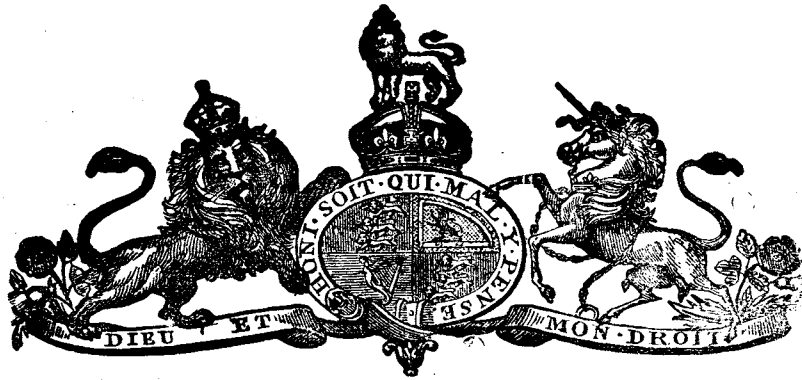


THE POLICE AMENDMENT ACT, 1917.

ANALYSIS.

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| <ol style="list-style-type: none">1. Short title.2. Amendment of Section 4 of Principal Act.3. Amendment of Section 13 of Principal Act.4. Repeal and re-enactment of Section 17 of Principal Act.
Penalty for certain vagrancy offences.5. Amendment of Section 19 of Principal Act.6. Amendment of Section 20 of Principal Act.7. Repeal and re-enactment of Sub-section (1) of Section 21 of Principal Act.
Penalty for harbouring disorderly persons.8. Amendment of Section 23 of Principal Act.9. Amendment of Section 23 of Principal Act.10. Amendment of Section 72 of Principal Act. | <ol style="list-style-type: none">11. Amendment of Section 138 of Principal Act.12. Repeal of Paragraph III. of Section One hundred and forty-three of Principal Act.13. Penalty on persons committing any of the offences herein named.14. Amendment of Section 147 of Principal Act.15. Amendment of Section 148 of Principal Act.16. Amendment of Section 48 of Principal Act.17. Repeal and re-enactment of Section 149 of Principal Act.
Lights to be carried by vehicles at night.18. Constables may disperse persons gathering together for gambling, &c.19. Amendment of Section 208 of Principal Act.20. Amendment of Section 210 of Principal Act.21. Power of Commissioner to grant search warrants. |
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TASMANIA

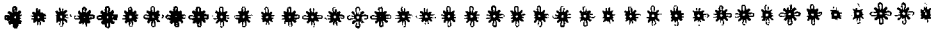


1917.

ANNO OCTAVO

GEORGI V. REGIS.

No. 40.



AN ACT to further amend "The Police Act, 1905," and for other purposes. A.D. 1917.
[13 December, 1917.]

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 Amendment Act, 1917." Short title.

(2) "The Police Act, 1905," is in this Act referred to as the Principal Act. 5 Ed. VII. No. 30.

2 Section Four of the Principal Act is hereby amended by inserting after the words "any railway station, platform or carriage" occurring in the definition of "public place," the following words:—"Any part of a railway as defined by 'The Railways Management Act, 1891.'"
Amendment of Section 4 of Principal Act. 55 Vict. No. 40.

3 Section Thirteen of the Principal Act is hereby amended by inserting after the words "public place," occurring in the Fourth line thereof the words "or in any police office, police-office yard or enclosure, police station-house, or police station-yard."
Amendment of Section 13 of Principal Act.

Police Amendment.

A.D. 1917.

Repeal and re-enactment of Section 17 of Principal Act.
Penalty for certain vagrancy offences.
Cf. 42 Vict. No. 25, s. 3.

4 Section Seventeen of the Principal Act is hereby repealed, and the following section substituted therefor :—

“17— (1) Every person—

- i. Found begging, or who exposes wounds or deformities, or places himself or otherwise acts so as to induce, or for the purpose of inducing, the giving of alms, or causes or procures or encourages any child to do any of the things aforesaid : or
- ii. Who exposes children of a tender age to the inclemency of the weather, or causes or procures or encourages any person to do so : or
- iii. Who solicits, gathers, or collects alms, subscriptions, or contributions under any false pretence, or causes or procures or encourages any child to do so : or
- iv. Being a common prostitute, who is found wandering in any street, and behaving in a riotous or indecent manner : or
- v. Being a common prostitute, who, in any street, or public place, or within the view or hearing of any person passing or being therein, solicits, importunes, or accosts any person for immoral purposes, or loiters about for any such purpose : or
- vi. Being a male person, who is found in any street or public place at any time between sunset and sunrise, dressed in female apparel : or
- vii. Who imposes, or endeavors to impose, upon any person or charitable institution by any false or fraudulent representation, either verbally or in writing, with a view to obtaining money or any other benefit or advantage—

shall be guilty of an offence against this Act.

