

## TASMANIA.

## THE POLICE OFFENCES ACT 1935.

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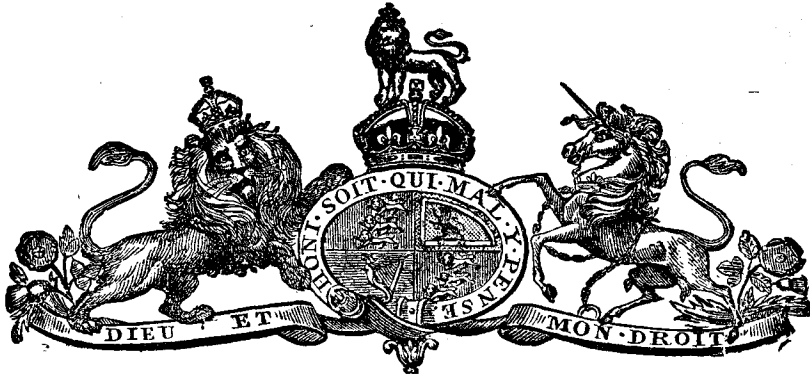
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## T A S M A N I A.



1935.

ANNO VICESIMO SEXTO

GEORGII V. REGIS.

No. 44.

AN ACT to consolidate and amend the Law <sup>A.D.</sup> 1935.  
 relating to certain Offences punishable sum-  
 marily and to provide for the Licensing of  
 Tanners. [25 October, 1935.]

BE it enacted by His Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:—

## PART I.

## PRELIMINARY.

- 1 This Act may be cited as the *Police Offences Act 1935*. Short title.
- 2 The several enactments enumerated in the first schedule are hereby Repeal,  
 repealed to the extent indicated therein.

*Police Offences.*

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Interpretation.

**3—(1)** In this Act, unless the context otherwise indicates or requires—

“Child” means any person under the age of sixteen years :

“Commissioner” means the Commissioner of Police :

“Court” means a court of summary jurisdiction having cognisance of the matter in relation to which the term is used :

“Owner,” used with reference to any real property, means the person for the time being in the actual receipt of or entitled to receive, or who, if such property were let to a tenant, would be entitled to receive the rents and profits thereof, whether as beneficial owner, trustee, executor, mortgagee in possession, or otherwise, but shall not include any mesne tenant :

“Public place” includes—

Any park, garden, reserve, or other place of public recreation or resort :

Any railway station or railway platform or carriage, and any part of a railway as defined by the *Railway Management Act 1891* :

Any public wharf, pier, or jetty :

Any passenger vessel plying for hire :

Any vehicle plying for hire :

Any church, chapel, or other building open for the purpose of Divine service :

Any public hall, theatre, or room in which any public entertainment or meeting is being held or performed, or is taking place :

Any market :

Any auction room, or mart, or place open for the purpose of a sale by auction :

Any booth structure, or place open for business in pursuance of a permit issued under the provisions of the *Licensing Act 1932* :

Any licensed billiard-room :

Any racecourse, cricket ground, football, show, or regatta ground, or other such place to which the public have access free or on payment of any gate-money; and includes any portion of such place which is within view of the public :

Any open yard, place, allotment, or urinal, closet, lavatory, or other convenience to which the public have access :

Any police office or police station, or any courthouse or court of petty sessions, or any yard or enclosure used therewith respectively; to which the public have access :

Any street as herein defined, notwithstanding that the same may be formed on private property :

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Any bar-room of any licensed hotel or public-house, A.D. 1935.  
and any approach to any such bar-room, and any  
part of such licensed house and premises which is not  
actually in the occupation of the licensee or of a lodger  
as a private room :

Any school building or the land or premises used in  
connection therewith :

Any public cemetery :

Any banking house, warehouse, shop, office, or similar  
place, while open for the transaction of business :

“Street” extends to and includes any road, square, court,  
passage, alley, thoroughfare, or public way or footway,  
any place of public resort, and any avenue leading thereto :

“Town” means a town proclaimed under the provisions of  
any Act and includes a city :

“Vehicle” includes every description of wheeled vehicle.

(2) A vessel or vehicle shall be deemed to be plying for hire  
both when it is awaiting passengers in a place frequented by the  
public, whether or not such place be a public place as above defined,  
and when such vessel or vehicle is being used to convey passengers.

(3) The definitions set forth in the *Criminal Code*, so far as the same  
are applicable and except where inconsistent with this Act, shall be  
applied in the construction of this Act.

## PART II.

## GENERAL POLICE PROVISIONS.

*Division 1.—Drunkenness, Vagrancy, Indecency, and other Public Annoyances.*

4—(1) No person in any public place shall be found—

I. Drunk and incapable of taking care of himself.

Penalty : Five pounds, or one month's imprisonment :

II. Drunk and disorderly.

Penalty : Five pounds, or one month's imprisonment : or

III. Drunk while in charge of any vehicle or animal, or when in  
possession of any firearm and ammunition or of any other  
dangerous weapon.

Penalty : Ten pounds, or three months' imprisonment.

Drunkenness.

Cf. Vic., 1928,  
No. 3749, s. 22  
and s. 23.

(2) Any person convicted in respect of any offence under this section  
committed within six months after he has been convicted of that or any  
other offence thereunder shall be liable to double the penalty hereinbefore  
prescribed in respect of the offence in respect of which he is so convicted.

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(3) Any police officer may arrest without warrant any person whom he finds committing an offence against this section, and may seize and detain any vehicle, animal, firearm, weapon or ammunition in the charge or possession of such person at the time.

(4) The court before which such offender is tried may order the offender to pay any expenses incurred as a consequence of such seizure.

Vagrants.  
Vic., 1928, No.  
3749, s. 70.

**5**—(1) Where any police officer has reasonable cause to believe that any person has no lawful means of support or has insufficient lawful means of support, he may arrest such person, without warrant, and bring him before a court or may make a complaint against him, charging him with being a person without sufficient lawful means of support.

(2) If such person fails to prove to the court that he has sufficient lawful means of support, or that such means of support as he has are lawful, he shall be guilty of an offence.

Penalty : Six months' imprisonment.

(3) The fact that any person charged under this section can produce, or prove that he possesses, money or property shall not be taken into account in deciding the charge against such person, unless he shows by his own or other evidence that he honestly obtained such money or property.

Consorting.  
Cf. Vic., 3974,  
(1931), s. 2.

**6**—(1) No person shall habitually consort with reputed thieves or known prostitutes or with persons who have been convicted of having insufficient lawful means of support.

Penalty : Six months' imprisonment.

(2) No person shall be convicted of an offence against this section if he proves to the satisfaction of the court that he has sufficient lawful means of support and that he had good and sufficient reasons for consorting with the persons with whom he is charged with having consorted.

(3) No proceedings under this section shall be taken by any person other than a police officer.

Loiterers, &amp;c.

**7**—(1) No person, being a suspected person or reputed thief, shall—

- i. Be in or upon any building whatsoever or in any enclosed yard, garden, or area for any unlawful purpose : or
- ii. Frequent or loiter in or near any public place, or any river, or navigable stream with intent to commit a crime.

Penalty : Six months' imprisonment.

(2) In proving under this section intent to commit a crime it shall not be necessary to show that the person charged was guilty of any particular act tending to show his intent, and he may be convicted if from the circumstances of the case and from his known character as proved to the court before which he is charged it appears to such court that his intent was to commit a crime.

*Police Offences.*

(3) No person shall have in his possession without lawful excuse any picklock-key or any implement of housebreaking or have in his possession any instrument whatever with intent to commit a crime.

Penalty : Six months' imprisonment.

(4) Every such key, implement, or instrument may be taken from the offender by any police officer and shall, on conviction of the offender, become forfeit to the Crown.

