



New South Wales

# Crimes and Courts Legislation Amendment Bill 1999

## Explanatory note

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

## Overview of Bill

The objects of this Bill are:

- (a) to amend the *Summary Offences Act 1988* so as:
  - (i) to prohibit a person from operating a vehicle or vessel in a public place in such a manner as to harass or intimidate another person or in such a manner as would be likely to cause a person of reasonable firmness to fear for his or her personal safety, and
  - (ii) to make amendments concerning soliciting for the purpose of prostitution so as to create separate identical offences, one applying to prostitutes and the other to their prospective clients, and so as to remove any doubt that an offence is committed where the soliciting takes place from a motor vehicle, and

- (b) to amend the *Supreme Court Act 1970* so as remove the current restriction on the number of Judges who may be appointed as Judges of Appeal under that Act, and
- (c) to amend the *Young Offenders Act 1997* so as to require an investigating official to consider whether a child, who has allegedly committed an offence prescribed by the regulations, should be dealt with under the *Young Offenders Act 1997* before issuing a penalty notice to the child in respect of the offence.

## 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 a day or days to be appointed by proclamation, except for the amendment of the *Supreme Court Act 1970* which is to commence on the date of assent to the proposed Act.

**Clause 3** and **Schedule 1** give effect to the objects referred to in paragraph (a) of the Overview above.

**Clause 4** and **Schedule 2** give effect to the object referred to in paragraph (b) of the Overview above.

**Clause 5** and **Schedule 3** give effect to the object referred to in paragraph (c) of the Overview above.



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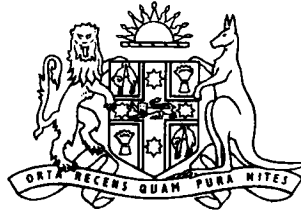
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New South Wales

# Crimes and Courts Legislation Amendment Bill 1999

No. , 1999

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## A Bill for

An Act to amend the *Summary Offences Act 1988* with respect to offences involving the intimidatory use of vehicles and vessels and offences involving prostitution, to amend the *Supreme Court Act 1970* so as to allow for the appointment of additional Judges of Appeal and to amend the *Young Offenders Act 1997* so as to allow that Act to be applied in certain circumstances as an alternative to the issuing of penalty notices; and for other purposes.

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<b>The Legislature of New South Wales enacts:</b>	1
<b>1 Name of Act</b>	2
This Act is the <i>Crimes and Courts Legislation Amendment Act 1999</i> .	3
<b>2 Commencement</b>	4
(1) This Act commences on a day or days to be appointed by proclamation, subject to subsection (2).	5 6
(2) Schedule 2 commences on the date of assent to this Act.	7
<b>3 Amendment of Summary Offences Act 1988 No 25</b>	8
The <i>Summary Offences Act 1988</i> is amended as set out in Schedule 1.	9
<b>4 Amendment of Supreme Court Act 1970 No 52</b>	10
The <i>Supreme Court Act 1970</i> is amended as set out in Schedule 2.	11
<b>5 Amendment of Young Offenders Act 1997 No 54</b>	12
The <i>Young Offenders Act 1997</i> is amended as set out in Schedule 3.	13

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<b>Schedule 1</b>	<b>Amendment of Summary Offences Act 1988</b>	1
		2
	(Section 3)	3
<b>[1] Part 2, Division 2B</b>		4
	Insert after Division 2A of Part 2:	5
<b>Division 2B</b>	<b>Intimidatory use of vehicles and vessels</b>	6
<b>11H</b>	<b>Intimidatory use of vehicles and vessels</b>	7
	(1) A person must not operate a vehicle or vessel in a public place:	8
	(a) in such a manner as to harass or intimidate another person, or	9
		10
	(b) in such a manner as would be likely to cause a person of reasonable firmness to fear for his or her personal safety.	11
		12
		13
	Maximum penalty: 6 penalty units.	14
	(2) No person of reasonable firmness need actually be, or be likely to be, present at the scene.	15
		16
	(3) A person is not liable to be convicted (in respect of the same act or omission) of both:	17
		18
	(a) an offence under this section, and	19
	(b) an offence under section 4AA of the <i>Traffic Act 1909</i> or section 43 of the <i>Road Transport (Safety and Traffic Management) Act 1999</i> .	20
		21
		22
	(4) In this section:	23
	<b>vehicle</b> includes:	24
	(a) anything on wheels, tracks or skis, other than a vehicle used on a railway, tramway or monorail, and	25
		26
	(b) anything else declared by the regulations to be a vehicle for the purposes of this section.	27
		28

*vessel* includes:

- (a) anything that is used, or is capable of being used, as a means of transportation on, under or immediately above water, and
- (b) anything else declared by the regulations to be a vessel for the purposes of this section.

**[2] Section 19 Soliciting clients by prostitutes**

Insert after section 19 (4):

(5) In this section:

- (a) a reference to a person who solicits another person for the purpose of prostitution is a reference to a person who does so as a prostitute, and
- (b) a reference to soliciting includes a reference to soliciting from a motor vehicle, whether moving or stationary.

**[3] Section 19A**

Insert after section 19:

**19A Soliciting prostitutes by clients**

- (1) A person in a road or road related area must not, near or within view from a dwelling, school, church or hospital, solicit another person for the purpose of prostitution.

Maximum penalty: 6 penalty units or imprisonment for 3 months.

- (2) A person must not, in a school, church or hospital, solicit another person for the purpose of prostitution.

Maximum penalty: 6 penalty units or imprisonment for 3 months.

- (3) A person must not, in or near, or within view from, a dwelling, school, church, hospital or public place, solicit another person, for the purpose of prostitution, in a manner that harasses or distresses the other person.

Maximum penalty: 8 penalty units or imprisonment for 3 months.

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|---|-------------|
| (4) The provisions of this section are in addition to, and do not derogate from, any other law (including section 4).   | 1<br>2      |
| (5) In this section:  | 3           |
| (a) a reference to a person who solicits another person for the purpose of prostitution is a reference to a person who does so as a prospective client of a prostitute, and | 4<br>5<br>6 |
| (b) a reference to soliciting includes a reference to soliciting from a motor vehicle, whether moving or stationary.  | 7<br>8      |



<b>Schedule 2 Amendment of Supreme Court Act 1970</b>	1
(Section 4)	2
<b>Section 42 Composition</b>	3
Omit section 42 (c). Insert instead:	4
(c) such other Judges as are appointed to be Judges of Appeal.	5
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<b>Schedule 3</b>	<b>Amendment of Young Offenders Act 1997</b>	1
	(Section 5)	2
	<b>Section 9 Procedures under scheme</b>	3
	Insert after section 9 (2):	4
	(2A) In the case of an offence prescribed by the regulations, an investigating official must also determine the matters referred to in subsection (2) (a) and (b) before issuing a penalty notice for the offence.	5 6 7 8