



New South Wales

Summary Offences Amendment (Full-face Coverings Prohibition) Bill 2014

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The object of this Bill is to make it an offence (maximum penalty of \$550) for a person, without reasonable excuse, to wear a face covering while in a public place. A face covering is defined as any article of clothing or other thing (such as a helmet) that hides the face of a person in a way that conceals the person's identity. The Bill provides that a person's religious or cultural belief does not constitute a reasonable excuse for the purposes of the proposed offence. The prohibition does not extend to the wearing of face coverings in churches or other places of worship.

The Bill also makes it an offence (maximum penalty of \$1,100) to compel another person, by means of a threat, to commit the proposed offence of wearing a face covering in a public place.

Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on the date of assent to the proposed Act.

Schedule 1 amends the *Summary Offences Act 1988* for the purposes described in the above Overview.



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Summary Offences Amendment (Full-face Coverings Prohibition) Bill 2014

No. , 2014

A Bill for

An Act to prohibit people wearing full-face coverings in public places.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Summary Offences Amendment (Full-face Coverings Prohibition) Act 2014*.

2 Commencement

This Act commences on the date of assent to this Act.

Schedule 1 Amendment of Summary Offences Act 1988 No 25

Part 2, Division 2C

Insert after Division 2B:

Division 2C Wearing full-face coverings

11I Wearing full-face coverings in public places

- (1) A person must not, without reasonable excuse, wear a face covering while in a public place.
Maximum penalty: 5 penalty units.
- (2) A *face covering* is any article of clothing or other thing (such as a helmet) that hides a person's face in a way that conceals the identity of the person.
- (3) Without limitation, it is a reasonable excuse for the purposes of this section if the wearing of the face covering is reasonably necessary in all the circumstances for any of the following purposes:
 - (a) the lawful pursuit of the person's occupation,
 - (b) participation in a lawful entertainment, recreation or sport,
 - (c) such other purposes as may be prescribed by the regulations.
- (4) However, a religious or cultural belief does not constitute a reasonable excuse for the wearing of a face covering.
- (5) For the purposes of this section, a face covering can hide a person's face in a way that conceals the identity of the person even though part of the person's face can still be seen.
- (6) The onus of proof of reasonable excuse in proceedings for an offence under subsection (1) lies on the defendant.
- (7) A person who compels another person, by means of a threat that the other person could not reasonably be expected to resist, to commit an offence under subsection (1) is guilty of an offence.
Maximum penalty: 10 penalty units.
- (8) In this section:
public place does not include a church.
threat means:
 - (a) a threat of physical force, or
 - (b) intimidatory or coercive conduct, or other threat, that does not involve a threat of physical force.