**8—(1)** No person shall—

- i. In any public place be found begging or exposing wounds or deformities, or placing himself or otherwise acting so as to induce, or for the purpose of inducing, the giving of alms, or instigate or incite any child to do any of the things aforesaid :
- ii. Solicit, gather, or collect alms, subscriptions, or contributions under any false pretence, or instigate or incite any child to do so :
- iii. Being a common prostitute, in any public place, or within the view or hearing of any person being therein, solicit, importune, or accost any person for immoral purposes, or loiter about for any such purpose :
- iv. Being a male person, be found in any public place at any time between sunset and sunrise, dressed in female apparel :
- v. Wilfully and obscenely expose his person in any public place or in the view of persons therein :
- vi. Impose, or endeavour to impose, upon any person by any false or fraudulent representation, either verbally or in writing, with a view to obtaining money or any other benefit or advantage, and whether or not such representation be made regarding some article sold or attempted to be sold by the offender :
- vii. Pretend or profess to tell fortunes or use any subtle craft, means, or device, by palmistry or otherwise, to defraud or impose on any other person :
- viii. Being a male person—
  - (a) Knowingly live wholly or in part on the earnings of prostitution ; or
  - (b) In any public place solicit or importune for immoral purposes : or
- ix. Wander abroad and lodge in any barn, outhouse, or shed, or in any deserted or unoccupied building, or in the open air, not having any visible means of subsistence, unless he shall give a good account of himself.

Penalty : Ten pounds, or six months' imprisonment.

(2) Where a male person is proved to live with or to be habitually in the company of a prostitute, and has no visible means of subsistence, he shall, unless he can satisfy the court to the contrary, be deemed to be knowingly living on the earnings of prostitution.

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Begging,  
imposition,  
prostitution, &c.

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Swindlers, hazard  
players, &c.**9** No person in any public place shall—

- i. Be found in possession of implements or articles for practising games of hazard or any similar games : or
- ii. By any fraudulent art or device, cozen and cheat, or attempt to cozen and cheat, any person.

Penalty : Six months' imprisonment.

Disorderly  
houses.**10**—(1) No person occupying or keeping any house, shop, room, place of public resort or other premises shall—

- i. Permit or suffer any breach of the peace or riotous or disorderly conduct therein :
- ii. Harbour prostitutes : or
- iii. Fail to prevent men or women of notoriously bad fame or dissolute boys or girls from meeting or assembling therein :  
or
- iv. Lodge, entertain, or harbour, to the annoyance of the inhabitants, any prostitute, idle rogue or vagabond.

Penalty : Twenty pounds, or six months' imprisonment.

(2) The occupier or keeper of any such house, shop, room, or other premises shall admit any police officer thereto when required so to do.

(3) The court before whom any such offender is convicted may further order him to find security, in a sum to be fixed by the court, for his good behaviour for twelve months, under a penalty not exceeding twenty pounds, and in the event of such security not being found, may sentence the person offending to imprisonment for any term not exceeding two months.

(4) If any person is found guilty of any such offence a second time, it shall be lawful for the court, on the application of three householders, by warrant to order such person to be removed from the premises occupied, or kept by him, and to impose such further penalty on such offender, not exceeding twenty pounds, as to the court may seem fit.

Owner's  
liability.**11** No person shall—

- i. Let any house to a tenant, knowing that the same is intended to be kept and used by such tenant as a disorderly house or house of ill-fame and repute : or
- ii. Knowing that a house let by him is being kept and used by a tenant as a disorderly house or house of ill-fame and repute, fail, on receiving notice from a superintendent of police so to do, forthwith to determine such tenancy.

Penalty : Twenty pounds.

Forbidden  
language and  
behaviour.**12** No person in any public place, or within the hearing of any person therein, shall—

- i. Curse or swear :
- ii. Sing any profane or obscene song :
- iii. Use any profane, indecent, obscene, or blasphemous language : or



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- iv. Use any threatening, abusive, or insulting words or behaviour with intent or calculated to provoke a breach of the peace or whereby a breach of the peace may be occasioned. A.D. 1935.

Penalty : Five pounds, or one month's imprisonment.

**13**—(1) No person, in any public place, shall—

- i. Behave in a violent, riotous, or indecent manner :
- ii. Disturb the public peace :
- iii. Set on or urge any dog or other animal to attack, worry, or put in fear any person or animal :
- iv. Jostle, insult, or annoy any person :
- v. Commit any nuisance : or
- vi. Throw, let off, or set fire to any firework.

Penalty : Five pounds, or one month's imprisonment.

(2) No person shall —

- i. Wantonly throw or discharge any stone or other missile to the damage or danger of any other person : or
- ii. Drive, lead, or have any dog or goat attached to any vehicle for the purpose of drawing such vehicle.

Penalty : Five pounds, or one month's imprisonment.

(3) No person shall wilfully disquiet or disturb any meeting, assembly, or congregation of persons assembled for religious worship.

Penalty : Five pounds, or one month's imprisonment.

**14** No person, in any public place, or within the sight of any person therein, shall— Public decency.

- i. Permit any male horse, ox, or pig to serve any female of its species for breeding purposes ; or permit any such male and female animals to be brought together for or in connection with breeding purposes : or
- ii. Bathe in any river, lake, harbour, or stream unless he is clothed in decent bathing costume.

Penalty : Two pounds.

*Division II.—Offences Relating to Good Order and Safety.*

**15** No person shall, in any street in any town—

- i. Place or leave anything, or use any standing-place, stool, bench, stall, or showboard, on any carriage-way or footway, or place any blind, shade, covering, awning, or other projection over or along any such carriage-way or footway, unless such blind, shade, covering, awning, or other projection is seven feet in height at least in every part thereof from the ground, and the posts supporting the same are placed close up to the curbstone or outer edge of such footway : or
- ii. Write upon, soil, deface, or mark any wall, fence, hoarding, footpath, or building, or, without authority, affix or cause to be affixed to any church, chapel, or school-house, or, with-

Obstructions in streets.

Writing on or defacing buildings, fences, or footpaths.

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Rubbish not to be  
thrown in street.

out the consent of the owner or occupier, to any other building, or to any wall, fence, or hoarding, any bill or other notice, or wilfully break, destroy, or damage any part of such wall, fence, hoarding, or building, or any tree, shrub, seat, or other thing : or

- iii. Throw or lay any dirt, litter, or ashes or nightsoil, or any carrion, fish, offal, or rubbish, slops, or any other such matter or thing, or dirty water, on any street, or cause or allow any matter, solid or liquid, to fall or run on any such street.

Penalty : Two pounds.

Street musicians.

**16** No person, being a street musician and being requested by the occupier or person in charge of any house or premises or by any police officer or agent on behalf of such occupier or person in charge to desist from playing or singing in the vicinity of such house or premises, shall—

i. Sing : or

ii. Sound, or play upon, any musical instrument—

within one hundred yards of such house or premises on the day on which such request is made.

Penalty : Two pounds.

Chimneys on fire.

**17**—(1) No person, being the occupier of any building within any town, shall fail to prevent any chimney in such building taking fire.

Penalty : Five pounds.

(2) It shall be a good defence to any complaint under this section to prove that such chimney has been swept within three months before the day on which such fire took place.

Animals not to be  
drowned in  
certain waters.

**18**—(1) No person shall throw or cause to be thrown into any river, lake, stream, or tidal water, in, or within five miles of, any town, any dead animal, or any live animal for the purpose of drowning the same, or leave or cause to be left any dead animal upon the shores of any such waters.

Penalty : One pound.

(2) A police officer may arrest without warrant any person contravening the provisions of this section.

Poisoned sub-  
stances.

50 Vict. No. 14.

**19**—(1) No person shall place or cause to be placed in or upon any public place or in or upon the land of any other person any poisonous thing, that is to say anything which has been mixed with or steeped in or impregnated with poison or any poisonous ingredient so as to be destructive to life.

(2) No person shall without reasonable excuse have in his possession any such poisonous thing.

(3) No occupier of any land shall place or cause to be placed any such poisonous thing upon such land without posting in a conspicuous place thereon notice that such thing has been so placed.

Penalty : Ten pounds or six months' imprisonment.

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(4) The foregoing provisions of this section shall not apply to any occupier of any building or the owner of any rick or stack of grain or other cultivated vegetable produce placing or causing to be placed any such poisonous thing for the destruction of rats, mice, or other small vermin in such building or in the drains connected therewith (provided such drains are so protected with gratings or otherwise as to prevent any dog entering the same) or within such rick or stack nor to any person laying or causing to be laid poison in accordance with the provisions of any Act.

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**20**—(1) No person in or near any hall, room, or building in which a public meeting is being held shall—

Misbehaviour at public meetings.

- i. Behave in a riotous, disorderly, indecent, offensive, threatening, or insulting manner : or
- ii. Use any threatening, abusive, or insulting words.

