

1996—No. 137

SUMMARY OFFENCES ACT 1988—REGULATION

(Relating to the short descriptions of certain offences)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Summary Offences Act 1988, has been pleased to make the Regulation set forth hereunder.

JEFFREY SHAW, Q.C., M.L.C.,
Attorney General.

Commencement

1. This Regulation commences on 26 April 1996.

Amendment

2. The Summary Offences (General) Regulation 1995 is amended:
 - (a) by inserting after Part 2 the following Part:

PART 2A—SHORT DESCRIPTIONS OF OFFENCES

Short descriptions

10A. (1) For the purposes of section 145B of the Justices Act 1902, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 2 is:

- (a) the expression specified opposite it in Column 2 of that Schedule; or
- (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.

(2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 2, the prescribed expression for the offence is taken to relate to the offence created by the provision as the provision was in force when the offence is alleged to have been committed.

(3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.

(4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

(b) by inserting after Schedule 1 the following Schedule:

SCHEDULE 2—PRESCRIBED EXPRESSIONS

(Cl. 10A)

| Column 1 | Column 2 |
|------------------------------|---|
| Offence under the Act | Prescribed expression |
| Section 4 (1) | behave in offensive manner in/near/within view from/within hearing from public place/school |
| Section 4A (1) | use offensive language in/ near/within hearing from public place/school |
| Section 5 | expose oneself in/within view from public place/ school |
| Section 6 | obstruct person/vehicle/ vessel in public place |
| Section 7 (a) | damage/deface fountain in public place |
| Section 7 (b) | enter on fountain in public place |

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| Section 7 (c) | cause foreign material/ substance to enter fountain in public place |
| Section 8 | damage/deface shrine/ monument/statue in public place |
| Section 8A (1) (a) | risk other's safety by abseiling/jumping/ parachuting from building/structure |
| Section 8A (1) (b) | risk other's safety by climbing down/up/on/ ascending/descending building/structure |
| Section 9 (a) | affix placard/paper on premises (visible from public place) |
| Section 9 (b) | mark premises with material (visible from public place) |
| Section 10 (1) | carry offensive implement in public place |
| Section 10A (1) | damage/deface premises/ property by spray paint |
| Section 10B (1) | carry spray paint with intent to damage/deface premises/property |
| Section 11 (1) | possession/consumption of liquor by minor in public place |
| Section 15 (1) | live wholly/partly on earnings of prostitution of another |
| Section 15A (1) | cause/induce prostitution by coercive conduct/ undue influence |

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| Section 16 (a) | use massage/sauna/steam exercise/service premises for prostitution/soliciting |
| Section 16 (b) | use premises for photos/ photo-like services for prostitution/soliciting |
| Section 16 (c) | use studio/studio-like premises for prostitution/soliciting |
| Section 17 (1) (a) | owner/occupier/manager/ assistant suffer/permit prostitution/soliciting in massage/sauna/steam/ exercise/service premises |
| Section 17 (1) (b) | owner/occupier/manager/ assistant suffer/permit prostitution/soliciting in photo/photo-like service premises |
| Section 17 (1) (c) | owner/occupier/manager/ assistant suffer/permit prostitution/soliciting in studio/studio-like premises |
| Section 18 (a) | advertise/cause to be advertised premises used/available/person available for prostitution |
| Section 18 (b) | erect sign/cause erection of sign premises used/ available/person available for prostitution |
| Section 18A (1) | publish/cause to be published advertisement for prostitute |
| Section 19 (1) | solicit near/within view from dwelling/school/ church/hospital |

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| Section 19 (2) | solicit in school/church/ hospital |
| Section 19 (3) | solicit in harassing/ distressing manner in/ near/within view from dwelling/school/church/ hospital/public place |
| Section 20 (1) (a) | act of prostitution in/ within view from school/church/hospital/ public place |
| Section 20 (1) (b) | act of prostitution within view from dwelling |
| Section 20 (2) (a) | act of prostitution in vehicle in/within view from school/church/ hospital/public place |
| Section 20 (2) (b) | act of prostitution in vehicle within view from dwelling |
| Section 28 (1) | use/threaten violence causing fear for personal safety |

EXPLANATORY NOTE

Short descriptions of offences are the descriptions that, by virtue of section 145B of the Justices Act 1902, may be used to describe summary offences (or indictable offences that may be dealt with summarily) in any information, complaint, summons, warrant, notice, order or other document.

The object of this Regulation is to update and transfer to the Summary Offences (General) Regulation 1995 the short descriptions of offences under the Summary Offences Act 1988 that are, at present, contained in the Summary Offences (Short Description of Offences) Regulation 1988 made under the Justices Act 1902. That Regulation is repealed with effect from the commencement of this Regulation.

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This Regulation is made in connection with the staged repeal of legislation under the Subordinate Legislation Act 1989. The provisions that are transferred from the repealed Regulation are provisions of a machinery nature.

This Regulation is made under the Summary Offences Act 1988 and, in particular, under section 35 (the general regulation-making power) as extended by section 145B (3) of the Justices Act 1902.
