

## POLICE OFFENCES.

### No. 32 of 1963.

AN ACT to amend the *Police Offences Act 1935* and the *Police Offences Act 1962*.

[18 September 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 1963*. Short title and citation.

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

**2** Section four of the Principal Act is amended— Drunkenness.

- (a) by omitting from paragraph (a) of subsection (1) the word “Five” and substituting therefor the word “Ten”;
- (b) by omitting from paragraph (b) of that subsection the word “Five” and substituting therefor the word “Ten”; and
- (c) by omitting from paragraph (c) of that subsection the word “Ten” and substituting therefor the word “Twenty”.

**3** Section eight of the Principal Act is amended— Begging, imposition, prostitution, &c.

- (a) by omitting from subsection (1) paragraphs (e), (f), and (h);
- (b) by inserting in that subsection at the end of paragraph (g) the word “or”;
- (c) by omitting from the penalty to that subsection the word “Ten” and substituting therefor the word “Fifty”;
- (d) by inserting after that subsection the following subsections:—

“(1A) No person shall—

- (a) wilfully and obscenely expose his person in any public place or in the view of persons therein;
- or

(b) being a male person—

- (i) knowingly live wholly or in part on the earnings of prostitution; or

- (ii) in any public place solicit or importune for immoral purposes.

Penalty: One hundred pounds, or twelve months' imprisonment.

“(1B) No person shall impose or endeavour to impose upon any other 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.

Penalty: For a first offence, twelve months' imprisonment; for a subsequent offence, two years' imprisonment.”.

Disorderly houses.

**4** Section ten of the Principal Act is amended by omitting from subsection (1) the word “Twenty” and substituting therefor the words “One hundred”.

Prohibited language and behaviour.

**5** Section twelve of the Principal Act is amended—

(a) by omitting the words “Five pounds, or one month's imprisonment” and substituting therefor the words “Twenty pounds, or three months' imprisonment”; and

(b) by adding at the end thereof the following subsection:—

“(2) A person convicted in respect of an offence under this section committed within six months after he has been convicted of that or any other offence thereunder is liable to double the penalty prescribed in subsection (1) in respect of the offence in respect of which he is so convicted.”.

Public annoyance.

**6** Section thirteen of the Principal Act is amended—

(a) by omitting from subsection (1) the words “Five pounds, or one month's imprisonment” and substituting therefor the words “Twenty pounds, or three months' imprisonment”; and

(b) by omitting from subsection (3) the words “Five pounds, or one month's imprisonment” and substituting therefor the words “Twenty pounds, or three months' imprisonment”; and

(c) by inserting after subsection (3) the following subsection:—

“(3A) A person convicted in respect of an offence under this section committed within six months after he has been convicted of that or any other offence thereunder is liable to

double the penalty prescribed in subsection (1) in respect of the offence in respect of which he is so convicted.”.

**7** Section fourteen of the Principal Act is amended—

Public decency.

(a) by omitting the words “—(a) 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 (b)”;

(b) by omitting the words “Two pounds” and substituting therefor the words “Five pounds”.

**8** Section fourteen A of the Principal Act is amended—

Peering into dwelling-houses, &c.

(a) by omitting from subsection (1) the words “, during the night,”; and

(b) by omitting from that subsection the word “Twenty” and substituting therefor the word “Fifty”.

**9** Section fifteen of the Principal Act is amended by omitting from subsection (1) the words “Two pounds” and substituting therefor the words “Twenty pounds”.

Obstructions in streets, writing on or defacing buildings, &c., throwing, &c., rubbish on street, &c.

**10** Section sixteen of the Principal Act is amended by omitting the words “Two pounds” and substituting therefor the words “Ten pounds”.

Street musicians.

**11** Section eighteen of the Principal Act is amended by omitting the words “One pound” and substituting therefor the words “Twenty pounds”.

Animals not to be drowned in certain waters.

**12** Section nineteen of the Principal Act is amended by omitting from subsection (3) the words “Ten pounds, or six months’ imprisonment” and substituting therefor the words “Fifty pounds, or six months’ imprisonment”.

Poisoned substances.

**13** Section twenty of the Principal Act is amended by omitting from subsection (1) the words “Five pounds, or one month’s imprisonment” and substituting therefor the words “Twenty pounds, or three months’ imprisonment”.

Public meeting, misbehaviour, at.

**14** Section twenty-two of the Principal Act is repealed and the following section is substituted therefor:—

“22—(1) No person being a child shall use, discharge, carry, buy, keep, or knowingly have in his possession any firearm or ammunition for a firearm.

Firearms not to be used by or supplied to children.

Penalty: Five pounds.

“(2) No person shall sell, give, lend, or in any way supply to a child, any firearm or ammunition for a firearm.

Penalty: Twenty pounds.”

Discharging  
firearms.

**15** Section twenty-four of the Principal Act is amended—

- (a) by inserting at the end of subsection (1) the words “Penalty: Fifty pounds.”; and
- (b) by omitting from subsection (2) the words “Twenty pounds” and substituting therefor the words “One hundred pounds, or twelve months’ imprisonment”.

Penalty for  
supplying  
tobacco  
illegally.

