

(3) A dog without a collar bearing the proper registration label required by that Act shall *prima facie* be deemed to be unregistered thereunder, and any person is entitled to act on that presumption unless he has reasonable grounds for thinking it false.

(4) Where it appears that a dog is owned or kept by one of two or more persons living or working on the land where the dog has been kept or found other than the occupier of that land, the occupier shall be deemed to be the keeper of the dog unless he proves that some other person is the keeper of the dog.

(5) Where the land to which subsection (4) relates is occupied by the Crown a Minister of State responsible for the activities of some or all of the persons of whom the keeper of the dog is one shall be deemed to be the occupier.

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## POLICE OFFENCES.

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### No. 71 of 1962.

AN ACT to amend the *Police Offences Act 1935*.  
[14 February 1963.]

**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:—

**1—**(1) This Act may be cited as the *Police Offences Act 1962*. Short title,  
citation,  
and com-  
mencement.

(2) The *Police Offences Act 1935*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on the day on which the *Local Government Act 1962* commences.

Interpretation.

**2** Section three of the Principal Act is amended by inserting in subsection (1) after the definition of "Owner" the following definition:—

“‘public authority’ includes the Crown, the Transport Commission, the Hydro-Electric Commission, the Closer Settlement Board, local authorities, marine boards and harbour trusts constituted under the *Marine Act* 1921, the Postmaster-General, and any other person with statutory powers to carry out or maintain works for the use or benefit of the public in this State or any part thereof;”.

Public annoyance.

21 Geo. V No. 34, s. 35 III,  
26 Geo. V No. 43, s. 76,  
23 Geo. V No. 54, s. 51,  
25 Geo. V No. 48, s. 16.

**3** Section thirteen of the Principal Act is amended by adding the following subsections at the end thereof:—

“(4) No person shall wilfully leave open any gate or slip-panel or make a gap in any fence for the purpose of permitting or causing any animal, or otherwise wilfully cause or procure any animal, to trespass.

Penalty: Sixty pounds.

“(5) No person shall suffer—

(a) any waste or stagnant water or any accumulation of filth or other offensive matter to remain in, under, or near a dwelling-house for more than twenty-four hours after a health inspector under the *Public Health Act* 1962 or the *Local Government Act* 1962 has required him to remove it; or

(b) the contents of any privy, septic tank, sullage drain, or cesspool to overflow or escape onto adjoining land.

Penalty: Six pounds and a daily penalty of thirty shillings.

“(6) No person, being the owner or usual keeper of a stallion, bull, boar, or ram, shall permit the animal to be in any public place unless it is under the immediate custody or control of some competent person.

Penalty: Sixty pounds.

“(7) No person, being the owner or usual keeper of a horse, mule, hinny, ass, ox, pig, sheep, or goat, other than those mentioned in subsection (6), shall permit the animal to graze or stray in any public place.

Penalty: Three pounds; or, for any fifth or subsequent offence within a period of five years, sixty pounds.

“(8) The provisions of subsection (7) do not apply in respect of a milch cow grazing in pursuance of an authority lawfully issued by the body controlling the public place where the cow is grazing; nor to an animal grazing on an unfenced road not within one mile and a half of a city or town.

“(9) The owner or usual keeper of any animal mentioned in subsection (7) which is found straying in a public place is liable to the penalty imposed by that subsection, unless he satisfies the court that the presence of the animal therein was not due to the negligence or default of himself, his servant, or agent.

“(10) No person shall permit a bitch of which he is the owner, and which is on heat, to be at large in any public place; or fail to keep such a bitch, which to his knowledge is on heat, confined in some place removed from any public place.

Penalty: Six pounds.

