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Summary Offences Act 1981

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Justice.

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An Act to reform and restate the law relating to summary offences, and to replace the Police Offences Act 1927 and its amendments

1 Short Title and commencement

(1) This Act may be cited as the Summary Offences Act 1981.

(2) Except as provided in section 49(2), this Act shall come into force on 1 February 1982.

2 Interpretation

(1) In this Act, unless the context otherwise requires,—

assault means the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other person to believe on reasonable grounds that he has, present ability to effect his purpose; and **to assault** has a corresponding meaning

authorised officer has the meaning given in section 4 of the Policing Act 2008

claim of right has the same meaning as it has in section 2(1) of the Crimes Act 1961

constable has the meaning given in section 4 of the Policing Act 2008

crime involving dishonesty has the meaning given to it in section 2(1) of the Crimes Act 1961

intoxicating liquor means alcohol within the meaning of section 5(1) of the Sale and Supply of Alcohol Act 2012

is liable means is liable on conviction

medical practitioner means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by section 114(1)(a) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine.

newspaper means any paper containing public news or observations on public news which is printed for sale or distribution and is published in New Zealand periodically at intervals not exceeding 40 days; but does not include any paper containing only matter wholly of a commercial nature

offence involving violence means an offence against any of the provisions listed in Schedule 3

Police dog has the meaning given in section 4 of the Policing Act 2008

Police dog handler has the meaning given in section 4 of the Policing Act 2008

prison officer means an officer within the meaning of section 3(1) of the Corrections Act 2004; and includes a security officer within the meaning of that section

public place means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

serious drug offence means an offence against any of the provisions listed in Schedule 4

shop means a building, place, or part of a building or place, where goods are sold by retail, or kept or offered for sale by retail; and—

(a) includes—

(i) an auction mart; and

(ii) a barrow, stall, or other subdivision of a market; but

(b) does not include a building, place, or part of a building or place, where the only business carried on is that of selling goods to people who are dealers, and buy the goods to sell them again

spraycan means a container (made of any material or materials) that—

(a) contains paint, dye, ink, or some other pigment; and

(b) is so designed that the pigment it contains can be propelled from it (whether by a compressed or liquefied gas, or by mechanical means)

traffic officer means a traffic officer who is an officer of the Ministry of Transport or of a local authority; and includes any other person whose appointment as a traffic officer has been approved by the Minister of Transport.

(2) Without limiting the definition of the term public place in subsection (1), for the purposes of this Act, a person is in a **public place** if he is in any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle, which is in a public place.

(3) When it is provided in this Act that any person is liable to any punishment for doing or omitting to do any act, every person doing or omitting to do that act is, subject to the provisions of this Act, guilty of an offence.

Compare: 1927 No 35 ss 2, 40; 1954 No 51 s 2; 1955 No 21 s 2; 1955 No 85 s 6; 1955 No 98 s 2; 1961 No 43 s 2; 1962 No 135 s 2; 1978 No 34 s 2; 1979 No 59 s 8(3)

Section 2(1) **authorised officer**: inserted, on 1 October 2008, by section 127(1) of the Policing Act 2008 (2008 No 72).

Section 2(1) **claim of right**: inserted, on 1 October 2003, by section 34 of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **colour of right**: repealed, on 1 October 2003, by section 34 of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **constable**: substituted, on 1 October 2008, by section 127(2) of the Policing Act 2008 (2008 No 72).

Section 2(1) **crime**: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **crime involving dishonesty**: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **crime involving violence**: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **intoxicating liquor**: replaced, on 18 December 2013, by section 4 of the Summary Offences (Alcohol Reform) Amendment Act 2012 (2012 No 122).

Section 2(1) **is liable**: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **medical practitioner**: inserted, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2(1) **offence involving violence**: inserted, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2(1) **Police dog**: inserted, on 1 October 2008, by section 127(1) of the Policing Act 2008 (2008 No 72).

Section 2(1) **Police dog handler**: inserted, on 1 October 2008, by section 127(1) of the Policing Act 2008 (2008 No 72).

Section 2(1) **prison officer**: substituted, on 1 March 1995, by section 28(1) of the Penal Institutions Amendment Act 1994 (1994 No 120).

Section 2(1) **prison officer**: amended, on 1 June 2005, by section 206 of the Corrections Act 2004 (2004 No 50).

Section 2(1) **serious drug offence**: inserted, on 1 January 1998, by section 2 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 2(1) **shop**: inserted, on 25 September 2008, by section 6(2) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

Section 2(1) **spraycan**: inserted, on 26 June 2008, by section 5(2) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

Section 2(1) **unlawful weapon**: repealed, on 7 May 1999, by section 2(2) of the Summary Offences Amendment Act 1999 (1999 No 48).

Offences against public order

3 Disorderly behaviour

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, in or within view of any public place, behaves, or incites or encourages any person to behave, in a riotous, offensive, threatening, insulting, or disorderly manner that is likely in the circumstances to cause violence against persons or property to start or continue.

Compare: 1927 No 35 ss 3D, 34; 1957 No 87 s 213; 1960 No 119 s 2(1); 1967 No 154 s 2(1)

Section 3: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

4 Offensive behaviour or language

(1) Every person is liable to a fine not exceeding $1,000 who,—

(a) in or within view of any public place, behaves in an offensive or disorderly manner; or

(b) in any public place, addresses any words to any person intending to threaten, alarm, insult, or offend that person; or

(c) in or within hearing of a public place,—

(i) uses any threatening or insulting words and is reckless whether any person is alarmed or insulted by those words; or

(ii) addresses any indecent or obscene words to any person.

(2) Every person is liable to a fine not exceeding $500 who, in or within hearing of any public place, uses any indecent or obscene words.

(3) In determining for the purposes of a prosecution under this section whether any words were indecent or obscene, the court shall have regard to all the circumstances pertaining at the material time, including whether the defendant had reasonable grounds for believing that the person to whom the words were addressed, or any person by whom they might be overheard, would not be offended.

(4) It is a defence in a prosecution under subsection (2) if the defendant proves that he had reasonable grounds for believing that his words would not be overheard.

(5) Nothing in this section shall apply with respect to any publication within the meaning of the Films, Videos, and Publications Classification Act 1993, whether the publication is objectionable within the meaning of that Act or not.

Compare: 1927 No 35 ss 3D, 48; 1954 No 50 s 40(1); 1967 No 154 s 2(1)

Section 4(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 4(2): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 4(5): added, on 1 October 1994, by section 150(1) of the Films, Videos, and Publications Classification Act 1993 (1993 No 94).

5 Disorderly behaviour on private premises

(1) Where 3 or more persons, each of whom has been convicted of a relevant offence within the previous 2 years, conduct themselves on any private premises in such a manner as to cause persons in the neighbourhood of those premises to fear on reasonable grounds that those 3 or more persons will commit or cause any other person to commit any relevant offence in that neighbourhood or elsewhere, each of those 3 or more persons is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000.

(2) In this section **relevant offence** means—

(a) any offence of, or of which an ingredient is,—

(i) assault; or

(ii) threatening or offensive or disorderly behaviour; or

(iii) possession of offensive weapons:

(b) an offence against section 86 (unlawful assembly) or section 87 (riot) of the Crimes Act 1961.

Compare: 1927 No 35 s 34A; 1976 No 157 s 2

Section 5(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

5A Disorderly assembly

(1) A disorderly assembly is an assembly of 3 or more persons who, in any public place, assemble in such a manner, or so conduct themselves when assembled, as to cause a person in the immediate vicinity of the assembly to fear on reasonable grounds that the persons so assembled—

(a) will use violence against persons or property; or

(b) will commit an offence against section 3—

in that vicinity.

