

22 GEO. V. NO. 27, 1931. *Vagrants, Gaming, Etc., Act.*

### TRUSTEES, PROTECTION OF.

See COMMONWEALTH AND STATES—FINANCIAL EMERGENCY ACT,  
PART V.

### UNDER SECRETARY, DEPARTMENT OF LABOUR AND INDUSTRY, CORPORATION OF.

See TRADE.

### UNEMPLOYMENT RELIEF TAX AMENDMENT.

See LABOUR.

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### VAGRANTS.

An Act to make better provision for the Prevention and Punishment of Offences by Vagrants and Disorderly Persons, for the Suppression of Unlawful Gaming and other Offences, and for other purposes.

22 GEO. V.  
No. 27.  
THE  
VAGRANTS,  
GAMING,  
AND OTHER  
OFFENCES  
ACT OF 1931.

[ASSENTED TO 10TH DECEMBER, 1931.]

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

#### PART I.—PRELIMINARY.

1. (1.) This Act may be cited as "*The Vagrants, Gaming, and Other Offences Act of 1931*," and shall come into operation on a date to be proclaimed by the Governor in Council by \*Proclamation published in the *Gazette*, which date is hereinafter referred to as the commencement of this Act.

PART I.—  
PRELIMINARY.  
Short title  
and  
Parts of Act.

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\* Proclamation bringing Act into force as from 16th December, 1931, dated 16th December, 1931. See *Gazette*, July-December, 1931, page 1803.

(2.) This Act is divided into Parts as follows :—

PART I.—PRELIMINARY ;

PART II.—VAGRANTS AND DISORDERLY PERSONS ;

PART III.—GAMING ;

PART IV.—OTHER OFFENCES ;

PART V.—GENERAL.

|                      |   |
|----------------------|---|
| Interpreta-<br>tion. | 2. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say,—   |
| Arrest.              | “Arrest,” used with reference to persons—Arrest without any warrant other than this Act and take such person to a police station, there to be detained (unless he is released upon recognizance) until he can be brought before a court to be dealt with according to law ; and the term “Arrested ” shall have a correlative meaning ; |
| Child.               | “ Child ”—A boy under the age of seventeen years or a girl under the age of seventeen years ;   |
| Commis-<br>sioner.   | “ Commissioner ”—The Commissioner of Police for the time being appointed and holding office under * <i>“The Police Acts, 1838 to 1928,”</i> or any Act amending the same ;  |
| Complaint.           | “ Complaint ”—A complaint pursuant to the Justices Act ;  |
| Court.               | “ Court ”—A court of petty sessions sitting for the hearing and determination of charges and other matters under this Act, constituted by a police magistrate alone where by law such court is required to be so constituted, and in all other cases by any two or more justices ;  |
| Firearm.             | “ Firearm ”—A firearm as defined in † <i>“The Firearms Act of 1927”</i> (as amended by this Act), or as defined in section 2A of ‡ <i>“The Firearms Act of 1905”</i> (as inserted by section twenty-two of † <i>“The Firearms Act of 1927”</i> );   |

\* 2 Vic. No. 2 *et seq.*, *supra*, pages 2315 *et seq.* (See Alphabetical Table of Acts for list.)

† 18 Geo. V. No. 21, *supra*, page 11927. (*“The Firearms License Act of 1927.”*)

‡ 5 Edw. VII. No. 29, *supra*, page 173.

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- “Gaming Acts”—The term “Gaming Acts” shall mean the Gaming Acts as defined in \**“The Art Union Regulation Act of 1930,”* and shall also include \**“The Art Union Regulation Act of 1930”* and also sections two hundred and thirty-two to two hundred and thirty-five and section six hundred and thirty-seven of †*“The Criminal Code,”* and any other section or sections therein dealing with gaming, gaming-houses, betting, and betting-houses; Gaming Acts.
- “Habitual drunkard”—A person declared so to be under subsection two of section seventy-six of †*“The Liquor Acts, 1912 to 1926,”* or any Act amending the same; Habitual drunkard.
- “Imprisonment”—Imprisonment with or without hard labour at the discretion of the court; Imprisonment.
- “Indecent advertisement or picture or printed or written matter” includes any advertisement or picture or printed or written matter relating, whether directly or indirectly, to pregnancy of women or to sexual intercourse in a lewd, prurient, or obscene manner or which may be reasonably construed as in a lewd, prurient, or obscene manner, or sexual abuse or to any complaint or infirmity arising therefrom, or to impotency, or to nervous debility or female irregularities, or which may reasonably be construed as relating to any illegal medical treatment or illegal operation; Indecent advertisement, &c.
- “Instrument of gaming” includes lists, sheets, books, tickets, cards, coins, kip, dice, dice-boxes, dominoes, croupiers, and all documents and writings used, or apparently used, or capable of being used in carrying on or in connection with a lottery, betting, or gaming; Instrument of gaming.
- “Justice”—A justice of the peace; Justice.
- “Justices Act”—§*“The Justices Acts, 1886 to 1929,”* or any Act amending the same. Justices Act.

\* 21 Geo. V. No. 11, *supra*, page 12893.† 63 Vic. No. 9, Schedule I, *supra*, page 314.‡ 3 Geo. V. No. 29 *et seq.*, *supra*, pages 5527 *et seq.*§ 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

|                         |  |
|-------------------------|--|
| Licensed premises.      | “Licensed premises”—Premises licensed, whether annually or temporarily, under * <i>“The Liquor Acts, 1912 to 1926,”</i> or any Act amending the same, including vessels if so licensed ;   |
| Local Authority.        | “Local Authority”—A Local Authority within the meaning of † <i>“The Local Authorities Acts, 1902 to 1929,”</i> or any Act amending or in substitution for that Act : the term also includes the Brisbane City Council, constituted under ‡ <i>“The City of Brisbane Acts, 1924 to 1930,”</i> or any Act amending or in substitution for that Act ; |
| Lottery.                | “Lottery”—The term “lottery” shall mean a lottery as defined in § <i>“The Art Union Regulation Act of 1930”</i> ;  |
| Magistrates Courts Act. | “Magistrates Courts Act”—   <i>“The Magistrates Courts Act of 1921”</i> and any Rules of Court and Orders in Council made thereunder (or any Act or Rule or Order amending or in substitution thereof) ;   |
| Minister.               | “Minister”—The Home Secretary or other Minister of the Crown for the time being charged with the administration of this Act ;  |
| Obscene publication.    | “Obscene publication” includes any obscene book, paper, newspaper, or printed matter of any kind whatsoever, and any obscene writing, print, picture, photograph, lithograph, drawing, or representation ;   |
| Occupier.               | “Occupier” of a house, office, room, or other place, or of any land of whatever tenure, or building, includes the lessee or sublessee who is not the owner as hereinafter defined ;  |
| Owner.                  | “Owner” of a house, office, room, or other place, or of any land of whatever tenure, or building, includes every person, company, or corporation who is, whether at law or in equity—<br>(a) Entitled to the same for any estate of freehold in possession ; or  |

\* 3 Geo. V. No. 29 *et seq.*, *supra*, pages 5527 *et seq.*† 2 Edw. VII. No. 19 *et seq.*, *supra*, pages 1860 *et seq.*‡ 15 Geo. V. No. 32 and amending Acts, *supra*, pages 11140 *et seq.*§ 21 Geo. V. No. 11, *supra*, page 12823.|| 12 Geo. V. No. 22, *supra*, page 9713.

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(b) In actual receipt of or entitled to receive, or if the house, office, room, place, land, or building were let to a tenant would be entitled to receive, the rents and profits of the same, whether in his own right or as trustee or agent of another :

In the case of a house, office, room, place, land, or building subleased, the term includes any lessee or sublessee from whom a sublessee holds ;

- “ Place,” for the purposes of the provisions of this Act relating to gaming and the Gaming Acts —Any house, office, room, tent, resort, or other place in or out of an enclosed building, vessel, or premises, whether upon land or water, whether private property or otherwise: the term includes any place declared by the Governor in Council, by Order in Council, to be a place for the purposes of the said provisions ; Place.
- “ Police officer”—Any constable or other member of the Police Force ; Police officer.
- “ Police station” includes a police office, watch-house, station-house, and lockup ; Police station.
- “ Prescribed ”—Prescribed by this Act ; Prescribed.
- “ Public place” includes every road and also every place of public resort open to or used by the public as of right : the term also includes— Public place.
- (a) Any vessel, vehicle, building, room, licensed premises, field, ground, park, reserve, garden, wharf, pier, jetty, platform, market, passage, or other place for the time being used for a public purpose or open to access by the public, whether on payment or otherwise, or open to access by the public by the express or tacit consent or sufferance of the owner, and whether the same is or is not at all times so open ; and
- (b) Any place declared by the Governor in Council, by Order in Council, to be a public place for the purposes of this Act ;
- “ Regulations”—Regulations made under this Act ; Regulations.

