

PROSTITUTION BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is cognate with the Summary Offences (Repeal) Bill, 1979.

The object of this Bill is to enact provisions consequentially upon the repeal of the Summary Offences Act, 1970.

The Bill specifies offences of—

- (a) living on the earnings of prostitution of another person (clause 5);
- (b) using premises held out as being available for the provision of massage, sauna baths, etc., for the purpose of prostitution, or of soliciting for prostitution, or allowing such premises to be used for those purposes (clauses 6 and 7); and
- (c) advertising that premises are used for the purposes of prostitution (clause 8).

The Bill also contains ancillary provisions.

PROSTITUTION BILL, 1979

EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

This Bill is designed to amend the Summary Offences (Repeal) Bill, 1979.

The object of the Bill is to amend provisions consequentially upon the repeal of the Summary Offences Act, 1979.

The Bill repeals offences of—

- (a) being a licensee of prostitution of another person (clause 2);
- (b) using premises held out as being available for the provision of massage, sauna baths, etc., for the purpose of prostitution, or of soliciting for prostitution, or allowing such premises to be used for those purposes (clauses 3 and 4); and
- (c) advertising that premises are used for the purpose of prostitution (clause 5).

The Bill also contains ancillary provisions.

PROSTITUTION BILL, 1979

No. , 1979.

A BILL FOR

An Act to make provisions with respect to certain offences relating to prostitution consequentially upon the repeal of the Summary Offences Act, 1970.

[MR F. J. WALKER—19 *April*, 1979.]

Prostitution.

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 :—

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PART I.

PRELIMINARY.

1. This Act may be cited as the "Prostitution Act, 1979". Short title.

2. (1) This section and section 1 shall commence on the date of assent to this Act. Commence-
ment.

10 (2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

3. This Act is divided as follows :—

Arrange-
ment.

15 PART I.—PRELIMINARY—ss. 1–4.

PART II.—OFFENCES—ss. 5–8.

PART III.—GENERAL—ss. 9, 10.

20 4. In this Act, "premises" includes any structure, building, vehicle, vessel or place, whether built upon or not, and any part thereof, but does not include licensed premises under the Liquor Act, 1912, or the premises of a registered club under the Registered Clubs Act, 1976. Interpretation.

Prostitution.

PART II.

OFFENCES.

5. (1) A person shall not knowingly live wholly or in part on the earnings of prostitution of another person. Living on earnings of prostitution.

5 Penalty : \$800 or imprisonment for 12 months.

(2) For the purposes of subsection (1), a male person who—

(a) lives with or is habitually in the company of a reputed prostitute; and

10 (b) has no visible lawful means of support,

shall be deemed knowingly to live wholly or in part on the earnings of prostitution of another person unless he satisfies the court before which he is charged with an offence under that subsection that he has sufficient lawful means of support.

15 **6.** A person shall not use, 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, or held out as being available for the taking of photographs or as a photographic studio. Prostitution or soliciting in massage rooms, etc.

20 Penalty : \$400 or imprisonment for 6 months.

7. (1) A person, being the owner, occupier or manager or a person assisting in the management, of 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, or held out as being available for the taking of photographs or as a photographic studio, shall not knowingly suffer or permit the premises to be used for the purpose of prostitution, or of soliciting for prostitution. Allowing premises to be used for prostitution.

25 30 Penalty : \$800 or imprisonment for 12 months.

Prostitution.

(2) A conviction under subsection (1) does not exempt the offender from any penalty or other punishment to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

- 5 8. A person shall not, in any manner, publish or cause to be published, an advertisement, or erect or cause to be erected any sign, indicating that any premises are used, or are available for use, for the purposes of prostitution. ^{Advertising premises used for prostitution.}

Penalty : \$400 or imprisonment for 6 months.

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PART III.

GENERAL.

9. (1) Upon complaint made on oath that the complainant has reason to suspect and believes that section 6 or 7 is being contravened with respect to specified premises, a stipendiary magistrate may, by warrant, authorise and require 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 either of those sections, and to seize any article that may be evidence of such a contravention. ^{Warrant to enter premises.}
- 15

- 20 (2) A member of the police force authorised under subsection (1) to enter premises may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may execute the warrant with the aid of such assistants as he deems necessary.

Prostitution.

