

[Act 2001 No 71]



New South Wales

Summary Offences Amendment (Minors in Sex Clubs) and Theatres and Public Halls Repeal Bill 2001

Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill

The objects of this Bill are:

- (a) to amend the *Summary Offences Act 1988* to make provision with respect to sex clubs, including the creation of certain offences in relation to a minor being in such a club, and
 - (b) to repeal the *Theatres and Public Halls Act 1908*.
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Outline of provisions

Clause 1 sets out the name (also called the short title) of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a day or days to be appointed by proclamation.

Clause 3 is a formal provision giving effect to the amendments to the *Summary Offences Act 1988* set out in Schedule 1.

Clause 4 repeals the *Theatres and Public Halls Act 1908*.

Clause 5 is a formal provision giving effect to the amendments of the Act and regulation set out in Schedule 2.

Schedule 1 Amendment of Summary Offences Act 1988

Schedule 1 [1] amends the *Summary Offences Act 1988* by inserting proposed Part 3A (proposed sections 21A–21F) in that Act.

Proposed section 21A defines certain terms used in proposed Part 3A. In particular, **declared sex club** is defined as premises for the time being declared under the Part as a sex club, and a **manager** of such a club is defined as the person having the management or control, or otherwise being in charge, of such a club.

Proposed section 21B enables the Minister, on the application of a senior police officer, to declare premises to be a sex club under proposed Part 3A. Before doing so, the Minister is to be satisfied that the premises are used solely or substantially for live sex entertainment and that there is no effective prohibition on minors entering such premises.

Proposed section 21C provides the means by which such a declaration is to be notified, including publication in the Gazette and personal service on the manager, or a person entitled to the proceeds, of the premises.

Proposed section 21D makes it an offence for a person who is engaged in the operation of a declared sex club to permit a minor to enter or remain in the club. The maximum penalty for the offence will be 20 penalty units. A person is engaged in the operation of a declared sex club if the person is the manager of the club, is employed to carry out duties in the club or is entitled to the proceeds of the club or is otherwise concerned in the management of the club. However, it will be a

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defence to a prosecution under section 21D if the person had no knowledge of the minor being in the club and could not, with the exercise of due diligence, have prevented the minor being in the club or that the person believed on reasonable grounds that the minor was 18 years or older.

Proposed section 21E provides that the manager of a declared sex club is guilty of an offence unless notices are continually displayed at each entry point to the club stating that minors are not permitted to enter the club. The regulations may make provision for the size and content of such notices.

Proposed section 21F enables a police officer to enter a declared sex club at any time if the officer believes on reasonable grounds that an offence under the proposed Part has been or is being committed. A police officer may break into the club (with or without assistance) if access is denied or unreasonably delayed. A person who wilfully obstructs or delays a police officer is guilty of an offence. The maximum penalty for such an offence will be 50 penalty units.

Schedule 1 [2] enables savings and transitional regulations to be made as a consequence of amendments made to the *Summary Offences Act 1988* by the proposed Act.

Schedule 2 Amendment of Act and Regulation

Schedule 2 makes consequential amendments to the *Dangerous Goods Regulation 1999* and the *Boxing and Wrestling Control Act 1986*.