Penalty : Five pounds, or one month's imprisonment.

(2) Where in the opinion of the chairman presiding at any public meeting any person in or near the hall, room, or building in which such meeting is being held commits an offence against this section, such chairman may verbally direct any police officer who is present to remove such person from the said hall, room, or building, or the neighbourhood thereof ; and such police officer shall remove such person accordingly.

Power of chairman to deal with misbehaviour at public meetings.  
2 Geo. V. No. 5.

*Division III.—Use of Firearms Restriction.*

**21**—(1) The provisions of this Division except section twenty-four shall not apply to—

Application.  
9 Geo. V. No. 41.

- i. Any person who is a member of the defence forces of the Commonwealth, whilst engaged in the performance of his duties as such member :
- ii. Any person whilst engaged in shooting, or acts incidental thereto, in any shooting gallery which is used with the permission, in writing, of the—
  - (a) Commissioner of Police ; or
  - (b) Municipal council within whose municipality such gallery is situate :
- iii. Any person whilst practising, under proper supervision, with a *Morris* tube or miniature rifle on a properly constructed miniature rifle-range :
- iv. Any person being a gunsmith or dealer in firearms, or an employee of such person, whilst engaged in the performance of the duties of a gunsmith or dealer in firearms.

(2) In this Division "firearm" includes air-gun.

*Police Offences.*

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Firearms not to be used by or supplied to children.

**22** No person shall—

- i. Being a child, use, discharge, carry, buy, keep, or knowingly have in his possession : or
- ii. Sell, give, lend, or in any way supply to a child— any firearm or ammunition for a firearm.

Penalty : Five pounds.

Seizure of firearms unlawfully used.

**23** Any police officer may seize without warrant any firearm or any ammunition which is being used or carried by, or which is in the possession or custody of, any person apparently in contravention of this Division, whether such firearm or ammunition is in any enclosure, building, tent, vessel, vehicle, or parcel, or otherwise, and such firearm or ammunition, when so seized, shall be retained in his possession until an order is made by a court (which order such court is hereby authorised to make) for the disposal, destruction, or return to the owner of such firearm or ammunition.

Discharging firearms.

12 Geo. V. No. 6.

**24**—(1) No person shall, without reasonable cause, discharge any firearm from, on to, across, or over any street in any town or any public or common highway or road.

(2) No person shall wantonly, or recklessly, or without due regard to the safety of other persons, discharge any firearm in any public place or town.

Penalty : Twenty pounds.

*Division IV.—Indecent Publications.*

Obscene publications.

8 Geo. V. No. 11.

Interpretation.

**25** In this Division, unless the contrary intention appears—

“Indecent document” means any book, newspaper, picture, photograph, cinematograph film or representation thereof, and any print or writing, and any paper or other thing of any description whatsoever, which has printed or impressed upon it or otherwise attached thereto, or appearing, shown, or exhibited in any manner whatsoever thereon, any word, statement, or significant sign of an indecent nature or suggesting indecency, or any picture, illustration, or representation of an indecent nature or suggesting indecency :

2 Geo. V. No. 14.

“Newspaper” means any newspaper registered under the *Printers and Newspapers Act 1911*, or any periodical publication which is published for the time being (whether in this State or elsewhere) at intervals not exceeding three months, or any copy of, or part of any copy of, any newspaper as so defined; and every document which at any time accompanies and is distributed along with any newspaper shall be deemed to form part of the newspaper.

Offences.

**26**—(1) No person shall—

- i. Sell or deliver by way of hire, or offer for sale or hire, or have in his possession for sale or hire, an indecent document knowing, or having reasonable means of knowing, that such document is indecent :

*Police Offences.*

- ii. Print or make, or cause to be printed or made, an indecent document : A.D. 1935.
- iii. Cause to be inserted in a newspaper any matter or thing whereby that newspaper becomes an indecent document :
- iv. Send or cause to be sent through the post an indecent document :
- v. Exhibit or cause to be exhibited an indecent document to any person in consideration or expectation of any payment, or otherwise for gain, and whether such payment is made by way of gratuity or otherwise howsoever :
- vi. Publicly exhibit or cause to be publicly exhibited an indecent document in a public place, or so that the same is within the sight of any person in a public place :
- vii. Deliver or offer, or cause to be delivered or offered, an indecent document to any person in a public place knowing, or having reasonable means of knowing, that such document is indecent :
- viii. Deliver or leave, or cause to be delivered or left, on premises in the occupation of any other person an indecent document knowing, or having reasonable means of knowing, that such document is indecent :
- ix. Write, draw, affix, impress, or exhibit, or cause to be written, drawn, affixed, impressed, or exhibited, any statement, word, picture, drawing, or sign of an indecent nature or suggesting indecency, in or upon a public place, or so that the same is within the sight of any person in a public place : or
- x. Deliver to any person an indecent document with intent that it should be so dealt with by that or any other person in such a manner as to constitute an offence against this section.

Penalty : Fifty pounds ; or, if the offence is committed wilfully, one hundred pounds, or three months' imprisonment.

(2) If any newspaper printed, or published, or sold, or offered for sale, or kept for the purpose of sale in this State contains any matter or thing whereby it becomes an indecent document, every person who at the date of the publication of that newspaper is or acts as a printer, publisher, proprietor, manager, editor, or sub-editor thereof, and every person who consented to the insertion therein of that matter or thing, shall, without excluding the liability of any other person, be conclusively deemed to have caused that matter or thing to be inserted in the newspaper, and shall be severally guilty of an offence against this section.

Persons deemed guilty of offence in connection with newspaper being an indecent document.

**27** In determining whether any document, representation, or other matter is of an indecent nature or suggests indecency within the meaning of this Division, the magistrate shall take into consideration not merely the nature of that document, representation, or matter itself, but also the nature and circumstances of the act done by the defendant with respect thereto, and the purpose with which the act was done,

Considerations determining whether or not document is indecent.

*Police Offences.*

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and the literary, scientific, or artistic merit or importance of the document or matter; and no document, representation or matter shall be held to be indecent unless, having regard to these and all other relevant considerations the magistrate is of opinion that the act of the defendant was of an immoral or mischievous tendency.

Documents relating to certain subjects deemed indecent.

**28**--(1) Subject to the provisions of section twenty-seven any document, representation, or matter which relates or refers, or may be reasonably supposed to relate or refer, to any disease affecting the generative organs of either sex, or to any complaint or infirmity arising from or relating to sexual intercourse, or to the prevention or removal of irregularities in menstruation, or to drugs, medicines, appliances, treatment, or methods for procuring abortion or miscarriage or preventing conception, shall be deemed to be indecent within the meaning of this Division.

Servant and employer, and agent and principal, each guilty of offence committed by one of them.

(2) When an indecent document is sold, or delivered by way of hire, or offered for sale or hire, by a servant or agent in the course of his employment or agency, whether with or without the authority of his employer or principal, the document shall, for the purposes of this Act, be conclusively deemed to have been so sold, delivered, or offered as the case may be, both by the servant or agent and by his employer or principal, and each of those persons shall be severally guilty of an offence against this Division accordingly.

Absence of guilty knowledge no defence.

(3) Except as is otherwise provided in Paragraphs I., VII., and VIII. of section twenty-six, it shall be no defence in a prosecution for any offence against this Division that the defendant had no knowledge that the document, representation, or matter, to which the prosecution relates was an indecent document.

Evidence of printing, publishing, or sale of document by defendant.

(4) When, in the case of any prosecution for an offence against this Division, the indecent document which is the subject of the prosecution contains a statement that the document was printed, published, or sold by the defendant, the statement may be received as sufficient evidence of the fact so stated in the absence of proof to the contrary.

Procedure on seizure.

**29**--(1) Where any document, representation or other matter has been seized on the ground that the same has been used or dealt with in contravention of this Division, the thing so seized shall be brought before a police magistrate or the justice issuing the warrant under which the same was seized, who shall thereupon issue a summons calling upon the occupier of the place where the same was seized to appear before a police magistrate to show cause why the thing so seized should not be destroyed.

Disposal of documents seized.

(2) If, on the hearing of the summons, the magistrate is satisfied that any of the things so seized is of the character stated in the warrant, and has been used or dealt with in contravention of this Division, he may order that such thing (unless he considers it necessary that it be preserved as evidence in any further proceedings) be destroyed at the expiration of fourteen days from the making of the order, and the articles shall in the meantime be impounded.