(2) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000, who, being a participant in a disorderly assembly and having been warned by a constable to disperse or otherwise desist from such an assembly, without reasonable excuse,—

(a) continues to participate in the disorderly assembly; or

(b) having desisted from that disorderly assembly, participates in another disorderly assembly in circumstances in which it is reasonable to deem the warning to have applied to the new assembly as well as the original one.

(3) This section shall not apply to any group of persons who assemble in any public place for the purpose of demonstrating support for, or opposition to, or otherwise publicising, any point of view, cause, or campaign.

Section 5A: inserted, on 5 June 1989, by section 2 of the Summary Offences Amendment Act 1989 (1989 No 19).

Section 5A(2): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

6 Associating with convicted thieves

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who habitually associates with a convicted thief in circumstances from which it can reasonably be inferred that the association is likely to lead to the commission of a crime involving dishonesty by that person or any such thief.

(2) No charging document for an offence against this section may be filed unless the defendant has been warned by any constable on at least 3 separate occasions that his or her continued association with the convicted thief may lead to a charge being brought against him or her under this section.

(2A) To avoid any doubt, if a person who is a convicted thief habitually associates with another convicted thief in the circumstances specified in subsection (1), this section does not prevent one or both of those persons from being charged with an offence under this section.

(3) In this section **convicted thief** means a person who has been convicted on at least 3 separate occasions of a crime involving dishonesty.

Compare: 1927 No 35 s 49(d); 1967 No 154 s 2(1)

Section 6(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 6(2): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6(2A): inserted, on 1 January 1998, by section 3 of the Summary Offences Amendment Act 1997 (1997 No 97).

6A Associating with violent offenders

(1) Every person commits an offence against this section who habitually associates with a violent offender in circumstances from which it can reasonably be inferred that the association will lead to the commission of an offence involving violence by that person or any such offender.

(2) No charging document for an offence against this section may be filed unless—

(a) the defendant has been warned by any constable on at least 3 separate occasions that his or her continued association with the violent offender may lead to a charge being brought against him or her under this section; and

(b) every warning under paragraph (a) in respect of an association with a violent offender is given not more than 7 years after the date of that violent offender's last conviction for an offence involving violence.

(3) This section does not apply in respect of any habitual association between 2 persons in either of the following circumstances:

(a) where a protection order is in force under the Family Violence Act 2018, and that order is for the benefit of one of those 2 persons and applies against the other of those 2 persons:

(b) where—

(i) both persons are, or have been, in a family relationship (as defined by section 12 of that Act) with each other; and

(ii) the offences involving violence, the commission of which can reasonably be inferred from that association, are offences that will be committed by one of those persons against the other person, or by one of those persons against a third person who is in a family relationship (as so defined) with the other person.

(4) To avoid any doubt, if a person who is a violent offender habitually associates with another violent offender in the circumstances specified in subsection (1),

this section does not prevent one or both of those persons from being charged with an offence under this section.

(5) Every person who commits an offence against this section is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000.

(6) In this section **violent offender** means a person who has been convicted on at least 2 separate occasions of an offence involving violence.

Section 6A: inserted, on 1 January 1998, by section 4 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 6A(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6A(2)(b): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6A(3)(a): amended, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

Section 6A(3)(b)(i): amended, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

Section 6A(3)(b)(ii): amended, on 1 July 2019, by section 259(1) of the Family Violence Act 2018 (2018 No 46).

Section 6A(3)(b)(ii): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 6A(6): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

6B Associating with serious drug offenders

(1) Every person commits an offence against this section who habitually associates with a serious drug offender in circumstances from which it can reasonably be inferred that the association will lead to the commission of a serious drug offence by that person or any such offender.

(2) This section does not apply in respect of a serious drug offence against—

(a) section 6 of the Misuse of Drugs Act 1975 in relation to a Class C controlled drug specified or described in Part 1 of Schedule 3 of that Act (other than catha edulis plant or coca leaf); or

(b) section 9 of that Act in relation to a prohibited plant of the genus *Cannabis*,—

unless the serious drug offence involved dealing with a substantial amount of that drug or cultivation of that drug on a substantial scale, as the case may be.

(3) No charging document for an offence against this section may be filed unless—

(a) the defendant has been warned by any constable on at least 3 separate occasions that his or her continued association with the serious drug offender may lead to a charge being brought against him or her under this section; and

(b) every warning under paragraph (a) in respect of an association with a serious drug offender is given not more than 7 years after the date of that serious drug offender's last conviction for a serious drug offence.

(4) To avoid any doubt, if a person who is a serious drug offender habitually associates with another serious drug offender in the circumstances specified in subsection (1), this section does not prevent one or both of those persons from being charged with an offence under this section.

(5) Every person who commits an offence against this section is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000.

(6) In this section **serious drug offender** means a person who has been convicted on at least 2 separate occasions of a serious drug offence.

Section 6B: inserted, on 1 January 1998, by section 4 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 6B(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

6C Proof of habitual association

(1) In proceedings for an offence against section 6 or section 6A or section 6B, the prosecution may prove that the association was an habitual association by proving that,—

(a) on at least 3 separate occasions, a constable gave the defendant a warning that satisfies the requirements of—

(i) section 6(2), in the case of an offence against section 6; or

(ii) section 6A(2), in the case of an offence against section 6A; or

(iii) section 6B(3), in the case of an offence against section 6B; and

(b) all 3 warnings were given within a period of 2 years.

(2) Subsection (1) does not limit the manner in which the prosecution may prove that the association was an habitual association.

Section 6C: inserted, on 1 January 1998, by section 4 of the Summary Offences Amendment Act 1997 (1997 No 97).

7 Fighting in public place

Every person is liable to a fine not exceeding $1,000 who fights in a public place.

Compare: 1927 No 35 s 3B; 1960 No 7 s 2(1); 1967 No 154 s 2(1)

Section 7: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

8 Publishing document or thing explaining manufacture of explosives, etc

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, for the purposes of sale or distribution to the public, prints or publishes or makes any document or thing (not being a

document or thing of a technical, scientific, literary, or artistic character) that describes or depicts the method of manufacture of any explosive device or incendiary device or restricted weapon (within the meaning of section 2 of the Arms Act 1983), or any part of any such device or weapon.

(2) It is a defence in a prosecution under this section if the defendant proves that it was reasonable in all the circumstances to print or publish or make the description or depiction to which the prosecution relates.

Compare: 1927 No 35 s 34B; 1976 No 157 s 3

Section 8(1): amended, on 7 May 1999, by section 2(1) of the Summary Offences Amendment Act 1999 (1999 No 48).

Section 8(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Offences against persons or property

9 Common assault

Every person is liable to imprisonment for a term not exceeding 6 months or a fine not exceeding $4,000 who assaults any other person.

Compare: 1952 No 43 s 4(1); 1967 No 154 s 2(2); 1970 No 138 s 2(1)

Section 9: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

10 Assault on Police, prison, or traffic officer

[Repealed]

Section 10: repealed, on 8 August 2026, by section 34 of the Crimes Amendment Act 2026 (2026 No 50).

10A Ill-treatment or wilful neglect of child

[Repealed]

Section 10A: repealed, on 19 March 2012, by section 10(2) of the Crimes Amendment Act (No 3) 2011 (2011 No 79).

