



POLICE OFFENCES AMENDMENT ACT (No. 2) 1982

No. 74 of 1982

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AN ACT to amend the Police Offences Act 1935 for the purpose of making further provision with respect to the powers of police officers under that Act and for related purposes.

[Royal Assent 8 December 1982]

BE 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:—

1—This Act may be cited as the *Police Offences Amendment Act* Short title. (No. 2) 1982.

Commence-
ment.

2—This Act shall commence on the day after 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.

Amendment of
section 4 of
Principal Act
(Drunkenness).

4—Section 4 (3) of the Principal Act is amended as follows:—

(a) by omitting “may arrest without warrant any person whom he finds committing an offence against this section, and”;

(b) by omitting “such person at the time” and substituting “a person whom he finds committing an offence against this section”.

Amendment of
section 14A of
Principal Act
(Peering into
dwelling-
houses, &c.).

5—Section 14A of the Principal Act is amended as follows:—

(a) by omitting “(1)”;

(b) by omitting subsection (2).

Amendment of
section 14B of
Principal Act
(Unlawful
entry on
land, &c.).

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

(a) by inserting in subsection (1) “or remain” after “enter”;

(b) by inserting in subsection (2) (a) “or remaining in” after “entering”;

(c) by inserting in subsection (2) (b) “or remaining on” after “entering”;

(d) by inserting in subsection (3) “or remaining in” after “entering”.

Amendment of
section 14c of
Principal Act
(Names and
addresses of
offenders may
be required).

7—Section 14c (1) of the Principal Act is amended by omitting “thereon another person committing an offence against section 14B,” and substituting “on that land another person in circumstances in which he believes on reasonable grounds that that other person is committing or has committed an offence under section 14B (1),”.

Amendment of
section 55 of
Principal Act
(Arrest).

8—Section 55 of the Principal Act is amended by inserting the following subsections after subsection (2):—

(2A) A police officer may arrest, without warrant, any person found offending against section 14A.

* 26 Geo. V No. 44. For this Act, as amended to 1st October 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 117 of 1976, Nos. 86 and 87 of 1981, and No. 63 of 1982.

(2B) Subject to subsection (2C), a police officer may arrest, without warrant, any person whom he believes on reasonable grounds to be on the land of another person without the consent of its owner or occupier or the person in charge of it.

(2C) The power of arrest conferred by subsection (2B) is not exercisable—

- (a) unless the police officer has previously requested the person in relation to whom he seeks to exercise the power to leave the land concerned and that person has refused or failed to comply with the request; or
- (b) if the police officer has reasonable grounds for believing that that person has some reasonable or lawful excuse for being on that land.