- Racecourse. “Racecourse”—Land used for race meetings and to which admission is granted by payment of money by ticket or otherwise ;
- Road. “Road”—A street, road, court, alley, lane, avenue, thoroughfare, highway, bridge, wharf, or railway station, or any roadway open to or used by the public, although it is not a highway: the term includes a pavement, footway, or culvert upon a road ;
- This Act. “This Act”—This Act and all Orders in Council and regulations made thereunder ;
- Unlawful game. “Unlawful game” for the purposes of the Gaming Acts and this Act and without limiting the meaning of the term “unlawful game”—The games known or called respectively “fan-tan,” “fan-tan troy,” “troy,” “pak-a-pu,” “fruit machines” of every description, and any mechanical contrivance in the nature of or similar to a fruit machine, “two-up,” “heading them,” “sin-ki-loo,” “tray bit peter,” “Yankee grab,” and “hazard,” and all similar games and machines; and the disposal of money or other property by lottery or chance or by mixed chance and skill; and all games with cards, dice, or other instruments wherefrom any person or persons derives or derive a percentage of the amount wagered or bet :

The expression “fruit machine and any mechanical contrivance in the nature of or similar to a fruit machine” shall not include an automatic machine used solely for the sale, by mechanical means after placing therein the necessary coin, of confectionery, matches, peanuts, or other article or commodity not being an article or commodity the sale of which by an automatic machine is prohibited under any law of the State.

The term “unlawful game” shall not include any game of chance or game of mixed chance and skill in respect of which a permit has been issued by the Attorney-General or other Minister of the Crown for the time being charged with the administration

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of \**“The Art Union Regulation Act of 1930”* and under and subject to the provisions of \**“The Art Union Regulation Act of 1930”* :

Provided always that the provisions of such Act are fully complied with and observed and obeyed accordingly in respect of such game of chance or game of mixed chance and skill :

“ Vehicle ”—Car, tramcar, railway carriage, Vehicle, carriage, dray, wagon, cart, truck, hand-cart, barrow, bicycle, tricycle, motor cycle, motor car, motor vehicle, and any vehicle of any kind whatsoever.

3. The Acts mentioned in the Schedule to this Act <sup>Repeal.</sup> are repealed to the extent indicated in the Schedule : <sup>Schedule.</sup>

Provided that, without prejudice to any provision of †*“The Acts Shortening Acts”*—

- (a) All warrants, orders, and regulations, and <sup>Savings.</sup> generally all acts of authority which originated under any of the said Acts and are subsisting or in force at the commencement of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under this Act, and accordingly shall, where necessary, be deemed to have so originated ;
- (b) All matters and proceedings commenced under any such Act, and pending or in progress at the commencement of this Act, may be continued, completed, and enforced under this Act.

## PART II.—VAGRANTS AND DISORDERLY PERSONS.

PART II.—  
VAGRANTS  
AND  
DISORDERLY  
PERSONS.

4. (1.) Any person who—

- (i.) Having no visible lawful means of support or <sup>Vagrants.</sup> insufficient lawful means, does not, on being charged before a court, give to its satisfaction a good account of his means of support;
- (ii.) Not being an aboriginal native or the child of an aboriginal native, lodges or wanders in company with any aboriginal native, and does not, on being charged before a court, give to

\* 21 Geo. V. No. 11, *supra*, page 12893.

† 31 Vic. No. 6 and amending Acts, *supra*, pages 15 *et seq.*

- its satisfaction a good account that he has a lawful fixed place of residence and lawful means of support, and that he so lodged or wandered for some temporary and lawful occasion only, and did not continue so to do beyond such occasion ;
- (iii.) Is the occupier of a house frequented by reputed thieves or persons who have no visible lawful means of support ;
- (iv.) Being an habitual drunkard, behaves in a riotous, disorderly, or indecent manner in any public place ;
- (v.) Habitually consorts with reputed criminals or known prostitutes or persons who have been convicted of having no visible lawful means of support ;
- (vi.) In a house or place frequented by reputed thieves or persons who have no visible lawful means of support, is found in company with reputed thieves or such persons, and does not, on being charged before a court, give to its satisfaction a good account of his lawful means of support, and of his being in such house or place on a lawful occasion ;
- (vii.) Plays or bets at any unlawful game, or plays or bets in any street, road, highway, or other public place at or with any table or instrument of gaming at any game or pretended game ;
- (viii.) Without lawful excuse (the proof of which shall be upon him)—
- (a) Is found in any dwelling-house, warehouse, coach-house, stable, or outhouse, or in any enclosed yard, garden, or area, or on board any vessel in any port, harbour, or place, or in or upon any mine or claim as defined by \**“ The Mining Act of 1898 ”* or any Act amending or in substitution for the same ;
- (b) Has in his custody or possession any picklock key, crow, jack, bit, or other implement of housebreaking, or any dangerous or explosive substance ;
- (c) Has in his custody or possession any instrument of gaming or any instrument which,

\*62 Vic. No. 24 and amending Acts, *supra*, pages 2178 *et seq.*



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in the opinion of the court, is constructed or kept or used as a means of gaming or cheating ;

- (d) Wilfully exposes his person in view of any person in any public place ;
- (ix.) With intent to commit any indictable offence—
- (a) Has in his custody or possession any deleterious drug, firearm, sword, bludgeon, or other offensive weapon or instrument ;
- (b) Is found by night having his face blackened or masked, or wearing felt or other slippers, or being dressed in disguise or otherwise disguised, or having in his possession any dark lantern, electric torch, or any matches of the kind known as silent matches ;
- (c) Being a suspected person or known or reputed thief or cheat, is found in or on any river, stream, dock or basin, or any quay, wharf, jetty, landing place, or warehouse near or adjoining thereto, or any public place or place adjacent thereto ;
- (x.) Is found by night armed with any firearm as defined in section 2A of \**“The Firearms Act of 1905,”* as inserted by †*“The Firearms Act of 1927,”* or as defined by †*“The Firearms Act of 1927”* (as amended by this Act), sword, bludgeon, or other offensive weapon or instrument, and does not, on being charged before a court, give to its satisfaction a good account of his lawful means of support and a valid reason for his being so armed ;
- (xi.) Fraudulently manufactures or aids in the manufacture of any spurious or mixed metal or substance, or fraudulently sells or fraudulently offers for sale as manufactured gold or as gold in its natural state any metal or mixed or adulterated metal or other substance, whether partly composed of gold or not ;

\* 5 Edw. VII. No. 29, *supra*, page 173.

† 18 Geo. V. No. 21, *supra*, page 11927. (*“The Firearms License Act of 1927.”*)

- (xii.) Loiters or places himself in a public place to beg or gather alms ;
- (xiii.) Causes, procures, or encourages any child to loiter or place himself in a public place to beg or gather alms ;
- (xiv.) Solicits, gathers, or collects alms, subscriptions, or contributions under any false pretence ;
- (xv.) Imposes or endeavours to impose upon any person or institution, by any false or fraudulent representation either orally or in writing, or by means of dress, apparel, or otherwise, with a view to obtain money or other benefit or advantage ;
- (xvi.) Pretends or professes to tell fortunes for gain or payment of any kind ;

shall be deemed to be a vagrant, and shall be liable to a penalty of fifty pounds or to imprisonment for six months :

Provided that the provisions of paragraph (i.) aforesaid shall not extend to any person who is *bona fide* out of work and who is *bona fide* in search of employment.

## Forfeiture.

(2.) Every implement, offensive weapon, instrument, drug, substance, and thing referred to in paragraphs (viii.) to (xi.) hereof, both inclusive, shall, by the conviction of the offender, become forfeited to His Majesty.

Prostitutes,  
&c.

5. (1.) Any person who—

- (i.) Being a prostitute, or known as or reputed to be a prostitute—
  - (a) Is in any public place, and behaves in a riotous, disorderly, or indecent manner ; or
  - (b) Solicits or importunes for immoral purposes any person who is in any public place or within the view or hearing of any person therein ;
- (ii.) Being a male person, knowingly lives wholly or in part on the earnings of prostitution ;
- (iii.) In any public place, solicits or importunes on behalf of any female for immoral purposes ;
- (iv.) Is the occupier of or knowingly resides in a house frequented by prostitutes ;

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shall be deemed to be a vagrant, and shall be liable to a penalty of fifty pounds or to imprisonment for six months.

(2.) Provided that when a female is convicted of any offence included under paragraph (i.) of this subsection the court may—

- (a) Commit the female to be detained for any period not exceeding twelve months in an institution approved by the Governor in Council, by Order in Council, for the purposes of this section ; or
- (b) Impose imprisonment as aforesaid ; or
- (c) By its sentence impose either of the above punishments, and suspend the execution of such sentence upon such conditions as it thinks fit, which it shall embody in its recorded decision.

If any female whose sentence has been so suspended fails to observe any of such conditions, she may be arrested by any police officer and brought before a court, and, on proof of such failure on her part being given to its satisfaction, the court may direct that the original sentence shall be put into force, and may give all orders and grant any warrants necessary for such enforcement.