10B Leaving child without reasonable supervision and care

Every person is liable to a fine not exceeding $2,000 who, being a parent or guardian or a person for the time being having the care of a child under the age of 14 years, leaves that child, without making reasonable provision for the supervision and care of the child, for a time that is unreasonable or under conditions that are unreasonable having regard to all the circumstances.

Compare: 1974 No 72 s 9

Section 10B: inserted, on 1 November 1989, by section 453 of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

Section 10B: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

11 Wilful damage

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who intentionally—

(a) damages any property; or

(b) sets on fire any tree or other vegetation.

(2) For the purposes of subsection (1), a person does an act intentionally if he does it intentionally or recklessly, and without lawful justification or excuse or claim of right.

(3) The fact that the person charged had an interest in the property at the material time shall not prevent his act constituting an offence against this section if he did it with intent to defraud or to cause loss to any other person.

(4) For the purposes of subsection (3), where any property is subject to any mortgage or charge, each of the parties to the mortgage or charge shall be deemed to have an interest in the property.

Compare: 1927 No 35 s 6(1), (3)–(6); 1952 No 43 s 2; 1960 No 7 s 5; 1967 No 154 s 2(1)

Section 11(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 11(2): amended, on 1 October 2003, by section 34 of the Crimes Amendment Act 2003 (2003 No 39).

11A Graffiti vandalism, tagging, defacing, etc

A person is liable to a community-based sentence (within the meaning of section 4(1) of the Sentencing Act 2002) or a fine not exceeding $2,000, or to both, if he or she damages or defaces any building, structure, road, tree, property, or other thing by writing, drawing, painting, spraying, or etching on it, or otherwise marking it,—

(a) without lawful authority; and

(b) without the consent of the occupier or owner or other person in lawful control.

Section 11A: inserted, on 26 June 2008, by section 4(1) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

11B Possession of graffiti implements

A person is liable to a sentence of community work or a fine not exceeding $500, or to both, if without reasonable excuse he or she has in his or her possession a thing capable of being used to commit an offence against section 11A in circumstances in which it can reasonably be inferred that he or she intends to use it to commit such an offence.

Section 11B: inserted, on 26 June 2008, by section 4(1) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

12 Acts endangering safety

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, in any public place, without reasonable excuse and in circumstances likely to cause injury,—

(a) places or makes any obstruction; or

(b) digs and leaves any hole; or

(c) removes any protective structure or any warning sign or device.

Compare: 1927 No 35 ss 4(1)(p), 5(a), (b)

Section 12: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

13 Things endangering safety

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, having in his care or under his control in any public place any thing (whether animate or inanimate) that in the absence of precaution or care is likely to cause injury, with reckless disregard for the safety of others and without reasonable excuse does anything to or with, or leaves, that thing.

Compare: 1961 No 43 ss 156, 202

Section 13: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

13A Possession of knives

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, in any public place, without reasonable excuse, has any knife in his or her possession.

(2) On convicting any person of an offence against subsection (1), the court may order that the knife be forfeited to the Crown.

Section 13A: inserted, on 28 October 1986, by section 2 of the Summary Offences Amendment Act 1986 (1986 No 72).

Section 13A(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 13A(2): inserted, on 1 August 1987, by section 2 of the Summary Offences Amendment Act (No 2) 1987 (1987 No 171).

13B Possession of high-power laser pointers

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, in any public place, without reasonable excuse, has any high-power laser pointer in his or her possession.

(2) On convicting any person of an offence against subsection (1), the court may order that the high-power laser pointer be forfeited to the Crown.

(3) In this section, **high-power laser pointer** means a device that,—

(a) in the Director-General of Health's opinion, is of the kind commonly known as a laser pointer; and

(b) is battery operated; and

(c) is designed or intended to be operated while held in the hand; and

(d) produces a coherent beam of optical radiation of low divergence; and

(e) has a power output of greater than 1 milliwatt.

Section 13B: inserted, on 24 August 2014, by section 4 of the Summary Offences (Possession of High-power Laser Pointers) Amendment Act 2014 (2014 No 49).

14 Possession of burglary tools

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, without reasonable excuse, has in his possession any instrument capable of being used for burglary in circumstances that prima facie show an intention to use it for burglary.

Compare: 1952 No 35 s 52(1)(f); 1961 No 43 s 244(1)(a), (b)

Section 14: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Spraycans

Heading: inserted, on 26 June 2008, by section 5(1) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

14A Sale of spraycans to people under 18 prohibited

(1) A person who sells a spraycan to a person under the age of 18 years is liable to a fine not exceeding $1,500.

(2) In any proceedings for an offence against subsection (1) in respect of selling a spraycan to a person (the **buyer**), it is a defence if the defendant proves that—

(a) the defendant is—

(i) a Board (within the meaning of section 10(1) of the Education and Training Act 2020), or an employee of a Board; or

(ii) the governing body of a tertiary education provider (within the meaning of section 10(1) of the Education and Training Act 2020), or an employee of a tertiary education provider; and

(b) when the spraycan was sold, the buyer was enrolled at a school or institution managed by the Board or tertiary education provider; and

(c) the spraycan was sold to the buyer to enable him or her to undertake the work of his or her course at the school or institution, or to complete an assignment or project for the school or institution.

(3) In any proceedings for an offence against subsection (1) in respect of selling a spraycan to a person (the **buyer**), it is a defence if the defendant proves that,—

(a) before or at the time of the sale of the spraycan, there was produced to the defendant a document purporting to be an evidence of age document; and

(b) the defendant believed on reasonable grounds that the document—

(i) was in fact an evidence of age document; and

(ii) related to the buyer; and

(iii) indicated that the buyer was of or over the age of 18 years.

(4) For the purposes of subsection (3), **evidence of age document** means a document that—

(a) contains—

(i) a photograph of the person to whom it is issued; and

(ii) information enabling the person's age to be determined; and

(b) is—

(i) a New Zealand passport; or

(ii) an overseas passport; or

(iii) a driver licence issued under the Land Transport Act 1998; or

(iv) a document of the kind described in section 2A(2)(d) of the Sale of Liquor Act 1989.

Section 14A: inserted, on 26 June 2008, by section 5(1) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

Section 14A(2)(a)(i): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Section 14A(2)(a)(ii): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

14B Access to spraycans in shops to be restricted

(1) This subsection applies to a spraycan if—

(a) it is kept for sale in a part of a shop to which members of the public have access; and

(b) it is not—

(i) under the physical control of the occupier of the shop, or an agent or employee of the occupier; or

(ii) under the physical control of a potential buyer who is being directly supervised by the occupier of the shop, or an agent or employee of the occupier; and

(c) the shop is open to the public.

(2) The occupier of a shop must ensure that every spraycan in the shop to which subsection (1) applies is stored in such a way that members of the public

cannot obtain possession of it without the help of the occupier, or an agent or employee of the occupier.

(3) The occupier of a shop who fails or refuses to comply with subsection (2) is liable to a fine not exceeding $1,500.

Section 14B: inserted, on 25 September 2008, by section 6(1) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

Offences resembling forgery or fraud

15 Seeking donations by false pretence

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $1,000 who solicits, gathers, or collects alms, subscriptions, or contributions by means of any false pretence.

Compare: 1927 No 35 s 52(1)(c); 1954 No 50 s 40(1); 1967 No 154 s 2(1)

16 Acting as medium with intent to deceive

(1) Every person is liable to a fine not exceeding $1,000 who, acting for reward,—

(a) with intent to deceive, purports to act as a spiritualistic medium or to exercise any powers of telepathy or clairvoyance or other similar powers; or

(b) uses any fraudulent device in purporting to act as a spiritualistic medium or in purporting to exercise any such powers.

