

VAGRANCY, DISORDERLY HOUSES AND  
OTHER ACTS (AMENDMENT) ACT.

New South Wales



ANNO SEPTIMO DECIMO

ELIZABETHÆ II REGINÆ

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Act No. 32, 1968.

An Act to make further provisions with respect to prostitution; for this purpose and for other purposes to amend the Crimes Act 1900, the Vagrancy Act, 1902, the Venereal Diseases Act, 1918, the Disorderly Houses Act, 1943, and certain other Acts; and for purposes connected therewith. [Assented to, 22nd October, 1968.]

**B**E 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  
and  
citation.

1. (1) This Act may be cited as the "Vagrancy, Disorderly Houses and Other Acts (Amendment) Act, 1968".

(2)

*Vagrancy, Disorderly Houses and Other Acts (Amendment).*

(2) The Vagrancy Act, 1902, as subsequently amended and as amended by this Act, may be cited as the Vagrancy Act, 1902–1968. No. 32, 1968

2. The Vagrancy Act, 1902, as subsequently amended, is amended— Amendment  
of Act No.  
74, 1902.

(a) by inserting in section three next after the definition of “Justice” the following new definition :— Sec. 3.  
(Interpre-  
tation.)

“Premises” includes any building, structure, vessel or vehicle and any part of any building or structure but does not include premises licensed under the Liquor Act, 1912, as subsequently amended, or the premises of a club registered under Part X of that Act, as so amended.

(b) (i) by omitting from paragraph (i) of subsection one of section four the words “being a known prostitute, solicits or importunes for immoral purposes” and by inserting in lieu thereof the words “for the purpose of prostitution, solicits or accosts”; Sec. 4.  
(Punishment  
of idle and  
disorderly  
persons.)

(ii) by inserting next after paragraph (j) of the same subsection the following new paragraph :—

(k) loiters in, or in view of, any public street, thoroughfare or place, for the purpose of prostitution or of soliciting for prostitution;

(iii) by omitting paragraph (o) of subsection two of the same section and by inserting in lieu thereof the following paragraph :— (Persons  
trading  
upon  
prostitu-  
tion.)

(o) whether a male or female person, knowingly lives wholly or in part on the earnings of prostitution of another person;

(iv)

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(iv) by omitting from the same subsection the words "For the purpose of paragraph (o) where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution,";

(v) by inserting in the same subsection after the word "exceeding" where firstly occurring the words "in the case of a conviction under paragraph (o) four hundred dollars and in any other case not exceeding";

(vi) by inserting at the end of the same subsection the following words :—

For the purposes of paragraph (o) of this subsection, where a male person lives with or is habitually in the company of a prostitute, and has no visible lawful means of subsistence, he shall, unless he satisfies the adjudicating justice to the contrary, be deemed to be knowingly living on the earnings of prostitution of another person.

(vii) by inserting next after subsection three of the same section the following new subsection :—

(4) Notwithstanding anything contained in subsection two or three of this section or section five of this Act, a person who, having been convicted of the offence referred to in paragraph (o) of subsection two of this section, afterwards commits the same offence shall, upon conviction on indictment, be liable to imprisonment for a term not exceeding five years.

**Sec. 8B.**  
(Penalty on owner of premises and other persons for permitting prostitution therein.)

(c) (i) by omitting from section 8B the words " , being the owner, occupier, or agent of any house, room, or place, or being a manager or assistant in the management thereof, induces or suffers any female whom he knows to be a common prostitute to be in that house. room, or place" and

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and by inserting in lieu thereof the words **No. 32, 1968**  
“knowingly suffers any premises of which he  
is the owner or occupier, or any premises  
which he manages or assists in managing, to  
be used”;

- (ii) by omitting from the same section the words  
“he shall be liable to a penalty not exceeding  
two” and by inserting in lieu thereof the  
words “or of soliciting for prostitution, he  
shall, upon conviction before a stipendiary  
magistrate, be liable for a first or second  
offence to a penalty not exceeding four”;
- (iii) by inserting in the same section after the word  
“imprisonment” where secondly occurring the  
words “and for a third or subsequent offence to  
imprisonment for a term not exceeding twelve  
months”;
- (iv) by omitting from the same section the words  
“a house, room, or other place has reasonable  
grounds to suspect that the same is used in  
contravention of this section” and by inserting  
in lieu thereof the words “premises has reason-  
able grounds to suspect that an occupier  
thereof has contravened this section, or section  
8BA or 8BB of this Act, in respect of those  
premises”;
- (v) by omitting from the same section the words  
“house, room, or place” where thirdly occur-  
ring and by inserting in lieu thereof the word  
“premises”;
- (vi) by omitting from the same section the words  
“allowed the house, room, or place to be used  
in contravention of this section” and by insert-  
ing in lieu thereof the words “contravened this  
section, or section 8BA or 8BB of this Act, as  
the case may require, in respect of those  
premises”;

(d)

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New secs.  
8BA, 8BB  
and 8BC.Premises  
habitually  
used for  
prostitution  
or  
soliciting.