“(11) No person shall—

- (a) permit a dog known to be dangerous, or to have bitten or injured any person or animal useful to man, to be at large, whether under the control of any person or not, unless it is muzzled in such a manner as to prevent its doing any damage, and to admit of its breathing and drinking without obstruction;
- (b) being the owner of a dog, fail to prevent its being at large unless it is under the immediate custody and control of some competent person;
- (c) permit a dog to be unchained at any time between sunset and sunrise unless the dog is—
  - (i) securely shut in so as to be unable to leave the land of the person on whose land it is;
  - (ii) under the close and continuous control of a competent person; or
  - (iii) being used in droving;
- (d) being the owner of a dog known to have attacked sheep, fail—
  - (i) forthwith to destroy the dog or cause it to be destroyed; or
  - (ii) upon demand to deliver up the dog for destruction to a police officer or an officer of the corporation authorized by it in that behalf; or
- (e) keep a dog that is—
  - (i) taxable under the *Local Government Act 1962*; and
  - (ii) not registered by the corporation.

Penalty: Fifteen pounds.

“(12) No person shall—

- (a) on vacating any premises abandon a dog previously kept there; or
- (b) set or leave a dog at large with intent to abandon it.

Penalty: Twenty pounds or one month's imprisonment.

“(13) No person shall wilfully set on or urge a dog to *ibid.*, (5). attack, chase, or worry any person or any domestic animal.

Penalty: Sixty pounds or three months' imprisonment.”.

4 After section fifteen of the Principal Act the following sections are inserted:—

Police offences in towns.

Cf. 25 Geo. V No. 47, ss. 54 (2), 13, 26 (2).

“15A—(1) No person shall in any town—

- (a) without having given notice in writing at least twenty-four hours before to the proper municipal officer or contrary to any direction in writing given by that officer, do blasting;
- (b) unlawfully break up or otherwise damage any street or any fixture therein or thereon;
- (c) unlawfully damage or interfere with any work of a municipality or any material used or provided therefor;
- (d) unlawfully make a drain leading into a street;
- (e) being the occupier of land permit or suffer water or drainage therefrom to flow upon the footway of a street;
- (f) unlawfully make a drain lead into a sewer, drain, or other work of the municipality;
- (g) unlawfully erect any scaffolding or hoarding in a street; or
- (h) make an excavation, vault, or cellar beneath a street without the written permission of the authority having the duty or power to repair the street.

Penalty: Fifty pounds.

“(2) Nothing in this section affects any other Act or any regulation or by-law thereunder.

Injuring public utilities.

26 Geo. V No. 82, s. 50. No. 5203 (Vic.), s. 542 (5).

“15B—(1) A person who wilfully or negligently injures a highway, a bridge carrying a highway, or a public jetty is liable to a penalty of eighty pounds and may be ordered by the justices convicting him to pay the amount of the damage occasioned by his offence.

“(2) A person who uses a vehicle on a highway in contravention of a notice prohibiting a certain kind of traffic thereon under section three hundred and eighty of the *Local Government Act 1962* and advertised thereunder is liable to a penalty of fifty pounds.

Offences in highways.

26 Geo. V No. 82, ss. 49, 51, 52.

“15C—(1) No person shall—

- (a) make or erect any building or fence on or at the side of a highway in such a manner as to reduce the width or confine the limits thereof;
- (b) fill up or obstruct—
  - (i) a drain or gutter in, under, or along; or
  - (ii) a drain or watercourse made by the Minister or a municipality through land adjoining or near,
    - a highway for the purpose of draining that highway;
- (c) make a drain, sink, or watercourse upon or across a highway;
- (d) move, take away, pull down, deface, damage, or destroy a lamp, lamp-post, milestone, direction-sign, wall, fence, post, or rail on a highway;

- (e) extinguish a light maintained on or beside a highway for the lighting of the highway or for the protection of traffic thereon; or
- (f) in any manner wilfully obstruct the use or enjoyment of a highway.

Penalty: Eighty pounds.

“(2) No person being the owner or occupier of any land adjoining a highway shall—

- (a) permit or suffer a hedge, tree, shrub, or bush planted or growing on such land to encroach on the highway so as to reduce the width or confine the limits thereof, or permit or suffer any such hedge, tree, shrub, or bush in any manner whatever to obstruct the highway;
- (b) permit or suffer the seedlings, suckers, or other offsets of any such hedge, tree, shrub, or bush to encroach on the highway;
- (c) permit or suffer the branches of a tree growing or standing on such land to overhang the highway in such a manner as to obstruct or interfere with the use of the highway; or
- (d) permit or suffer any briar, blackberry, gorse, Californian thistle, Bathurst burr (*Xanthium spinosum*), or noxious weed within the meaning of the *Noxious Weeds Act 1938* to spread from such land to, or encroach on, the highway.

