



New South Wales

Crimes and Courts Legislation Amendment Act 1999 No 91

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New South Wales

Crimes and Courts Legislation Amendment Act 1999 No 91

Act No 91, 1999

An Act to amend the *Summary Offences Act 1988* with respect to offences involving the intimidatory use of vehicles and vessels and offences involving prostitution, to amend the *Supreme Court Act 1970* so as to allow for the appointment of additional Judges of Appeal and to amend the *Young Offenders Act 1997* so as to allow that Act to be applied in certain circumstances as an alternative to the issuing of penalty notices; and for other purposes. [Assented to 8 December 1999]

The Legislature of New South Wales enacts:

1 Name of Act

This Act is the *Crimes and Courts Legislation Amendment Act 1999*.

2 Commencement

(1) This Act commences on a day or days to be appointed by proclamation, subject to subsection (2).

(2) Schedule 2 commences on the date of assent to this Act.

3 Amendment of Summary Offences Act 1988 No 25

The *Summary Offences Act 1988* is amended as set out in Schedule 1.

4 Amendment of Supreme Court Act 1970 No 52

The *Supreme Court Act 1970* is amended as set out in Schedule 2.

5 Amendment of Young Offenders Act 1997 No 54

The *Young Offenders Act 1997* is amended as set out in Schedule 3.

Schedule 1 Amendment of Summary Offences Act 1988

(Section 3)

[1] Part 2, Division 2B

Insert after Division 2A of Part 2:

Division 2B Intimidatory use of vehicles and vessels

11H Intimidatory use of vehicles and vessels

- (1) A person must not operate a motorised vehicle or motorised vessel in a public place:
 - (a) in such a manner as to harass or intimidate another person, or
 - (b) in such a manner as would be likely to cause a person of reasonable firmness to fear for his or her personal safety.

Maximum penalty: 6 penalty units.

- (2) No person of reasonable firmness need actually be, or be likely to be, present at the scene.
- (3) A person is not liable to be convicted (in respect of the same act or omission) of both:
 - (a) an offence under this section, and
 - (b) an offence under section 4AA of the *Traffic Act 1909* or section 43 of the *Road Transport (Safety and Traffic Management) Act 1999*.
- (4) In this section:

vehicle includes:

 - (a) anything on wheels, tracks or skis, other than a vehicle used on a railway, tramway or monorail, and
 - (b) anything else declared by the regulations to be a vehicle for the purposes of this section.

vessel includes:

- (a) anything that is used, or is capable of being used, as a means of transportation on, under or immediately above water, and
- (b) anything else declared by the regulations to be a vessel for the purposes of this section.

[2] Section 19 Soliciting clients by prostitutes

Insert after section 19 (4):

- (5) In this section:
 - (a) a reference to a person who solicits another person for the purpose of prostitution is a reference to a person who does so as a prostitute, and
 - (b) a reference to soliciting includes a reference to soliciting from a motor vehicle, whether moving or stationary.

[3] Section 19A

Insert after section 19:

19A Soliciting prostitutes by clients

- (1) A person in a road or road related area must not, near or within view from a dwelling, school, church or hospital, solicit another person for the purpose of prostitution.

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

- (2) A person must not, in a school, church or hospital, solicit another person for the purpose of prostitution.

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

- (3) A person must not, in or near, or within view from, a dwelling, school, church, hospital or public place, solicit another person, for the purpose of prostitution, in a manner that harasses or distresses the other person.

Maximum penalty: 8 penalty units or imprisonment for 3 months.

- (4) The provisions of this section are in addition to, and do not derogate from, any other law (including section 4).
- (5) In this section:
 - (a) a reference to a person who solicits another person for the purpose of prostitution is a reference to a person who does so as a prospective client of a prostitute, and
 - (b) a reference to soliciting includes a reference to soliciting from a motor vehicle, whether moving or stationary.

Schedule 2 Amendment of Supreme Court Act 1970

(Section 4)

Section 42 Composition

Omit section 42 (c). Insert instead:

- (c) such other Judges as are appointed to be Judges of Appeal.

Schedule 3 Amendment of Young Offenders Act 1997

(Section 5)

Section 9 Procedures under scheme

Insert after section 9 (2):

- (2A) In the case of an offence prescribed by the regulations, an investigating official must also determine the matters referred to in subsection (2) (a) and (b) before issuing a penalty notice for the offence.

[Minister's second reading speech made in—
Legislative Assembly on 16 November 1999
Legislative Council on 25 November 1999]