

FIRST PRINT

**SUMMARY OFFENCES (PROSTITUTION) AMENDMENT
BILL 1991**

NEW SOUTH WALES



EXPLANATORY NOTE

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

The object of this Bill is to amend the Summary Offences Act 1988:

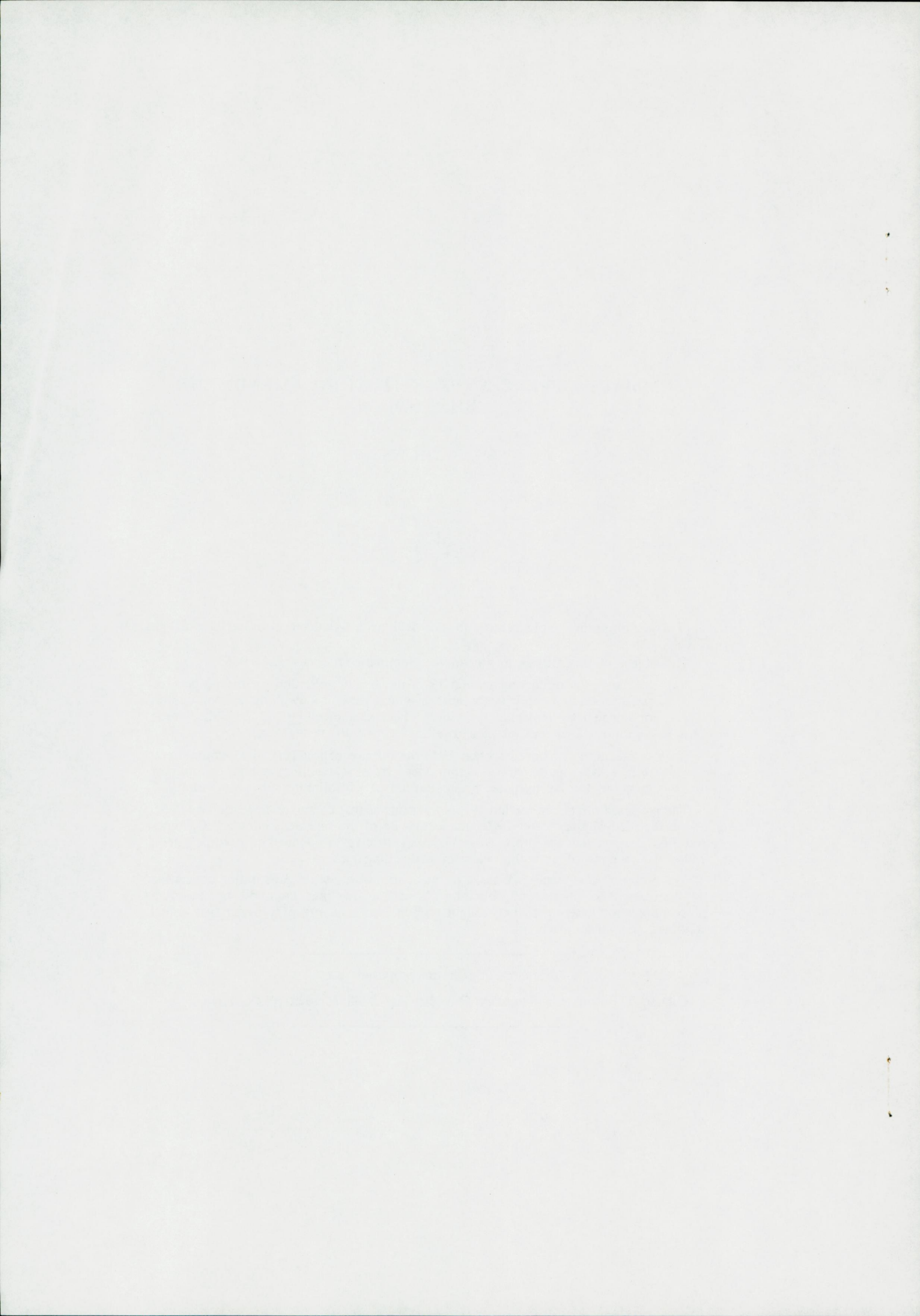
- (a) to clarify the offence in section 19 of the Act of soliciting for the purpose of prostitution in a public street, near or within view of a dwelling, school, church or hospital by replacing the words "near ... a dwelling ..." with the words "within 100 metres of ... a dwelling ..."; and
- (b) to create, by proposed section 19A, the offence of loitering in a public street, within 100 metres of or within view from a dwelling, school, church or hospital, for the purpose of prostitution or of soliciting for prostitution.

The proposed offence in section 19A is the same as that contained in section 4 (1) (k) of the repealed Vagrancy Act 1902 and section 28 of the repealed Summary Offences Act 1970, except that the proposed offence is restricted to conduct in a public street, within 100 metres of or within view of a dwelling etc.

The proposed amendments will assist in the control of the street prostitution concerned by clarifying the offence of soliciting "near" a dwelling etc. and by enabling prosecutions for loitering to be brought without the necessity of proving that actual soliciting has taken place.

Clause 1 specifies the short title of the proposed Act.

Clause 2 amends the Summary Offences Act 1988 as referred to above.



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No. , 1991

A BILL FOR

An Act to amend the Summary Offences Act 1988 with respect to loitering for the purpose of prostitution or of soliciting for prostitution.

Summary Offences (Prostitution) Amendment 1991

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Summary Offences (Prostitution) Amendment Act 1991.

Amendment of Summary Offences Act 1988 No. 25

2. The Summary Offences Act 1988 is amended:

(a) by omitting from section 19 (1) and (3) (**Soliciting**) the word "near" wherever occurring and by inserting instead the words "within 100 metres of";

(b) by inserting after section 19 the following section:

Loitering

19A. A person in a public street must not, within 100 metres of or within view from a dwelling, school, church or hospital, loiter for the purpose of prostitution or of soliciting for prostitution.

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