(d) by inserting next after section 8B the following new sections :—

8BA. (1) A known prostitute who is in or on premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

(2) A known prostitute who is in or on premises that may be reasonably suspected of then being premises habitually used for the purpose of prostitution, or of soliciting for prostitution, shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding two hundred dollars or to imprisonment for a term not exceeding three months or to both such penalty and imprisonment.

(3) An offender under the provisions of subsection two of this section shall not be convicted if she gives such an account of the premises and of her presence therein or thereon as satisfies the magistrate before whom she stands charged that the offender could not have reasonably suspected that the premises were habitually used for the purpose of prostitution, or of soliciting for prostitution.

Prostitution  
or soliciting  
in massage  
rooms, etc.

8BB. Whosoever uses 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 shall, upon conviction before a stipendiary magistrate, be liable to a penalty not exceeding four hundred dollars or to imprisonment for a term not exceeding six months or to both such penalty and imprisonment.

8BC.

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8BC. (1) Upon complaint made on oath that the complainant has reason to suspect, and believes, that section 8B, 8BA, or 8BB of this Act is being contravened with respect to specified premises, a stipendiary magistrate may, by special warrant under his hand, authorise 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 any of those sections and to seize any article that may be evidence of such a contravention.

No. 32, 1968  
Special  
warrant.

(2) A member of the Police Force authorised under subsection one of this section to enter premises may obtain assistance and may use force, whether by breaking open doors or otherwise, for making that entry.

(3) A special warrant issued under subsection one of this section shall be in or to the effect of the Schedule to this Act.

(e) by inserting at the end of the Act the following new Schedule :—

New  
Schedule.

SCHEDULE.

Sec. 8BC.

*Special Warrant under section 8BC of the Vagrancy Act, 1902.*

NEW SOUTH WALES

To WIT

TO ..... a member of the Police Force for the State of New South Wales, and to all other members of the said Force.

WHEREAS ..... of ..... in the State of New South Wales hath this day made complaint upon oath to me, the undersigned, a Stipendiary Magistrate, that the complainant has reason to suspect, and believes, that section 8B, 8BA or 8BB of the Vagrancy Act, 1902, as subsequently amended, is being contravened with respect to the premises known as .....

and situate at.....

**This**

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This is therefore in the name of Our Lady the Queen, to require you, with such assistance as you may find necessary, forthwith to enter into those premises situate as aforesaid and, if necessary, to use force for making that entry, and to search those premises, and to arrest, search and bring before a justice any person who is, or appears to have been, contravening any of those sections of that Act, as so amended, and to seize any article that may be evidence of such a contravention, and for so doing this shall be your warrant.

Given under my hand and seal this .....  
 day of ..... one thousand nine  
 hundred and ..... at .....  
 in the said State.

Stipendiary Magistrate.

Amendment  
 of Act  
 No. 6, 1943.  
 Sec. 3.  
 (Disorderly  
 house—  
 Declaration  
 by Judge  
 of Supreme  
 Court.)

**3.** (1) The Disorderly Houses Act, 1943, as subsequently amended, is amended by inserting at the end of paragraph (d) of subsection one of section three the following word and new paragraph :—

or

(e) that the premises are habitually used for the purpose of prostitution, or that they have been so used for that purpose and are likely again to be so used for that purpose.

(2) The Disorderly Houses Act, 1943, as subsequently amended and as amended by this Act, may be cited as the Disorderly Houses Act, 1943–1968.

Amendment  
 of Act No.  
 40, 1900.  
 Sec. 91c.  
 (Male living  
 on earnings  
 of prostitu-  
 tion.)

**4.** The Crimes Act 1900, as subsequently amended, is amended by omitting section 91c.

Amendment  
 of Act No.  
 46, 1918.

**5.** (1) The Venereal Diseases Act, 1918, as subsequently amended, is amended—

Sec. 22.  
 (Keepers of  
 disorderly  
 houses.)

(a) by omitting from section twenty-two the word “two” and by inserting in lieu thereof the word “four”;

(b)

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(b) by inserting in the same section after the word "months" the words ", or to both such penalty and imprisonment". No. 32, 1968

(2) The Venereal Diseases Act, 1918, as subsequently amended and as amended by this Act, may be cited as the Venereal Diseases Act, 1918-1968.

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BURSARY