

**PROSTITUTION (AMENDMENT) ACT, 1983, No. 12**

**New South Wales**



ANNO TRICESIMO SECUNDO

**ELIZABETHÆ II REGINÆ**

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**Act No. 12, 1983.**

An Act to amend the Prostitution Act, 1979, to make it an offence, in certain circumstances, to solicit for the purpose of prostitution. [Assented to, 18th April, 1983.]

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*Prostitution (Amendment).*

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**BE** it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

**Short title.**

1. This Act may be cited as the "Prostitution (Amendment) Act, 1983".

**Commencement.**

2. (1) Sections 1 and 2 shall commence on the date of assent to this Act.

- (2) Except as provided by subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Amendment of Act No. 71, 1979.**

3. The Prostitution Act, 1979, is amended in the manner set forth in Schedule 1.

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SCHEDULE 1.

(Sec. 3.)

AMENDMENTS TO THE PROSTITUTION ACT, 1979.

- (1) Long title—

Omit "consequentially upon the repeal of the Summary Offences Act, 1970".

- (2) Section 3—

Omit "8", insert instead "8A".

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*Prostitution (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PROSTITUTION ACT, 1979—*continued.*

## (3) Section 8A—

After section 8, insert:—

**Soliciting, etc.**

8A. (1) A person in a public street shall not, near a dwelling, school, church or hospital, solicit another person for the purpose of prostitution.

Penalty: \$500.

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

Penalty: \$500.

(3) The provisions of this section are in addition to, and do not derogate from, the provisions of any other law (including section 5 of the Offences in Public Places Act, 1979).

(4) In proceedings for an offence under this section, evidence that a certain place appeared at the time of the alleged offence to be a public street or a dwelling, school, church or hospital shall be prima facie evidence of that fact.

(5) In this section—

“building” means a building or structure, or any part of a building or structure;

“church” means—

- (a) any building ordinarily used for Divine worship; and
- (b) any land occupied or used in connection with such a building;

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*Prostitution (Amendment).*

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SCHEDULE 1—*continued.*

AMENDMENTS TO THE PROSTITUTION ACT, 1979—*continued.*

“dwelling” means—

- (a) any building intended for occupation as a residence and being or capable of being so occupied, except where it is above or attached to a shop or commercial premises; and
- (b) any land occupied or used in connection with such a building;

“hospital” means—

- (a) a hospital whose name is included in the Second, Third or Fifth Schedule to the Public Hospitals Act, 1929, or a private hospital or nursing home within the meaning of the Private Hospitals Act, 1908; and
- (b) any land, building or structure occupied or used in connection with such a hospital or home;

“prostitution” includes acts of prostitution between persons of different sexes or of the same sex, and includes—

- (a) sexual intercourse as defined in section 61A of the Crimes Act, 1900; and
- (b) masturbation committed by one person on another,  
for payment;

“public street” means a street, road, lane, thoroughfare or foot-path, in each case open to or used by the public;

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*Prostitution (Amendment).*

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SCHEDULE 1—*continued.*AMENDMENTS TO THE PROSTITUTION ACT, 1979—*continued.*

“school” means—

- (a) a school providing education at a pre-school or infants' school level or at a primary or secondary level; and
  - (b) any land, building or structure occupied or used in connection with such a school.
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