

1993—No. 349

JUSTICES ACT 1902—REGULATION

(Relating to short descriptions of certain offences under the Summary
Offences Act 1988)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,
Minister for Justice.

Commencement

1. This Regulation commences on 1 August 1993.

Amendments

2. The Summary Offences (Short Description of Offences) Regulation 1988 is amended:

(a) by inserting after clause 3 (1) the following clause:

(1A) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(b) by omitting Schedule 1 and by inserting instead the following Schedule:

SCHEDULE 1

(Cl. 3)

Column 1	Column 2
Offence under the Summary Offences Act 1988	Prescribed expression
Section 4 (1) (a)—conduct self in offensive manner in or near, or within view or hearing from, public place or school	behave in offensive manner in/near/within view from/within hearing from public place/school
Section 4 (1) (b)—use offensive language in or near, or within hearing from, public place or school	use offensive language in/near/within hearing from public place/school
Section 5—in or within view from public place or school wilfully and obscenely expose own person	expose oneself in/within view from public place/school
Section 6—without reasonable excuse, wilfully prevent, in any manner, the free passage of person, vehicle or vessel in a public place	obstruct person/vehicle/ vessel in public place
Section 7 (a)—wilfully damage or deface any part of fountain erected in a public place	damage/deface fountain in public place
Section 7 (b)—wilfully enter on any part of fountain erected in a public place	enter on fountain in public place
Section 7 (c)—wilfully cause any foreign material or substance to enter into any part of fountain erected in a public place	cause foreign material/substance to enter fountain in public place
Section 8—wilfully damage or deface any shrine, monument or statue erected in a public place	damage/deface shrine/monument/statue in public place
Section 9 (a)—affix placard or paper on any premises so that placard or paper is within view from a public place without first obtaining consent	affix placard/paper on premises (visible from public place)
Section 9 (b)—wilfully mark, with chalk, paint or other material, any premises so that marking is within view from a public place without first obtaining consent	mark premises with material (visible from public place)
Section 10 (1)—without reasonable excuse, have in custody offensive implement in a public place	carry offensive implement in public place

Column 1	Column 2
Offence under the Summary Offences Act 1988	Prescribed expression
Section 11 (1)—possession or consumption of liquor in a public place by person under age of 18	possession/consumption of liquor by minor in public place
Section 15 (1)—knowingly live wholly or in part on earnings of prostitution of another person	live wholly/partly on earnings of prostitution
Section 16 (a)—use premises (held out as available for massage, sauna baths, steam baths or physical exercise facilities or like services) for prostitution or soliciting	use premises (massage/saunas/steam baths/exercise/like services) for prostitution/soliciting
Section 16 (b)—use premises (held out as available for the taking of photographs or like services) for prostitution or soliciting	use premises (taking photographs/like services) for prostitution/soliciting
Section 16 (c)—use premises (held out as being available as photographic studio or like services) for prostitution or soliciting	use photographic studio/like services for prostitution/soliciting
Section 17 (1) (a)—being owner, occupier, manager or person assisting in the management of premises (held out as available for massage, sauna baths, steam baths or physical exercise facilities or like services), suffer or permit the premises to be used for prostitution or soliciting for prostitution	allow use (massage/saunas/steam baths/exercise/like services) premises for prostitution/soliciting
Section 17 (1) (b)—being owner, occupier, manager or person assisting in the management of any premises (held out as available for taking of photographs or like services), suffer or permit the premises to be used for prostitution or soliciting for prostitution	allow use (taking photographs/like services) premises for prostitution/soliciting
Section 17 (1) (c)—being owner, occupier, manager or person assisting in the management of any premises (held out as photographic studio or like services), suffer or permit premises to be used for prostitution or soliciting for prostitution	allow use (photographic studio/like services) premises for prostitution/soliciting

Column 1	Column 2
Offence under the Summary Offences Act 1988	Prescribed expression
Section 18 (a)—publish or cause to be published advertisement indicating that premises are used or are available for use, or that a person is available, for prostitution	advertise/cause to be advertised premises used/premises available/person available for prostitution
Section 18 (b)—erect or cause to be erected any sign indicating that premises are used or are available for use, or that a person is available, for prostitution	erect sign/cause erection of sign premises used/premises available/person available for prostitution
Section 19 (1)—in a public street near or within view from dwelling, school, church or hospital, solicit another person for prostitution	solicit near/within view dwelling/school/church/hospital
Section 19 (2)—in a school, church or hospital, solicit another person for prostitution	solicit in school/church/hospital
Section 19 (3)—in or near, or within view from, dwelling, school, church, hospital or public place, solicit another person for prostitution in a manner that harasses or distresses the person	solicit in harassing/distressing manner in/near/within view from dwelling/school/church hospital/public place
Section 20 (1)—take part in act of prostitution in, or within view from, school, church, hospital or public place or within view from dwelling	act of prostitution in/within view school/church/hospital/public place/within view dwelling
Section 20 (2)—take part in act of prostitution in vehicle in, or within view from, school, church, hospital or public place or within view from dwelling	act of prostitution in vehicle in/within view school/church/hospital/public place/within view dwelling
Section 28 (1)—being among 3 or more persons using or threatening unlawful violence causing fear for personal safety	use/threaten violence causing fear for personal safety

EXPLANATORY NOTE

The object of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences under the Summary Offences Act 1988.