(2) For the purposes of this section, a person shall be deemed to act for reward if in respect of what he does any money is paid, or any valuable thing is given, whether to him or to any other person.

(3) Nothing in subsection (1) shall apply to anything done solely for the purpose of entertainment.

Compare: 1952 No 43 s 12(1A), (2), (3); 1960 No 7 s 10; 1967 No 154 s 2(2)

17 Publishing false notice of birth, marriage, civil union, or death

(1) Every person is liable to a fine not exceeding $500 who—

(a) sends or delivers or causes to be sent or delivered to the proprietor, printer, or publisher of any newspaper, for the purpose of publication in that newspaper, a notice of the birth of a child, or of the marriage or civil union of any persons, or of the death of any person, knowing the notice to be untrue; or

(b) being a printer or publisher of a newspaper, prints or publishes any such notice knowing it to be untrue.

(2) Every printer or publisher of a newspaper is liable to a fine not exceeding $100 who, on application in writing made to him by a person interested within 14 days after the publication in the newspaper of the notice of a birth, a marriage,

a civil union, or a death, refuses to furnish the person so applying with the name of the person who sent or delivered the notice for publication.

Compare: 1927 No 35 s 19(1), (2); 1967 No 154 s 2(1)

Section 17 heading: amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 17(1)(a): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

Section 17(2): amended, on 26 April 2005, by section 7 of the Relationships (Statutory References) Act 2005 (2005 No 3).

18 Imitation of court documents

(1) Every person is liable to a fine not exceeding $500 who sends or delivers or causes to be sent or delivered to any other person any document that is intended or is likely, by reason of its wording or appearance or in any other manner, to cause any person to believe, contrary to the fact, that—

(a) the document has been issued by or with the authority of a court or Judge or Justice or Community Magistrate, or an officer of a court; or

(b) the issue or delivery of the document has any legal effect or operation as a step or process in or preliminary to any civil or criminal proceedings.

(2) Every person is liable to a fine not exceeding $500 who prints or sells or offers for sale any printed form of document intended to be filled up and used as a document the delivery of which to any person would constitute an offence against subsection (1).

(3) It is no defence in a prosecution under this section that—

(a) the person who received the document was not actually deceived by it; or

(b) the document does not purport to be any summons, notice, or other document—

(i) that any actual court or Judge or Justice or Community Magistrate, or any officer of a court, has authority to issue; or

(ii) the issue of which has any legal effect or operation of a kind referred to in subsection (1).

Compare: 1927 No 35 s 20(1)–(3); 1967 No 154 s 2(1)

Section 18(1)(a): amended, on 30 June 1998, by section 2 of the Summary Offences Amendment Act 1998 (1998 No 80).

Section 18(3)(b)(i): amended, on 30 June 1998, by section 2 of the Summary Offences Amendment Act 1998 (1998 No 80).

19 Imitation of official documents

(1) Every person is liable to a fine not exceeding $500 who issues or distributes or publicly exhibits or causes to be issued or distributed or publicly exhibited any document that is intended or is likely, by reason of its wording or appearance or in any other manner, to cause any person to believe, contrary to the fact, that—

(a) the document is an official document; or

(b) the document is or contains a copy of or an extract from an official document; or

(c) the document sets forth the substance of an official document.

(2) In this section **official document** means a document issued by or with the authority of—

(a) the Sovereign; or

(b) the Governor-General; or

(c) the Executive Council; or

(d) any Minister or officer in the service of the Crown in his capacity as such; or

(e) any local or public authority; or

(f) any member or officer of any local or public authority in his capacity as such.

Compare: 1927 No 35 s 21; 1967 No 154 s 2(1)

Section 19(2)(a): editorial change made by the PCO, on 1 August 2024, under sections 86(1) and 87(a) of the Legislation Act 2019 (2019 No 58).

20 False claim of qualifications

(1) Every person is liable to a fine not exceeding $500 who, in connection with his business, trade, calling, or profession, publicly uses any written words, initials, or abbreviation of words intended or likely to cause any person to believe, contrary to the fact, that—

(a) he holds a degree, diploma, or certificate granted or issued by any university or other institution, society, or association, whether in New Zealand or elsewhere; or

(b) he is a member, associate, or fellow of any such institution, society, or association.

(2) In a prosecution under this section the burden of proving that the defendant holds such degree, diploma, or certificate, or is a member, associate, or fellow of any such institution, society, or association, shall be on the defendant.

(3) It is no defence in a prosecution under this section that the words, initials, or abbreviation so used by the defendant do not refer or profess to refer, or were not understood by any person to refer, to any particular or actual university, institution, society, or association.

(4) For the purposes of this section, the use of the word “doctor” by a medical practitioner shall not in itself be deemed to indicate or to be likely to cause other persons to believe that the medical practitioner holds the degree of doctor in any university.

Compare: 1927 No 35 s 22(1)–(4); 1967 No 154 s 2(1)

Section 20(4): amended, on 18 September 2004, by section 175(1) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Relevant information

Heading: inserted, on 1 July 1983, by section 2 of the Summary Offences Amendment Act (No 2) 1982 (1982 No 159).

Heading: amended, on 27 November 2025, by section 17 of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

20A Unauthorised disclosure of certain relevant information

(1) Every person commits an offence and is liable to imprisonment for a term not exceeding 3 months or to a fine not exceeding $2,000 who knowingly communicates to any other person any relevant information as defined in section 78A(2) of the Crimes Act 1961 (not being relevant information that is publicly available) or delivers to any other person any object as defined in section 78A(2) of the Crimes Act 1961 knowing that he does not have proper authority to effect the communication or delivery and that the communication of that information or the delivery of that object is likely—

(a) to endanger the safety of any person:

(b) to prejudice the maintenance of confidential sources of information in relation to the prevention, investigation, or detection of offences; or

(c) to prejudice the effectiveness of operational plans for the prevention, investigation, or detection of offences or the maintenance of public order, either generally or in a particular case; or

(d) to prejudice the safeguarding of life or property in a disaster or emergency; or

(e) to prejudice the safe custody of offenders or of persons charged with offences; or

(f) to damage seriously the economy of New Zealand by disclosing prematurely decisions to change or continue Government economic or financial policies relating to—

(i) exchange rates or the control of overseas exchange transactions:

(ii) the regulation of banking or credit:

(iii) taxation:

(iv) the stability, control, and adjustment of prices of goods and services, rents, and other costs, and rates of wages, salaries, and other incomes:

(v) the borrowing of money by the Government of New Zealand:

(vi) the entering into of overseas trade agreements.

(2) No charging document may be filed against any person for—

(a) an offence against this section; or

(b) the offence of conspiring to commit an offence against this section; or

(c) the offence of attempting to commit an offence against this section,—

except with the consent of the Attorney-General:

provided that a person alleged to have committed any offence mentioned in this subsection may be arrested, or a warrant for his arrest may be issued and executed, and any such person may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General to the filing of a charging document for the offence has not been obtained, but no further or other proceedings shall be taken until that consent has been obtained.

(3) The Attorney-General may, before deciding whether or not to give his consent under subsection (2), make such inquiries as he thinks fit.

Section 20A: inserted, on 1 July 1983, by section 2 of the Summary Offences Amendment Act (No 2) 1982 (1982 No 159).

Section 20A heading: amended, on 27 November 2025, by section 17 of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 20A(1): amended, on 27 November 2025, by section 17 of the Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71).