Penalty: Eighty pounds.

“(3) No person shall—

- (a) lay down or cause to be laid down or deposited any timber, stone, hay, straw, dung, lime, soil, ashes, or other like matter or thing, or any rubbish upon;
- (b) fell, cut, bark, or remove any tree on; or
- (c) remove any soil from,

a highway, unless he be authorized by the authority having the care, control, or management of that highway so to do.

Penalty: Twenty pounds.

“(4) No person shall make a fire upon the paved or constructed portion of a highway or within six feet of a fence on or at the side of a highway.

Penalty: Twenty pounds.

“15D A person who without lawful authority buries or permits or suffers to be buried any corpse or coffin in any cemetery or burial-ground which has been closed by the Governor, the local authority, or the Minister for Health is liable to a penalty of two hundred and fifty pounds.”

Burial in closed cemeteries, &c.

44 Vict. No. 29, s. 1, 26  
Geo. V No. 43, s. 116.

**5** After section seventeen of the Principal Act the following section is inserted:—

Interference with barricades, &c., round works in highways.  
Cf. 25 Geo. V No. 47, s. 29 (3).

“17A A person who takes away or puts out any bar, chain, fence, or lamp set up by any person in connection with the making or repair of a highway or with doing any work on, in, or under a highway for the protection or control of persons passing along the highway is liable to a penalty of fifteen pounds.”

**6** After section nineteen of the Principal Act the following section is inserted:—

Dangerous junk.

“19AA No person shall place or cause to be placed in or upon any public place, dump, tip, or unfenced land, any refrigerator, ice chest, ice box, hot box, chest, trunk, wardrobe, cupboard, or other article having in it a compartment more than one cubic foot and a half in size with a door thereto capable of being fastened or of staying shut.

Penalty: One hundred pounds or six months' imprisonment.”

**7** After section twenty of the Principal Act the following section is inserted in Division II of Part II:—

Rescue and illegal impounding of distress damage feasant.

21 Geo. V No. 35, s. 35 I II.

“20AA A person who—  
(a) impounds or detains any animal unlawfully; or  
(b) rescues any animal impounded or seized for the purpose of impounding,  
as a distress damage feasant is liable to a penalty of sixty pounds.”

**8** Section thirty-seven of the Principal Act is amended by adding the following subsections at the end thereof:—

Injuries to property.

Cf. 6 Edw. VII No. 31, ss. 11, 242 (5), 25 Geo. V No. 47, s. (2).

“(3) No person shall unlawfully remove, displace, deface, obliterate, or conceal any—

- (a) boundary mark;
- (b) beacon;
- (c) survey mark;
- (d) mark used in setting out any work;
- (e) mile post;
- (f) sign post; or
- (g) notice,

set up or posted by or on behalf of a public authority.

Penalty: Twenty pounds.

“(4) No person shall carelessly or negligently break, throw down, destroy, or damage a lamp erected to light a street in a town or a post, iron, cover, or other furniture of such a lamp.

Penalty: Three pounds.”

**9** After section thirty-nine of the Principal Act the following section is inserted:—

“39A No person shall—

- (a) receive or have in his possession the untanned skin of any sheep or ox from which a registered brand or prescribed mark within the meaning of the *Stock Act 1932* has been cut away, or on which such a brand or mark has been obliterated by cutting or alteration;
- (b) have in his possession or upon his premises the skin of any sheep or ox or the carcase or any part, exceeding seven pounds in weight, of the carcase of any sheep or ox for the possession of

Offences in relation to sheep, cattle, and other stock.

23 Geo. V No. 54, s. 56.

which, or for the presence of which upon his premises, as the case may be, he cannot give a satisfactory account; or

- (c) have in his possession or under his control any stock which is reasonably believed to have been stolen, and for his possession or control of which he cannot give a satisfactory account.

Penalty: Two hundred pounds or six months' imprisonment."