6. (1.) Any police officer or other person arresting a person charged with being a vagrant may seize any animal, vehicle, or goods in the possession or use of such person, and convey them before a court.

Seizure and disposal of goods found in vagrant's possession.

(2.) Whenever a person is adjudged to be a vagrant, the court may order—

- (a) Any money which is found with or upon the offender to be paid and applied towards the expense of arresting him and conveying him to prison and maintaining him during the term for which he is committed, and towards the expense of the keep of any animals so seized during the time such animals are detained, and the residue of such money to be returned to the offender ; and
- (b) If sufficient money for the purposes aforesaid is not so found, that the part or, if necessary, the whole of the offender's property so seized shall

be sold and the produce of the sale applied as aforesaid, and the residue returned to the offender after deducting the charges for the sale.

7. Any person who, in any public place or so near to any public place that any person who might be therein, and whether any person is therein or not, could view or hear—

Obscene,  
abusive  
language, &c.

- (a) Sings any obscene song or ballad ;
- (b) Writes or draws any indecent or obscene word, figure, or representation ;
- (c) Uses any profane, indecent, or obscene language ;
- (d) Uses any threatening, abusive, or insulting words to any person ;
- (e) Behaves in a riotous, violent, disorderly, indecent, offensive, threatening, or insulting manner ;

shall be liable to a penalty of five pounds or to imprisonment for one month, and may, in addition thereto or in substitution therefor, be required by the court to enter into a recognizance, with or without sureties, to be of good behaviour for any period not exceeding twelve months, and, in default of entering into such recognizance forthwith, may be imprisoned for any period not exceeding six months, unless such recognizance is sooner entered into :

Provided that the maximum period for which a defendant may be imprisoned in respect of any offence against and also in respect of failing to enter into any recognizance under this section shall not in the aggregate exceed six months.

8. (1.) Any person who—

Keepers of  
premises for  
purposes of  
prostitution,  
&c.

- (a) Keeps or manages, or acts or assists in keeping or managing, any premises for purposes of prostitution ;
- (b) Being the tenant, lessee, or occupier of any premises, knowingly permits such premises or any part thereof to be used for purposes of prostitution ;

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- (c) Being the lessor or landlord of any premises, or the agent of such lessor or landlord, lets the same or any part thereof or collects the rent with the knowledge that such premises or some part thereof are or is used or to be used for the purposes of prostitution, or is knowingly a party to the use of such premises or any part thereof for purposes of prostitution ;

shall be liable for the first offence to a penalty of twenty pounds or to imprisonment for three months, and for the second or any subsequent offence to a penalty of fifty pounds or to imprisonment for six months, and in case of a third or subsequent conviction may, in addition to such punishment as last aforesaid, be required by the court to enter into a recognizance, with or without sureties, to be of good behaviour for any period not exceeding twelve months, and in default of entering into such recognizance forthwith, may be imprisoned for any period not exceeding three months unless such recognizance is sooner entered into in addition to any such term of imprisonment as aforesaid.

(2.) The owner of any premises who knowingly allows such premises or any part thereof to be used for purposes of prostitution shall be liable to be prosecuted and punished as the keeper thereof.

(3.) If any owner of a house, room, or other place has reasonable grounds to suspect that the same is used in contravention of this section, he may serve on the occupier of house. Owner may evict occupier of house. a notice to quit.

The serving of such notice shall determine as from the seventh day after the date of such service any tenancy under which the occupier may hold, whether as tenant or subtenant, as if the same had expired by effluxion of time.

The owner may thereupon, without any authority other than this Act, take legal proceedings to evict, and may evict, such occupier.

Such notice shall be served personally on the occupier, but if he cannot be found, service may be effected by posting a copy of the notice on some conspicuous part of the said house, room, or place.

Any such notice to quit may be cancelled by the court, subject to such terms as it thinks fit, on proof that the occupier has not at any time allowed the house, room, or place to be used in contravention of this section.

(4.) It is immaterial whether the premises kept or occupied for prostitution are kept or occupied by one person or more than one person.

(5.) No conviction under this section shall exempt the offender from any penalty or other punishment to which he may be liable for keeping or being concerned in keeping a brothel or place for the purposes of prostitution, or for the nuisance thereby occasioned.

Lodging-  
house  
keepers  
permitting  
prostitution.

9. Any keeper or other person having or acting in the care or management of a lodging-house within the meaning of \**"The Health Acts, 1900 to 1922,"* or any Act amending the same, or under by-law of a Local Authority or under any ordinance of the Brisbane City Council, who knowingly permits such lodging-house to be the habitual resort of, or place of meeting for, reputed prostitutes, or otherwise knowingly allows such lodging-house to be used for purposes of prostitution, shall be liable to a penalty of twenty pounds and also to be disqualified, for such period not exceeding five years as the court directs, from keeping or having or acting in the care or management of a lodging-house in any place.

Return of  
inmates of  
suspected  
house.

10. Upon representation made by any two respectable residents that any premises near to the residences of such persons is a brothel, the Commissioner may cause the occupier or person in apparent occupation of such premises to furnish to him within twenty-four hours a list of the names, ages, sexes, and occupations of all the inmates within such premises.

Any person to whom such notice is given who fails to furnish such list within the time specified, or who furnishes a list which in any material particular is false, shall be liable to a penalty of fifty pounds or to imprisonment for six months.

11. Any police magistrate or any two justices, upon information on oath that there is reason to suspect that—

Persons  
living on  
prostitution.

(a) 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

\* 64 Vic. No. 9 and amending Acts, *supra*, pages 7735 *et seq.* (See Alphabetical Table.)

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living wholly or in part on the earnings of the prostitute, may issue his or their warrant authorising any police officer to enter and search the house at any time and to arrest that male person ;

- (b) A vagrant is harboured or concealed in any house, tent, premises, or place kept or purporting to be kept for the lodging or entertainment of travellers or others, may issue his or their warrant authorising any police officer to enter and search the same at any time, and to arrest every vagrant found therein.
- Lodging-houses may be entered and vagrants arrested.

## 12. Any person who—

- (a) Prints, photographs, lithographs, draws, makes, sells, or has in his possession apparently for the purpose of sale, or publishes, distributes, or exhibits, any obscene publication or assists in so doing ;
- Printing, publishing, &c., obscene matter.
- (b) Publishes a newspaper containing any indecent or obscene advertisement, matter, or report ;
- (c) Delivers to any other person any indecent or obscene picture or printed or written matter with the intent that the same or a copy thereof, or any part of such matter or a copy thereof, should be published as an advertisement or otherwise in any newspaper ;
- (d) Affixes to or inscribes on any house, building, wall, hoarding, gate, fence, pillar, board, tree, or any other thing whatsoever so as to be visible to a person in any public place, or affixes to or inscribes on any public urinal, closet, or sanitary convenience, or delivers or attempts to deliver or exhibits to any person, or throws down the area of any house or into the garden or curtilage of any house, or exhibits to public view in the window of any shop, stall, or building, or otherwise publishes any indecent or obscene picture or printed or written matter ;
- (e) Delivers to any other person any such picture or printed or written matter with the intent that the same or some one or more thereof, or a copy of any such picture or printed or

written matter, should be affixed, inscribed, delivered, exhibited, or otherwise published in contravention of this section ;

- (f) Prints any picture or printed matter published in contravention of this Act ;

shall be liable for a first offence to a penalty of twenty pounds or imprisonment for three months ; for a second offence to a penalty of fifty pounds or imprisonment for six months ; and for a third or any subsequent offence to a penalty of one hundred pounds or to imprisonment for one year ; and on any conviction in the case of a newspaper, the registration thereof shall be liable to be cancelled by order of the court.

### 13. Any—

Offence by  
occupier or  
owner.

- (a) Occupier of the house, shop, room, premises, or other place wherein any obscene publications have been seized or attached as hereinafter provided ; and
- (b) Owner of and person who, in the opinion of the court, appears to be the owner of such obscene publications ;

shall for the first offence be liable to a penalty of twenty pounds or to imprisonment for three months, and for a second or subsequent offence to a penalty of fifty pounds or to imprisonment for six months.

Indecent  
post cards.

14. (1.) Any person who exposes or causes to be exposed to view in any public place or in a window or any part of a shop, stall, or building, or sells any card purporting to be or which might be used as a post card, and which is of an indecent nature, shall be liable to a penalty of fifty pounds or to imprisonment for six months.

Proceedings.

(2.) Proceedings against any person for an offence against this section shall not be taken except by a police officer, and no such officer shall take such proceedings without the written authority of an inspector or sub-inspector of police.

Warning  
before  
prosecution.

(3.) No such written authority shall be given for prosecuting any person for exposing or causing to be exposed to view any card as aforesaid, unless the offender has been previously warned in writing by a police officer that he will be prosecuted if, after such warning, he exposes or causes to be exposed to view in contravention of this section any card which is of an indecent nature.



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DISORDERLY  
PERSONS.