Section 20A(1)(a): substituted, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

Section 20A(1)(f): substituted, on 1 April 1987, by section 25(1) of the Official Information Amendment Act 1987 (1987 No 8).

Section 20A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 20A(2) proviso: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Intimidation, obstruction, and hindering Police

21 Intimidation

(1) Every person commits an offence who, with intent to frighten or intimidate any other person, or knowing that his or her conduct is likely to cause that other person reasonably to be frightened or intimidated,—

(a) threatens to injure that other person or any member of his or her family, or to damage any of that person's property; or

(b) follows that other person; or

(c) hides any property owned or used by that other person or deprives that person of, or hinders that person in the use of, that property; or

(d) watches or loiters near the house or other place, or the approach to the house or other place, where that other person lives, or works, or carries on business, or happens to be; or

(e) stops, confronts, or accosts that other person in any public place.

(2) Every person commits an offence who forcibly hinders or prevents any person from working at or exercising any lawful trade, business, or occupation.

(3) Every person who commits an offence against this section is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000.

Section 21: substituted, on 1 January 1998, by section 5 of the Summary Offences Amendment Act 1997 (1997 No 97).

22 Obstructing public way

(1) Every person is liable to a fine not exceeding $1,000 who, without reasonable excuse, obstructs any public way and, having been warned by a constable to desist,—

(a) continues with that obstruction; or

(b) does desist from that obstruction but subsequently obstructs that public way again, or some other public way in the same vicinity, in circumstances in which it is reasonable to deem the warning to have applied to the new obstruction as well as the original one.

(2) In this section—

obstructs, in relation to a public way, means unreasonably impedes normal passage along that way

public way means every road, street, path, mall, arcade, or other way over which the public has the right to pass and repass.

Compare: 1927 No 35 s 3(eee); 1958 No 87 s 2(1)

Section 22(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 22(1)(b): amended, on 23 November 1982, by section 2 of the Summary Offences Amendment Act 1982 (1982 No 102).

23 Resisting Police, prison, or traffic officer

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who resists or intentionally obstructs, or incites or encourages any other person to resist or obstruct,—

(a) any constable or any authorised officer, or any prison officer, or any traffic officer, acting in the execution of his duty; or

(b) any other person acting in aid of any such constable, authorised officer, prison officer, or traffic officer; or

(c) any Police dog working under the control of a Police dog handler.

Compare: 1927 No 35 s 77; 1965 No 7 s 7; 1974 No 134 s 2(2)

Section 23: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 23(a): amended, on 1 October 2008, by section 128(1) of the Policing Act 2008 (2008 No 72).

Section 23(b): amended, on 1 October 2008, by section 128(2) of the Policing Act 2008 (2008 No 72).

Section 23(c): added, on 1 October 2008, by section 128(3) of the Policing Act 2008 (2008 No 72).

24 False allegation or report to Police

Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who,—

(a) contrary to the fact and without a belief in the truth of the statement, makes or causes to be made to any Police employee any written or verbal statement alleging that an offence has been committed; or

(b) with the intention of causing wasteful deployment, or of diverting deployment, of Police personnel or resources, or being reckless as to that result,—

(i) makes a statement to any person that gives rise to serious apprehension for his own safety or the safety of any person or property, knowing that the statement is false; or

(ii) behaves in a manner that is likely to give rise to such apprehension, knowing that such apprehension would be groundless.

Compare: 1935 No 29 s 4; 1967 No 154 s 2(2)

Section 24: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 24(a): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

25 Advertising reward for stolen property

Every person is liable to a fine not exceeding $200 who—

(a) publicly advertises a reward for the return of any property that has been stolen or lost, and in the advertisement uses any words to the effect that no questions will be asked; or

(b) promises or offers in any public advertisement to refund to any other person who may have bought any property stolen or lost, or advanced any money by way of loan on the security of any such property, the money paid by that other person, or any other sum of money or reward for the return of the property; or

(c) prints or publishes any advertisement containing any such words, promise, or offer.

Compare: 1952 No 43 s 13; 1967 No 154 s 2(2)

Indecency

Heading: amended, on 28 June 2003, by section 50(1) of the Prostitution Reform Act 2003 (2003 No 28).

26 Soliciting

[Repealed]

Section 26: repealed, on 28 June 2003, by section 48(1)(b) of the Prostitution Reform Act 2003 (2003 No 28).

27 Indecent exposure

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who, in or within view of any public place, intentionally and obscenely exposes any part of his or her genitals.

(2) It is a defence in a prosecution under this section if the defendant proves that he or she had reasonable grounds for believing that he or she would not be observed.

Compare: 1927 No 35 s 47; 1967 No 154 s 2(1)

Section 27(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Loitering and trespass

28 Being found in public place preparing to commit offence

(1) Every person commits an offence who is found in any public place behaving in a manner from which it can reasonably be inferred that he is preparing to commit an imprisonable offence.

(2) Every person who commits an offence against this section is liable—

(a) to a fine not exceeding $2,000; or

(b) for a second or subsequent offence within a period of 12 months, to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000.

(3) In determining for the purposes of a prosecution under this section whether it can reasonably be inferred from anything proved to have been done by the defendant at the material time that he was preparing to commit an imprisonable offence, the court may have regard to his previous convictions of a similar nature (if any), and for that purpose evidence of any such conviction shall be admissible accordingly.

Compare: 1927 No 35 ss 52(i), (j), 81; 1954 No 50 s 40(1); 1967 No 154 s 2(1)

Section 28 heading: amended, on 1 July 2013, by section 4(1) of the Summary Offences Amendment Act 2013 (2013 No 33).

Section 28(1): amended, on 1 July 2013, by section 4(2) of the Summary Offences Amendment Act 2013 (2013 No 33).

Section 28(2)(a): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 28(2)(b): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 28(3): amended, on 1 July 2013, by section 4(3) of the Summary Offences Amendment Act 2013 (2013 No 33).

29 Being found on property, etc, without reasonable excuse

(1) Every person is liable to imprisonment for a term not exceeding 3 months or a fine not exceeding $2,000 who is found without reasonable excuse—

(a) in or on any building; or

(b) in any enclosed yard or other such area; or

(c) in or on board any aircraft, hovercraft, or ship or ferry or other vessel, train, or vehicle.

(2) It is not necessary in a prosecution under this section for the prosecutor to prove that the defendant had an intention to commit any other offence, but it is a defence if the defendant satisfies the court that he had no such intention.

(3) If any constable finds a person in any place referred to in subsection (1), without reasonable excuse but in circumstances that do not cause the constable to suspect an intention to commit any other offence, the constable may, instead of arresting him for an offence against subsection (1), warn that person to leave that place and, if the person refuses or fails to do so, he is liable to a fine not exceeding $500.

Compare: 1927 No 35 ss 52(1)(i), 54; 1954 No 50 s 40(1); 1967 No 154 s 2(1)

Section 29(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 29(3): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

30 Peeping or peering into dwellinghouse

(1) Every person is liable to a fine not exceeding $500 who is found by night without reasonable excuse—

(a) peeping or peering into a dwellinghouse; or

(b) loitering on any land on which a dwellinghouse is situated.

(2) In this section the term **night** means the period commencing on the expiration of the first hour after sunset and ending at the beginning of the last hour before sunrise.

Compare: 1927 No 35 ss 52A, 53; 1960 No 7 s 7

31 Trespass on a ship

Every person is liable to a fine not exceeding $500 who (not being a member of the crew or a passenger or a person duly authorised by law to be on board), having been warned by the master or an officer of any ship or by any constable to leave the ship,—

(a) refuses or fails to do so; or

(b) leaves the ship, but returns or persists in attempting to return on board.