10. Proceedings for an offence against this Act may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone. ^{Summary jurisdiction.}

BY AUTHORITY

D. WEST, GOVERNMENT PRINTER, NEW SOUTH WALES—1979

[16c]

Provisions

10. Proceedings for an offence against this Act may be summary taken before a court of petty sessions held before a stipendiary magistrate sitting alone.

PROSTITUTION BILL

Schedule of the amendments referred to in Legislative Council's
Message of 24 April, 1979

- No. 1.—Page 3, clause 5, line 6. Omit “male person”, insert—
“person, not being a child or young person within the meaning of the Child
Welfare Act, 1939,”.
- No. 2.—Page 4, clause 8, line 8. After “use,”, insert—
“or that any person is available,”.
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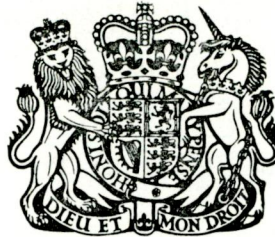
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of the first series of experiments.
No. 2—The first series of experiments was conducted in the summer of 1933.
The second series of experiments was conducted in the summer of 1934.
No. 3—The third series of experiments was conducted in the summer of 1935.
The fourth series of experiments was conducted in the summer of 1936.
The fifth series of experiments was conducted in the summer of 1937.

EXPERIMENTAL DATA

PROSTITUTION ACT, 1979, No. 71

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 71, 1979.

An Act to make provisions with respect to certain offences relating to prostitution consequentially upon the repeal of the Summary Offences Act, 1970. [Assented to, 11th May, 1979.]

Prostitution.

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 :—

PART I.

PRELIMINARY.

Short title. **1.** This Act may be cited as the "Prostitution Act, 1979".

Commence-
ment. **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Arrange-
ment. **3.** This Act is divided as follows :—

PART I.—PRELIMINARY—ss. 1–4.

PART II.—OFFENCES—ss. 5–8.

PART III.—GENERAL—ss. 9, 10.

Interpreta-
tion. **4.** In this Act, "premises" includes any structure, building, vehicle, vessel or place, whether built upon or not, and any part thereof, but does not include licensed premises under the Liquor Act, 1912, or the premises of a registered club under the Registered Clubs Act, 1976.

Prostitution.

PART II.

OFFENCES.

5. (1) A person shall not knowingly live wholly or in part on the earnings of prostitution of another person. Living on earnings of prostitution.

Penalty : \$800 or imprisonment for 12 months.

(2) For the purposes of subsection (1), a person not being a child or young person within the meaning of the Child Welfare Act, 1939, who—

- (a) lives with or is habitually in the company of a reputed prostitute; and
- (b) has no visible lawful means of support,

shall be deemed knowingly to live wholly or in part on the earnings of prostitution of another person unless he satisfies the court before which he is charged with an offence under that subsection that he has sufficient lawful means of support.

6. A person shall not use, 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, or held out as being available for the taking of photographs or as a photographic studio. Prostitution or soliciting in massage rooms, etc.

Penalty : \$400 or imprisonment for 6 months.

7. (1) A person, being the owner, occupier or manager or a person assisting in the management, of 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, or held out as being available for the taking of photographs or as a photographic studio, shall not knowingly suffer or permit the premises to be used for the purpose of prostitution, or of soliciting for prostitution. Allowing premises to be used for prostitution.

Penalty : \$800 or imprisonment for 12 months.

Prostitution.

(2) A conviction under subsection (1) does not exempt the offender from any penalty or other punishment to which he may be liable for keeping or being concerned in keeping a brothel or disorderly house, or for the nuisance thereby occasioned.

Advertising
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used for
prostitution.

8. A person shall not, in any manner, publish or cause to be published, an advertisement, or erect or cause to be erected any sign, indicating that any premises are used, or are available for use or that any person is available, for the purposes of prostitution.

Penalty : \$400 or imprisonment for 6 months.

PART III.

GENERAL.

Warrant
to enter
premises.

9. (1) Upon complaint made on oath that the complainant has reason to suspect and believes that section 6 or 7 is being contravened with respect to specified premises, a stipendiary magistrate may, by warrant, authorise and require 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 either 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 (1) to enter premises may use force, whether by breaking open doors or otherwise, for the purpose of entering the premises and may execute the warrant with the aid of such assistants as he deems necessary.

Prostitution.

10. Proceedings for an offence against this Act may be taken before a court of petty sessions held before a stipendiary magistrate sitting alone. Summary jurisdiction.

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

A. R. CUTLER,
Governor.

*Government House,
Sydney, 11th May, 1979.*