15. (1.) Subject to the conditions in this section contained, any police magistrate or any two justices may authorise, by warrant, any police officer and his assistants to enter (whether by breaking open doors or otherwise), at any time between the hours of eight o'clock in the morning and six o'clock in the evening, into any house, shop, room, premises, or other place, and to search for and seize all indecent and obscene publications found therein, together with all printing presses, engines, types, plates, stones, working plant, and material used for the purposes of or in any way in connection therewith, and to carry before a court all the articles so seized which are capable of removal.

Search for  
indecent or  
obscene  
publications.

(2.) No such warrant shall be issued unless—

(a) A complaint is made on oath ; and

Conditions.

(b) The complainant states in his complaint that he has reason to believe and does believe that indecent or obscene publications are kept in some house, shop, room, premises, or other place, whether for sale, distribution, exhibition, lending upon hire, or being otherwise published ; and

(c) The complainant also states on oath that one or more articles of the like character have been sold, distributed, exhibited, lent, or otherwise published at or in connection with such place ; and

(d) It is proved to the satisfaction of the police magistrate or justices that any of the articles so kept are of such a character and description that their publication would be an indictable offence or an offence under this Act and proper to be prosecuted as such.

(3.) Whenever any articles are seized and brought before a court in pursuance of such warrant, the court shall thereupon issue a summons calling upon the occupier of the house or other place entered by virtue of such warrant to appear within seven days before the court to show cause why the articles seized should not be destroyed and such of them as are of the nature of working plant and material forfeited.

Summons to  
occupier of  
premises to  
attend and  
show cause.

## (4.) The court shall—

Destruction  
and  
forfeiture of  
articles  
seized.

(a) If the occupier or some other person claiming to be the owner of the articles seized does not appear within the time limited; or

(b) If the occupier or such other person appears, and it is found that the articles seized, or any of them, are of the character stated in the warrant and have been kept;

order the articles seized, except such as the court considers necessary to be preserved as evidence in further proceedings, to be destroyed or forfeited to His Majesty at the expiration of the time allowed for lodging an appeal.

Impounding  
and  
attachment.

(5.) The articles seized shall be impounded or attached until the expiration of the time allowed for appealing, or, where an appeal is lodged, until the decision of the appeal.

Restoration  
of articles  
seized.

(6.) The court shall, if satisfied that the articles seized are not of the character stated in the warrant or have not been kept contrary to law, direct them to be restored to the occupier of the house or other place in which they were seized, and if under attachment to be released therefrom.

Attachment  
of working  
plant, &c.

(7.) Working plant or material seized as aforesaid may be attached by the police officer executing a special warrant in the manner following:—

## He shall—

(a) Make an inventory and copy inventory of the working plant and material; and

(b) Write at the foot of such copy a notice that the working plant and material specified in such copy have been attached under this Act; and

(c) Give the copy inventory endorsed with such notice to the person in or apparently in possession of the working plant and material.

The police officer attaching any such working plant or material may secure the same on the premises where they are found by sealing up, without causing unnecessary hindrance or inconvenience, any repository, room, or closet, or by leaving some person on the premises in custody of them.

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VAGRANTS  
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PERSONS.

(8.) Any person who, with intent to defeat an attachment and knowing such working plant or material to have been attached, disposes of, removes, retains, conceals, or receives such working plant or material or any part thereof shall be liable to imprisonment for six months.

Punishment  
for defeating  
attachment.

(9.) Working plant or material may be released from attachment by an order of a court of petty sessions, or by an order of the Supreme Court in case of an appeal.

Release from  
attachment.

16. (1.) Any police officer may forthwith seize and carry to a police station any indecent or obscene publication found hawked about or carried in any public place for sale, or for distribution, exhibition, or publication, and shall report the fact of such seizure in writing to a court.

Seizure of  
indecent or  
obscene  
publications  
hawked.

(2.) The court may—

- (a) If within seven days after such seizure the person who hawked about or carried the publications seized, or some person claiming to be their owner, does not appear and demand possession; or
- (b) If such person appears and demands possession, and it is found that the publications are indecent or obscene and were hawked about or carried for any of the purposes aforesaid;

Destruction  
of  
publication  
seized.

order every such publication to be destroyed.

(3.) The court shall, if not satisfied that the publications are indecent or obscene or were hawked about or carried for any of the aforesaid purposes, order them to be forthwith restored to the claimant.

Restoration  
of  
publications.

(4.) Any indecent or obscene placard, picture, writing, or advertisement affixed to or inscribed on any structure, hoarding, gate, fence, pillar, board, tree, or other thing whatsoever may be torn down or defaced by any police officer.

Defacing  
indecent  
placards, &c.

17. Nothing in this Part shall apply to the printing, publishing, making, possessing, selling, or delivery, or the exhibiting in the window of any shop for any lawful purpose, of any *bona fide* medical work or treatise :

*Bona fide*  
medical  
works  
protected.

Provided that in any prosecution for an offence under this Part the burden of proof that a publication is a *bona fide* medical work or treatise shall lie on the defendant.

Protection to  
wives of  
habitual  
drunkards.

18. (1.) Where a court is satisfied by evidence produced before it that a married man is an habitual drunkard, whether previously declared so to be or not, the court may, on the application of any person specified in this subsection, make an order declaring him to be an habitual drunkard, and protecting—

- (a) The earnings or separate property of the wife of the drunkard ;
- (b) Anything purchased by her with such earnings or property ;
- (c) The wearing apparel, school requirements, and earnings of her children or step-children ;
- (d) Any tools, instruments, appliances, or materials entrusted to her independently of her husband ;
- (e) Any furniture, bedding, or other articles in use as household necessities in her residence ;
- (f) Any tools, instruments, appliances, or other articles used in connection with any work, business, or calling engaged in by the wife or her children or step-children independently of her husband.

The persons who may make an application to the court under this subsection are the wife of the habitual drunkard or his or her parent, child, brother, or sister, or the police officer in charge of a police station in the district in which the alleged habitual drunkard resides.

Protection to  
husbands of  
habitual  
drunkards.

(2.) Where a court is satisfied by evidence produced before it that a married woman is an habitual drunkard, whether previously declared so to be or not, the court may on the application of any person specified in this subsection, make an order declaring her to be an habitual drunkard, and protecting—

- (a) Any furniture, bedding, or other articles in use as household necessities in the residence of the husband of the drunkard ;
- (b) The wearing apparel, school requirements, and earnings of his children or step-children ;
- (c) Any tools, instruments, appliances, or other articles belonging to him or entrusted to him independently of his wife.

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VAGRANTS  
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The persons who may make an application to the court under this subsection are the husband of the habitual drunkard or his or her parent, child, brother, or sister, or the police officer in charge of a police station in the district in which the alleged habitual drunkard resides.

(3.) The court may at any time rescind or vary an order made under this section.

(4.) While an order under this section is in force, it shall not be lawful to seize or sell any article specified or referred to therein for the satisfaction or discharge of any debt or liability of the habitual drunkard, or knowingly to buy from him or her, or receive from him or her or on his or her behalf, any such article in pledge or pawn, or for him or her to sell or give in pledge or pawn any such article. And any person who knowingly acts in contravention of this enactment shall be liable to a penalty of twenty pounds or to imprisonment for three months.

## PART III.—GAMING.

PART III.—  
GAMING.

19. In addition to and without limiting any other provision of this Act, or any provisions of the Gaming Acts or \**"The Criminal Code,"* any person who—

- (i.) Plays or bets at any unlawful game ;
- (ii.) Has in his possession any fruit machine or any mechanical contrivance in the nature of or similar to a fruit machine ;
- (iii.) Gives or sells any ticket or chance or share in any ticket or chance in any unlawful game ;
- (iv.) In or near any public place, or within the view or hearing of any person therein, or in or near any licensed premises, or in any vacant place whether fenced or not, plays or bets, or solicits or encourages any other person to play or bet—
  - (a) At any game or pretended game of chance ;  
or
  - (b) At or on any game or trick of sleight of hand ; or

Unlawful  
games.

\* 63 Vic. No. 9, Schedule I., *supra*, page 344.

- (c) At or on any game or trick played with any instrument which, in the opinion of the court, is constructed or kept or used as a means of cheating ;

shall be liable to a penalty of fifty pounds or to imprisonment for six months.

**20.** Any person who, by any fraud, unlawful device, or ill-practice—

Cheating at  
games:

- (a) In playing at or with cards, dice, tables, or any other game ; or
- (b) In bearing a part in the stakes, wagers, or in betting on the sides or hands of the players ; or
- (c) In wagering on the event of any game, sport, pastime, or exercise ;

wins or attempts to win from any person to himself or any other person any money or other property shall be liable to a penalty of not less than ten pounds or more than fifty pounds or to imprisonment for six months.

Places of  
access to  
gaming  
places.

