

1993—No. 343

JUSTICES ACT 1902—REGULATION

(Justices (Short Descriptions of Miscellaneous Offences) Regulation 1993)

NEW SOUTH WALES



[Published in Gazette No. 84 of 30 July 1993]

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Justices Act 1902, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.L.C.,
Minister for Justice.

Citation

1. This Regulation may be cited as the Justices (Short Descriptions of Miscellaneous Offences) Regulation 1993.

Commencement

2. This Regulation commences on 1 August 1993.

Short descriptions of various offences under certain legislation

3. (1) For the purposes of section 145B (2) of the Justices Act 1902, the prescribed expression in relation to a summary offence specified in Column 1 of Schedule 1 is the expression set out opposite that offence in Column 2 of the Schedule.

(2) If a choice of words is indicated in Column 2 of Schedule 1, the words remaining after the omission of the words irrelevant to the offence constitute the prescribed expression.

(3) In this Regulation, a reference to a provision in Schedule 1 in relation to an offence is a reference to that provision as in force at the time the offence is alleged to have occurred.

SCHEDULE 1

(Cl. 3)

Column 1 Offence	Column 2 Prescribed expression
Offences under the Crimes Act 1900	
Section 353B—carrying razor, razor blade or other cutting weapon when apprehended for any crime or offence or immediately before being apprehended	carry cutting weapon
Section 527A—obtain or attempt to obtain money, valuable thing or benefit by wilful false representation	obtain money/valuable thing/benefit by wilful false representation
Section 527C (1) (a)—have any thing in custody which may be reasonably suspected of being unlawfully obtained	unlawfully obtained goods (personal custody)
Section 527C (1) (b)—have any thing in the custody of another person which may be reasonably suspected of being unlawfully obtained	unlawfully obtained goods (in another's custody)
Section 527C (1) (c)—have any thing, in or on premises, which may be reasonably suspected of being unlawfully obtained	unlawfully obtained goods (in/on premises)
Section 527C (1) (d)—give custody of any thing which may be reasonably suspected of being unlawfully obtained to person not entitled	give unlawfully obtained goods to person not entitled
Section 546C—resist or hinder, or incite another to assault, resist or hinder, a member of the police force in execution of duty	resist police/hinder police/incite another to assault/resist/hinder police
Section 547B—knowingly falsely represent to police that an act has been, or will be, done or an event has occurred or will occur, being an act or event that calls for police investigation	falsely represent to police act/event calling for investigation
Section 547C—being in or near a building without reasonable cause with intent to peep or pry on another person	peep/pry
Offences under the Drug Misuse and Trafficking Act 1985	
Section 10 (1)—possess a prohibited drug	possess prohibited drug
Section 11 (1)—possess item of equipment for use in administration of prohibited drug	possess equipment to administer prohibited drug

Column 1	Column 2
Offence	Prescribed expression
Section 11A (2) (a)—sell a waterpipe	sell waterpipe
Section 11A (2) (b)—supply a waterpipe in the course of or in connection with a commercial transaction	supply waterpipe (commercial transaction)
Section 11A (3) (a)—display for commercial purpose a waterpipe in a shop	display waterpipe in shop
Section 11A (3) (b)—display for commercial purpose a waterpipe near but in connection with a shop	display waterpipe in connection with shop
Section 12 (1)—administer or attempt to administer prohibited drug to self	self administer/attempt to self administer prohibited drug
Section 13 (1)—administer or attempt to administer prohibited drug to another person	administer/attempt to administer prohibited drug to another
Offences under the Gaming and Betting Act 1912	
Section 5 (1)—frequent, use or be in any street for the purpose of betting	frequent/use/be in street for betting
Section 5 (1)—being a bookmaker, make or use agent, clerk or servant to make, any bet in or on any street	street betting by bookmaker
Section 5 (1)—being an agent, clerk or servant of a bookmaker, make any bet in or on any street on bookmaker's behalf	street betting by bookmaker's agent/clerk/servant
Section 5 (4)—bet in street with person frequenting, using or in that street for purpose of betting or with bookmaker, bookmaker's agent, clerk or servant	bet in street with bookmaker/bookmaker's agent/clerk/servant/person frequenting/using/in street for betting
Section 18 (1) (a)—organise or conduct or assist in organising or conducting an unlawful game or any trick of sleight of hand	organise/conduct/assist in organising/assist in conducting unlawful game/sleight of hand
Section 19—give or sell a ticket or chance, or a share in a ticket or chance, in an unlawful game	give/sell ticket/chance/share in ticket/share in chance in unlawful game
Section 20—play at or bet on an unlawful game or any trick of sleight of hand	play at/bet on unlawful game/sleight of hand

