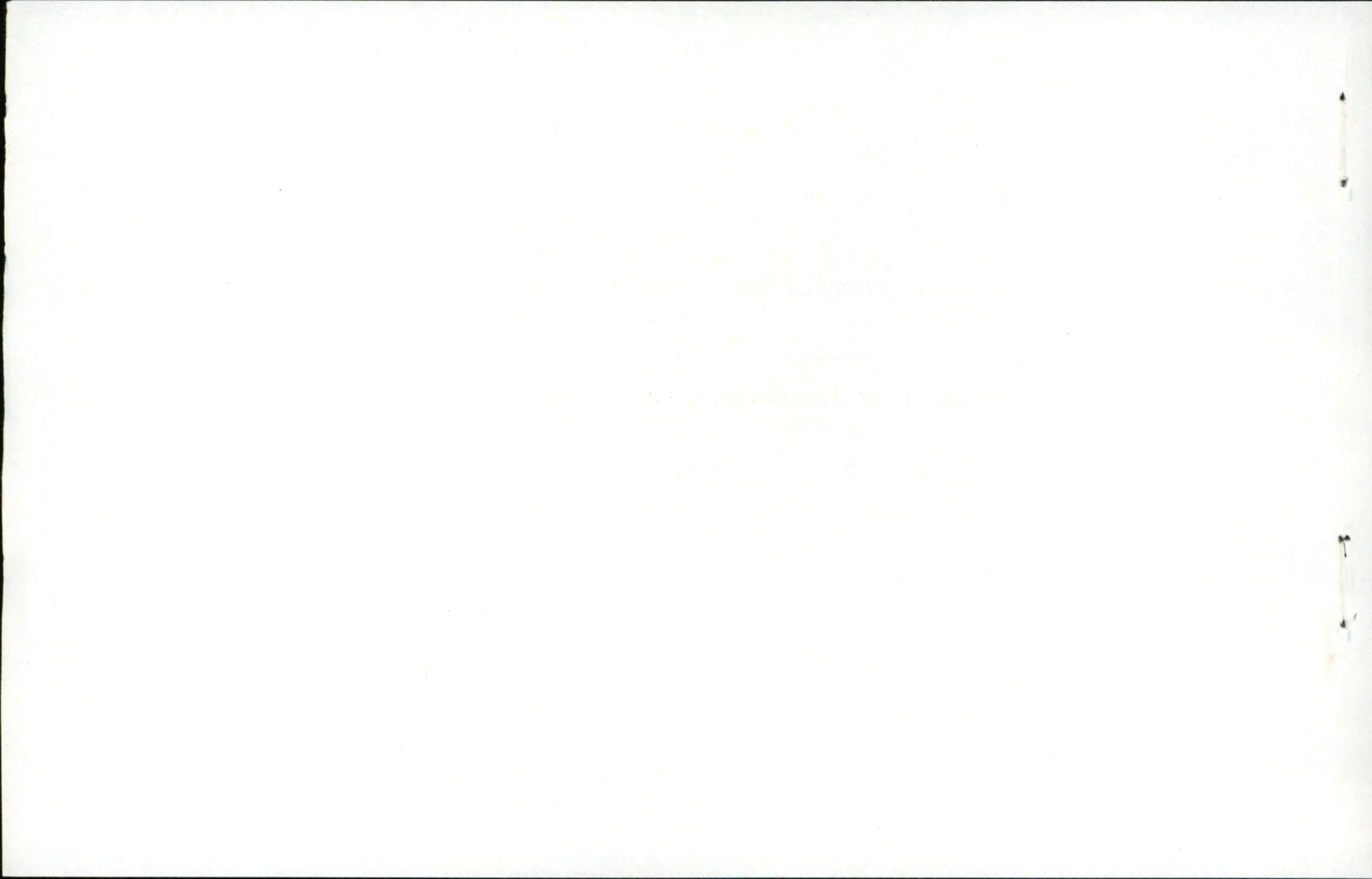


VAGRANCY, DISORDERLY HOUSES AND OTHER ACTS (AMENDMENT)
BILL.

*Schedule of Amendments referred to in Legislative Council's
Message of 10 October, 1968.*

No. 1.—Page 6, clause 2, line 2. *After* “suspect”, *insert* “, **and believes,**”.

No. 2.—Page 6, clause 2, line 32. *Omit* “there is reason to suspect”, *insert* “**the complainant has reason to suspect, and believes,**”.