**21.** In addition to and without limiting any provisions of the Gaming Acts or \**“The Criminal Code,”* it shall be lawful for any police magistrate or any two justices, upon information on oath that there is reason to suspect that any person being the owner or occupier of any place permits or suffers the same to be or be used as a means of access to or escape from any gaming place or place wherein or whereon playing or betting, by way of wagering or gaming, is allowed or carried on contrary to law, or is commonly reputed to be allowed or carried on contrary to law, to issue his or their warrant authorising a police officer and his assistants—

- (a) To enter (whether by breaking open doors or otherwise) the said place ; and
- (b) To pass through, from, over, and along the said place ; and
- (c) To seize all tables and instruments of gaming and also all money and securities for money found on or in the said place, or upon any persons found therein or thereon ; and

\* 63 Vic. No. 9, Schedule I., *supra*, page 344.

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GAMING.

- (d) To arrest, search, and bring before a court all persons found in or on or entering or leaving the said place.

Any person found therein or thereon or entering or leaving as aforesaid, without lawful excuse, the proof of which shall be on him, shall be liable to a penalty of not less than one pound nor more than five pounds.

22. Any licensee of an hotel who knowingly suffers or permits his licensed premises to be used by persons assembling together therein for the purposes of betting on any horse racing meeting by whatever means such betting is conducted or carried on on such licensed premises by such persons so assembling, shall be guilty of an offence, and on conviction shall be liable to a penalty not exceeding one hundred pounds.

## PART IV.—OTHER OFFENCES.

PART IV.—  
OTHER  
OFFENCES.

23. Any police officer, if authorised in writing by an inspector of police, may, if he has cause to suspect that any indictable offence has been or is about to be committed on board of any vessel, enter thereon at any time and therein take all necessary measures for preventing or detecting such offence, and arrest all persons suspected of being concerned in such offence, and take charge of any property suspected to be stolen.

24. Any police officer of the rank of a sergeant of police or of higher rank may search—

- (a) Any vessel, boat, or vehicle in or upon which there is cause to suspect that anything stolen or unlawfully obtained or suspected of being stolen or unlawfully obtained may be found; and
- (b) Any person who may be reasonably suspected of having in his possession or conveying in any manner anything stolen or unlawfully obtained or suspected of being stolen or unlawfully obtained, and may arrest such person.

PART IV.—  
OTHER  
OFFENCES.

*Vagrants, Gaming, Etc., Act.* 22 GEO. V. No. 27,

Persons  
unlawfully  
in possession  
of property.

**25.** (1.) Any person who, upon being charged before a court with having in his possession or conveying anything whatsoever suspected of being stolen or unlawfully obtained, does not give an account to the satisfaction of the court how he came by such thing shall be liable to a penalty of twenty-five pounds or to imprisonment for six months.

Person from  
whom stolen  
goods are  
said to have  
been  
received to  
be examined.

(2.) When the defendant declares that he received the thing from some other person, or that he was employed as a carrier, agent, or servant to convey the thing for some other person, the court may cause every such person, and also, if necessary, every former or pretended purchaser or other person through whose possession the thing has passed, to be brought before the same or another court and examined concerning the thing.

Any person who appears to the court to have had possession of the thing, and to have had reasonable cause to believe the same to have been stolen or unlawfully obtained, shall be liable to a penalty of twenty-five pounds or to imprisonment for six months.

For the purposes of this section—

Possession.

- (a) A thing, if proved to be or to have been in the possession of the defendant, whether in a building or otherwise, and whether the possession thereof had been parted with by him before he was brought before the court or not, shall be deemed to be in his possession ;
- (b) Every person shall be deemed to have had possession of the thing at the time and place when and where the same was found or seized ;
- (c) The possession of a carrier, agent, or servant shall be deemed to be the possession of the person who employed such carrier, agent, or servant to convey the thing.

Search  
warrant.

**26.** If information is given on oath to a justice that there is reasonable cause for suspecting that anything stolen or unlawfully obtained is concealed or lodged in any house, building, lodging, apartment, field, or any other place, such justice may, by special warrant under his hand directed to any officer of police, cause every such house, building, lodging, apartment, field, or other place



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OFFENCES.

to be entered and searched at any time of the day or by night if power for that purpose is given by such warrant.

The said justice, if it appears to him necessary, may empower such officer of police, with such assistance as may be found necessary (such officer of police having previously made known such his authority)—

- (i.) To use force for the effecting of such entry, whether by breaking open doors or otherwise ; and
- (ii.) To convey any such thing found upon such search before a justice, or to guard the same on the spot until the offenders are taken before the court, or otherwise to dispose thereof in some place of safety ; and
- (iii.) To take into custody and carry before the court every person found in such house, building, lodging, apartment, field, or place who appears to have been privy to the deposit of any such thing, knowing or having reasonable cause to suspect the same to have been stolen or otherwise unlawfully obtained.

27. (1.) Upon complaint by any person claiming to be entitled to the property or possession of any goods which are detained by the defendant, the value of which is not greater than twenty pounds, and not being deeds, muniments, or papers relating to any property of greater value than fifty pounds, if it appears to the court that such goods have been detained without just cause after due notice of the claim made by the complainant, or that the defendant has a lien or right to detain the same by way of security for the payment of money or the performance of any act by the complainant, the court may order the goods to be delivered up to the complainant either—

Order for  
delivery to  
the owner of  
goods  
unlawfully  
detained.

- (a) Absolutely ; or
- (b) Upon tender of the amount appearing to be due by the complainant (which amount the court shall determine) ; or
- (c) Upon performance, or upon tender and refusal of the performance, of the act for the performance whereof such goods are detained as security, or, if such act cannot be performed,

upon tender of amends for non-performance thereof (the nature or amount of which amends the court shall determine).

Order for payment of value if goods not delivered up may be included.

(2.) The court may, by the said order, further order that, in the event of failure to deliver up the goods according to such order, the defendant shall pay to the complainant the full value of such goods, not being more than twenty pounds, which value the court shall determine.

(3.) In such further order the court may, in its discretion, order that if the defendant does not pay to the complainant the amount of the value so determined he shall be imprisoned in accordance with the provisions of section one hundred and seventy-four of the Justices Act; but if the court does not so order then the aforesaid further order shall, together with any order for costs made against the defendant, operate as an order for the payment of money under the Magistrates Courts Act, and be enforceable as such order under the said last-mentioned Act.

Such order for such purpose may be entered in the records of the magistrates court exercising jurisdiction at the petty sessions where such order was made in such manner as may be prescribed by rules made under the last-mentioned Acts.

Or may be made subsequently.

(4.) In any case where no such further order is made by the adjudicating court, such further order may be subsequently made by any court.

Order no bar to right to sue.

(5.) No order under this section shall be a bar to the right of any person to sue the person to whose possession such goods or money came by virtue of such order, and to recover from him such goods or money by an action commenced within six months next after the making of such order.

Exemption of wearing apparel.

(6.) In any proceeding under this section no claim, lien, or right whatsoever shall exist or be allowed for the detention by any person other than a licensed pawnbroker of the clothing or wearing apparel of another person of a value up to but not exceeding three pounds, or of any of the clothing or wearing apparel of a child apparently under the age of seven years of whatever value.

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OTHER  
OFFENCES.**28.** Any person who—

- (i.) Knowingly takes in exchange from any seaman or other person, not being the owner or master of any vessel, anything belonging to any vessel, or any part of the cargo of any vessel, or any stores or articles in charge of the owner or master of any vessel; Pilfering ship's stores, cargoes, &c.
- (ii.) In or upon any warehouse, wharf, or landing place, or on board any vessel—
- (a) Is found having in his possession any instrument adapted for unlawfully obtaining, or any material or utensil adapted for unlawfully secreting or carrying away, any intoxicating liquor;
- (b) Attempts unlawfully to obtain any such liquor;
- (c) Breaks or otherwise injures any cask or package containing such liquor with intent to steal or otherwise unlawfully obtain any of the contents thereof, or unlawfully drinks, spills, or wastes any part of the contents thereof;
- (iii.) Wilfully causes to be broken, started, or otherwise injured any cask, bag, or other package containing or prepared for containing any goods while on board of any vessel, lighter, or other craft, or on any wharf or landing place, or on the way to or from any warehouse, with intent that the contents of such package may be dropped or unlawfully obtained from such package,

shall be liable to a penalty of not less than ten pounds or more than fifty pounds or to imprisonment for three months.

**29.** (1.) Any person who takes or in any manner uses any vehicle the property of any other person without the consent of the owner or person in lawful possession thereof, is guilty of an offence, and is liable on summary conviction to imprisonment with hard labour for six months, or to a penalty not exceeding fifty pounds: Taking or using a vehicle.

Provided that if such offence is committed in respect of a motor car the offender, on conviction, shall be liable on summary conviction to imprisonment with hard labour for a term of not less than six months and not exceeding twelve months without extending to any such offender any option of the payment of any penalty in lieu of such term of imprisonment, any law to the contrary notwithstanding.

Suspicion of  
stealing a  
vehicle.

(2.) When any vehicle as aforesaid is suspected, on reasonable grounds, to have been stolen, any person in whose possession or custody the vehicle so suspected to have been stolen is found, is guilty of an offence, unless he proves that he came lawfully by the vehicle in question; and he is liable on summary conviction to a penalty of fifty pounds.