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(3) If the magistrate is satisfied that any thing so seized is not of the character stated in the warrant, or has not been used or dealt with in contravention of this Division, he shall forthwith direct it to be restored to the occupier of the place in which it was seized. A.D. 1935.

(4) No action shall lie against any person for any act done in good faith in pursuance, or intended pursuance, of this section or of any warrant or order issued or made in pursuance, or intended pursuance, thereof, or of subsection (1) of section fifty-nine.

**30**—(1) All proceedings in respect of offences against the provisions of this Division shall be heard and determined by a police magistrate. Leave to prosecute.

(2) No prosecution for an offence against this Division shall be commenced except with the leave of the Attorney-General.

*Division V.—Juvenile Smoking Prevention.*

**31**—(1) No child shall smoke or use, or be found in possession of, cigars or cigarettes, or tobacco in any form. Penalty for smoking, &c., by children.

Penalty:

On a first conviction: Five shillings:

On a second or subsequent conviction: Ten shillings.

(2) No child shall be convicted of being found in possession of any cigars, cigarettes, or tobacco, if he satisfies the court that he was not in possession thereof for the purpose of smoking or using the same, or of permitting any child to smoke or use the same. 7 Ed. VII. No. 4.

**32**—(1) No person shall sell, lend, give, or supply, or offer to sell, lend, give, or supply, cigars, cigarettes, or tobacco in any form, to or for the use of any child. Penalty for supplying tobacco illegally.

Penalty: Five pounds.

(2) Every vendor by retail of cigars, cigarettes, or tobacco shall post up in a conspicuous position in his place of business a placard, clearly printed in bold type, as follows:— Placard to be posted up by vendors of tobacco.

“ *Notice.*

No person shall sell or supply to any person under the age of sixteen years any cigars, cigarettes, or tobacco. Penalty: Five pounds.

No person under the age of sixteen years shall smoke or use, or be found in possession of, any cigars, cigarettes, or tobacco. Penalty: Five shillings for first offence.”

Penalty: Five pounds.

*Division VI.—Opium Smoking.*

**33**—(1) No person shall—

i. Smoke opium:

ii. Sell or deal or traffic in opium in any form suitable for smoking:

iii. Prepare or manufacture opium in any form suitable for smoking:

Opium smoking prohibited. 6 Ed. VII. No. 6.

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Permit for possession of opium.

- iv. Have in his possession, order, or disposition opium in any form suitable for smoking : or
- v. Have in his possession, order, or disposition opium in any form, which, though not suitable for smoking, may yet be made suitable, unless he holds a subsisting permit so to do, issued by the Chief Secretary.

Penalty : Minimum : Ten pounds, or one month's imprisonment ; Maximum : Two hundred pounds, or twelve months' imprisonment, or, in the discretion of the court, both such fine and imprisonment.

(2) In addition to any other cases of possession, opium shall be deemed to be in the possession of a person if it is on any land or premises occupied by him, or is used, enjoyed or controlled by him in any place whatsoever, unless it is shown that he had no knowledge thereof.

Issue of permit.

**34**—(1) The Chief Secretary may issue to any person who, in his opinion, is a fit person to hold the same, a permit to have opium in his possession, order, or disposition, subject to this Act, and may at any time cancel such permit.

Record of opium kept or disposed of.

(2) The person named in the permit shall enter, or cause to be entered, from time to time in a book kept for that purpose—

- i. The quantity and description of opium held under the permit, together with the date when he acquired the same, and the name of the person from whom the same was acquired :
- ii. Particulars stating how any such opium has been disposed of, whether by process of manufacture or by sale :
- iii. If by process of manufacture, the entry shall state the amount and description of opium used and the purpose for which it is intended to be used, together with the date of such disposition : and
- iv. If by sale, the entry shall state the amount and description of opium sold, together with the date of such sale and the name and address of the purchaser, and every such entry shall be verified by the signature of such purchaser and the person making the same.

Penalty . Twenty pounds.

(3) Upon the conviction of any person under this Division, all opium found in the possession of such person and seized under a warrant issued under this Act, shall be forfeited to His Majesty, and shall be forthwith destroyed.

## PART III.

## INJURIES TO THE PERSON.

Common assault.  
27 Vict. No. 5.  
*Vide also* 10 Geo.  
V. No. 55,  
s. 140 and s. 141.  
Aggravated  
assault on female  
or child.

**35**—(1) No person shall unlawfully assault another.

Penalty : Ten pounds, or two months' imprisonment.

(2) Where any person is charged with having unlawfully assaulted any child who in the opinion of the court is under the age of fourteen years, or any female, the court, if it considers the assault is of an



*Police Offences.*

aggravated nature, may sentence the offender to pay a fine of twenty pounds or to imprisonment for six months, and in addition, may require the offender to enter in a recognizance with such sureties as the court thinks necessary, to be of good behaviour for any period not exceeding six months.

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**36—** (1) No person in charge of any animal or vehicle shall, by wanton or furious riding or driving or racing or other wilful misconduct or wilful neglect, cause any bodily harm to any other person.

Injury by driving, &amp;c.

Penalty : Two years' imprisonment.

27 Vict. No. 5,  
s. 33.

(2) If, upon any person being charged with an offence under this section—

- i. Such person, or in case he is a child, his parent, on his appearance to answer such charge, and not afterwards, elects to be tried on such charge by jury : or
- ii. The court before which such person is charged considers that the offence is of so serious a nature that it should be tried on indictment—

the offence shall be deemed to be a crime and shall be punishable on indictment under the *Criminal Code* accordingly, and the court shall proceed therein as provided by Part IV. of the *Justices Procedure Act* 1919.

(3) In every such case as aforesaid, one of the justices shall inform the person so charged, upon his appearing to answer the charge, of his right to be tried by jury if he so desires.

## PART IV.

## INJURIES TO PROPERTY.

*Offences Relating to Property.*

**37—**(1) No person shall unlawfully destroy or injure any property.

Penalty : Fifty pounds, or six months' imprisonment.

Injuries to property.

(2) No person shall unlawfully and maliciously kill, maim, or wound any animal the property of any other person.

27 Vict. No. 7.

Penalty : Twenty pounds, or three months' imprisonment.

Miscellaneous offences.

27 Vict. No. 7,  
s. 41.

## PART V.

## OFFENCES INVOLVING DISHONESTY.

**38** No person shall wilfully and knowingly pawn anything belonging to any other person, and which is capable of being stolen, without the consent or authority of such other person.

Unlawful pawning.

Penalty : Twelve months' imprisonment.

**39** No person shall be found in possession of any property reasonably supposed to have been stolen or unlawfully obtained without being able to give a satisfactory account of his possession thereof to the court before which he is charged therewith.

Possession of stolen property.

Penalty : Six months' imprisonment.

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Being in possession of shipwrecked property.

Offering shipwrecked goods for sale.

Advertising reward for return of stolen property.

Taking or using animal, vehicle, or boat without consent of owner.

34 Vict. No. 3, s. 10.

4 Geo. V. No. 11, s. 3.

Finding property.

**40**—(1) No person shall—

- i. Be found in possession of:
  - ii. Knowingly have on his premises: or
  - iii. Sell or offer or expose for sale—
- any property whatever belonging to any vessel in distress or wrecked, stranded, or cast on shore, unless he satisfies the court before which he is charged with so doing that he lawfully came by such property.

Penalty: Six months' imprisonment.

(2) If any person offers or exposes for sale any property whatsoever which has been unlawfully taken, or is reasonably supposed to have been so taken, from any vessel in distress, or wrecked, or stranded, or cast on shore, any police officer may lawfully seize the same, and shall, with all convenient speed, deliver the same, or give notice of seizure thereof, to a justice; and, if the person who has offered or exposed the property for sale, being summoned before the court, does not satisfy the court that he came lawfully by the same, he may be ordered to pay the cost, if any, of such seizure and delivery in addition to any penalty imposed upon him.

**41** No person shall—

- i. Publicly advertise a reward for the return of any property which has been stolen or lost, and in such advertisement use any words intimating or purporting that no questions will be asked:
- ii. Make use of any words in any public advertisement intimating or purporting that a reward will be given or paid for any such property as aforesaid, without seizing, or making any inquiry after the person producing, such property:
- iii. Promise or offer in any public advertisement to return to any pawnbroker or other person any money paid or advanced on any such property, or any other sum of money or reward for the return thereof: or
- iv. Print or publish any such advertisement as aforesaid.

