

SUMMARY OFFENCES (AMENDMENT) ACT 1993 No. 84

NEW SOUTH WALES



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SUMMARY OFFENCES (AMENDMENT) ACT 1993 No. 84

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Act No. 84, 1993

An Act to amend the Summary Offences Act 1988 in relation to the offence of using offensive language. [Assented to 24 November 1993]

The Legislature of New South Wales enacts:

Short title

1. This Act may be cited as the Summary Offences (Amendment) Act 1993.

Commencement

2. This Act commences on a day to be appointed by proclamation.

Amendment of Summary Offences Act 1988 No. 25

3. The Summary Offences Act 1988 is amended by omitting section 4 and by inserting instead the following sections:

Offensive conduct

4. (1) A person must not conduct himself or herself in an offensive manner in or near, or within view or hearing from, a public place or a school.

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

(2) A person does not conduct himself or herself in an offensive manner as referred to in subsection (1) merely by using offensive language.

(3) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

Offensive language

4A. (1) A person must not use offensive language in or near, or within hearing from, a public place or a school.

Maximum penalty: 6 penalty units.

(2) It is a sufficient defence to a prosecution for an offence under this section if the defendant satisfies the court that the defendant had a reasonable excuse for conducting himself or herself in the manner alleged in the information for the offence.

(3) A court may, in respect of a person convicted of an offence under this section, make an order requiring the person to perform community service work instead of imposing a fine.

(4) The Community Service Orders Act 1979 and the regulations under that Act apply to an order to perform community service work made under this section in the same way as they apply to a community service order made by a court in the circumstances referred to in

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section 4 (1) of that Act if the person in respect of whom the order was made:

- (a) had attained the age of 18 years when the offence was committed; or
- (b) had not then attained that age but had attained the age of 21 years when the person was charged before a court with the offence.

(5) The Children (Community Service Orders) Act 1987 and the regulations under that Act apply to an order to perform community service work made under this section in the same way as they apply to a children's community service order made by a court in the circumstances referred to in section 5 of that Act if the person in respect of whom the order was made:

- (a) was under the age of 18 years when the offence was committed; and
- (b) was under the age of 21 years when charged before the court with the offence.

(6) However, the maximum number of hours of community service work that a person may be required to perform under an order in respect of an offence under this section is 100 hours.

*[Minister's second reading speech made in—
Legislative Assembly on 27 October 1993
Legislative Council on 16 November 1993]*