It is a defence to a charge of the offence defined in this section to prove that the accused person came lawfully by the vehicle in question.

Damages or  
injury to  
vehicle.

(3.) In any prosecution under this section, the court, in addition to any penalty or imprisonment which it may impose under the preceding provisions of this section, may order the offender to pay to the complainant any sum of money to be assessed by the court for any damage or injury done to or suffered by the vehicle in question; and the court may order the offender to pay the amount awarded in respect of such damage or injury either in one sum or by such instalments and at such times as the court thinks fit, and the court is hereby granted and invested with the necessary power and jurisdiction to enforce such order.

In such order the court may in its discretion order that if the offender does not pay to the complainant the amount of the damage or injury so assessed he shall be imprisoned for any further period not exceeding six months; but if the court does not so order then such order shall operate as an order for the payment of money under the Magistrates Courts Act and be enforceable as such order under the said last-mentioned Act.

Saving.

(4.) Nothing in this section shall affect any other liability, civil or criminal, of any person guilty of an offence against this section.

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**30.** Any person who shall break or escape out of any prison or any place of legal confinement before the expiration of the term for which he shall have been committed or ordered to be confined by virtue of any statute or law or process of law is guilty of an offence and is liable to imprisonment with hard labour for one year.

Breaking  
or escaping  
from prison.

The offender may be convicted and punished notwithstanding that at the time of his apprehension or conviction the term of his original sentence had expired.

Nothing in this section shall prejudice or otherwise affect the provisions of section one hundred and forty-three of \**The Criminal Code.*"

**31.** Any police officer without any authority other than this Act may stop, search, and detain any trainer or jockey and (when requested by the stipendiary stewards of a racing club so to do), may stop, search, and detain any person on any racecourse (whether during the progress of training operations on a racecourse or during the progress of a horse-racing meeting on a racecourse), who may reasonably be suspected of having in his possession any galvanic or electric battery or other similar appliance, or a hypodermic needle, vessel, thistle, or other substance containing narcotic or poisonous drug.

Electric  
batteries,  
&c., on  
racecourses.

Any person who, upon being charged before a court with having in his possession on any racecourse as aforesaid any galvanic or electric battery or other similar appliance, or a hypodermic needle, vessel, thistle, or other substance containing narcotic or poisonous drug, does not give an account to the satisfaction of the court how he came by such thing, shall be liable to a penalty of twenty-five pounds or to imprisonment for six months.

**32.** Any person who publishes in any newspaper any print, photograph, lithograph, or drawing of any of the parties in any case in the divorce and matrimonial causes jurisdiction of the Supreme Court shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

Prohibition  
of  
publication  
in  
newspapers  
of  
photographs  
of parties in  
divorce  
cases.

The provisions of this section shall extend and apply notwithstanding the court has made no order under

section two of \**“The Matrimonial Causes Act of 1897”* in reference to the publication of the evidence in the case concerned.

Prohibition  
of  
publication  
of  
photographs  
of witnesses  
or  
complainant  
in sexual  
cases.

**33.** Any person who publishes in any newspaper any print, photograph, lithograph, or drawing of any woman or girl, being the complainant or a witness in respect of a prosecution whether on indictment or on summary conviction against any person in respect of the commission of an offence against morality or a sexual offence of whatever nature, or being the mother of an illegitimate child is suing for maintenance, shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.

**34.** (1.) Any person who, without reasonable excuse, the proof whereof shall lie upon him—

Penalty on  
persons  
practising  
frauds on  
Commissioner for  
Railways.

- (a) Travels or attempts to travel by railway without having previously paid his fare; or
- (b) Having paid his fare for a certain distance, proceeds by railway beyond such distance without previously paying the additional fare for the additional distance; or
- (c) Refuses or neglects to quit on arriving at the point to which he has paid his fare,

shall be liable to a penalty not exceeding twenty pounds, in addition to the proper fare, or to imprisonment for six months, or to both penalty and imprisonment.

Detention  
of offenders.

(2.) All employees and other persons on behalf of the Commissioner and all members of the Police Force may arrest any person who is reasonably suspected of having committed or attempted to commit any offence against this section, and detain him until he can be taken before the court to be dealt with according to law.

(3.) In this section the term “Commissioner” shall mean and include the Commissioner for Railways appointed under †*“The Railways Acts, 1914 to 1929,”* or any Act amending or in substitution thereof; and the term “railway” shall mean and include a “railway” as defined in such last-mentioned Acts, or any Act amending or in substitution thereof.

\* 61 Vic. No. 6, *supra*, page 2069.

† 5 Geo. V. No. 24 and amending Acts, *supra*, pages 7215 *et seq.*

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**35.** (1.) Any person who, by noise, obstruction, or other interference wilfully prevents the holding of a public meeting, or wilfully so disturbs the proceedings at a public meeting as to prevent the orderly conduct of such meeting, shall be liable to a penalty of ten pounds or to imprisonment for three months. Disturbing public meeting.

(2.) The offender may be arrested by a police officer either at his own discretion or upon the oral or written order of the chairman.

(3.) The chairman, at any time during the continuance of such meeting, may order a police officer to arrest any person whom such chairman believes, upon reasonable grounds, to be committing or to have committed at such meeting an offence against this section. Protection of chairman.

(4.) Nothing in this section shall be construed to abridge any powers at present existing, whether at the common law or by statute, for the preservation of order at public meetings. Preservation of existing powers.

(5.) In this section—

The term “public meeting” means and includes any meeting lawfully held for a lawful purpose and for the furtherance or discussion in good faith of a matter of public concern, or for the advocacy of the candidature of any person for a public office, whether the meeting is in the open air or in a building, and whether admission to the meeting was open or restricted ;

The term “chairman” means the person for the time being apparently acting as chairman of a public meeting.

**36.** Any person who—

(a) Contrary to the regulations for the time being in force governing an institution (as hereinafter defined) brings or attempts by any means whatever to introduce into an institution any spirituous or fermented liquor or drugs of any description ; or Bringing liquor, &c. into institution.

(b) Brings in or attempts by any means whatever to introduce into an institution any article or thing which in the opinion of the officer

in charge of the institution is likely to disturb the peace, harmony, order, and discipline of the institution,

shall be guilty of an offence and shall on conviction be liable to a penalty not exceeding fifty pounds or to imprisonment for a period not exceeding six months, or to both penalty and imprisonment.

For the purposes of this section the term “institution” shall mean an institution established under \**“The Charitable Institutions Management Act of 1885,”* an institution established under †*“The Inebriates Institutions Act of 1896,”* a “reserve” established under ‡*“The Aborigines Protection and Restriction of the Sale of Opium Acts, 1897 to 1928,”* and a hospital for the insane established under §*“The Insanity Act of 1884.”*

Bogus  
advertisements.

**37.** Any person who tenders for insertion or causes to be inserted in any newspaper any bogus advertisement knowing the same to be bogus shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds or to imprisonment for three months.

For the purposes of this section a “bogus advertisement” shall mean any advertisement or notice containing any material false statement or representation with respect to any birth, death, engagement, marriage, or employment, or with respect to any matter concerning any person other than the person who tenders the advertisement or causes it to be inserted, or concerning the property of such other person.

PART V.—  
GENERAL.

PART V.—GENERAL.

Where  
offender may  
be arrested.

**38.** Subject to this Act any person found offending against any of the following provisions of this Act, that is to say, against sections 4, 5, 7, 11, 19, 20, 21, 23, 24, 25, 26, 28, 29, 30, 31, 34, 35, 42, and 45 may be arrested, anything contained in the Justices Act or any other Act to the contrary notwithstanding :

Provided however that in any case where power is given to arrest an offender, the power and authority to

\* 49 Vic. No. 8, *supra*, page 1096.

† 60 Vic. No. 14, *supra*, page 1100.

‡ 61 Vic. No. 17 and amending Acts, *supra*, pages 3 *et seq.*

§ 48 Vic. No. 8, *supra*, page 1003.



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GENERAL.

proceed against an offender by way of complaint and summons under the Justices Act shall also lie and have full force and effect.

**39.** Subject to this Act all prosecutions for any offence against this Act shall be heard and determined before the court in a summary way. Constitution of court.

**40.** (1.) When any person arrested or charged under this Act with any offence is brought without warrant into the custody of any police officer during his attendance at any police station, if such person cannot be immediately brought before a court, such officer may, if he deems it prudent, take bail by recognizance, in such reasonable sum as such officer deems sufficient, with or without sureties from such person conditioned as hereinafter mentioned, or by way of bail may accept such reasonable deposit of sterling money as such officer deems sufficient. Police officer may take bail by recognizance.

(2.) Every such recognizance shall be conditioned for the appearance in his own proper person of the person thereby bound before a court at the next sitting of such court.

It shall be of equal obligation on the persons entering into the same, and subject to the same proceedings for the estreating thereof as if the same had been taken before a justice.