Column 1	Column 2
Offence	Prescribed expression
Section 21 (1)—being owner or occupier of a place, knowingly allow place to be used as a gaming-house	owner/occupier allow place to be used as gaming-house
Section 23 (1)—organise or conduct or assist in organising or conducting a gaming-house	organise/conduct/assist in organising/conducting gaming-house
Section 24 (1)—be in a gaming-house without lawful excuse	be in gaming-house
Section 44 (1)—open, keep or use place for betting, or knowingly or wilfully permit place to be opened, kept or used for betting or assist in conducting such a place	open/keep/use place for betting/permit place to be opened/kept/used for betting/assist in running place opened/kept/used for betting
Section 44 (2)—be in betting-house without lawful excuse	be in betting-house
Offences under the Inclosed Lands Protection Act 1901	
Section 4 (1)—enter into inclosed lands of any other person, without consent of owner, occupier or person apparently in charge	enter inclosed lands
Section 4 (1)—remain on inclosed lands of any other person, after being requested to leave by owner, occupier or person apparently in charge	remain on inclosed lands
Section 4A—remain on inclosed lands and behave in offensive manner on inclosed lands of another person, after being requested to leave by owner, occupier or person apparently in charge	offensive conduct on inclosed lands
Offences under the Innkeepers Act 1968	
Section 9—on demand of payment by innkeeper or servant, fail or refuse to pay for meal or accommodation supplied at inn	fail/refuse to pay for meal/accommodation
Section 9—on demand of payment by innkeeper or servant, by actions avoid such demand or render such demand impossible and fail to pay for meal or accommodation supplied at inn	avoid demand to pay/make demand to pay impossible for meal/accommodation

Column 1 Offence	Column 2 Prescribed expression
Offences under the Liquor Act 1982	
Section 103 (3)—fail to leave licensed premises on request of the licensee, the licensee's employee or a police officer	fail to leave licensed premises
Section 129 (1) (a)—on demand of payment, refuse or fail to pay for supply on licensed premises of liquor, meal or accommodation	fail/refuse to pay for liquor/meal/accommodation
Section 129 (1) (b)—avoid demand of payment for supply on licensed premises of liquor, meal or accommodation	avoid demand to pay for liquor/meal/accommodation
Offences under the Poisons Act 1966	
Section 9A—knowingly by false representation, obtain or attempt to obtain any substance specified in Schedule One, Two, Three or Four of the Poisons List from a medical practitioner, pharmacist, dentist, veterinary surgeon or the holder of a licence issued under Part 3 of the Act or from any other person	obtain/attempt to obtain substance by false representation
Section 16 (1)—possess or attempt to possess restricted substance	possess/attempt to possess restricted substance
Section 16 (2)—forge or fraudulently alter prescription	forge/fraudulently alter prescription
Section 16 (2)—utter prescription knowing it to be forged or fraudulently altered	utter forged/fraudulently altered prescription
Section 16 (3) (a) (i)—knowingly by false representation, obtain or attempt to obtain any prescription from a medical practitioner, dentist or veterinary surgeon	obtain/attempt to obtain prescription falsely represent to doctor/dentist/vet
Section 16 (3) (b)—possess forged or fraudulently altered prescription knowing it to be forged or so altered	possess forged/fraudulently altered prescription
Section 16 (3) (b)—possess prescription obtained in contravention of section 16 (3) (a) knowing it to be so obtained	possess prescription obtained contrary to Act
Section 34 (1)—supply any poison in any street or from house to house	supply poison in street/from house to house

Column 1	Column 2
Offence	Prescribed expression
Section 34 (1)—hawk, peddle, or distribute free or as samples, any poison in any street, public place or from house to house	hawk poison/peddle poison/distribute poison free/as samples in street/public place/from house to house
Section 43 (4) (a)—wilfully delay or obstruct any member of the police force or other person in the exercise of powers under section 43 (1)	delay/obstruct police/authorised person
Offences under the Police Offences Act 1901	
Section 108—assault or resist any special constable in execution of duty	assault/resist special constable
Offences under the Prisons Act 1952	
Section 37—without lawful authority, bring or attempt by any means to introduce into prison or prison complex spirituous or fermented liquor or drug	bring/attempt to introduce liquor/drug into prison/prison complex
Offences under the Sydney Cricket Ground and Sydney Football Stadium By-law 1986	
Clause 14 (1)—enter or remain on a playing field within the Ground	enter/remain on playing field within Ground

NOTE

TABLE OF PROVISIONS

1. Citation
2. Commencement
3. Short descriptions of various offences under certain legislation

SCHEDULE 1

EXPLANATORY NOTE

The object of this Regulation is to prescribe the short descriptions that, by virtue of section 145B of the Justices Act 1902, are sufficient to state or describe, in any information, complaint, summons, warrant, notice, order or other document, certain offences under the various Acts and the By-law mentioned in the Schedule to the Regulation.

The Regulation comprises matter of a machinery nature.