This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 October, 1968.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

J. R. STEVENSON,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 10 October, 1968.*

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1968.

An Act to make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

Short title
and
citation.

51701 43—

(2)

NOTE.—The words to be *omitted* are *ruled through*; those to be *inserted* are printed in **black letter**.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902-1968.

2. The Vagrancy Act, 1902, as subsequently amended, Amendment of Act No. 74, 1902.
5 is amended—

(a) by inserting in section three next after the definition Sec. 3.
of "Justice" the following new definition :— (Interpre-

10 "Premises" includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

15 (b) (i) by omitting from paragraph (i) of subsection Sec. 4.
one of section four the words "being a known (Punishment of idle and disorderly persons.)
prostitute, solicits or importunes for immoral purposes" and by inserting in lieu thereof the words "for the purpose of prostitution, solicits
20 or accosts";

(ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

25 (k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

(iii) by omitting paragraph (o) of subsection two (Persons trading upon prostitution.)
of the same section and by inserting in lieu thereof the following paragraph :—

30 (o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- 5 (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- 10 (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- 15 (vi) by inserting at the end of the same subsection the following words :—
 For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.
- 20
- 25 (vii) by inserting next after subsection three of the same section the following new subsection :—
 (4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding five years.
- 30
- 35 (c) (i) by omitting from section 8B the words " , being the owner, occupier, or agent of any house, room, or place, or being a manager or assistant in the management thereof, induces or suffers any female whom he knows to be a common prostitute to be in that house, room, or place" and
- 40
- Sec. 8B.
 (Penalty on owner of premises and other persons for permitting prostitution therein.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- 5 and by inserting in lieu thereof the words
"knowingly suffers any premises of which he
is the owner or occupier, or any premises
which he manages or assists in managing, to
be used";
- 10 (ii) by omitting from the same section the words
"he shall be liable to a penalty not exceeding
two" and by inserting in lieu thereof the
words "or of soliciting for prostitution, he
shall, upon conviction before a stipendiary
magistrate, be liable for a first or second
offence to a penalty not exceeding four";
- 15 (iii) by inserting in the same section after the word
"imprisonment" where secondly occurring the
words "and for a third or subsequent offence to
imprisonment for a term not exceeding twelve
months";
- 20 (iv) by omitting from the same section the words
"a house, room, or other place has reasonable
grounds to suspect that the same is used in
contravention of this section" and by inserting
in lieu thereof the words "premises has reason-
able grounds to suspect that an occupier
thereof has contravened this section, or section
25 8BA or 8BB of this Act, in respect of those
premises";
- 30 (v) by omitting from the same section the words
"house, room, or place" where thirdly occur-
ring and by inserting in lieu thereof the word
"premises";
- 35 (vi) by omitting from the same section the words
"allowed the house, room, or place to be used
in contravention of this section" and by insert-
ing in lieu thereof the words "contravened this
section, or section 8BA or 8BB of this Act, as
the case may require, in respect of those
premises";

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :— New secs. 8BA, 8BB and 8BC.

5 8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment. Premises habitually used for prostitution or soliciting.

10 (2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

20 (3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

30 8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment. Prostitution or soliciting in massage rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

8BC. (1) Upon complaint made on oath that ^{Special} the complainant has reason to suspect, **and believes,** ^{warrant.} that section 8B, 8BA, or 8BB of this Act is being contravened with respect to specified premises, a stipendiary magistrate may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

(2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

(e) by inserting at the end of the Act the following ^{New} new Schedule :— ^{Schedule.}

SCHEDULE.

Sec. 8BC.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

To WIT

TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, a Stipendiary Magistrate, that ~~there is reason to suspect~~ **the complainant has reason to suspect, and believes,** that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as and situate at.....

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

10 Given under my hand and seal this
day of one thousand nine
hundred and at
in the said State.

Stipendiary Magistrate.

15 3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment of Act No. 6, 1943. Sec. 3. (Disorderly house— Declaration by Judge of Supreme Court.)

or

20 (e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

25 (2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment of Act No. 40, 1900. Sec. 91c. (Male living on earnings of prostitution.)

30 5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment of Act No. 46, 1918.

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;
(b) (Keepers of disorderly houses.)

Sec. 22. (Keepers of disorderly houses.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently
5 amended and as amended by this Act, may be cited as the
Venereal Diseases Act, 1918-1968.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[10c]

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 October, 1968.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, October, 1968.*

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1968.

