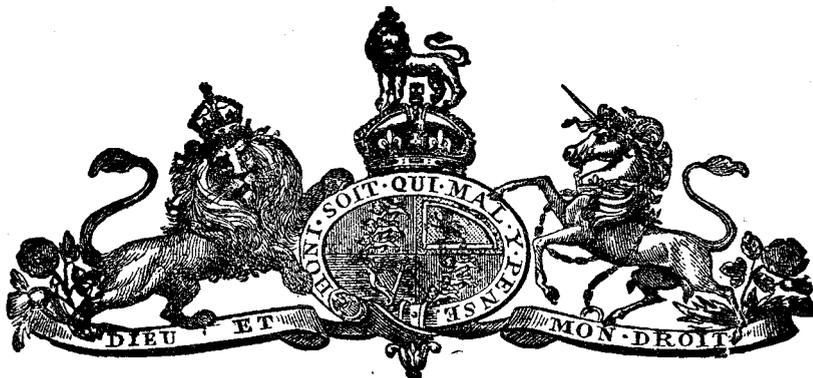


## TASMANIA.



1934.

ANNO VICESIMO QUINTO

GEORGII V. REGIS.

No. 65.

## ANALYSIS.

1. Short title.
2. Repeal of 63 Vict. No. 36.
3. Interpretation.
4. Conditions precedent to proceedings.
5. Provisions relating to proceedings.
6. Application of Act.
7. Resistance and obstruction prohibited.

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AN ACT to consolidate and amend the Law relating to the Protection of Public Persons acting in the Execution of Statutory and other Public Duties. [13 December, 1934.]

A.D.  
1934.

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 This Act may be cited as the *Public Officers Protection Act* 1934. Short title.

*Public Officers Protection.*

A.D. 1934.

Repeal of 63  
Vict. No. 36.

**2** An Act to amend the law relating to double costs and other matters and to generalise and amend certain statutory provisions for the protection of persons acting in the execution of statutory and other public duties is hereby repealed.

Interpretation.

**3** In this Act, unless the contrary intention appears—

“Proceeding” includes any action, prosecution, or other legal proceeding:

“Public officer” includes any person acting in good faith in the execution, or intended execution, of any Act or of any public duty or authority.

Conditions  
precedent to  
proceedings.

**4** No proceeding shall be brought against any person for or in respect of any act done by such person in pursuance or in execution, or intended execution, of any Act or of any public duty or authority or in respect of any alleged neglect or default in the execution of any such Act, duty, or authority, unless—

I. Notice of the intended proceeding, stating the grounds thereof, has been served on such person one month before the proceeding is commenced: and

II. The proceeding is commenced within six months after the act, neglect, or default in respect of which it is brought or in case of a continuance of injury or damage within six months after the cessation thereof.

Provisions  
relating to  
proceedings.

**5** In any such proceeding as aforesaid—

I. Where judgment is obtained by the defendant, the court if it awards costs, may direct them to be taxed as between solicitor and client:

II. If the proceeding is an action for damages—

(a) Tender of amends before the action was brought may be pleaded in lieu of, or in addition to, any other plea:

(b) If the action is commenced after the tender, or continued after payment into court of any money in satisfaction of the plaintiff's claim, and the plaintiff does not recover more than the sum tendered or paid, he shall not recover any costs incurred after the time when the tender or payment was made, and the defendant shall be entitled to costs as from that time, to be taxed as between solicitor and client, but this provision shall not affect costs on any injunction in the action.

*Public Officers Protection.*

**6** The foregoing provisions of this Act shall not apply to any proceeding by any officer of the State acting on behalf of the Government, or of any Government department, against any local authority or officers of a local authority.

A.D. 1934.  
Application  
of Act.

**7—(1)** No person shall—

I. Assault, resist, or wilfully obstruct—

(a) Any police officer in the execution of his duty:

(b) Any person lawfully assisting a police officer in the execution of his duty: or

(c) Any person lawfully arresting another:

II. Threaten, intimidate, or use improper or abusive language to any such police officer whilst in the performance or execution of his duty or any person assisting such officer therein: or

III. Instigate or incite any person to do any of the things aforesaid.

Resistance  
and  
obstruction  
prohibited.

Penalty: Twenty pounds, or six months' imprisonment.

**(2)** No person shall—

I. Assault, resist, or wilfully obstruct any public officer in the execution of his duty, or lawfully performing any duty imposed on him by any Act, or in the exercise of any public duty or authority:

II. Threaten, intimidate, or use improper or abusive language to any such person so acting: or

III. Instigate or incite any person to do any of the things aforesaid.

Penalty: Ten pounds, or three months' imprisonment.

**(3)** Any police officer may arrest without warrant any person committing an offence against paragraph I. of subsection (1) hereof.

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