Penalty: Fifty pounds.

**42** No person shall take, use, or work any animal, vehicle, or vessel the property of any other person, without the consent of the owner or person in lawful possession thereof.

Penalty: Twenty pounds, or twelve months' imprisonment.

**43**—(1) No person finding and taking possession of any money, goods, or chattels shall fail to convey and deliver the same to a neighboring police station within seven days after such taking of possession, unless, if the owner is known to him, he has within that time restored the same to such owner.

Penalty: Five pounds.

(2) No person shall apply to his own use or dispose of, otherwise than in pursuance of subsection (1) hereof, any money, goods, or chattels found by him.

Penalty: Ten pounds.

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(3) The court may order any person convicted before it of an offence against subsection (2) hereof to pay to the owner of the property such sum not exceeding ten pounds, as the court considers to be the value of the property, and such sum shall be recoverable as part of the penalty. A.D. 1935.

(4) When any such property as aforesaid is brought to a police station, the police officer in charge shall forthwith receive the same and enter in a book to be kept in the police station for that purpose a description thereof, together with the name and address of the person by whom the same was brought to the station. The property so entered shall be delivered to the person who proves to the satisfaction of a justice that the same belongs to him, such person previously paying all such reasonable expenses, if any, incurred by the finder or in respect of any advertisement or otherwise, as such justice may award. Custody of property found.

(5) Every superintendent of police shall in the months of March, June, September, and December in each year cause a list of all property so brought to a police station under his control then unclaimed to be published in a newspaper and to be posted up outside the police station at which the property was left. List of unclaimed property to be advertised.

(6) Any such property as aforesaid to which no claim has been established within six months after the same has been brought to a police station shall be returned to the person by whom it was so brought, if he applies for the same within one month after the expiration of such six months; and in default the same shall be sold and disposed of as a justice may direct, and the proceeds of the sale shall be paid into the Consolidated Revenue. Return of property to finder if not claimed within six months.

## PART VI.

## MISCELLANEOUS OFFENCES.

*Division I.—False Notices.*

**44**—(1) No person shall—

- i. Send or deliver, or procure to be sent or delivered, to the proprietor, printer, or publisher of any newspaper for publication in such newspaper, or procure to be published therein a notice of the birth, death, or marriage of any person which is untrue: or
- ii. Being the printer or publisher of a newspaper, print or publish, or cause to be printed or published therein, any such notice as aforesaid knowing the same to be untrue.

Penalty: Fifty pounds, or three months' imprisonment.

False notices.

49 Vict. No 33.

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(2) No person, being the printer, or publisher of a newspaper having received from any person interested, or from a police officer, a request, in writing, within fourteen days after the publication of any such notice, to furnish the name of the person who sent or delivered such notice for publication, shall refuse or neglect to furnish the same.

Penalty : Twenty-five pounds.

(3) For the purposes of this section the term "newspaper" means a newspaper as defined by the *Printers and Newspapers Act 1911*.

2 Geo. V. No. 14.

*Division II.—Homing Pigeons.*

Meaning of  
homing pigeon.

**45** In this Division "homing pigeon" means any pigeon used as a bearer of messages, or for racing purposes, which has attached to either or each leg a rubber or metal ring.

Penalty for killing  
or injuring  
homing pigeons.

**46**—(1) No person other than the owner thereof shall—

- I. Shoot, kill, wound, or in any way injure, destroy, ensnare, catch, or take any homing pigeon : or
- II. Enter on any enclosed land for the purpose of doing any of the things aforesaid.

Penalty : Five pounds.

(2) The provisions of subsection (1) hereof shall not extend to the owner or occupier of any improved or cultivated land who kills or destroys any homing pigeon which is on such land and is doing damage thereon.

(3) A person convicted under this section shall pay to the owner of the pigeon in respect of which he is convicted the value of such pigeon, to be assessed by the court, and such payment shall be in addition to any penalty imposed.

*Division III.—Motor Vehicle Races.*

Interpretation.

16 Geo.V. No. 38.

**47** In this Division—

"Motor-vehicle" means a motor-vehicle within the meaning of the *Traffic Act 1925*.

"Motor-vehicle race" includes—

- I. Any race or competition in which two or more motor-vehicles compete or take part, whether or not at one and the same time, and in the result of which the actual speed of such motor-vehicles is a determining factor : and
- II. Any test to which a motor-vehicle is subjected for the purpose of ascertaining, either alone or in conjunction with other matters, its actual speed capabilities.

No motor-vehicle  
race to be held  
without a permit.

**48** No person shall hold, or be concerned in the holding of, or compete or take part in, any motor-vehicle race unless a permit for the holding thereof has been previously granted by the Commissioner, and then only in accordance with the terms and conditions specified in such permit.

Penalty : Fifty pounds.

*Police Offences.*

**49**—(1) The Commissioner may grant to any person a permit for the holding of any motor-vehicle race or races. Such permit—

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- i. Shall specify the day and hours on and between which respectively, and the place in or upon which, the race or races may be held : and
- ii. May impose such conditions as to the holding thereof as the Commissioner shall determine and specify in the permit.

Commissioner of Police may grant permit.

(2) If such permit is granted in respect of a public road or thoroughfare, the rate of speed of any motor-vehicle competing or taking part in any race to be held under the permit may, notwithstanding any law to the contrary, exceed, to the extent mentioned in the permit, the limit prescribed by such law.

(3) There shall be payable to the Commissioner a fee of five shillings in respect of any permit granted by him under this section.

*Division IV.—Tanners.*

**50** In this Division tanner includes a fellmonger and a dealer in skins.

Meaning of tanner.

**51** No person shall carry on the business of a tanner unless he is the holder of a valid and subsisting licence for that purpose under this Act.

Tanners to be licensed.

Penalty : Twenty pounds.

**52**—(1) The Commissioner, upon receipt of an application in writing from any person, and of a fee of one pound therefor, may grant and issue to such person a tanner's licence in the Form VIII. in the second schedule.

Issue of licences.

(2) Every such licence shall expire on the thirty-first day of December next after the day on which it is issued.

(3) Subject to the provisions of subsection (4) hereof, the Commissioner shall not grant any such licence if, in his opinion, the applicant is not a fit person to hold the same.

(4) Any person who is dissatisfied with the refusal of the Commissioner to grant a licence under this section may apply in writing to the Attorney-General, who may confirm the decision of the Commissioner or may direct him to issue a licence to the applicant.

(5) The decision of the Attorney-General on any such matter shall be final and conclusive.

**53**—(1) Every person holding a tanner's licence shall keep a book in which shall be entered in the order of receipt an account of the quantity, marks, and brands of all skins and skin-wool received by such person, the name of the person from whom such skins or skin-wool were received, and the date of such receipt, which book shall be open to the inspection of any justice or police officer of or above the rank of sergeant at all reasonable times.

Skins and wool received by tanners to be entered in book.

*Police Offences.*

A.D. 1935.

(2) No person holding any such licence as aforesaid shall neglect to keep such book as aforesaid, or to make any such entry in manner aforesaid, or wilfully or knowingly make any false entry in such book, or refuse or neglect to produce such book to any justice when required so to do at any reasonable time, or in any manner obstruct such justice or police officer in making any extract therefrom.

Penalty : Twenty pounds.

Tanner's premises  
may be searched.

**54**—(1) It shall be lawful for any justice, or any police officer of or above the rank of sergeant, either alone or attended by any other person, to enter and search the house or premises in or on which the business of any person holding a tanner's licence is carried on, at any hour by day, without warrant.

(2) No person shall refuse to admit, or wilfully delay admitting, any such justice, police officer, or other person as aforesaid.

Penalty : Twenty pounds.

## PART VII.

## POWERS OF POLICE OFFICERS AND OTHER PERSONS.

*Division I.—Arrest.*

Arrest

**55**—(1) Any police officer may arrest, without warrant, any person found offending against any of the provisions of—

- i. Division I. of Part II.:
- ii. Parts III. to V. : or
- iii. Any section of this or any other Act in respect of which it is specially provided that he may so do.