(3.) The police officer shall enter, in a book to be kept for that purpose at every such station, the name, address, and occupation of the person and his surety or sureties (if any) entering into such recognizance, together with the condition thereof, or making such deposit in sterling money as aforesaid, and the sum thereby acknowledged, and shall return every such recognizance to the court at the time and place when and where such person is bound to appear.

(4.) If the person does not appear at the time and place required, the court shall cause a record of such recognizance to be drawn up and signed by the police officer, and shall order such recognizance to be estreated, and the same shall be estreated accordingly; or, if a deposit in sterling money by way of bail has been accepted, shall order such bail to be forfeited, and the same shall be forfeited accordingly.

(5.) If the person not appearing applies by his counsel or solicitor for a postponement of the hearing of the charge and the court consents thereto, the court may enlarge the recognizance to such time as it appoints.

(6.) When the person bound appears and the matter is heard and determined, the recognizance shall be discharged; or, if a deposit in sterling money by way of bail has been accepted, the amount thereof shall be paid over to the person making the deposit unless the court orders the same or any part thereof to be applied in or towards payment of any penalty or costs imposed.

Accomplice. **41.** No police officer acting in the discharge of duty, or person acting under instructions from a police officer, shall be deemed to be an offender or accomplice in the commission of any offence under this Act, although such officer or person might but for this section have been deemed to be such an offender or accomplice.

Offences as to name and address. **42.** Whenever by this Act a police officer, being authorised to require any person to state his own or any other person's name or address or place of residence, makes such request, and the person to whom such request is made refuses to state such name or address or place of residence, as the case may be, such person may be arrested by such officer; and such person, on conviction of having so refused, shall be liable to a penalty of twenty pounds.

Finger prints. **43.** Where a person has been arrested on any charge in respect of which a person may be arrested under this Act, or is in lawful custody for any offence punishable on indictment pursuant to \**"The Criminal Code,"* the officer in charge of police at the police station to which he is taken after arrest or where he is in custody, as the case may be, may take or cause to be taken all such particulars as may be deemed necessary for the identification of such person, including his photograph and finger prints:

Provided that if such person as aforesaid is found not guilty or is not proceeded against, any finger prints or photographs taken in pursuance of the provisions of this section shall be destroyed in the presence of the said person so concerned.

\* 63 Vic. No. 9, Schedule I., *supra*, page 344.

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**44.** Any person, who being arrested for an offence under this Act or being detained on suspicion of the commission of an offence under this Act, may, before giving any statement to or answering any questions of a police officer, require that a justice of the peace or some officer of the Public Service or some reputable citizen shall be present while he is making any such statement or answering any such questions as aforesaid.

Statements  
by person  
arrested or  
on suspicion.

Any police officer who uses or threatens to use force or otherwise intimidates any person in giving any statement or answering any questions contrary to the provisions of this section shall be liable to a penalty not exceeding twenty pounds.

**45.** Any justice may, upon its being made to appear to his satisfaction by the oath of the complainant or other credible person, that any person charged with the commission of any offence under this Act is about to depart immediately from Queensland, and will thereby probably evade punishment, issue his warrant for the apprehension of the person so charged for the purpose of his being brought before the court to be dealt with according to law.

Arrest of  
offender  
about to  
abscond.

**46.** In all proceedings under this Act any police officer, although not the informant or complainant, may appear and act in court on behalf of the prosecution.

Police may  
prosecute  
in all  
proceedings.

**47.** (1.) When an offender is punishable under this Act, and also, by indictment or otherwise, under some other Act, he may be prosecuted and convicted either under this or such other Act; so that he is not twice punished for the same offence.

Offender  
may be  
punished  
under this or  
other Acts.

(2.) When any person is charged with an offence punishable under this Act, and the court is of opinion that there ought to be a prosecution for an indictable offence, it may abstain from dealing with the case summarily and commit the defendant to take his trial for an indictable offence.

Committal  
for trial.

**48.** Whenever it appears to the court that the person committing any offence under this Act has acted under the orders or by the sanction of his master or employer, and that such master or employer is in fact the offending party either solely or as well as the defendant, the court may summon and proceed against

Masters  
made liable  
where  
servants  
have acted  
under their  
orders.

such master or employer as if the complaint or charge had originally been laid or made against him, and may in the discretion of the court either discharge the original defendant or may proceed against both.

Act not to prejudice powers of Local Authorities or Commissioner of Public Health.

**49.** Save as by this Act is expressly provided, nothing in this Act shall be deemed to repeal or affect any by-laws made by any Local Authority and in force at the passing of this Act if not in conflict with this Act, or to revoke or prejudice any power to make and enforce by-laws not in conflict with this Act or any other powers or privileges now possessed by any Local Authority, or to repeal or affect any provision of \**"The Health Acts, 1900 to 1922,"* or any regulations made thereunder, or any powers of the Commissioner of Public Health, but the same may be exercised and enjoyed to the same extent as if this Act had not been passed.

Discretionary powers of court as to fine and imprisonment, &c.

**50.** Wherever by any enactment of this Act any offence is stated to be punishable—

- (i.) By a penalty of a stated amount, such enactment shall, in the absence of express provision to the contrary, be construed to mean that the court may in its discretion impose a penalty to any amount not exceeding such stated amount, and that such penalty shall be recoverable in manner provided by the Justices Act in cases where a decision adjudges the payment of a pecuniary penalty; or
- (ii.) By a penalty of a stated amount or by imprisonment for a stated period, such enactment shall, in the absence of express provision to the contrary, be construed to mean that the court may in its discretion—
  - (a) Impose a penalty to any amount not exceeding such stated amount, and direct that it shall be recoverable as aforesaid, or in the alternative direct that, in default of payment of the same either immediately or within a time to be fixed by the court, the defendant shall be imprisoned for any period not exceeding the period stated in such enactment; or

\* 64 Vic. No. 9 and amending Acts, *supra*, pages 7735 *et seq.* (See Alphabetical Table.)

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- (b) Sentence the defendant to imprisonment for any period not exceeding the period stated in such enactment without imposing any penalty upon him ; or
- (c) In addition to imposing upon him a penalty to any amount not exceeding such stated amount recoverable as provided in paragraph (a) hereof, also sentence the defendant to imprisonment for any period not exceeding the period stated in such enactment.
- (iii.) Provided always that notwithstanding any- Minimum penalty. thing in this Act or any Act to the contrary, when any person is convicted before the court for any offence under this Act, the court shall not reduce the penalty to be imposed in respect of such offence below any prescribed minimum amount of penalty.

**51.** Save as is otherwise provided by this Act, all Appropriation of penalties. penalties and forfeitures imposed by this Act shall, when recovered, be paid and applied as follows, that is to say—One moiety into the Consolidated Revenue Fund, and the other moiety into the Police Reward Fund.

**52.** This Act shall be read and construed with Act read with "The Criminal Code" and Gaming Acts. and as an amendment of and in addition to \**"The Criminal Code"* and the Gaming Acts respectively :

Provided that nothing in this Act shall be construed to prejudice or limit the provisions of \**"The Criminal Code"* and the Gaming Acts.

**53.** The prize drawings known as the "Golden "Golden Casket" Art Union. Casket" conducted by the "Golden Casket" Committee under the authority of the Minister before the passing of this Act shall, notwithstanding anything in this Act or in any other Act or law to the contrary contained, be and be deemed always to have been valid and in conformity with the laws of Queensland.

The Minister is hereby authorised and empowered to continue to conduct and administer the "Golden Casket."

\* 63 Vic. No. 9, Schedule I., *supra*, page 344.

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Amendment  
of “*The Art  
Union  
Regulation  
Act of 1930.*”

54. The following new section is inserted after section fourteen of \**“The Art Union Regulation Act of 1930”* as follows:—

Foreign  
lottery.

“[14A.] (1.) In this section the term “foreign lottery” shall mean any lottery conducted or to be conducted outside the State of Queensland, and whether legal in the place where it is conducted or not or whether it is described as a lottery or as a “golden casket” or called by any other name or designation.

(2.) Before any person shall, in the State of Queensland, sell or offer for sale any ticket in any foreign lottery, a permit in the prescribed form authorising the sale of any such ticket shall be had and obtained by such person from the Minister.

(3.) Any person who sells or offers for sale or accepts any money in respect of the purchase of any ticket or share in a foreign lottery without having obtained from the Minister the permit as prescribed aforesaid shall be guilty of an offence and shall be liable to a penalty not exceeding one hundred pounds.”

55. In any proceedings under this Act—

Facilitation  
of proof.

(i.) It shall not be necessary to prove the limits of any district or other prescribed place, or that any road or place within any district or other prescribed place, or that any place alleged to be a road or public place or any particular part of a road or public place is a road or public place or such part thereof, or the authority of the Commissioner or any police officer, inspector, or other officer to do any act or take any proceedings, but this shall not prejudice the right of any defendant to prove the facts ;

Possession  
of articles.