**16** Section thirty-two of the Principal Act is amended by omitting from subsection (1) the words “Five pounds” and substituting therefor the words “Twenty pounds”.

Common  
assault and  
aggravated  
assault on  
females and  
children.

**17** Section thirty-five of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “Ten pounds, or two months’ imprisonment” and substituting therefor the words “Fifty pounds, or six months’ imprisonment”;
- (b) by omitting from subsection (2) the words “twenty pounds or to imprisonment for six months” and substituting therefor the words “one hundred pounds or to twelve months’ imprisonment”; and
- (c) by omitting from subsection (3) the words “twenty pounds or to imprisonment for six months” and substituting therefor the words “one hundred pounds or to twelve months’ imprisonment”.

Offences  
relating to  
property.

**18** Section thirty-seven of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “Fifty pounds, or six months’ imprisonment” and substituting therefor the words “One hundred pounds, or twelve months’ imprisonment”; and
- (b) by omitting from subsection (2) the words “Twenty pounds, or three months’ imprisonment” and substituting therefor the words “One hundred pounds, or twelve months’ imprisonment”.

Possession  
of stolen  
property.

**19** Section thirty-nine of the Principal Act is amended by omitting the words “Six months’ imprisonment” and substituting therefor the words “Twelve months’ imprisonment for a first offence; two years’ imprisonment for a subsequent offence”.

**20** Section forty-two of the Principal Act is repealed and the following section is substituted therefor:—

“42—(1) No person shall take or use any animal that is the property of another person without—

Taking or using animal, vehicle, or vessel without owner's consent.

- (a) the consent of the owner or person in lawful possession thereof; or
- (b) other lawful excuse.

Penalty: For a first offence, one hundred pounds or six months' imprisonment; for a subsequent offence, two hundred pounds or two years' imprisonment.

“(2) No person shall—

- (a) take or use any vehicle (not being a motor vehicle within the meaning of the *Traffic Act 1925*); or
- (b) take or use any vessel within the meaning of the *Marine Act 1921*,

that is the property of any other person without the consent of the owner or person in lawful possession thereof.

“(3) Subject to subsections (4) and (5) of this section, a person who is convicted of an offence under subsection (2) of this section is liable to a penalty—

- (a) for a first offence, of one hundred pounds, or six months' imprisonment; or
- (b) for a subsequent offence, of not less than twelve months' imprisonment or more than two years' imprisonment.

“(4) Notwithstanding the provisions of subsection (3) of this section, where a person is convicted of an offence under subsection (2) of this section by taking or using a wheelbarrow, hand cart, bicycle, or other like vehicle the penalty, whether for a first or subsequent offence, shall not exceed fifty pounds or three months' imprisonment.

“(5) Notwithstanding the provisions of subsection (3) of this section, where a person is convicted of an offence under subsection (2) of this section, having previously been convicted of an offence thereunder, the court before which he is convicted, if it thinks it reasonable so to do, having regard to all or any of the following matters, namely:—

- (a) The time that has elapsed since the commission of a previous offence;
- (b) The character, antecedents, age, health, or mental condition of that person; and
- (c) Any other special circumstances,

may impose on that person such penalty being less than the penalty prescribed by paragraph (b) of subsection (3) of this section as the court may consider just and reasonable in all the circumstances of the case, but the court shall not in any such case impose a penalty of lesser severity than the fine prescribed in respect of a first offence against subsection (2) of this section.

“(6) Nothing in this section affects the law of marine salvage.”

Finding property.

**21** Section forty-three of the Principal Act is amended—

- (a) by omitting from subsection (1) the words “Five pounds” and substituting therefor the words “Ten pounds”;
- (b) by omitting from subsection (2) the words “Ten pounds” and substituting therefor the words “Twenty pounds”; and
- (c) by omitting from subsection (3) the words “ten pounds” and substituting therefor the words “one hundred pounds”.

False reports to police.

**22** Section forty-four A of the Principal Act is amended—

- (a) by adding at the end of subsection (1) the words “, or three months’ imprisonment”; and
- (b) by omitting from subsection (2) the word “fine” and substituting therefor the word “penalty”.

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

**23** Section fifty-three of the Principal Act is amended by omitting from subsection (2) the words “Twenty pounds” and substituting therefor the words “Fifty pounds”.

Police officers may enter certain places.

**24** Section fifty-seven of the Principal Act is amended by omitting from subsection (3) the words “Five pounds” and substituting therefor the words “Ten pounds”.

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

**25**—(1) Section sixty-three of the Principal Act is repealed.

(2) Section thirteen of the *Police Offences Act 1962* is repealed.

(3) This section commences on the same day as the *Justices Act 1963*.

Persons charged may be bailed by constable.

**26** Section seventy-one of the Principal Act is repealed.

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## JUSTICES.

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### No. 33 of 1963.

AN ACT to amend the *Justices Act 1959*.  
[18 September 1963.]

**B**E 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:—

Short title, citation, and commencement.

**1**—(1) This Act may be cited as the *Justices Act 1963*.

(2) The *Justices Act 1959*, as subsequently amended, is in this Act referred to as the Principal Act.

(3) This Act shall commence on a date to be fixed by proclamation.