(2) Where a police officer is empowered to arrest any such person, it is the duty of such officer to exercise such power unless he has reasonable grounds for believing that the purposes of this Act, or of the Act conferring such power, as the case may be, will be adequately served by proceeding against the offender by summons.

(3) Any person may arrest, without warrant, any person found offending against any provision of this Act if such offence involves—

- i. Substantial injury to the person of another :
- ii. Serious danger of such injury :
- iii. Loss of any property of the person so arresting, or of any person by whom he is authorised to effect the arrest ; or loss of any property of which the person arresting has charge : or
- iv. Serious injury to any property.

(4) For the purposes of this section, an offence shall be deemed to involve any of the matters specified in subsection (3) hereof if the person arresting has reasonable grounds for believing that such matter has been, or will be, the consequence of any act of the offender in committing such offence.

*Police Offences.*

(5) For the purposes of this section, a person is said to be "found offending" if he does any act, or makes any omission, or conducts or behaves himself, and thereby causes a person who finds him reasonable grounds for believing that he has, in respect of such act, omission, or conduct, committed an offence against this Act. A.D. 1935.

**56**—(1) It is the duty of any person who has arrested another on a charge of any offence to take him, or cause him to be taken, before a justice without delay to be dealt with according to law. Procedure on arrest.

(2) It is the duty of every police officer to receive into custody any person arrested by a private person charged with an offence and to cause him to be taken before a justice without delay to be dealt with according to law, unless he has reasonable grounds for believing that the purposes of this Act can be adequately served by proceeding against such person by summons, or unless the offence committed by the offender is of a trifling nature

*Division II.—Entry and Search.*

**57**—(1) Any superintendent, inspector, or sergeant of police shall have power at any time to enter any building or part of a building, or other place, of the following description, namely:— Police officers may enter certain places.

- i. Any place used for the purpose of any public entertainment, or for any public show or exhibition :
- ii Any singing or dancing saloon, oyster-store, fish-shop, restaurant, tea-room, or other such place :
- iii. Any house or building in which any alcoholic liquor is sold, whether such house or building is licensed or not :
- iv. Any common brothel or house for the reception of prostitutes, or any house usually frequented by thieves or loose and disorderly persons :
- v. Any building or part of a building which is kept or used for a purpose in respect of which a licence is required by the provisions of any Act : or
- vi. Any vessel not employed in His Majesty's service.

(2) The powers conferred by subsection (1) hereof on the officers therein specified may be exercised by any police officer who is authorised in that behalf either specially or generally by the Commissioner or a superintendent of police.

(3) The keeper of any such building or other place, as aforesaid, or any servant or other person having the charge thereof, or the master or other person having charge of such vessel, shall admit such superintendent, inspector, sergeant, or police officer when required.

Penalty : Five pounds.

**58**—(1) Any police officer, who has reasonable grounds for believing that any person has in his possession any poisonous thing contrary to the provisions of section nineteen, may search such person, and may seize and detain any such poisonous thing which he may find upon such search. Search for poison.

*Police Offences.*

A.D. 1935.

(2) Such police officer may require any person so found in possession of any such poisonous thing to tell his full name and place of abode, and, in case such person fails to tell his real name and place of abode or gives such a general description of his place of abode as is illusory for the purposes of discovery, the constable may arrest such person and cause him to be brought as soon as conveniently may be, before a justice to be dealt with according to law.

*Division III.—Search Warrants.*Justices'  
warrants.

**59**—(1) Upon complaint on oath of any police officer that he has reasonable grounds for believing—

Indecent  
documents.

i. And does believe, on grounds stated in his complaint, that any indecent document is kept in any place for the purpose of being used or dealt with in contravention of Division IV. of Part II. : or

Opium.

ii. That there is in or upon any house, premises, or place any opium in contravention of Division VI. of Part II.—

a police magistrate or any two justices in a case under paragraph i. hereof, or any justice in a case under paragraph ii., may issue a warrant to any police officer therein named to enter and search the house, premises, or place therein specified, and to exercise, in respect thereof, the powers set forth in such warrant.

(2) Upon complaint upon oath of any person that he has reasonable cause to suspect that—

i. Any person has in his possession or upon his premises any property whatsoever with respect to which any offence punishable under Part V. or under Chapters XXIV. to XXVII., or Chapter XXIX. of the *Criminal Code* has been committed :

ii. Any house, or part of a house, is used by a female for purposes of prostitution, and that any male person residing in or frequenting the house is living wholly or partly on the proceeds of such prostitution : or

iii. There is in or on any premises, vehicle, vessel, or place any machine, engine, implement, or thing, or any explosive or other dangerous or noxious substance, for the purpose of being used in the commission of any crime, or of any offence under Part V.—

any justice may issue a warrant to any Police officer to enter and search the premises, vehicle, vessel, or place therein specified or described, and to exercise in respect thereof the powers set forth in such warrant.

(3) Every such warrant shall be in the appropriate form set forth in the second schedule or in such form as may be prescribed either in substitution for or in addition to any form contained in that schedule.



*Police Offences.*

**60**—(1) It shall be lawful for the Commissioner to issue to any police officer a general warrant, in the appropriate form set forth in the second schedule, authorising such officer to search for stolen property.

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Commissioner's  
warrant.

(2) Every such warrant shall be signed by the Commissioner personally, and shall remain in force, unless sooner revoked, for six months from the date thereof, or for such shorter period, if any, as may be specified therein, and shall authorise the officer therein named to exercise the powers therein set forth.

(3) The Commissioner, at any time, may revoke any general warrant issued by him.

## PART VIII.

## PETTY OFFENCES.

**61**—(1) Except as otherwise provided a charge of an indictable offence under sections two hundred and thirty-four, two hundred and fifty, two hundred and fifty-two, two hundred and fifty-three, or two hundred and fifty-eight of the *Criminal Code* in respect of property, the value of which does not exceed ten pounds, may be heard and determined by a court of petty sessions in accordance with the provisions of the *Justices Procedure Act 1919*.

Charges of certain  
indictable offences  
may be heard and  
determined by a  
court of petty  
sessions.

(2) On conviction as aforesaid of any such offence the accused person shall be liable to twelve months' imprisonment for a first offence and to two years' imprisonment for any subsequent offence.

(3) Before proceeding to hear and determine any such charge, one of the justices shall say to the accused person :—

“ We shall have to hear what you have to say in answer to the charge against you ; but if you wish the charge to be tried by a jury, you must object now to our deciding upon it at once ”—

or words of like import ; and if the accused person, or his parent if he is a child, then objects the court shall proceed as provided by Part IV. of the *Justices Procedure Act 1919*.

(4) If on the hearing of any such charge the court considers that although the offence is proved it is not expedient to inflict any punishment, it may discharge the accused person upon recognizance with such sureties, if any, as the court may think necessary for his future good behaviour for such period, not exceeding twelve months, as the court may order.

(5) If on the hearing of any such charge the court considers the charge is not proved it shall dismiss the charge and shall give to the accused person a certificate in Form IX. in the second schedule.

(6) If for any reason the court before which any such charge as aforesaid is brought considers the charge is a fit subject for prosecution on indictment the court shall not hear and determine the charge as hereinbefore provided but shall proceed as provided by Part IV. of the *Justices Procedure Act 1919*.

(7) A conviction under this section shall be in Form X in the second schedule.

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*Police Offences.*


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## PART IX.

## PROCEDURE AND SUPPLEMENTAL PROVISIONS.

Restitution of  
property  
unlawfully  
obtained.

**62** The provisions of section four hundred and twenty-four of the *Criminal Code* shall apply in respect of a person convicted under this Act of an offence to which the provisions of Part VIII. apply in the same manner as if such person had been convicted of that offence under the *Criminal Code*.

Award of  
damages to  
persons injured  
by reason of  
certain offences.

**63**—(1) In any proceedings instituted against any person under Part III. or Part IV., the court, on the application of the complainant, may assess the damage, if any, suffered by the person aggrieved by reason of the offence, and may—

- i. Award that any fine or part thereof shall be paid to the person aggrieved, which award shall be sufficient authority to the clerk of petty sessions receiving such fine for payment to such person of the amount so awarded : or
- ii. Order that, in addition to or instead of any fine, the offender shall pay to the person aggrieved the assessed amount of any damage suffered by him by reason of such offence—

but the aggregate amount ordered to be paid to any person aggrieved under this provision shall not in any case exceed twenty pounds.