Compare: 1950 No 95 s 2(1), (3); 1967 No 154 s 2(2)

Offences resembling nuisance

32 Excreting in public place

(1) Every person is liable to a fine not exceeding $200 who urinates or defecates in any public place other than a public lavatory.

(2) It is a defence in a prosecution under this section if the defendant proves that he had reasonable grounds for believing that he would not be observed.

Compare: 1927 No 35 s 3(o); 1967 No 154 s 2(1)

Section 32(1): amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

33 Billsticking

Every person is liable to a fine not exceeding $200 who, without the consent of the owner or occupier,—

(a) affixes any placard, banner, poster, or other material bearing any writing or pictorial representation to any structure, or to or from any tree; or

(b) *[Repealed]*

Compare: 1927 No 35 s 3(y); 1967 No 154 s 2(1)

Section 33 heading: amended, on 26 June 2008, by section 4(2)(a) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

Section 33: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

Section 33(b): repealed, on 26 June 2008, by section 4(2)(b) of the Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43).

34 Throwing stones

Every person is liable to a fine not exceeding $200 who throws or discharges any stone or other object in a manner that is likely to cause injury or damage.

Compare: 1927 No 35 s 3(z); 1967 No 154 s 2(1)

Section 34: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

35 Setting off or throwing fireworks

Every person is liable to a fine not exceeding $200 who,—

(a) in any public place, sets off or throws any firework or explosive material in such a manner as to be likely to cause injury to, or to alarm, any person; or

(b) in any place other than a public place, sets off or throws any firework or explosive material in such a manner as to be likely to cause injury to, or to alarm, any person in a public place.

Compare: 1927 No 35 s 3(cc); 1967 No 154 s 2(1)

Section 35: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

36 Lighting fires

Every person is liable to a fine not exceeding $200 who, without reasonable excuse, sets fire to any material or substance near any structure or vegetation (of which he is neither the owner nor occupier) in such a manner as to be likely to cause damage to the structure or vegetation.

Compare: 1927 No 35 s 3(e); 1967 No 154 s 2(1)

Section 36: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

37 Disturbing meetings

Every person is liable to a fine not exceeding $200 who, in any public place, unreasonably disrupts any meeting, congregation, or audience.

Compare: 1927 No 35 ss 3(dd), 3C; 1960 No 7 s 3(1); 1967 No 154 s 2(1)

Section 37: amended, on 1 January 1998, by section 7 of the Summary Offences Amendment Act 1997 (1997 No 97).

38 Drinking in public place

(1) Every person is liable to a fine not exceeding $300 who, in or on any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle that is carrying passengers for reward,—

(a) drinks any intoxicating liquor; or

(b) supplies or offers any intoxicating liquor to any other person for consumption there; or

(c) has in his possession or under his control any intoxicating liquor for consumption there.

(2) For the purposes of subsection (1), if any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carries any passengers while under charter it shall be deemed to be carrying those passengers for reward.

(3) Without limiting subsection (1), every person under the age of 18 years commits an offence and is liable to a fine not exceeding $300 who, in any public place (or in a vehicle in any public place) and while not accompanied by his or her parent or legal guardian,—

(a) drinks any intoxicating liquor; or

(b) has in his possession or under his control any intoxicating liquor for consumption there.

(4) This section does not apply in respect of any licensed premises under the Sale of Liquor Act 1989.

Compare: 1927 No 35 s 3E; 1960 No 119 s 3(1); 1962 No 149 s 300; 1967 No 154 s 2(1); 1968 No 40 s 2(3)

Section 38(1): amended, on 12 March 1987, by section 2 of the Summary Offences Amendment Act 1987 (1987 No 2).

Section 38(3): amended, on 18 December 2013, by section 5 of the Summary Offences (Alcohol Reform) Amendment Act 2012 (2012 No 122).

Section 38(3): amended, on 1 December 1999, by section 119 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 38(3): amended, on 12 March 1987, by section 2 of the Summary Offences Amendment Act 1987 (1987 No 2).

Section 38(4): substituted, on 1 April 1990, by section 230(1) of the Sale of Liquor Act 1989 (1989 No 63).

Infringement offences

Heading: inserted, on 1 September 1999, by section 126 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

38A Infringement offences

In section 38B to 38E,—

infringement fee, in relation to an infringement offence, means $200

infringement offence means an offence under section 38(3).

Section 38A: inserted, on 1 September 1999, by section 126 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

38B Commission of infringement offence

(1) Where any person is alleged to have committed an infringement offence, that person may either—

(a) be proceeded against by filing a charging document under section 14 of the Criminal Procedure Act 2011; or

(b) be served with an infringement notice under section 38C.

(2) No person arrested under section 39 may be served with an infringement notice under section 38C.

Section 38B: inserted, on 1 September 1999, by section 126 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 38B(1)(a): replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

38C Infringement notices

(1) Where a constable observes a person committing an infringement offence, or has reasonable cause to believe such an offence is being or has been committed by that person, an infringement notice in respect of that offence may be served on that person.

(2) Any constable (not necessarily the constable who issued the notice) may deliver the infringement notice (or a copy of it) to the person alleged to have committed an infringement offence personally or by post addressed to that

person's last known place of residence; and, in that case, it (or the copy) is to be treated as having been served on that person when it was posted.

(3) Every infringement notice must be in the prescribed form and must contain the following particulars:

(a) such details of the alleged infringement offence as are sufficient fairly to inform a person of the time, place, and nature of the alleged offence; and

(b) the amount of the infringement fee; and

(c) the address of the place at which the infringement fee may be paid; and

(d) the time within which the infringement fee must be paid; and

(e) a summary of the provisions of section 21(10) of the Summary Proceedings Act 1957; and

(f) a statement that the person served with the notice has a right to request a hearing; and

(g) a statement of what will happen if the person served with the notice neither pays the infringement fee nor requests a hearing; and

(h) such other particulars as are prescribed.

(4) Where an infringement notice has been issued under this section, proceedings in respect of the offence to which the notice relates may be commenced in accordance with section 21 of the Summary Proceedings Act 1957; and, in that case, the provisions of that section apply with all necessary modifications.

Section 38C: inserted, on 1 September 1999, by section 126 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 38C(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 38C(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 38C(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

38D Payment of infringement fees

All infringement fees paid in respect of infringement offences must be paid into a Crown Bank Account.

Section 38D: inserted, on 1 September 1999, by section 126 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 38D: amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

38E Regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations prescribing the form of infringement notices, and any other particulars to be contained in infringement notices.

(2) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 38E: inserted, on 1 September 1999, by section 126 of the Sale of Liquor Amendment Act 1999 (1999 No 92).

Section 38E(2): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Search, arrest, and jurisdiction

39 Arrest

(1) Any constable, and all persons whom he calls to his assistance, may arrest and take into custody without a warrant any person whom he has good cause to suspect of having committed an offence against any of the provisions of this Act except sections 17 to 20, 25, and 32 to 38.

(2) Any constable, and all persons whom he calls to his assistance, may arrest and take into custody without a warrant any person who, within his view, does any act that the constable reasonably believes constitutes an offence against any of sections 17 to 20, 25, and 32 to 38 and who fails to give his name and address on demand, or gives any such particulars that the constable reasonably believes to be false.

