

**SUMMARY OFFENCES (REPEAL) ACT,
1979, No. 62**

New South Wales



ANNO VICESIMO OCTAVO

ELIZABETHÆ II REGINÆ

Act No. 62, 1979.

An Act to repeal the Summary Offences Act, 1970. [Assented to,
11th May, 1979.]

See also Offences in Public Places Act, 1979; Public Assemblies Act, 1979; Supreme Court (Public Assemblies) Amendment Act, 1979; District Court (Public Assemblies) Amendment Act, 1979; Intoxicated Persons Act, 1979; Inebriates (Amendment) Act, 1979; Prisons (Intoxicated Persons) Amendment Act, 1979; Justices (Summary Offences) Amendment Act, 1979; Prostitution Act, 1979; Crimes (Summary Offences) Amendment Act, 1979; Inclosed Lands Protection (Summary Offences) Amendment Act, 1979; Gaming and Betting (Summary Offences) Amendment Act, 1979; Courts of Petty Sessions (Civil Claims) Amendment Act, 1979; Police Offences (Summary Offences) Amendment Act, 1979; Landlord and Tenant (Summary Offences) Amendment Act, 1979.

Summary Offences (Repeal).

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 :—

Short
title.

1. This Act may be cited as the "Summary Offences (Repeal) Act, 1979".

Commence-
ment.

2. (1) This section, sections 1 and 6 and section 3, in so far as it relates to sections 22, 23, 24, 28, 29, 39 and 55 of the Summary Offences Act, 1970, shall commence on the date of assent to this Act.

(2) Section 3, in so far as it relates to section 6 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Intoxicated Persons Act, 1979.

(3) Section 3, in so far as it relates to sections 7-21 and 26 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Offences in Public Places Act, 1979.

(4) Section 3, in so far as it relates to sections 25, 38, 40-42, 51-54 and 56-60 of, and Schedule Three to, the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Crimes (Summary Offences) Amendment Act, 1979.

(5) Section 3, in so far as it relates to sections 30-33 of, and Schedule Two to, the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Prostitution Act, 1979.

Summary Offences (Repeal).

(6) Section 3, in so far as it relates to section 34 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Landlord and Tenant (Summary Offences) Amendment Act, 1979.

(7) Section 3, in so far as it relates to sections 35 and 37 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Gaming and Betting (Summary Offences) Amendment Act, 1979.

(8) Section 3, in so far as it relates to sections 43–48 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Public Assemblies Act, 1979.

(9) Section 3, in so far as it relates to sections 49 and 50 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Inclosed Lands Protection (Summary Offences) Amendment Act, 1979.

(10) Section 3, in so far as it relates to section 61 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Courts of Petty Sessions (Civil Claims) Amendment Act, 1979.

(11) Except as provided in subsections (1)–(10), this Act shall commence on such day, being a day after the last of the days referred to in subsections (1)–(10), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Summary Offences (Repeal).

Repeal of
Act No. 96,
1970.

3. The Summary Offences Act, 1970, is repealed.

Savings.

4. (1) The amendments made by the provisions of section 3 (1) of, and Schedule One to, the Summary Offences Act, 1970, continue to have force and effect as if those provisions had not been repealed by this Act.

(2) Subsection (1) does not apply in respect of the amendment referred to in that subsection by which section 42 (1) of the Police Offences Act, 1901, was substituted or to the amendment so referred to made to section 13 (1) of the Justices Act, 1902.

(3) The revocations effected by the provisions of section 3 (2) and (3) of the Summary Offences Act, 1970, continue to have force and effect as if those provisions had not been repealed by this Act.

Repeals.

5. Each Act specified in Column 1 of Schedule 1 is, to the extent specified opposite that Act in Column 2 of Schedule 1, repealed.

Release
from
prison of
certain
persons.

6. A person who, at the date of assent to this Act, is in prison or other custody by reason only of his having committed an offence under section 22 of the Summary Offences Act, 1970, shall be released forthwith.

Summary Offences (Repeal).

SCHEDULE 1.