An Act to make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

Short title
and
citation.

51701

43—

(2)

NOTE.—The words to be *omitted* are ruled through; those to be *inserted* are printed in **black letter**.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902-1968.

2. The Vagrancy Act, 1902, as subsequently amended, Amendment of Act No. 74, 1902. 5 is amended—

(a) by inserting in section three next after the definition of "Justice" the following new definition :— Sec. 3. (Interpretation.)

10 "Premises" includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

15 (b) (i) by omitting from paragraph (i) of subsection one of section four the words "being a known prostitute, solicits or importunes for immoral purposes" and by inserting in lieu thereof the words "for the purpose of prostitution, solicits or accosts"; Sec. 4. (Punishment of idle and disorderly persons.)

20 (ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

25 (k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

30 (iii) by omitting paragraph (o) of subsection two of the same section and by inserting in lieu thereof the following paragraph :— (Persons trading upon prostitution.)

(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- 5 (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- 10 (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- 15 (vi) by inserting at the end of the same subsection the following words :—
For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.
- 20
- 25 (vii) by inserting next after subsection three of the same section the following new subsection :—
(4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding five years.
- 30
- 35 (c) (i) by omitting from section 8B the words ", being Sec. 8B.
the owner, occupier, or agent of any house, (Penalty on
room, or place, or being a manager or assistant owner of
in the management thereof, induces or suffers premises
any female whom he knows to be a common and other
prostitute to be in that house, room, or place" persons for
40 and prostitution
therein.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

5 and by inserting in lieu thereof the words
“knowingly suffers any premises of which he
is the owner or occupier, or any premises
which he manages or assists in managing, to
be used”;

10 (ii) by omitting from the same section the words
“he shall be liable to a penalty not exceeding
two” and by inserting in lieu thereof the
words “or of soliciting for prostitution, he
shall, upon conviction before a stipendiary
magistrate, be liable for a first or second
offence to a penalty not exceeding four”;

15 (iii) by inserting in the same section after the word
“imprisonment” where secondly occurring the
words “and for a third or subsequent offence to
imprisonment for a term not exceeding twelve
months”;

20 (iv) by omitting from the same section the words
“a house, room, or other place has reasonable
grounds to suspect that the same is used in
contravention of this section” and by inserting
in lieu thereof the words “premises has reason-
able grounds to suspect that an occupier
thereof has contravened this section, or section
25 8BA or 8BB of this Act, in respect of those
premises”;

30 (v) by omitting from the same section the words
“house, room, or place” where thirdly occur-
ring and by inserting in lieu thereof the word
“premises”;

35 (vi) by omitting from the same section the words
“allowed the house, room, or place to be used
in contravention of this section” and by insert-
ing in lieu thereof the words “contravened this
section, or section 8BA or 8BB of this Act, as
the case may require, in respect of those
premises”;

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :—

New secs.
8BA, 8BB
and 8BC.

5 8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Premises
habitually
used for
prostitution
or
soliciting.

10 (2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

20 (3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

30 8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Prostitution
or soliciting
in massage
rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

8BC. (1) Upon complaint made on oath that the complainant has reason to suspect, **and believes**, that section 8B, 8BA, or 8BB of this Act is being contravened with respect to specified premises, a stipendiary magistrate may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

(2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

(e) by inserting at the end of the Act the following new Schedule :—

SCHEDULE.

Sec. 8BC.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

To Wit

TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, a Stipendiary Magistrate, that ~~there is reason to suspect~~ **the complainant has reason to suspect, and believes**, that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as and situate at

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

Given under my hand and seal this day of one thousand nine hundred and at in the said State.

Stipendiary Magistrate.

3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment of Act No. 6, 1943. Sec. 3.

or

(Disorderly house— Declaration by Judge of Supreme Court.)

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment of Act No. 40, 1900. Sec. 91c.

(Male living on earnings of prostitution.)

5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment of Act No. 46, 1918.

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;

Sec. 22. (Keepers of disorderly houses.)

(b)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words " , or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently amended and as amended by this Act, may be cited as the Venereal Diseases Act, 1918-1968.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1968

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

I. P. K. VIDLER.
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 3 October, 1968.*

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. , 1968.

An Act to make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith.

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

Short title
and
citation.

(2)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902-1968.