(3) Any person who, on or in any property of which he is the owner or occupier, finds any other person committing an offence against any of the provisions of sections 9 to 11, 29, and 30, is justified in arresting that other person without a warrant; but, if he does so, he shall as soon as practicable call a constable to his aid and deliver the arrested person into the constable's custody.

Compare: 1961 No 43 s 315(2)

Section 39(2): amended, on 12 March 1987, by section 3 of the Summary Offences Amendment Act 1987 (1987 No 2).

40 Jurisdiction

(1) Every offence against this Act shall be punishable on conviction by the District Court presided over by a Judge.

(2) Notwithstanding subsection (1), the District Court presided over by 2 or more Justices or 1 or more Community Magistrates shall have jurisdiction in respect of offences against sections 4, 7, 17 to 20, 22, 25, 26, and 30 to 38.

(3) *[Repealed]*

Compare: 1927 No 35 s 79; 1957 No 87 s 213; 1960 No 7 s 8

Section 40(1): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 40(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 40(2): amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 40(2): amended, on 30 June 1998, by section 3 of the Summary Offences Amendment Act 1998 (1998 No 80).

Section 40(3): repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

41 Charge alleging imitation of court documents

In any charge for an offence against section 18, it shall be sufficient to allege that the defendant sent, delivered, printed, sold, or offered for sale (as the case may require) a document in imitation of judicial process.

Compare: 1927 No 35 s 20(4)

Section 41 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 41: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

42 Charge alleging false claim of qualifications

No charging document for an offence against section 20 may be filed without the consent of the Attorney-General.

Section 42: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

43 No jury trial for offence of assault

[Repealed]

Section 43: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

44 Defendant may be convicted of lesser charge of disorderly behaviour

Where the commission of an offence against section 3 is not proved, but the evidence proves an offence against section 4, the defendant may be convicted of an offence against that latter section notwithstanding that the charge alleges an offence against section 3 only.

Section 44: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

44A Seizure and forfeiture of burglary instruments

If a person is found guilty of an offence against section 14, the court—

(a) may order the instrument or instruments concerned to be forfeited to the Crown, or disposed of as the court directs at the expense of the person convicted; and

(b) may also order the person to pay any reasonable costs incurred by the Commissioner of Police in holding the instrument or instruments.

Section 44A: inserted, on 18 December 2013, by section 6 of the Summary Offences (Alcohol Reform) Amendment Act 2012 (2012 No 122).

45 Seizure and forfeiture of alcohol

(1) A constable who believes on reasonable grounds that any intoxicating liquor is intended for consumption in contravention of section 38 may seize and remove it and the vessels containing it.

(2) On a person's being found guilty of an offence against section 38 in respect of any intoxicating liquor seized, the intoxicating liquor and the vessels containing it are forfeit to the Crown.

(3) Intoxicating liquor and the vessels containing it are forfeit to the Crown if—

(a) it is seized by the Police from a person under the age of 18 years who is issued with an infringement notice in respect of an offence against section 38(3) alleged to have been committed by the young person's drinking it, or having it in his or her possession or control, in a public place; and

(b) the infringement fee is later paid.

(4) If a person is acquitted of an offence against section 38, intoxicating liquor seized under that section in relation to the offence—

(a) may be collected from the relevant Police station within 28 days of the acquittal by or on behalf of the person or, if the person is under the age of 18 years, by his or her parent or guardian; and

(b) if not collected within that time, may be disposed of in any manner the Commissioner of Police directs.

Section 45: replaced, on 18 December 2013, by section 6 of the Summary Offences (Alcohol Reform) Amendment Act 2012 (2012 No 122).

45A Attachment order default

An employer who defaults in complying with an attachment order made in the High Court under rules of court against an employee of that employer is liable to a fine not exceeding $1,000.

Section 45A: inserted, on 1 February 2009, by section 11(2) of the Judicature (High Court Rules) Amendment Act 2008 (2008 No 90).

Amendments and repeals

46 Military Decorations and Distinctive Badges Act 1918 amended

Amendment(s) incorporated in the Act(s).

47 Machinery Act 1950 amended

[Repealed]

Section 47: repealed, on 6 June 1986, by section 10(c) of the Machinery Amendment Act 1986 (1986 No 15).

48 New sections inserted in Crimes Act 1961

Amendment(s) incorporated in the Act(s).

49 Alcoholism and Drug Addiction Act 1966 amended

(1) *Amendment(s) incorporated in the Act(s).*

(2) *[Repealed]*

Compare: 1927 No 35 ss 41, 42, 44; 1935 No 29 s 3; 1939 No 39 s 58(c); 1954 No 49 s 7(3); 1967 No 154 s 2(1); 1971 No 53 s 208(1)

Section 49(2): repealed, on 21 February 2018, by section 122(1) of the Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4).

50 Children and Young Persons Act 1974 amended

[Repealed]

Section 50: repealed, on 1 November 1989, pursuant to section 456(1) of the Children, Young Persons, and Their Families Act 1989 (1989 No 24).

51 Amendments and repeals

(1) The enactments specified in Schedule 1 are hereby amended in the manner indicated in that schedule.

(2) The enactments specified in Schedule 2 are hereby repealed.

(3) Where in any enactment the term **public place** is defined by reference to the meaning of that term in the Police Offences Act 1927 or in any specified provision or part of that Act, that term shall be deemed for the purposes of that enactment to have the meaning assigned to it by section 2 of this Act.

Schedule 1
Enactments consequentially amended

s 51(1)

Armed Forces Discipline Act 1971 (1971 No 53)

Amendment(s) incorporated in the Act(s).

Arms Act 1958 (1958 No 21) (RS Vol 1, p 155)

Amendment(s) incorporated in the Act(s).

Cinematograph Films Act 1976 (1976 No 168)

Amendment(s) incorporated in the Act(s).

Crimes Act 1961 (1961 No 43) (RS Vol 1, p 635)

Amendment(s) incorporated in the Act(s).

Government Railways Amendment Act 1968 (1968 No 40) (Reprinted 1973, Vol 2, p 1520)

Amendment(s) incorporated in the Act(s).

Hospitals Amendment Act 1970 (1970 No 12) (RS Vol 2, p 891)

Amendment(s) incorporated in the Act(s).

Impounding Act 1955 (1955 No 108) (1957 Reprint, Vol 6, p 309)

Amendment(s) incorporated in the Act(s).

Local Government Amendment Act 1979 (1979 No 59) (RS Vol 5, p 683)

Amendment(s) incorporated in the Act(s).

Massage Parlours Act 1978 (1978 No 13)

Amendment(s) incorporated in the Act(s).

Sale of Liquor Act 1962 (1962 No 129) (Reprinted 1975, Vol 4, p 2639)

Amendment(s) incorporated in the Act(s).

Sale of Liquor Amendment Act 1969 (1969 No 129) (Reprinted 1975, Vol 4, p 2933)

Amendment(s) incorporated in the Act(s).

Shops and Offices Act 1955 (1955 No 32)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1939 (1939 No 39) (Reprinted 1973, Vol 2, p 1635)

Amendment(s) incorporated in the Act(s).

Statutes Amendment Act 1948 (1948 No 77) (Reprinted 1973, Vol 2, p 1636)

Amendment(s) incorporated in the Act(s).