(ii.) Any animal, article, or thing whatsoever shall be deemed to be in the possession of a person when it is placed in any house, outhouse, yard, garden, or place occupied by him, or has been removed with his knowledge and permission to any other place without a *bona fide* sale having been made by him ;

\* 21 Geo. V. No. 11, *supra*, page 12893.

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- (iii.) In cases where the age of any person is material, <sup>Age.</sup> the court may decide, upon its own view and judgment whether any person charged or present before it has or has not attained any prescribed age. But nothing herein shall be construed to prevent the age of such person being proved ;
- (iv.) Proof that a male person lives with or is <sup>Living on prostitution.</sup> habitually in the company of a prostitute, and has no visible lawful means of support or has insufficient lawful means of support, shall, unless he satisfies the court to the contrary, be evidence that he is knowingly living wholly or in part on the earnings of prostitution within the meaning of this Act ;
- (v.) Proof that any house or part of a house wherein <sup>Frequenting certain houses.</sup> any female of Asiatic or Polynesian race dwells, or is lodged, or is found, is frequented by or is the resort of male persons apparently not of Asiatic or Polynesian race at any time between the hours of nine o'clock in the evening and six o'clock in the morning shall be *primâ facie* evidence that such house or part of a house is a brothel ;
- The court may decide upon its own view and judgment whether any female charged or produced before it is a female of Asiatic or Polynesian race ;
- (vi.) Against any person for any offence against <sup>Evidence of general reputation.</sup> section five or section eight or section nine of this Act, evidence of the general reputation of the house or premises in question and of persons frequenting the same is admissible ;
- (vii.) Against any person accused of being a vagrant <sup>Vagrants having money in their possession.</sup> on the ground that he has no visible lawful means of support or that he has insufficient lawful means of support, proof that he possesses money or property shall not be a defence unless it is also proved by the defendant that such money or property was lawfully obtained by him ;
- (viii.) In order to a conviction under section twenty- <sup>Persons unlawfully in possession of property.</sup> five of this Act it shall not be necessary to prove that the police officer making the

arrest had cognizance of anything having recently been stolen or unlawfully obtained, or that in fact anything had recently been stolen or unlawfully obtained ;

Particular  
acts.

(ix.) Where an intent to commit an indictable offence is a material element of an offence, it shall not be necessary to prove that the person suspected was guilty of any particular act or acts tending to show his purpose or intent, and he may be convicted if, from the circumstances of the case and from his known character as proved to the court, it appears to the court that his intent was to commit an indictable offence ;

Printing.

(x.) In which the printing or publishing of any printed matter is an element of the offence charged, and such matter appears in a book, pamphlet, card, leaflet, or newspaper having or bearing an imprint, it shall be presumed, until the contrary is proved, that the person whose name appears in such imprint printed and published the said matter and the book, pamphlet, card, leaflet, or newspaper containing the same.

Limitation  
of actions.

**56.** (1.) An action shall not be brought against any person for anything done or intended or omitted to be done under this Act until the expiration of one month after notice in writing has been served on such person, clearly stating the cause of action and the name and address of the intended plaintiff and of his solicitor or agent.

On the trial of any such action, the plaintiff shall not be permitted to go into evidence of any cause of action which is not stated in the notice so served.

Unless such notice is proved, the court shall find for the defendant.

Every such action shall be commenced within three months next after the accruing of the cause of action, and shall be tried in the circuit district or place where the cause of action occurred and not elsewhere.

Any person to whom any such notice of action is given may tender amends to the plaintiff, his solicitor, or



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agent at any time within one month after service of the notice, and in case the same is not accepted may plead such tender.

(2.) In any such action, if a verdict is given for the defendant, or the plaintiff becomes non-suited or discontinued after issue joined, or if upon demurrer or otherwise judgment is given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and have the like remedy for the same as any defendant has by law in other cases, and if a verdict is given for the plaintiff he shall not have costs against the defendant unless the judge before whom the trial is held certifies his approbation of the action and of the verdict obtained thereupon. Costs.

*Amendments of \**"The Firearms Act of 1927."**

57. (i.) The definition of "firearm" in section two of *"The Firearms Act of 1927"* is amended as follows:— Amendment  
of s. 2.

After the word "ornament" the following words are added, namely:—"and which has been rendered useless for the purpose of discharging therefrom any shot, bullet, or other missile."

After the first paragraph of the definition the following paragraph is inserted, namely:—

"The term shall also mean and include any lethal weapon of any length of barrel, from which any shot, bullet, or other missile can be discharged, designed for aiming and firing from one hand, and which is reasonably capable of being carried and concealed about the person."

(ii.) The following additional section is inserted after section fifteen of *"The Firearms Act of 1927"* as follows:— New section  
15A.

"[15A.] No person shall knowingly sell, let, or hire, give, or lend a firearm to a person who is intoxicated or of unsound mind. No person who is intoxicated shall use, carry, or have in his possession any firearm." Persons  
intoxicated  
or of  
unsound  
mind.

\* 18 Geo. V. No. 21, *supra*, page 11927. (*"The Firearms License Act of 1927."*)

Regulations.

**58.** (1.) The Governor in Council, on the recommendation of the Commissioner, may from time to time make regulations for the purpose of giving effect to the provisions of this Act.

(2.) All such regulations shall, upon publication in the *Gazette*, have the same effect as if they were enacted in this Act, shall be judicially noticed, and shall not be questioned in any proceedings whatsoever.

A copy of all such regulations shall be laid before Parliament within fourteen days after the publication thereof if Parliament is then sitting; or, if not, then within fourteen days after the commencement of the next session thereof.

(3.) Any such regulations may be of a local nature and limited in application to a particular locality, or to a particular class of persons, acts, or things.

(4.) The regulations may impose a penalty for any breach thereof, and may also impose different penalties in case of successive breaches. But no such penalty shall exceed thirty pounds.

(5.) The regulations may provide that, in addition to a penalty, any expense incurred by the Commissioner in consequence of a breach of this Act or the regulations or in doing of any act directed by this Act or the regulations to be done by any person and not done by him, shall be paid by the person committing such breach or failing to do such act.

(6.) A regulation may leave any matter or thing to be determined, applied, dispensed with, prohibited, or regulated by the Commissioner from time to time, either generally or for any classes of cases or in any particular case.

(7.) The regulations may prescribe forms to be used for the purposes of this Act; and every such form shall be deemed sufficient for the purpose in respect of which it is prescribed to be used.

(8.) All such regulations shall have full effect notwithstanding anything in any other Act, whether general or local, or any by-laws or regulations made thereunder.

22 GEO. V. No. 44, 1931. *Irrigation and Water, Etc., Amendment Act.*

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SCHEDULE.

| Year and Number of Act. | Title of Act.                                       | Extent of Repeal. |
|-------------------------|---|-------------------|
| 15 Vic. No. 4 ..        | *“ <i>The Vagrant Act of 1851</i> ” ..              | Whole Act         |
| 27 Vic. No. 10 ..       | †“ <i>The Vagrant Act Amendment Act of 1863</i> ”   | „ „               |
| 56 Vic. No. 20 ..       | ‡“ <i>The Indecent Advertisements Act of 1892</i> ” | „ „               |
| 19 Vic. No. 24 ..       | §“ <i>The Police Act of 1855</i> ” .. ..            | SS. 1, 2, 3, 10   |

WATER.

*Irrigation and Water Supply Acts Amendment Act of 1931* .. .. . 22 Geo. V. No. 44.  
*Water Authorities Acts Amendment Act of 1931* .. 22 Geo. V. No. 46.

**An Act to constitute the Land Administration Board to be the Commissioner of Irrigation and Water Supply, and to Amend “The Irrigation Act of 1922” and “The Water Act of 1926,” as amended by subsequent Acts, in certain particulars.**

22 GEO. V.  
No. 44.  
THE  
IRRIGATION  
AND WATER  
SUPPLY ACTS  
AMENDMENT  
ACT OF 1931.

[ASSENTED TO 24TH DECEMBER, 1931.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as “*The Irrigation and Water Supply Acts Amendment Act of 1931*,” and shall be read as one with ¶“*The Irrigation Act of 1922*” (as amended by ¶¶“*The Water Act Amendment Act of 1930*”), and shall also be read as one with \*\*“*The Water Act of 1926*” (as amended by ††“*The Land Acts Amendment Act of 1927*” and ¶¶“*The Water Act Amendment Act of 1930*”).

Short title  
and  
construction

\* 15 Vic. No. 4, *supra*, page 3529.  
 † 27 Vic. No. 10, *supra*, page 5535.  
 ‡ 56 Vic. No. 20, *supra*, page 541.  
 § 19 Vic. No. 24, *supra*, page 2322.  
 ¶ 13 Geo. V. No. 29, *supra*, page 10218.  
 ¶¶ 21 Geo. V. No. 4, *supra*, page 13195.  
 \*\* 17 Geo. V. No. 12, *supra*, page 11733.  
 †† 18 Geo. V. No. 17, *supra*, page 11949.