(2) If any such application is made the person aggrieved shall be bound by the finding of the court thereon, and the order of the court shall be a bar to any civil proceeding by such person against the offender in respect of the damage in respect of which such application was made.

Certificate of  
dismissal in  
certain cases.

(3) Where, in any proceedings under this Act by or on behalf of the person aggrieved in respect of an offence against section thirty-five, the court upon hearing the case upon the merits finds that the offence is not proved, or that the assault charged was justified or of so trifling a nature as not to merit any punishment, the court may dismiss the complaint, and upon the application of the defendant, shall issue to him a certificate of dismissal in the prescribed form, and such certificate shall be a bar to any civil proceedings in respect of the assault alleged in such case.

Accomplice.  
*Ib.*, s. 189.

**64** No police officer or person, if such police officer or person is acting under instructions from any police officer of or above the rank of sergeant, shall be deemed to be an offender or accomplice in the commission of any offence under any of the provisions of this Act, although such officer or person might but for this section have been deemed to be such an offender or accomplice.

*Police Offences.*

- 65** If any person who has laid any complaint in respect of any offence under any of the provisions of this Act does not appear at the hearing, or declines or neglects to proceed upon or prosecute such complaint, the court may authorise some other person to proceed upon or prosecute such complaint, or may authorise any other person to take fresh proceedings in respect of the offence. A.D. 1935. — Neglect to prosecute. *Ib.*, s. 188.
- 66** A court shall not be authorised by this Act to hear and determine any question as to the title to any lands, or any interest therein or accruing therefrom, or as to any bankruptcy or any execution under the process of any court of justice. Questions of title. 27 Vict. No. 5, s. 43.
- 67** In any proceedings under this Act an averment in the complaint as to the age of any person shall be deemed to be proved in the absence of proof to the contrary. Onus of proof of age.
- 68** Wherever any person shall be convicted of an offence under Part IV., the court may, in addition to or in lieu of any other penalty, require the offender to enter into his own recognizance, with or without sureties, for keeping the peace and being of good behaviour; and in default of his entering into a recognizance as required may order him to be imprisoned for any period not exceeding six months. Sureties. Cf. 27 Vict. No. 7, s. 72.
- 69**—(1) All property forfeited to His Majesty under the provisions of this Act, other than money and securities for money, shall, by order of the court or justices, be sold, or in its or their discretion destroyed, and the proceeds of any such sale shall be paid into the Consolidated Revenue. Property forfeited to His Majesty. Vic., 193.
- (2) All money forfeited to His Majesty under this Act and the proceeds of all securities for money forfeited to His Majesty under this Act shall be paid into the Consolidated Revenue.
- 70** Except where otherwise specially provided, and except as regards offences against any of the provisions of Part V., no person shall be liable to be proceeded against for any offence under this Act unless a complaint is made in respect thereof within one month after the commission of such offence. Offences to be prosecuted within one month.
- 71**—(1) Whenever any person charged with any offence of which he is liable to be summarily convicted is without the warrant of a justice in the custody of any constable, it shall be lawful for any constable on duty who is above the rank of sergeant, or any constable in charge of any police-station, if he deems it prudent so to do, but in such cases only as those in which the offender cannot be conveniently taken before a justice, to take bail by recognizance, without any fee or reward, from such person, conditioned that such person shall appear for examination before a justice at a certain place and on a certain day, not later than seven days from the date of such recognizance, and the time and place of such appearance shall be specified in such recognizance. Persons charged may be bailed by constable.

*Police Offences.*

A.D. 1935.

Recognizance to be entered.

(2) The constable taking any such recognizance shall enter in a book to be kept for that purpose the name, residence, and occupation of the party and his sureties, if any, entering into such recognizance, together with the condition thereof and the sum thereby acknowledged, and shall return every such recognizance to the justice at the time and place when and where the party is bound to appear; and every such recognizance shall have the like force and effect as if the same had been taken before a justice, and may be estreated and proceeded upon in like manner.

10 Geo. V. No. 55, s 145.

(3) The condition of any such recognizance may be enforced in the mode directed by the *Justices Procedure Act 1919* for enforcing the condition of any recognizance to keep the peace.

Committal of certain offenders to an institution. 10 Geo. V. No. 55, s. 128a.

**72**—(1) Where any person has been convicted before a police magistrate of any offence against sections five, six, seven, eight, or nine of this Act, such police magistrate if he thinks that the circumstances of the case render it undesirable that such person should be fined or imprisoned, may, instead of imposing a fine or imprisonment upon such person, order that he be committed to an institution and there detained for such period as such police magistrate shall think fit, or until an order shall be made by the Attorney-General for the release of such person as hereinafter provided.

Effect of committal.

(2) Whenever a person has been committed to an institution under this section, the order of committal shall be sufficient authority to any member of the police force to take such person to such institution, and to the superintendent or other officer in charge of such institution to receive such person and detain him therein for the period mentioned in the order of committal.

Attorney-General may release person detained in an institution.

(3) The Attorney-General may, at any time, order the release of any person detained in an institution under the provisions of this section.

Meaning of "institution." 26 Geo. V. No. 15.

(4) For the purposes of this section an institution means any public charitable institution established, or proclaimed as such, under the *Public Welfare Institutions Act 1935*, and any institution proclaimed under this Act to be a public charitable institution for the purposes of this Act.

Proclamation of institution.

(5) The Governor may by proclamation declare any institution to be a public charitable institution for the purposes of this Act.

Act not to affect rights of the Crown.

**73**—(1) Nothing in this Act shall affect or apply to any right, title, or interest of His Majesty, His heirs and successors, or in any way limit the Royal Prerogative.

(2) Nothing in this Act shall prejudice or affect the operation of the *Criminal Code*.

Regulations.

**74** The Governor may make regulations for the purposes of this Act.

*Police Offences.***SCHEDULES.**

A.D. 1935.

(1)

Regnal Year and Number of Act.	Title of Act.	Extent of Repeal.
8 Wm. IV. No. 6	<i>An Act for the Preservation of Public Reservoirs and Water-courses from Injury</i>	The whole Act
21 Vict. No. 23	<i>The Pawnbrokers Act 1857</i>	Section 29
23 Vict. No. 17	<i>The Sheep and Cattle Stealing Prevention Act 1859</i>	The whole Act
27 Vict. No. 5	<i>An Act to consolidate and amend the Legislative Enactments relating to Offences against the Person</i>	The whole Act
27 Vict. No. 7	<i>An Act to consolidate and amend the Legislative Enactments relating to Malicious Injuries to Property</i>	The whole Act
27 Vict. No. 8	<i>The Larceny Act 1863</i>	The whole Act
31 Vict. No. 12	<i>The Petty Offences Act</i>	The whole Act
41 Vict. No. 13	<i>The Larceny Act, 1877</i>	The whole Act
49 Vict. No. 33	<i>The False Notices Act 1885</i>	The whole Act
50 Vict. No. 14	<i>An Act to Prohibit the Placing of Poisoned Flesh and Poisoned Matter in open places</i>	The whole Act
53 Vict. No. 16	<i>The Falsification of Accounts Act 1889</i>	The whole Act
5 Ed VII. No. 21	<i>The Homing Pigeons Act 1905</i>	The whole Act
5 Ed VII. No. 30	<i>The Police Act 1905</i>	The whole Act
6 Ed. VII. No. 6	<i>The Opium Smoking Prohibition Act 1906</i>	The whole Act
7 Ed. VII. No. 4	<i>The Smoking by Juveniles Prevention Act 1907</i>	The whole Act
2 Geo. V. No. 5	<i>The Public Meetings Act 1911</i>	The whole Act
4 Geo. V. No. 11	<i>The Vehicles and Boats Act 1913</i>	The whole Act
8 Geo. V. No. 11	<i>The Indecent Publications Act 1917</i>	The whole Act
8 Geo. V. No. 40	<i>The Police Amendment Act 1917</i>	The whole Act
9 Geo. V. No. 41	<i>The Firearms Restriction Act 1918</i>	The whole Act
10 Geo. V. No. 55	<i>The Justices Procedure Act 1919</i>	Section 128A
11 Geo. V. No. 53	<i>The Police Act Amendment Act 1920</i>	The whole Act
12 Geo. V. No. 6	<i>The Police Amendment Act 1921</i>	The whole Act
16 Geo. V. No. 27	<i>The Justices Procedure Act 1925</i>	The whole Act
18 Geo. V. No. 16	<i>The Motor-vehicles Races Regulation Act 1927</i>	The whole Act

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*Police Offences.*


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A.D. 1935.

