

Commenced 9 March 2017

# Fact Sheet 4A: PUBLIC SAFETY ORDERS

Part 3 of the *Peace and Good Behaviour Act 1982*.

A public safety order (PSO) can be made against a person or a group of people whose presence at an event or within an area *poses a serious risk to public safety or security*.

## WHO CAN MAKE A PUBLIC SAFETY ORDER?

**Commissioned  
Police Officer**

Court: see Fact  
Sheet 4B

## WHAT IS THE TEST FOR A POLICE-ISSUED PUBLIC SAFETY ORDER?

A Commissioned Police Officer can make a PSO if satisfied that:

- the presence of the respondent at a place or an event poses a serious risk to public safety and security; and
- it is more appropriate for the Commissioned Police Officer to make a short order than having the Court make a longer order; and
- it is appropriate in the circumstances.

## WHAT ARE THE CONDITIONS OF THE ORDER?

The order can prohibit the respondent from doing or attempting to do the following:

- entering or remaining at a stated premises or in a stated area; or
- attending or remaining at a stated event; or
- doing a stated thing in a stated area.

## WHEN DOES THE POLICE OFFICER NEED COURT AUTHORISATION OF THE ORDER?

Court authorisation is required when seeking to:

- make a PSO against the same respondent in relation to the same premises, area or event more than 3 times in 6 months;
- make a PSO that begins immediately after the end of another PSO against the same respondent;
- make more than one PSO (of duration less than 72 hours) against the same respondent within a 7 day period.

**LENGTH OF THE ORDER:** 7 days or less (a longer PSO must be made by the Court – see Fact Sheet 4B).

## CONSEQUENCES OF THE ORDER

**What happens if the order is breached?**

A person commits an indictable offence if they knowingly contravene a PSO without reasonable excuse. The maximum penalty is 3 years imprisonment or 300 penalty units.

**What powers do the police have?**

Police can **stop the respondent from entering** a public safety place, **stop, detain and search vehicles** approaching in or leaving a public safety place, and **take any other steps** that a police officer considers are necessary.



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# Fact Sheet 4B: PUBLIC SAFETY ORDERS

Part 3 of the *Peace and Good Behaviour Act 1982*.

A public safety order (PSO) can be made against a person or a group of people whose presence at an event or within an area poses a serious risk to public safety or security.

## WHO CAN MAKE A PUBLIC SAFETY ORDER?

Police Officer: see  
Fact Sheet 4A

### Court:

A senior police officer can apply to a Magistrates Court for a PSO.

## WHAT IS THE TEST FOR A COURT-ISSUED PUBLIC SAFETY ORDER?

The Magistrate can make the PSO if satisfied that:

- the presence of the respondent at a place or an event poses a serious risk to public safety and security; and
- it is appropriate in the circumstances.

## WHAT ARE THE CONDITIONS OF THE ORDER?

The Court order can prohibit the respondent from doing or attempting to do the following:

- entering or remaining at a stated premises or a stated area; or
- attending or remaining at a stated event; or
- doing a stated thing in a stated area.

The Court can also make any other condition it considers necessary.

**LENGTH OF THE ORDER:** Up to 6 months.

## CONSEQUENCES OF THE ORDER

### What happens if the order is breached?

A person commits an indictable offence if they knowingly contravene a PSO without reasonable excuse. The maximum penalty is 3 years imprisonment or 300 penalty units.

### What powers do the police have?

Police can **stop the respondent from entering** a public safety place, **stop, detain and search vehicles** approaching in or leaving a public safety place, and **take any other steps** that a police officer considers are necessary.