Schedule 2
Enactments consequentially repealed

s 51(2)

Police Offences Act 1927 (1927 No 35) (Reprinted 1973, Vol 2, p 1577)

Police Offences Amendment Act 1935 (1935 No 29) (Reprinted 1973, Vol 2, p 1634)

Police Offences Amendment Act 1950 (1950 No 95) (Reprinted 1973, Vol 2, p 1636)

Police Offences Amendment Act 1952 (1952 No 40) (Reprinted 1973, Vol 2, p 1637)

Police Offences Amendment Act (No 2) 1952 (1952 No 43) (Reprinted 1973, Vol 2, p 1637)

Police Offences Amendment Act 1954 (1954 No 79) (Reprinted 1978, Vol 2, p 1638)

Police Offences Amendment Act 1955 (1955 No 85) (Reprinted 1973, Vol 2, p 1638)

Police Offences Amendment Act 1956 (1956 No 57) (Reprinted 1973, Vol 2, p 1639)

Police Offences Amendment Act 1958 (1958 No 87) (Reprinted 1973, Vol 2, p 1639)

Police Offences Amendment Act 1960 (1960 No 7) (Reprinted 1973, Vol 2, p 1640)

Police Offences Amendment Act (No 2) 1960 (1960 No 119) (Reprinted 1973, Vol 2, p 1641)

Police Offences Amendment Act 1965 (1965 No 7) (Reprinted 1973, Vol 2, p 1641)

Police Offences Amendment Act 1967 (1967 No 154) (Reprinted 1973, Vol 2, p 1642)

Police Offences Amendment Act 1969 (1969 No 42) (Reprinted 1973, Vol 2, p 1644)

Police Offences Amendment Act 1970 (1970 No 138) (Reprinted 1973, Vol 2, p 1644)

Police Offences Amendment Act 1974 (1974 No 134)

Police Offences Amendment Act 1976 (1976 No 157)

Police Offences Amendment Act 1979 (1979 No 133)

Schedule 3
Offences involving violence

s 2(1)

Schedule 3: added, on 1 January 1998, by section 6 of the Summary Offences Amendment Act 1997 (1997 No 97).

Schedule 3 heading: amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 1
Offences in Crimes Act 1961

Provision of Crimes Act 1961	Subject matter
87	Riot
90	Riotous damage
128	Sexual violation
129	Attempt to commit sexual violation
167, 168	Murder
171	Manslaughter
171A	Manslaughter by strike to head or neck
173	Attempt to murder
188(1)	Wounding with intent to cause grievous bodily harm
188(2)	Wounding with intent to injure
188A	Wounding with intent by strike to head or neck
189(1)	Injuring with intent to cause grievous bodily harm
189(2)	Injuring with intent to injure, or with reckless disregard for the safety of others
189(3)	Injuring with intent to injure any first responder or front-line corrections worker
191(1)	Aggravated wounding
191(2)	Aggravated injury
192	Aggravated assault
193	Assault with intent to injure
198A	Using any firearm against law enforcement officer, etc
198B	Commission of crime with firearm
199	Acid throwing
202C	Assault with weapon
209	Kidnapping
234	Robbery
235	Aggravated robbery
236	Assault with intent to rob
267	Arson
269	Intentional damage

Schedule 3 Part 1: amended, on 8 August 2026, by section 40 of the Crimes Amendment Act 2026 (2026 No 50).

Schedule 3 Part 1: amended, on 1 October 2003, by section 34 of the Crimes Amendment Act 2003 (2003 No 39).

Part 2
Offences in Arms Act 1983

Provision of Arms Act 1983	Subject matter
54	Use or attempted use of firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive to resist or prevent arrest or commit offence
55	Carrying firearm, airgun, pistol, imitation firearm, restricted weapon, ammunition, or explosive with criminal intent

Schedule 4
Serious drug offences

s 2(1)

Schedule 4: added, on 1 January 1998, by section 6 of the Summary Offences Amendment Act 1997 (1997 No 97).

Provision of Misuse of Drugs Act 1975	Subject matter
6(1)	Dealing with controlled drugs
6(2A)	Conspiracy to deal with controlled drugs
9	Cultivation of prohibited plants
10	Aiding offences against corresponding law of another country
11	Theft, etc, of controlled drugs
12	Use of premises or vehicle

Crimes Amendment Act (No 3) 2011

Public Act	2011 No 79
Date of assent	19 September 2011
Commencement	see section 2

1 Title

This Act is the Crimes Amendment Act (No 3) 2011.

2 Commencement

This Act comes into force 6 months after the date on which it receives the Royal assent.

3 Principal Act amended

This Act amends the Crimes Act 1961.

Part 2
Amendments to other enactments and transitional provision

12 Transitional provision

(1) The amendments and repeals made by this Act do not apply to any offence committed or alleged to have been committed (in whole or in part) before the commencement of this Act and the principal Act as in force before the commencement of this Act continues to apply to any such offence.

(2) Section 414 of the principal Act has effect (with any necessary modifications) if the date on which the offence was committed cannot be established with sufficient certainty.

Notes

1 General

This is a consolidation of the Summary Offences Act 1981 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Crimes Amendment Act 2026 (2026 No 50): Part 2 subpart 2, section 40

Crimes (Countering Foreign Interference) Amendment Act 2025 (2025 No 71): section 17

Secondary Legislation Act 2021 (2021 No 7): section 3

Education and Training Act 2020 (2020 No 38): section 668

Family Violence Act 2018 (2018 No 46): section 259(1)

Substance Addiction (Compulsory Assessment and Treatment) Act 2017 (2017 No 4): section 122(1)

District Court Act 2016 (2016 No 49): section 261

Summary Offences (Possession of High-power Laser Pointers) Amendment Act 2014 (2014 No 49)

Summary Offences Amendment Act 2013 (2013 No 33)

Summary Offences (Alcohol Reform) Amendment Act 2012 (2012 No 122)

Criminal Procedure Act 2011 (2011 No 81): section 413

Crimes Amendment Act (No 3) 2011 (2011 No 79): section 10

Judicature (High Court Rules) Amendment Act 2008 (2008 No 90): section 11(2)

Policing Act 2008 (2008 No 72): sections 116(a)(ii), 127, 128, 130(1)

Summary Offences (Tagging and Graffiti Vandalism) Amendment Act 2008 (2008 No 43)

Relationships (Statutory References) Act 2005 (2005 No 3): section 7

Corrections Act 2004 (2004 No 50): section 206

Health Practitioners Competence Assurance Act 2003 (2003 No 48): section 175(1)

Crimes Amendment Act 2003 (2003 No 39): section 34

Prostitution Reform Act 2003 (2003 No 28): sections 48(1)(b), 50(1)

Sale of Liquor Amendment Act 1999 (1999 No 92): sections 119, 126

Summary Offences Amendment Act 1999 (1999 No 48)

Summary Offences Amendment Act 1998 (1998 No 80)

Summary Offences Amendment Act 1997 (1997 No 97)

Penal Institutions Amendment Act 1994 (1994 No 120): section 28(1)

Films, Videos, and Publications Classification Act 1993 (1993 No 94): section 150(1)

Sale of Liquor Act 1989 (1989 No 63): section 230(1)

Public Finance Act 1989 (1989 No 44): section 65R(3)

Children, Young Persons, and Their Families Act 1989 (1989 No 24): sections 453, 456(1)

Summary Offences Amendment Act 1989 (1989 No 19)

Summary Offences Amendment Act (No 2) 1987 (1987 No 171)

Official Information Amendment Act 1987 (1987 No 8): section 25(1)

Summary Offences Amendment Act 1987 (1987 No 2)

Summary Offences Amendment Act 1986 (1986 No 72)

Machinery Amendment Act 1986 (1986 No 15): section 10(c)

Summary Offences Amendment Act (No 2) 1982 (1982 No 159)

Summary Offences Amendment Act 1982 (1982 No 102)

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