2. The Vagrancy Act, 1902, as subsequently amended, Amendment of Act No. 74, 1902.
5 is amended—

(a) by inserting in section three next after the definition Sec. 3.
of "Justice" the following new definition :— (Interpre-

10 "Premises" includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

15 (b) (i) by omitting from paragraph (i) of subsection one of section four the words "being a known prostitute, solicits or importunes for immoral purposes" and by inserting in lieu thereof the Sec. 4. (Punishment of idle and disorderly persons.)
20 words "for the purpose of prostitution, solicits or accosts";

(ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

25 (k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

(iii) by omitting paragraph (o) of subsection two (Persons trading upon prostitution.)
30 thereof the following paragraph :—

(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- (vi) by inserting at the end of the same subsection the following words :—
 For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.
- (vii) by inserting next after subsection three of the same section the following new subsection :—
 (4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding five years.
- (c) (i) by omitting from section 8B the words " , being the owner, occupier, or agent of any house, room, or place, or being a manager or assistant in the management thereof, induces or suffers any female whom he knows to be a common prostitute to be in that house, room, or place" and
- Sec. 8B.
(Penalty on owner of premises and other persons for permitting prostitution therein.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- 5 and by inserting in lieu thereof the words
“knowingly suffers any premises of which he
is the owner or occupier, or any premises
which he manages or assists in managing, to
be used”;
- 10 (ii) by omitting from the same section the words
“he shall be liable to a penalty not exceeding
two” and by inserting in lieu thereof the
words “or of soliciting for prostitution, he
shall, upon conviction before a stipendiary
magistrate, be liable for a first or second
offence to a penalty not exceeding four”;
- 15 (iii) by inserting in the same section after the word
“imprisonment” where secondly occurring the
words “and for a third or subsequent offence to
imprisonment for a term not exceeding twelve
months”;
- 20 (iv) by omitting from the same section the words
“a house, room, or other place has reasonable
grounds to suspect that the same is used in
contravention of this section” and by inserting
in lieu thereof the words “premises has reason-
able grounds to suspect that an occupier
thereof has contravened this section, or section
25 8BA or 8BB of this Act, in respect of those
premises”;
- 30 (v) by omitting from the same section the words
“house, room, or place” where thirdly occur-
ring and by inserting in lieu thereof the word
“premises”;
- 35 (vi) by omitting from the same section the words
“allowed the house, room, or place to be used
in contravention of this section” and by insert-
ing in lieu thereof the words “contravened this
section, or section 8BA or 8BB of this Act, as
the case may require, in respect of those
premises”;

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :— New secs.
8BA, 8BB
and 8BC.

5 8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment. Premises
habitually
used for
prostitution
or
soliciting.

10 (2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

20 (3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

30 8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment. Prostitution
or soliciting
in massage
rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

5 8BC. (1) Upon complaint made on oath that the complainant has reason to suspect that section 8B, 8BA, or 8BB of this Act is being contravened with respect to specified premises, a stipendiary magistrate may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

15 (2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

20 (e) by inserting at the end of the Act the following new Schedule :—

SCHEDULE.

New Schedule.
Sec. 8BC.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

25 To Wit

TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

30 WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, a Stipendiary Magistrate, that there is reason to suspect that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as
35
and situate at.....

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

Given under my hand and seal this day of one thousand nine hundred and at in the said State.

Stipendiary Magistrate.

3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment of Act No. 6, 1943. Sec. 3. (Disorderly house— Declaration by Judge of Supreme Court.)

or

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment of Act No. 40, 1900. Sec. 91c. (Male living on earnings of prostitution.)

5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment of Act No. 46, 1918.

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”; (b) (Keepers of disorderly houses.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently amended and as amended by this Act, may be cited as the Venereal Diseases Act, 1918-1968.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[10c]

No. , 1968.

A BILL

To make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith.

[Mr WILLIS—24 September, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

5 1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

Short title
and
citation.

(2)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902–1968.

