

Passed by both Houses



New South Wales

Crimes and Courts Legislation Amendment Bill 1999

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I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

*Clerk of the Legislative Assembly.
Legislative Assembly,
Sydney, , 1999*



New South Wales

Crimes and Courts Legislation Amendment Bill 1999

Act No , 1999

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.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

Chairman of Committees of the Legislative Assembly.

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes and Courts Legislation Amendment Act 1999*.

2 Commencement

(1) This Act commences on a day or days to be appointed by proclamation, subject to subsection (2).

(2) Schedule 2 commences on the date of assent to this Act.

3 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 1.

4 Amendment of Supreme Court Act 1970 No 52

The *Supreme Court Act 1970* is amended as set out in Schedule 2.

5 Amendment of Young Offenders Act 1997 No 54

The *Young Offenders Act 1997* is amended as set out in Schedule 3.

Schedule 1 Amendment of Summary Offences Act 1988

(Section 3)

[1] Part 2, Division 2B

Insert after Division 2A of Part 2:

Division 2B Intimidatory use of vehicles and vessels

11H Intimidatory use of vehicles and vessels

- (1) A person must not operate a motorised vehicle or motorised vessel in a public place:
 - (a) in such a manner as to harass or intimidate another person, or
 - (b) in such a manner as would be likely to cause a person of reasonable firmness to fear for his or her personal safety.

Maximum penalty: 6 penalty units.

- (2) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (3) A person is not liable to be convicted (in respect of the same act or omission) of both:
 - (a) an offence under this section, and
 - (b) an offence under section 4AA of the *Traffic Act 1909* or section 43 of the *Road Transport (Safety and Traffic Management) Act 1999*.
- (4) In this section:

vehicle includes:

 - (a) anything on wheels, tracks or skis, other than a vehicle used on a railway, tramway or monorail, and
 - (b) anything else declared by the regulations to be a vehicle for the purposes of this section.

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.

- (4) The provisions of this section are in addition to, and do not derogate from, any other law (including section 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 prospective client of a prostitute, and
 - (b) a reference to soliciting includes a reference to soliciting from a motor vehicle, whether moving or stationary.

Schedule 2 Amendment of Supreme Court Act 1970

(Section 4)

Section 42 Composition

Omit section 42 (c). Insert instead:

- (c) such other Judges as are appointed to be Judges of Appeal.

Schedule 3 Amendment of Young Offenders Act 1997

(Section 5)

Section 9 Procedures under scheme

Insert after section 9 (2):

- (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.