



AUSTRALIAN CAPITAL TERRITORY

# Acts Revision (Arrest Without Warrant) Act 1989

No. 23 of 1989

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## **An Act to amend certain Acts in relation to the power to arrest without warrant and for other purposes**

*[Notified in ACT Gazette S38: 1 December 1989]*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

### **Short title**

**1.** This Act may be cited as the *Acts Revision (Arrest Without Warrant) Act 1989*.

### **Careless Use of Fire Act**

**2.** Section 14 of the *Careless Use of Fire Act 1936* is amended by omitting subsection (3).

**Children's Services Act**

3. (1) Section 31 of the *Children's Services Act 1986* is repealed.

(2) Section 34 of the *Children's Services Act 1986* is amended by omitting from subsection (2) "31 (b)" and substituting "352 (2) (b) of the Crimes Act, 1900 of the State of New South Wales in its application to the Territory".

**Dangerous Goods Act 1975 (NSW)**

4. Section 43 of the Dangerous Goods Act, 1975 of the State of New South Wales in its application in the Territory is repealed and the following section substituted:

**Search powers**

"43. (1) Where a police officer suspects on reasonable grounds that a person is carrying on his or her person an explosive in contravention of this Act or the regulations, the officer may detain and search the person.

"(2) Where a police officer suspects on reasonable grounds that an explosive is being carried in or on a vehicle or vessel in contravention of this Act or the regulations, the officer may stop and search the vehicle or vessel.

"(3) A female shall not be searched under this section except by a female."

**Enclosed Lands Protection Act**

5. Section 6 of the *Enclosed Lands Protection Act 1943* is repealed and the following section substituted:

**Requirement to furnish name etc.**

"6. (1) If the owner, occupier, or person in charge of enclosed lands believes on reasonable grounds that another person is committing an offence against this Act, he or she may require that other person to give his or her full name and residential address.

"(2) A person shall not refuse or fail to comply with a requirement under subsection (1).

Penalty: \$20."

**Fishing Act**

6. Section 24 of the *Fishing Act 1967* is amended by omitting subsection (4).

### **Gaming and Betting Act 1906 (NSW)**

7. Section 12 of the Gaming and Betting Act, 1906 of the State of New South Wales in its application in the Territory is amended by omitting all the words from and including “If” to and including “Magistrates Court.” and substituting—

“A person shall not be in or on, or enter or leave—

- (a) a house, office, room or place; or
- (b) any land or building used as a means of access to, or exit or escape from, a house, office, room or place;

if, in respect of that house, office, room or place—

- (c) a declaration under section 8 is in force; and
- (d) a notice has been published pursuant to paragraph 11 (1) (a).”.

### **Hawkers Act**

8. Section 14 of the *Hawkers Act 1936* is repealed.

### **Motor Traffic Act**

9. Section 203 of the *Motor Traffic Act 1936* is repealed and the following section substituted:

#### **Name and address to be given**

“203. A person who, when required by a police officer or inspector in the execution of his or her duty under this Act to state his or her full name or residential address—

- (a) refuses to do so; or
- (b) states a false name or residential address;

is guilty of an offence.”.

### **Motor Traffic (Alcohol and Drugs) Act**

10. (1) Section 18 of the *Motor Traffic (Alcohol and Drugs) Act 1977* is amended by omitting from subsection (3) all the words from and including “Subject” to and including “person” (second occurring) and substituting “A person who is taken into custody in relation to an offence against this Act shall not be held”.

(2) Section 45 of the *Motor Traffic (Alcohol and Drugs) Act 1977* is amended—

- (a) by omitting subsection (1); and

- (b) by omitting from subsection (2) “A” and substituting “Notwithstanding subsection 352 (2) of the Crimes Act, 1900 of the State of New South Wales in its application to the Territory, a”.

**Public Parks Act**

11. Section 9 of the *Public Parks Act 1928* is amended by omitting subsection (3).

**Traffic Act**

12. Section 36 of the *Traffic Act 1937* is repealed.

**Trespass on Territory Land Act**

13. Section 9 of the *Trespass on Territory Land Act 1932* is amended by omitting subsection (3).

*[Presentation speech made in Assembly on 28 September 1989.]*