2. The Vagrancy Act, 1902, as subsequently amended, Amendment of Act No. 74, 1902.
5 is amended—

- (a) by inserting in section three next after the definition Sec. 3. (Interpretation.)
of “Justice” the following new definition :—
“Premises” includes any building, structure,
10 vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.
- (b) (i) by omitting from paragraph (i) of subsection Sec. 4. (Punishment of idle and disorderly persons.)
15 one of section four the words “being a known prostitute, solicits or importunes for immoral purposes” and by inserting in lieu thereof the words “for the purpose of prostitution, solicits
20 or accosts”;
- (ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—
25 (k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;
- (iii) by omitting paragraph (o) of subsection two (Persons trading upon prostitution.)
30 of the same section and by inserting in lieu thereof the following paragraph :—
(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;
(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- (vi) by inserting at the end of the same subsection the following words :—
 For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.
- (vii) by inserting next after subsection three of the same section the following new subsection :—
 (4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding three years.
- (c) (i) by omitting from section 8B the words " , being the owner, occupier, or agent of any house, room, or place, or being a manager or assistant in the management thereof, induces or suffers any female whom he knows to be a common prostitute to be in that house, room, or place" and
- Sec. 8B.
(Penalty on owner of premises and other persons for permitting prostitution therein.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

5 and by inserting in lieu thereof the words
“knowingly suffers any premises of which he
is the owner or occupier, or any premises
which he manages or assists in managing, to
be used”;

10 (ii) by omitting from the same section the words
“he shall be liable to a penalty not exceeding
two” and by inserting in lieu thereof the
words “or of soliciting for prostitution, he
shall, upon conviction before a stipendiary
magistrate, be liable for a first or second
offence to a penalty not exceeding four”;

15 (iii) by inserting in the same section after the word
“imprisonment” where secondly occurring the
words “and for a third or subsequent offence to
imprisonment for a term not exceeding twelve
months”;

20 (iv) by omitting from the same section the words
“a house, room, or other place has reasonable
grounds to suspect that the same is used in
contravention of this section” and by inserting
in lieu thereof the words “premises has reason-
able grounds to suspect that an occupier
thereof has contravened this section, or section
25 8BA or 8BB of this Act, in respect of those
premises”;

30 (v) by omitting from the same section the words
“house, room, or place” where thirdly occur-
ring and by inserting in lieu thereof the word
“premises”;

35 (vi) by omitting from the same section the words
“allowed the house, room, or place to be used
in contravention of this section” and by insert-
ing in lieu thereof the words “contravened this
section, or section 8BA or 8BB of this Act, as
the case may require, in respect of those
premises”;

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :—

New secs.
8BA, 8BB
and 8BC.

5 8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Premises
habitually
used for
prostitution
or
soliciting.

10 (2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate,
15 be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

20 (3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected
25 that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

30 8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred
35 dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Prostitution
or soliciting
in massage
rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

5 8BC. (1) Upon complaint made on oath that there is reason to suspect that section 8B, 8BA or 8BB of this Act is being contravened with respect to specified premises, a justice may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

10 (2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

15 (3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

20 (e) by inserting at the end of the Act the following new Schedule :—

SCHEDULE.

Sec. 8BC.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

TO WIT

25 TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

30 WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, one of Her Majesty's Justices of the Peace, in and for the said State, that there is reason to suspect that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as and situate at.....

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

5

10

Given under my hand and seal this day of one thousand nine hundred and at in the said State.

Justice of the Peace.

15 3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment of Act No. 6, 1943. Sec. 3. (Disorderly house— Declaration by Judge of Supreme Court.)

or

20 (e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91C.

Amendment of Act No. 40, 1900. Sec. 91C. (Male living on earnings of prostitution.)

5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment of Act No. 46, 1918.

- (a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;
- (b) by inserting in lieu thereof the word “four”; (Keepers of disorderly houses.)

Sec. 22. (Keepers of disorderly houses.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently
5 amended and as amended by this Act, may be cited as the
Venereal Diseases Act, 1918-1968.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

[10c]

VAGRANCY, DISORDERLY HOUSES AND OTHER ACTS (AMENDMENT) BILL, 1968

EXPLANATORY NOTE

THE objects of this Bill are—

- (a) to create certain offences with respect to prostitution;
- (b) to authorise the entry, by special warrant, of certain premises reasonably suspected of being used in contravention of the laws relating to prostitution;
- (c) to provide additional grounds for declaring premises to be a disorderly house;
- (d) to amend certain Acts for purposes of consistency with other amendments proposed by the Bill;
- (e) to make other provisions consequential upon or ancillary to the foregoing.

THE ONLY PROPERTY HOUSE AND OTHERS
(INCORPORATED IN THE U.S.A.)

EXHIBITORY COPY

No. , 1968.

A BILL

To make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith.