Penalty : Ten Pounds or Three months' imprisonment.

No. 2422 of 1912, s. 82 (Vict.).

(2) Any person pretending or professing to tell fortunes or using any subtle craft, means or device, by palmistry or otherwise, to defraud or impose on any other person, shall be guilty of an offence against this Act.

Penalty : Twenty-five Pounds.

(3) Every person contravening any of the provisions of this section may be apprehended with or without a warrant, by any constable who sees the offence committed.”

Amendment of Section 19 of Principal Act.

5 Section Nineteen of the Principal Act is hereby amended by striking out the words “road, highway, or other open and” occurring in line Two, and substituting therefor the word “or,” and by striking out the word “open” occurring in line Three thereof.

Amendment of Section 20 of Principal Act.

6 Section Twenty of the Principal Act is hereby amended—

i. By adding the following subsection after Subsection (1) :—

“(1A) Any constable who sees any person committing any offence under the preceding subsection may apprehend such person, with or without a warrant :”

Police Amendment.

- ii. By substituting the words "in addition to such penalty be ordered" in lieu of the words "also at the same time be sentenced" in the First line of Subsection (2). A.D. 1917.

7 Subsection (1) of Section Twenty-one of the Principal Act is hereby repealed, and the following substituted therefor:—

"**21**—(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 within any shop, cellar, room, place of public resort, house, office, or other premises occupied or rented by him: or
- ii. Harbour prostitutes: or
- iii. Fail to prevent men or women of notoriously bad fame or dissolute boys and 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: Ten Pounds.

The occupier or keeper of any such house, shop, room, place of public resort, or other premises shall admit any constable, with or without any warrant, when required so to do."

8 Section Twenty-three of the Principal Act is hereby amended by omitting the words "or Sub-inspector" wherever occurring throughout the section, and inserting in lieu thereof the words "Inspector, Sub-inspector or sergeant." Amendment of Section 23 of Principal Act.

9 Section Thirty three of the Principal Act is hereby amended by omitting the words "permit or suffer such dog to be" occurring in the Second line thereof, and inserting in lieu thereof the words "fail to prevent such dog from being." Amendment of Section 33 of Principal Act.

10 Section Seventy-two of the Principal Act is hereby amended by inserting at the end thereof the following proviso:—

"Provided always that the driver of any such vehicle shall not be liable as for a breach of this section if his absence from such vehicle is only temporary and *bond fide* on business or for some necessary purpose, and he previously locks, in an effectual manner, at least One of the wheels of such vehicle."

11 Section One hundred and thirty-eight of the Principal Act is hereby amended by omitting from the First and Second lines thereof the words "to the obstruction, annoyance or danger of the residents or passengers." Amendment of Section 138 of Principal Act.

12 Paragraph iii. of Section One hundred and forty-three of the Principal Act is hereby repealed. Repeal of Paragraph iii. of Section 143 of Principal Act.

Police Amendment.

A.D. 1917.

Penalty on persons committing any of the offences herein named.

13 After Section One hundred and forty-three of the Principal Act the following Section is inserted.—

“**143a** Any person who, in or on any road, driving any vehicle or animal or riding or leading any animal, drives, rides or leads the same on the wrong side of the road without justifiable cause, or fails without justifiable cause to conform to any of the following provisions:—

- i. When meeting any other vehicle or animal, to keep on the left or near side of the road :
- ii. When passing by any other vehicle or animal going in the same direction, to go on the right or off side of such vehicle or animal :
- iii. When being passed by any other vehicle or animal going in the same direction, to permit such other vehicle or animal to pass on the right or off side—
- iv. When bringing any vehicle or animal to a standstill to keep on the side of the road :

Provided that any person leading a horse shall always lead it on the right or off side of the road and as near to the side of the road as practicable, and any other person when meeting or passing by the horse need not comply with the foregoing provisions of this Section.

shall be guilty of an offence against this Act.”

Penalty : Ten Pounds.

Amendment of Section 147 of Principal Act.

14 Section One hundred and forty-seven of the Principal Act is hereby amended by omitting the word “Twelve” occurring in the marginal note thereto, and substituting therefor the word “Thirteen.”

Amendment of Section 148 of Principal Act.

