

Act 1993 No. 84

SUMMARY OFFENCES (AMENDMENT) BILL 1993

NEW SOUTH WALES



EXPLANATORY NOTE

(This Explanatory Note relates to this Bill as introduced into Parliament)

The object of this Bill is to amend the Summary Offences Act 1988:

- (a) to remove the option of sentencing a person to imprisonment for the offence of using offensive language in or near, or within hearing from, a public place or a school; and
- (b) to enable the court to make an order requiring the person convicted of that offence to perform community service work instead of imposing a fine.

Clause 1 specifies the short title of the proposed Act.

Clause 2 provides for the commencement of the proposed Act on a proclaimed day.

Clause 3 replaces section 4 of the Act (Offensive conduct or language) with two sections. The new section 4 deals with the offence of behaving in an offensive manner and the new section 4A deals with the offence of using offensive language.

The effect of the amendments is to change the penalty for the offence of using offensive language in or near, or within hearing from, a public place or a school. Currently, the penalty for that offence is the same as for the offence of behaving in an offensive manner near a public place or a school (that is, \$600 or imprisonment for 3 months). The amendment will change the penalty to a \$600 fine or community service work.

Section 55 (2) of the Interpretation Act 1987 provides that if an Act reduces the penalty for an offence, the reduced penalty extends to offences committed before the commencement of the Act, although the reduction does not affect any penalty imposed before that commencement.