[Mr WILLIS—24 *September*, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

- 5 **1.** (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968". Short title and citation.
(2)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902-1968.

2. The Vagrancy Act, 1902, as subsequently amended, Amendment of Act No. 74, 1902.
5 is amended—

(a) by inserting in section three next after the definition Sec. 3.
of "Justice" the following new definition :— (Interpre-

10 "Premises" includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

15 (b) (i) by omitting from paragraph (i) of subsection Sec. 4.
one of section four the words "being a known (Punishment of idle and disorderly persons.)
prostitute, solicits or importunes for immoral purposes" and by inserting in lieu thereof the words "for the purpose of prostitution, solicits or accosts";

20 (ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

25 (k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

30 (iii) by omitting paragraph (o) of subsection two (Persons trading upon prostitution.)
of the same section and by inserting in lieu thereof the following paragraph :—

(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- 5 (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- 10 (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- 15 (vi) by inserting at the end of the same subsection the following words :—
 For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.
- 20
- 25 (vii) by inserting next after subsection three of the same section the following new subsection :—
 (4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding three years.
- 30
- 35 (c) (i) by omitting from section 8B the words ", being Sec. 8B. the owner, occupier, or agent of any house, (Penalty on room, or place, or being a manager or assistant owner of premises in the management thereof, induces or suffers and other persons for any female whom he knows to be a common permitting prostitute to be in that house, room, or place" prostitution and therein.)
- 40

Vagrancy, Disorderly Houses and Other Acts (Amendment).

and by inserting in lieu thereof the words
“knowingly suffers any premises of which he
is the owner or occupier, or any premises
which he manages or assists in managing, to
be used”;

5

(ii) by omitting from the same section the words
“he shall be liable to a penalty not exceeding
two” and by inserting in lieu thereof the
words “or of soliciting for prostitution, he
shall, upon conviction before a stipendiary
magistrate, be liable for a first or second
offence to a penalty not exceeding four”;

10

(iii) by inserting in the same section after the word
“imprisonment” where secondly occurring the
words “and for a third or subsequent offence to
imprisonment for a term not exceeding twelve
months”;

15

(iv) by omitting from the same section the words
“a house, room, or other place has reasonable
grounds to suspect that the same is used in
contravention of this section” and by inserting
in lieu thereof the words “premises has reason-
able grounds to suspect that an occupier
thereof has contravened this section, or section
8BA or 8BB of this Act, in respect of those
premises”;

20

25

(v) by omitting from the same section the words
“house, room, or place” where thirdly occur-
ing and by inserting in lieu thereof the word
“premises”;

30

(vi) by omitting from the same section the words
“allowed the house, room, or place to be used
in contravention of this section” and by insert-
ing in lieu thereof the words “contravened this
section, or section 8BA or 8BB of this Act, as
the case may require, in respect of those
premises”;

35

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :— New secs.
8BA, 8BB
and 8BC.

5 8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment. Premises habitually used for prostitution or soliciting.

10 (2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

20 (3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

30 8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment. Prostitution or soliciting in massage rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

5 8BC. (1) Upon complaint made on oath that there is reason to suspect that section 8B, 8BA or 8BB of this Act is being contravened with respect to specified premises, a justice may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

15 (2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

20 (e) by inserting at the end of the Act the following new Schedule :—

SCHEDULE.

Sec. 8BC.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

To WIT

25 TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

30 WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, one of Her Majesty's Justices of the Peace, in and for the said State, that there is reason to suspect that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as and situate at.....

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

Given under my hand and seal this day of one thousand nine hundred and at in the said State.

Justice of the Peace.

3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment of Act No. 6, 1943. Sec. 3. (Disorderly house— Declaration by Judge of Supreme Court.)

or

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment of Act No. 40, 1900. Sec. 91c. (Male living on earnings of prostitution.)

5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment of Act No. 46, 1918.

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;

Sec. 22. (Keepers of disorderly houses.)

(b)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently amended and as amended by this Act, may be cited as the Venereal Diseases Act, 1918-1968.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES-1968

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 32, 1968.

An Act to make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith. [Assented to, 22nd October, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows :—

1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

Short title
and
citation.

(2)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902–1968.

Amendment
of Act No.
74, 1902.

2. The Vagrancy Act, 1902, as subsequently amended, is amended—

Sec. 3.
(Interpre-
tation.)

