

# INTRODUCTION COPY

## SUMMARY OFFENCES (RESTRICTION OF ASSOCIATION) AMENDMENT

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### EXPLANATORY NOTE

THIS Bill amends the Summary Offences Act 1981 by making it an offence for persons with a prior conviction for certain serious offences to associate with any person in a public place where that person also has a prior conviction of similar seriousness.

*Clause 1* relates to the Short Title.

*Clause 2* provides for new sections 6A and 6B of the principal Act.

The offence created by new section 6A requires that the person associating, without reasonable cause, in a public place with any person previously convicted of an offence carrying a sentence of seven or more years imprisonment has knowledge of that person's conviction.

The offence carries a maximum penalty of 6 months imprisonment or a \$5000 fine.

New section 6B enables persons to whom this amendment act applies to make application to the District Court for dispensation from its provisions. Such a dispensation will only be granted if it is in the public interest to do so, and will be deemed to be revoked if the applicant offends again.

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*Paul East*

**SUMMARY OFFENCES (RESTRICTION OF  
ASSOCIATION) AMENDMENT**

ANALYSIS

Title	
1. Short Title	6A. Restriction of Association of persons previously convicted of serious offences
2. New sections inserted	6B. Dispensation from restriction of association

**A BILL INTITULED**

**An act to amend the Summary Offences Act 1981 to prohibit the association in public places of persons previously convicted of certain serious offences.**

5 BE IN ENACTED by the Parliament of New Zealand as follows:

1. **Short Title**—This Act may be cited as the Summary Offences (Restriction of Association) Amendment Act 1988 and shall be read together with and deemed part of the Summary Offences Act 1981 (hereinafter referred to as the principal Act).

10 2. **New Sections inserted**—The Principal Act is hereby amended by inserting after Section 6, the following new sections:

15 “6A. **Restriction of Association of persons previously convicted of serious offences**—Every person is liable to imprisonment for a term not exceeding 6 months or a fine not exceeding \$5000 who, having been previously convicted of an offence carrying a maximum sentence of seven or more years imprisonment, associates without reasonable excuse in a public place with any person whom he or she knows to have been  
20 previously convicted of an offence carrying a maximum sentence of seven or more years of imprisonment.

2 *Summary Offences (Restriction of Association) Amendment*

**“6B. Dispensation from restriction of association—**

(1) Any person to whom section 6A of this Act applies may make application to a District Court Judge for dispensation from the restriction of association provisions contained in that section. 5

“(2) Before determining the application the District Court Judge shall cause a copy to be given to the Police, and shall give the Police an opportunity to be heard in respect of the application.

“(3) The only ground upon which such a dispensation may be granted is that the restriction is no longer necessary to protect the public as there is no longer reason to believe that the applicant will behave in an unlawful manner. 10

“(4) Any dispensation granted shall be deemed to be revoked if the applicant is subsequently convicted of any offence carrying a maximum of seven or more years imprisonment. 15”