(2)

Form I.

## WARRANT TO SEARCH FOR INDECENT DOCUMENTS.

*The Police Offences Act 1935.*Tasmania  
to Wit.

WARRANT.

Whereas *C.D.*, a police officer, has made complaint on oath before me, *E.H.*, Esquire, a police magistrate [*or before us the undersigned, two of His Majesty's justices*], that he has reasonable grounds for believing (on the grounds stated in his complaint) that certain indecent documents (to wit \_\_\_\_\_) are kept in the shop [*or dwelling, or as the case may be*] in the occupation of *A.B.* [*occupation and address*], situated at \_\_\_\_\_, for the purpose of being dealt with in contravention of Division IV. of Part II. of the *Police Offences Act 1935*.

This is therefore to authorise and require you forthwith, with necessary and proper assistance, to enter, whether by day or night, into the said shop [*or other premises as the case may be*] and there diligently to search for the said documents, and, if on such search the same or any one or more of them are found, that you bring the documents or document so found before a police magistrate or two justices to be disposed of according to law.

Given under my hand [*or our hands*], this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*E.H.*, P.M.[*or J.T.*  
*S.D.*,

Justices of the Peace.]

To *C.D.*,  
A Police Officer.

Form II.

## WARRANT TO SEARCH FOR OPIUM.

*The Police Offences Act 1935.*Tasmania  
to Wit.

WARRANT.

Whereas *C.D.*, a police officer, has made complaint on oath before me, one of His Majesty's justices, that he has reasonable grounds for believing that there is, in, on, or upon the [house, premises, or place], situate at [*address*], opium, in contravention of Division VI. of Part II. of the *Police Offences Act 1935*.

This is therefore to authorise and require you forthwith, with necessary and proper assistance, to enter, whether by day or night, the said [house, premises, or place], and there diligently to search for opium, and, if on such search any opium be found, to seize and carry away the same, and to arrest any person there found offending against the said Division VI., and to bring him before a justice, to be dealt with according to law.

Given under my hand, this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_\_.

*L.K.*,

A Justice of the Peace.

To *C.D.*,  
A Police Officer.

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*Police Offences.*

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## Form III.

A.D. 1935.

## WARRANT TO SEARCH UNDER SECTION 8.

*The Police Offences Act 1935.*Tasmania  
to Wit.

## WARRANT.

Whereas complaint has been made on oath to me, one of His Majesty's justices, that there is reasonable grounds for believing that the house [or part of the house], situate at [address], is used by A.B., a female, for purposes of prostitution, and that J.S., a male person residing in or frequenting such house is living wholly or in part on the proceeds of such prostitution.

This is therefore to authorise and require you forthwith, with necessary and proper assistance, to enter, whether by day or night, the said house, and there diligently to search for the said J.S., and to arrest the said J.S., and to bring him before a justice, to be dealt with according to law.

Given, &amp;c. [as in Form II.].

To C.D.,

L.K., J.P.

And to all other Police Officers.

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Form IV.

## WARRANT TO SEARCH FOR PROPERTY UNLAWFULLY OBTAINED.

*The Police Offences Act 1935.*Tasmania  
to Wit.

## WARRANT.

Whereas complaint has been made on oath to me, one of His Majesty's justices, by C.D., of [address and occupation], that he has reasonable grounds for believing that one, J.S., of [address], has in his possession or on his premises situate at [address] certain property, to wit [here give particulars], with respect to which an offence under Part V. of the *Police Offences Act 1935*, or under Chapters XXIV. to XXVII. or Chapter XXIX. of the *Criminal Code* has been committed. This is therefore to authorise and require you [proceed as in Form I. down to "search for"], the said property, and if the same, or any part thereof, is found upon such search, to attach the property so found, and to arrest the said J.S., and to bring him before a justice, to be dealt with according to law.

Given, &amp;c. [as in Form II.].

To C.D.,

L.K., J.P.

And to all other Police Officers.

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Form V.WARRANT TO SEARCH FOR EXPLOSIVES OR OTHER DANGEROUS OR  
NOXIOUS THINGS.*The Police Offences Act 1935.*Tasmania  
to Wit.

## WARRANT.

Whereas complaint has been made on oath to me, one of His Majesty's justices, by C.D., of [address and occupation], that he has reasonable grounds for believing that one, J.S., of [address], has in his possession or on his premises situate at [address] or in a certain vehicle, vessel, or place at a certain machine, engine, implement, or thing [or an explosive, dangerous, or noxious substance] for the purpose of being used in the commission of a crime, or of an offence under Part IV. of the *Police Offences Act 1935*.

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*Police Offences.*


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A.D. 1935.

This is therefore to authorise and require you forthwith [*proceed as in Form I. down to "search for"*] the said [*insert particulars and proceed as in Form IV., substituting the appropriate description for the word "property"*].

Given, &c. [*as in Form II.*].  
 To C.D.,  
 And to all other Police Officers.

L.K., J.P.

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 Form VI.

WARRANT TO SEARCH FOR EVIDENCE OF STEALING GAS OR ELECTRICITY.

Tasmania *The Police Offences Act 1935.*

to Wit.

WARRANT.

Whereas complaint has been made on oath to me, one of His Majesty's justices, by C.D., of [*address and occupation*], that he has reasonable grounds for believing that one, J.S., has, upon or in connection with the house [*or as the case may be*] situate at [*address*], committed a crime within the provisions of section two hundred and thirty-three of the *Criminal Code*.

This is therefore to authorise and require you [*proceed as in Form I. to the words "search for" and then proceed*], evidence of the said crime and to bring such evidence, if any, before a justice, on the hearing of any complaint against the said J.S., for the commission of such crime.

Given, &c. [*as in Form II.*].

To C.D.,  
 And to all other Police Officers.

L.K., J.P.

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 Form VII.

GENERAL WARRANT.

*The Police Offences Act 1935.*Tasmania  
to Wit.

WARRANT.

You are hereby authorised, at any time in the day or night, with proper and necessary assistance, to enter and search any house, building, premises, or place where you have reasonable grounds for believing that any stolen goods are, and to break open such house, building, premises, or place, and to break open and search any cupboards, drawers, chests, trunks, boxes, or packages, or other things, whether fixtures or not, in which you have reasonable grounds for believing that there are any goods obtained under such circumstances as constitute an offence under the *Police Offences Act 1935*, or a crime under the *Criminal Code*.

This warrant shall remain in force for six months from the date hereof [*or, if for a shorter period, state how long*].

Dated this day of                      one thousand nine hundred and

Commissioner of Police.

To C.D.,  
 A Police Officer.



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*Police Offences.*

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## Form VIII.

A.D. 1935.

## TANNER'S LICENCE.

Whereas A.B., of \_\_\_\_\_, has applied to me for a Tanner's Licence and has paid to me the fee payable in respect of such licence: I do therefore hereby grant to the said A.B. licence to carry on the business of a tanner, at or near \_\_\_\_\_ until the thirty-first day of December now next.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 19

Commissioner of Police.

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FORM IX.

Tasmania  
to Wit.

*Certificate of Dismissal.*

I/we, A.B., (police magistrate), or C.D. and E.F. (two of His Majesty's justices), do hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, S.T. was brought before me/us, the said police magistrate (or justices) charged with [*here state briefly the particulars of the charge*], and that I/we, the said police magistrate (or justices) thereupon dismissed the said charge.

Given under my/our hand(s) this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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FORM X.

Tasmania  
to Wit.

*Conviction Under Part VIII.*

Be it remembered that on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, at \_\_\_\_\_, S.T. was convicted before me/us, A.B. (police magistrate), or C.D. and E.F. (two of His Majesty's justices), for that he, the said S.T., did [*here specify the offence as, e.g., "did, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, steal the sum of ten shillings, the property of L.M."*]; I/we, the said A.B. (or C.D. and E.F.) adjudge the said S.T. for his said offence to be imprisoned in the [*Hobart*] gaol for a term of \_\_\_\_\_

Given under my/our hand(s) the day and year first above-mentioned.