(a) by inserting in section three next after the definition of “Justice” the following new definition :—

“Premises” includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

Sec. 4.
(Punishment
of idle and
disorderly
persons.)

(b) (i) by omitting from paragraph (i) of subsection one of section four the words “being a known prostitute, solicits or importunes for immoral purposes” and by inserting in lieu thereof the words “for the purpose of prostitution, solicits or accosts”;

(ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

(k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

(Persons
trading
upon
prostitu-
tion.)

(iii) by omitting paragraph (o) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- (vi) by inserting at the end of the same subsection the following words :—
 For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.
- (vii) by inserting next after subsection three of the same section the following new subsection :—
 (4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding five years.
- (c) (i) by omitting from section 8B the words " , being the owner, occupier, or agent of any house, room, or place, or being a manager or assistant in the management thereof, induces or suffers any female whom he knows to be a common prostitute to be in that house, room, or place" and
- Sec. 8B.
 (Penalty on owner of premises and other persons for permitting prostitution therein.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- and by inserting in lieu thereof the words "knowingly suffers any premises of which he is the owner or occupier, or any premises which he manages or assists in managing, to be used";
- (ii) by omitting from the same section the words "he shall be liable to a penalty not exceeding two" and by inserting in lieu thereof the words "or of soliciting for prostitution, he shall, upon conviction before a stipendiary magistrate, be liable for a first or second offence to a penalty not exceeding four";
 - (iii) by inserting in the same section after the word "imprisonment" where secondly occurring the words "and for a third or subsequent offence to imprisonment for a term not exceeding twelve months";
 - (iv) by omitting from the same section the words "a house, room, or other place has reasonable grounds to suspect that the same is used in contravention of this section" and by inserting in lieu thereof the words "premises has reasonable grounds to suspect that an occupier thereof has contravened this section, or section 8BA or 8BB of this Act, in respect of those premises";
 - (v) by omitting from the same section the words "house, room, or place" where thirdly occurring and by inserting in lieu thereof the word "premises";
 - (vi) by omitting from the same section the words "allowed the house, room, or place to be used in contravention of this section" and by inserting in lieu thereof the words "contravened this section, or section 8BA or 8BB of this Act, as the case may require, in respect of those premises";

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :—

New secs.
8BA, 8BB
and 8BC.

8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Premises
habitually
used for
prostitution
or
soliciting.

(2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

(3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Prostitution
or soliciting
in massage
rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

Special warrant.

8BC. (1) Upon complaint made on oath that the complainant has reason to suspect, and believes, that section 8B, 8BA, or 8BB of this Act is being contravened with respect to specified premises, a stipendiary magistrate may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

(2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

New Schedule.

(e) by inserting at the end of the Act the following new Schedule :—

Sec. 8BC.

SCHEDULE.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

To Wit

TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, a Stipendiary Magistrate, that the complainant has reason to suspect, and believes, that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as

and situate at

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

Given under my hand and seal this
day of one thousand nine
hundred and at
in the said State.

Stipendiary Magistrate.

3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment
of Act
No. 6, 1943.
Sec. 3.
(Disorderly
house—
Declaration
by Judge
of Supreme
Court.)

or

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment
of Act No.
40, 1900.
Sec. 91c.
(Male living
on earnings
of prostitu-
tion.)

5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment
of Act No.
46, 1918.

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;
(b) Sec. 22.
(Keepers of
disorderly
houses.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently amended and as amended by this Act, may be cited as the Venereal Diseases Act, 1918-1968.

BY AUTHORITY:

V. C. N. BLIGHT, GOVERNMENT PRINTER, NEW SOUTH WALES—1968

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.

I. P. K. VIDLER,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 15 October, 1968.*

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

Act No. 32, 1968.

An Act to make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith. [Assented to, 22nd October, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

Short title
and
citation.

(2)

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

L. A. PUNCH,
Chairman of Committees of the Legislative Assembly.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902-1968.

Amendment of Act No. 74, 1902. **2.** The Vagrancy Act, 1902, as subsequently amended, is amended—

Sec. 3.
(Interpretation.)

(a) by inserting in section three next after the definition of "Justice" the following new definition :—

"Premises" includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

Sec. 4.
(Punishment of idle and disorderly persons.)

