a person of an offence under subsection (1) or (1A) may, in addition to any other penalty it may impose, order that person to pay to any other person—

(a) a sum, being all or part of a sum equivalent to the cost of making good any damage done, or any loss incurred, by that other person, by reason of the convicted person's act; and

(b) such other costs as the court considers appropriate.