



Queensland

Summary Offences and Other Acts Amendment Bill 2008



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2008

A Bill

for

An Act to amend the *Summary Offences Act 2005*, the *Police Powers and Responsibilities Act 2000* and the *Environmental Protection and Other Legislation Amendment Act (No. 2) 2008* for particular purposes

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

Clause 1 Short title 3

This Act may be cited as the *Summary Offences and Other Acts Amendment Act 2008*. 4
5

Clause 2 Commencement 6

Part 3 commences on 1 January 2009. 7

Part 2 Amendment of Summary Offences Act 2005 8
9

Clause 3 Act amended in pt 2 10

This part amends the *Summary Offences Act 2005*. 11

Clause 4 Replacement of s 7 (Review) 12

Section 7— 13

omit, insert— 14

‘7 Urinating in a public place 15

‘(1) A person must not urinate in a public place. 16

Maximum penalty—2 penalty units. 17

‘(2) In a proceeding for an offence against subsection (1), 18

evidence that liquid was seen to be discharged from the 19

vicinity of a person’s pelvic area is enough evidence that the 20

person was urinating. 21

-
- ‘(3) In this section— 1
public place does not include a facility in a public place that is 2
designed for use as a toilet.’ 3

Part 3 Amendment of Police Powers and Responsibilities Act 2000 4 5

Clause 5 Act amended in pt 3 6

This part amends the *Police Powers and Responsibilities Act* 7
2000. 8

Clause 6 Amendment of s 377 (Additional case when arrest of adult may be discontinued) 9 10

(1) Section 377(5), definitions *infringement notice* and 11
infringement notice offence— 12

relocate to schedule 6. 13

(2) Section 377(5), as amended— 14

omit. 15

Clause 7 Amendment of s 394 (Duty of police officer receiving custody of person arrested for offence) 16 17

(1) Section 394(2)— 18

insert— 19

‘(ca) for a person arrested for a prescribed public nuisance 20
offence committed, or reasonably suspected by the 21

arresting police officer of having been committed, in the 22

prescribed area—issue and serve on the person an 23

infringement notice for the prescribed public nuisance 24

offence and any associated offence; or’ 25

(2) Section 394(5)— 26

[s 7]

<i>renumber as</i> section 394(6).	1
(3) Section 394—	2
<i>insert—</i>	3
‘(5) A regulation may declare the boundaries of the police districts comprising the prescribed area for subsection (2)(ca).’	4 5
(4) Section 394(6), as renumbered—	6
<i>insert—</i>	7
‘ associated offence , in relation to a prescribed public nuisance offence, means an offence (whether committed within or outside the prescribed area) against either or both of the following provisions, unless the offence also involves an offence against the person—	8 9 10 11 12
(a) section 790(1), but only to the extent that it relates to obstructing a police officer in the performance of a police officer’s duties in relation to a prescribed public nuisance offence;	13 14 15 16
(b) section 791(2), but only to the extent that it relates to a requirement to state a person’s correct name and address in relation to a prescribed public nuisance offence.	17 18 19
prescribed area means the South Brisbane and Townsville police districts.	20 21
<i>Note—</i>	22
Indicative maps of the police districts may be located on the police service website.	23 24
< http://www.police.qld.gov.au/Resources/Internet/services/reportsPublications/documents/07_OrganisationalStructure.pdf >	25 26
prescribed public nuisance offence means an offence against the <i>Summary Offences Act 2005</i> , section 6(1) or 7(1), unless the offence also involves an offence against the person.’	27 28 29

Part 4	Amendment of Environmental Protection and Other Legislation Amendment Act (No. 2) 2008	1 2 3 4
Clause 8	Act amended in pt 4	5
	<i>This part amends the <i>Environmental Protection and Other Legislation Amendment Act (No. 2) 2008.</i></i>	6 7
Clause 9	Amendment of s 66 (Insertion of new sch 1AA)	8
	Section 66, new schedule 1AA, part 1, section 3—	9
	<i>insert—</i>	10
	‘(i) noise from a special event prescribed under a regulation for the <i>Major Sports Facilities Act 2001</i> , section 30A that complies with any conditions prescribed under the regulation, for the use of the facility where the event takes place, about noise levels for the event.’.	11 12 13 14 15
	<i>Editor’s note—</i>	16
	The legislation ultimately amended is the <i>Environmental Protection Act 1994.</i>	17 18