Sec. 5.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
1970, No. 52 ..	Supreme Court Act, 1970	So much of the Second Schedule as amends Act No. 96, 1970.
1971, No. 30 ..	Second-hand Dealers and Collectors (Amendment) Act, 1971.	Section 4.
1972, No. 41 ..	Supreme Court (Amendment) Act, 1972.	So much of the Second Schedule as relates to Act No. 96, 1970.
1973, No. 9 ..	District Court Act, 1973	So much of Schedule 2 as amends Act No. 96, 1970.
1973, No. 38 ..	Firearms and Dangerous Weapons Act, 1973.	So much of Schedule 2 as amends Act No. 96, 1970.
1974, No. 48 ..	Gaming and Betting (Amendment) Act, 1974.	Section 3.
1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977.	So much of Schedule 1 as amends Act No. 96, 1970.

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

A. R. CUTLER,
Governor.

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







SUMMARY OFFENCES (REPEAL) BILL, 1979

EXPLANATORY NOTE

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

The following Bills are cognate with this Bill:—

- Offences in Public Places Bill, 1979;
- Public Assemblies Bill, 1979;
- Supreme Court (Public Assemblies) Amendment Bill, 1979;
- District Court (Public Assemblies) Amendment Bill, 1979;
- Intoxicated Persons Bill, 1979;
- Inebriates (Amendment) Bill, 1979;
- Prisons (Intoxicated Persons) Amendment Bill, 1979;
- Justices (Summary Offences) Amendment Bill, 1979;
- Prostitution Bill, 1979;
- Crimes (Summary Offences) Amendment Bill, 1979;
- Inclosed Lands Protection (Summary Offences) Amendment Bill, 1979;
- Gaming and Betting (Summary Offences) Amendment Bill, 1979;
- Courts of Petty Sessions (Civil Claims) Amendment Bill, 1979;
- Police Offences (Summary Offences) Amendment Bill, 1979;
- Landlord and Tenant (Summary Offences) Amendment Bill, 1979.

The objects of this Bill are to repeal the Summary Offences Act, 1970, and make certain provisions as a consequence of the repeal of that Act.

SUMMARY OF CHANGES (REPEAL) BILL, 1979

EXPLANATORY NOTE

This Explanatory Note relates to the Bill as introduced into Parliament.

The following is a list of the changes which will be made by the Bill:

1. To amend the law relating to the Bill, 1979;

2. To amend the law relating to the Bill, 1979;

3. To amend the law relating to the Bill, 1979;

4. To amend the law relating to the Bill, 1979;

5. To amend the law relating to the Bill, 1979;

6. To amend the law relating to the Bill, 1979;

7. To amend the law relating to the Bill, 1979;

8. To amend the law relating to the Bill, 1979;

9. To amend the law relating to the Bill, 1979;

10. To amend the law relating to the Bill, 1979;

11. To amend the law relating to the Bill, 1979;

12. To amend the law relating to the Bill, 1979;

13. To amend the law relating to the Bill, 1979;

14. To amend the law relating to the Bill, 1979;

15. To amend the law relating to the Bill, 1979.

The objects of this Bill are to repeal the Statutory Orders, 1979, and to amend the law relating to the Bill, 1979.

SUMMARY OFFENCES (REPEAL) BILL, 1979

No. , 1979.

A BILL FOR

An Act to repeal the Summary Offences Act, 1970.

[MR F. J. WALKER—19 April, 1979.]

See also Offences in Public Places Bill, 1979; Public Assemblies Bill, 1979; Supreme Court (Public Assemblies) Amendment Bill, 1979; District Court (Public Assemblies) Amendment Bill, 1979; Intoxicated Persons Bill, 1979; Inebriates (Amendment) Bill, 1979; Prisons (Intoxicated Persons) Amendment Bill, 1979; Justices (Summary Offences) Amendment Bill, 1979; Prostitution Bill, 1979; Crimes (Summary Offences) Amendment Bill, 1979; Inclosed Lands Protection (Summary Offences) Amendment Bill, 1979; Gaming and Betting (Summary Offences) Amendment Bill, 1979; Courts of Petty Sessions (Civil Claims) Amendment Bill, 1979; Police Offences (Summary Offences) Amendment Bill, 1979; Landlord and Tenant (Summary Offences) Amendment Bill, 1979.

