



### Fact Sheet 14: Sleeping/Loitering in Public Places

#### Loitering

Loitering is not a crime in the ACT. However, you may commit a crime if you loiter for a particular reason or in a particular place. For example, trying to make someone afraid by loitering, or loitering in relation to prostitution, may constitute an offence.

#### Sleeping in public places

Sleeping in a public place is not a crime in the ACT. The police only have the power to move you on if they reasonably believe you recently have, are, or are likely to, engage in violent conduct or some similar situations.

#### Move on powers

Police may direct people to move on from a public place, if the person is, or is likely to be, violent, intimidating or engage in similar conduct.

#### Camping or caravans

There are some laws restricting where you can camp or keep a caravan in the ACT.

#### Public place offences

There are offences for doing certain things in a public place, such as fighting, drinking in certain areas, urinating, nudity and not moving on when a police officer says to.

#### 1. Is it illegal to sleep or loiter in a public place?

It is not illegal for you to sleep or loiter in a public place in the ACT. Police do not have the power to move you on if you are not committing an offence, or if the police officer does not reasonably believe you recently have, are, or are likely to engage in violent, intimidating, or other similar conduct.

#### 2. When is it illegal to loiter?

Loitering on at least 2 occasions with the intent to cause apprehension or fear, or to harass a person, constitutes stalking. The maximum penalty for this is 2 years imprisonment, or 5 years imprisonment if it contravenes a court order or you have an offensive weapon on you at the time.

It is illegal to loiter in a public place for the purposes of offering or obtaining commercial sexual services (i.e. **prostitution**). The maximum penalty for this is **\$3200**.

#### 3. When can the police ask you to move on?

The police can ask you to move on if you are in a public place, and police reasonably believe that you recently have, are, or are likely to:

- Engage in violent conduct,
- Damage property, or
- Engage in conduct that causes a reasonable person to fear for their safety.

Just because someone complains about you, this does not mean the police can tell you to move on.

#### 4. Camping and caravanning

However, in the ACT is it illegal to 'camp' or keep a caravan:

- In a lake area at night. The maximum fine for doing so is **\$4,800**.
- On unleased territory land (this basically means public places and roads in the ACT). The maximum fine for doing so is **\$3200**.

## 5. There are a number of public space offences for which you may be fined:

Examples of these are:

- Fighting in a public place. Maximum penalty **\$3200**.
- Behaving in a riotous, indecent, offensive or insulting manner near, or within the view or hearing of a person in a public place. Maximum penalty **\$3200**.
- Indecent exposure (eg nudity). Maximum penalty **\$3200**, imprisonment for **1 year** or both.
- Urinating in a public place (other than in a toilet). Maximum penalty **\$1600**.
- Not moving on, when you are directed to by a police officer (as outlined above). Maximum penalty **\$320**.
- Drinking alcohol, or having an open container of alcohol, in certain public places, such as bus stations, bus interchanges, within 50 metres of bus stations or interchanges, or alcohol free places. Maximum penalty **\$800**.