**10** After Division III of Part VI of the Principal Act the following Division is inserted:—

*" Division IIIA—Public entertainments.*

" 49A In this Division 'public entertainment' means an entertainment (including, though without limiting the meaning of that term, a concert, recital, lecture, reading, entertainment of the stage, cinematograph or other picture show, dancing, skating, boxing, or other amusement, exhibition, or contest) to which persons are admitted on payment or which is open to the public, whether admission thereto is or is not procured by payment of money or on any other condition.

Interpretation.  
8 Geo. V  
No. 49, s. 3.

"49B—(1) Where the Commissioner is of opinion that it is fitting—

Power of Commissioner to control public entertainments.  
*Ibid.*, s. 24.

- (a) for the preservation of public morality, good manners, or decorum; or  
(b) to prevent a breach of the peace or danger to a performer or other person,

so to do, he may, with the consent of the Minister, by writing under his hand prohibit or regulate the holding of any public entertainment or a specified part or item of any public entertainment, the terms of any licence notwithstanding.

"(2) A person holding or having the superintendence or management of a public entertainment which, or any part or item of which, is held contrary to a prohibition under this section or any condition so imposed after notice thereof has been given as prescribed is liable to a penalty of two hundred and fifty pounds.

" 49C No person shall hold or conduct an indoor public entertainment on Christmas Day or Good Friday.

No indoor public entertainments on Christmas Day and Good Friday.

Penalty: Two hundred and fifty pounds."

*Ibid.*, s. 24A.  
Arrest.

**11** Section fifty-five of the Principal Act is amended—

- (a) by omitting the word "or" at the end of paragraph (c) of subsection (3); and  
(b) by adding at the end of that subsection the following paragraph:—

Cf. 29 Viet. No. 7, s. 39, 25 Geo. V No. 47, s. 35 (2)

"; or  
(e) injury to the property of a public authority."

**12** After section fifty-seven of the Principal Act the following sections are inserted:—

Searching of  
hawkers, &c.  
6 Edw. VII  
No. 31, s. 205  
(12) III.

“57A—(1) Any police officer may search a hawker’s pack if he has reason to suspect that it contains goods which are stolen or which it is unlawful for the hawker to sell.

“(2) For the purposes of this section—

‘hawker’ includes pedlar;

‘pack’ includes any vehicle or container used by a hawker to carry the goods he hawks.

Search for and  
detention of  
skins  
suspected to  
be stolen.  
23 Geo. V  
No. 54, s. 43.

“57B—(1) A police officer who has reasonable ground to believe that the skin of any sheep or ox, which is alleged to have been stolen, may be found in or upon any premises, vehicle, vessel, or packhorse, may, without further authority than this section, search those premises, or that vehicle, or vessel, or the pack upon that horse for the skin.

“(2) If, upon any such search, any such skin is found, the police officer may detain it.

“(3) Every skin so detained shall be brought as soon as may be before a court of petty sessions or a police magistrate, and—

- (a) where proceedings are taken against any person in respect of an offence relating to the skin, the justices adjudicating thereon, if sufficient evidence for that purpose is available, shall determine the ownership of the skin and make such order for its disposal as they may deem just; and
- (b) in any other case the justices may make such order for the advertising of the detention and notice to any person claiming the skin as they may think necessary, and, if within the time limited by the order, the owner of the skin does not claim it as directed by the order, and establish his ownership to the satisfaction of the justices, the skin shall be forfeited to His Majesty and may be sold as the justices may direct.”.

Award of  
damages to  
persons in-  
jured by  
reason of cer-  
tain offences.

Cf. 25 Geo. V  
No. 47, ss. 13  
(2), 35 (4),  
(5), 29 Vict.  
No. 7, s. 8.

**13** Section sixty-three of the Principal Act is amended—

- (a) by inserting in subsection (1) after the word “under” (first occurring) the words “section fifteen A or”;
- (b) by inserting at the end of that subsection the words “except in the case of damage to property of a public authority”;
- (c) by adding at the end of the section the following subsection:—

“(4) A person may not be convicted of an offence under subsection (4) of section thirty-seven in respect of the property of a public authority if on demand by that public authority he pays to it the cost of repairing, replacing, or making good the damage done by him.”.