15 Section One hundred and forty-eight of the Principal Act is hereby amended by inserting at the end thereof, the following words:—
“Any constable may arrest, without any warrant, any person guilty of such behaviour in his presence.”

Amendment of Section 48 of Principal Act.

16 Subsection (1) of Section Forty-eight of the Principal Act is hereby repealed.

Repeal and enactment of Section 149 of Principal Act.
Lights to be carried by vehicles at night.

17 Section One hundred and forty-nine of the Principal Act is hereby repealed, and the following section substituted therefor:—

149—(1) Subject to the provisions of this section, every person who causes or permits any vehicle to be in any street during the period between half-an-hour after sunset and half-an-hour before sunrise shall provide that vehicle with a lamp or lamps in proper working order, and so constructed and capable of being so attached as when lighted to display to the front and rear a light visible for a reasonable distance, and so that the light to the front shall be a white light, and the light to the rear shall be a red light.

(2) If only One lamp is so provided it shall be placed on the off or right side of the vehicle.

Police Amendment.

(3) In the case of every vehicle for carrying passengers Two such lamps shall be so provided, and One shall be fixed on each side of such vehicle. A.D. 1917.

(4) Every person driving or being in charge of any vehicle in any street during the period aforesaid shall keep the lamp or lamps so provided properly trimmed, lighted and attached.

(5) Every person who offends against any of the provisions of this section is liable upon summary conviction to a penalty not exceeding Two Pounds, and in the case of a Second or subsequent conviction to a penalty of not less than Ten Shillings and not exceeding Five Pounds.

(6) This section applies to every kind of vehicle except any vehicle drawn or propelled by hand, and except motor vehicles as defined by "The Motor Traffic Act, 1907," and applies to any machine or implement of any kind drawn or propelled by animal or mechanical fraction in the same manner as it applies to vehicles. 7 Ed. VII. No 27.

(7) In the case of a bicycle or tricycle, a lamp may be carried on any part of such bicycle or tricycle where the light from the lamp shall be visible from vehicles approaching such bicycle or tricycle.

18 Before Section One hundred and ninety-nine of the Principal Act the following section is inserted:—

"**198** It shall be lawful for any constable to disperse all persons gathering together in any public or open place for the purpose of gambling or playing at any game of chance, and to take and seize any implements or instruments used or intended to be used therein, and to take and carry away the same; and all persons gambling or playing as aforesaid shall on summary conviction thereof be liable to a penalty not exceeding Ten Pounds." Constable may disperse persons gathering together for gambling, &c.

19 Section Two hundred and eight of the Principal Act is hereby amended by omitting therefrom the word "rifle," and substituting therefor the word "firearm." Amendment of Section 208 of Principal Act.

20 Section Two hundred and ten of the Principal Act is hereby amended by omitting from Subsection Three thereof the words "into the municipal fund in case of a municipality or otherwise." Amendment of Section 210 of Principal Act.

21— (1) After Section Two hundred and ten of the Principal Act the following section is hereby inserted as Section **210a**:—

"**210a** Notwithstanding any law or custom to the contrary it shall be lawful for the Commissioner to issue general search warrants to such constables as he thinks fit. Power of Commissioner to grant search warrants. No. 1257 of 1916 (S.A.) s. 42 and Fourth Schedule.

(2) Every such search warrant shall be in the form set out at the foot of this section or in a form to the like effect, and shall be signed by the Commissioner.

(3) Every such warrant shall remain in force for Six months from the date thereof, or for such (if any) shorter period as is specified therein. Provided that the Commissioner may at any time revoke any such warrant.

Police Amendment.

A. D. 1917.

(4) The constable named in any such warrant may, at any time in the day or night, with such assistants as he thinks necessary, enter and search any house, buildings, premises, or place where he has reasonable cause to suspect that any stolen goods are, and may break open the same; and he may break open and search any cupboard, drawers, chests, boxes, packages, or other things, whether fixed or not, in which he has reasonable cause to suspect that any stolen goods may be found.

(5) In this Section—"Commissioner" means the Commissioner of Police for the time being of this State, and includes an acting or deputy Commissioner of Police; and "stolen goods" includes goods obtained by any felony or misdemeanour.

FORM OF SEARCH WARRANT.

Tasmania (Royal Arms)—General Search Warrant.

You are hereby authorised, at any time in the day or night, and with or without assistants and others, to enter and search any house, building, premises, or place where you have reasonable cause to suspect 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 cause to suspect that any goods obtained by any felony or misdemeanour may be found.

This warrant shall remain in force for Six months from the date hereof (if for a shorter period, state how long). Dated this
day of Nineteen

Commissioner of Police."