Summary Offences (Repeal).

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.** This Act may be cited as the "Summary Offences (Repeal) Act, 1979". Short
title.

2. (1) This section, sections 1 and 6 and section 3, in so far as it relates to sections 22, 23, 24, 28, 29, 39 and 55 of the Summary Offences Act, 1970, shall commence on the date of assent to this Act. Commence-
ment.

 (2) Section 3, in so far as it relates to section 6 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Intoxicated Persons Act, 1979.

15 (3) Section 3, in so far as it relates to sections 7–21 and 26 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Offences in Public Places Act, 1979.

20 (4) Section 3, in so far as it relates to sections 25, 38, 40–42, 51–54 and 56–60 of, and Schedule Three to, the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Crimes (Summary Offences) Amendment Act, 1979.

25 (5) Section 3, in so far as it relates to sections 30–33 of, and Schedule Two to, the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Prostitution Act, 1979.

Summary Offences (Repeal).

(6) Section 3, in so far as it relates to section 34 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Landlord and Tenant (Summary Offences) Amendment Act, 1979.

6 (7) Section 3, in so far as it relates to sections 35 and 37 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Gaming and Betting (Summary Offences) Amendment Act, 1979.

10 (8) Section 3, in so far as it relates to sections 43–48 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Public Assemblies Act, 1979.

15 (9) Section 3, in so far as it relates to sections 49 and 50 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Inclosed Lands Protection (Summary Offences) Amendment Act, 1979.

20 (10) Section 3, in so far as it relates to section 61 of the Summary Offences Act, 1970, shall commence on the day appointed and notified under section 2 (2) of the Courts of Petty Sessions (Civil Claims) Amendment Act, 1979.

25 (11) Except as provided in subsections (1)–(10), this Act shall commence on such day, being a day after the last of the days referred to in subsections (1)–(10), as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

Summary Offences (Repeal).

3. The Summary Offences Act, 1970, is repealed.

Repeal of
Act No. 96,
1970.

4. (1) The amendments made by the provisions of section 3 Savings.
(1) of, and Schedule One to, the Summary Offences Act, 1970,
continue to have force and effect as if those provisions had not
5 been repealed by this Act.

(2) Subsection (1) does not apply in respect of the
amendment referred to in that subsection by which section 42 (1)
of the Police Offences Act, 1901, was substituted or to the
amendment so referred to made to section 13 (1) of the Justices
10 Act, 1902.

(3) The revocations effected by the provisions of section
3 (2) and (3) of the Summary Offences Act, 1970, continue to
have force and effect as if those provisions had not been repealed
by this Act.

15 **5.** Each Act specified in Column 1 of Schedule 1 is, to the Repeals.
extent specified opposite that Act in Column 2 of Schedule 1,
repealed.

6. A person who, at the date of assent to this Act, is in prison Release
or other custody by reason only of his having committed an from
20 offence under section 22 of the Summary Offences Act, 1970, prison of
shall be released forthwith. certain
persons.

Summary Offences (Repeal).

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Sec. 5.

REPEALS.

Column 1.		Column 2.
Year and number of Act.	Short title of Act.	Extent of repeal.
5	1970, No. 52 ..	Supreme Court Act, 1970 So much of the Second Schedule as amends Act No. 96, 1970.
10	1971, No. 30 ..	Second-hand Dealers and Collectors (Amendment) Act, 1971. Section 4.
	1972, No. 41 ..	Supreme Court (Amendment) Act, 1972. So much of the Second Schedule as relates to Act No. 96, 1970.
15	1973, No. 9 ..	District Court Act, 1973 So much of Schedule 2 as amends Act No. 96, 1970.
20	1973, No. 38 ..	Firearms and Dangerous Weapons Act, 1973. So much of Schedule 2 as amends Act No. 96, 1970.
	1974, No. 48 ..	Gaming and Betting (Amendment) Act, 1974. Section 3.
25	1977, No. 19 ..	Notice of Action and Other Privileges Abolition Act, 1977. So much of Schedule 1 as amends Act No. 96, 1970.

BY AUTHORITY

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

Summa of Opinions (Abstract)

SCHEDULE I

Part I

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