(b) (i) by omitting from paragraph (i) of subsection one of section four the words "being a known prostitute, solicits or importunes for immoral purposes" and by inserting in lieu thereof the words "for the purpose of prostitution, solicits or accosts";

(ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

(k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

(Persons trading upon prostitution.)

(iii) by omitting paragraph (o) of subsection two of the same section and by inserting in lieu thereof the following paragraph :—

(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

- (iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";
- (v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";
- (vi) by inserting at the end of the same subsection the following words :—

For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.

- (vii) by inserting next after subsection three of the same section the following new subsection :—

(4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding five years.

- (c) (i) by omitting from section 8B the words " , being the owner, occupier, or agent of any house, room, or place, or being a manager or assistant in the management thereof, induces or suffers any female whom he knows to be a common prostitute to be in that house, room, or place" and
- Sec. 8B.
(Penalty on owner of premises and other persons for permitting prostitution therein.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

and by inserting in lieu thereof the words "knowingly suffers any premises of which he is the owner or occupier, or any premises which he manages or assists in managing, to be used";

- (ii) by omitting from the same section the words "he shall be liable to a penalty not exceeding two" and by inserting in lieu thereof the words "or of soliciting for prostitution, he shall, upon conviction before a stipendiary magistrate, be liable for a first or second offence to a penalty not exceeding four";
- (iii) by inserting in the same section after the word "imprisonment" where secondly occurring the words "and for a third or subsequent offence to imprisonment for a term not exceeding twelve months";
- (iv) by omitting from the same section the words "a house, room, or other place has reasonable grounds to suspect that the same is used in contravention of this section" and by inserting in lieu thereof the words "premises has reasonable grounds to suspect that an occupier thereof has contravened this section, or section 8BA or 8BB of this Act, in respect of those premises";
- (v) by omitting from the same section the words "house, room, or place" where thirdly occurring and by inserting in lieu thereof the word "premises";
- (vi) by omitting from the same section the words "allowed the house, room, or place to be used in contravention of this section" and by inserting in lieu thereof the words "contravened this section, or section 8BA or 8BB of this Act, as the case may require, in respect of those premises";

(d)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(d) by inserting next after section 8B the following new sections :—

New secs.
8BA, 8BB
and 8BC.

8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Premises
habitually
used for
prostitution
or
soliciting.

(2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

(3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

8BB. Whosoever uses for the purpose of prostitution, or of soliciting for prostitution, any premises held out as being available for the provision of massage, sauna baths, steam baths, facilities for physical exercise, or services of a like nature shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

Prostitution
or soliciting
in massage
rooms, etc.

8BC.

Vagrancy, Disorderly Houses and Other Acts (Amendment).

Special
warrant.

8BC. (1) Upon complaint made on oath that the complainant has reason to suspect, and believes, that section 8B, 8BA, or 8BB of this Act is being contravened with respect to specified premises, a stipendiary magistrate may, by special warrant under his hand, authorise any member of the Police Force to enter and search those premises and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections and to seize any article that may be evidence of such a contravention.

(2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

New
Schedule.

(e) by inserting at the end of the Act the following new Schedule :—

Sec. 8BC.

SCHEDULE.

Special Warrant under section 8BC of the Vagrancy Act, 1902.

NEW SOUTH WALES

To WIT

TO a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

WHEREAS of in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, a Stipendiary Magistrate, that the complainant has reason to suspect, and believes, that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as and situate at.....

This

Vagrancy, Disorderly Houses and Other Acts (Amendment).

This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

Given under my hand and seal this
day of one thousand nine
hundred and at
in the said State.

Stipendiary Magistrate.

3. (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

Amendment
of Act
No. 6, 1943.
Sec. 3.
(Disorderly
house—
Declaration
by Judge
of Supreme
Court.)

or

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

4. The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment
of Act No.
40, 1900.
Sec. 91c.
(Male living
on earnings
of prostitu-
tion.)

5. (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Amendment
of Act No.
46, 1918.

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;
(b) by inserting in lieu thereof the word “four”; (Keepers of disorderly houses.)

Sec. 22.
(Keepers of
disorderly
houses.)

Vagrancy, Disorderly Houses and Other Acts (Amendment).

(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment".

(2) The Venereal Diseases Act, 1918, as subsequently amended and as amended by this Act, may be cited as the Venereal Diseases Act, 1918-1968.

In the name and on behalf of Her Majesty I assent to this Act.

A. R. CUTLER,
Governor.

Government House,
Sydney, 22nd October, 1968.