

SEDITION BILL.

SCHEDULE of the Amendments referred to in Message of 7th November, 1918.

- Page 1, clause 1, line 6. *Omit "Sedition" insert "Seditious Disloyalty"*
- Page 2, clause 2. *After "(1)" insert "Subject to the provisions of this Act"*
- Page 2, clause 2, line 2. *After "in" insert "Part I of"*
- Page 2, clause 2, line 12. *After "(2)" insert "Subject to the provisions of this Act"*
- Page 2, clause 2, line 17. *After "that" insert "the judge is not satisfied that"*
- Page 2, clause 2, line 19. *Omit "not"*
- Page 3, clause 2. *After subclause (3) insert new subclauses (4) and (5)*
- Page 4. *After clause 2 insert new clause to stand as clause 3*
- Page 5, Schedule, line 8. *After "which" insert "charges disloyalty within the meaning of this Act and"*
-

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 October, 1918.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. L. S. COOPER,
Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, 7th November, 1918.*

New South Wales.



ANNO NONO

GEORGII V REGIS.

Act No. , 1918.

An Act to impose certain disqualifications upon persons convicted of sedition or other offences; to amend the Constitution Act, 1902, the Parliamentary Electorates and Elections Act, 1912, the Local Government Act, 1906, the Sydney Corporation Act, 1902; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "~~Sedition~~ **Seditious** Short title. **Disloyalty Act, 1918.**"

31777

9—A

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

~~Sedition~~ Seditious Disloyalty.

2. (1) Subject to the provisions of this Act, any person convicted of any offence mentioned in Part I of the Schedule hereto, committed after the commencement of this Act, shall, subject to the qualification therein contained, be disqualified for a period of five years from the date of such conviction, from being appointed to the Legislative Council, and from being nominated as a candidate at, and from voting at, any election of a member of the Legislative Assembly, or of the council of any municipality, including the city of Sydney, or of any shire.

Persons convicted of sedition or other offences disenfranchised.

(2) Subject to the provisions of this Act, if any person is convicted, otherwise than on indictment, of an offence mentioned in Part II of the Schedule hereto, he may, within fourteen days after such conviction, apply in the prescribed manner to a judge of the Supreme Court for a declaration that the judge is not satisfied that the evidence upon which he was convicted would not have supported a conviction of an offence mentioned in Part I of such Schedule.

If the judge makes such a declaration the applicant shall not be subject to the disqualifications set out in subsection one hereof.

If the judge declines to make such a declaration the applicant shall, subject to the following provisions, suffer such disqualifications :

Provided that if the judge is satisfied that the applicant has not been previously convicted of any offence mentioned in the Schedule, or that there were extenuating circumstances, he may suspend the imposition of any such disqualification, and postpone the hearing of such application upon the applicant entering into a recognisance, with or without sureties, in such amount as the judge directs, such recognisance being conditioned that the applicant be of good behaviour for a period of twelve months from the date of such application. If at the expiration of such period the judge, on such postponed hearing, is satisfied that the conditions of such recognisance have been observed, he may declare the applicant freed from any such disqualifications. If he is not so satisfied, the applicant shall be subject to such disqualifications.

Upon

~~Sedition~~ **Seditious Disloyalty.**

Upon the hearing or postponed hearing of any such application, the judge may allow any party to the application to call further evidence.

5 (3) An applicant shall give the Attorney-General notice in writing of his intention to make such application at least seven days before the hearing of such application.

Any person convicted on indictment of an offence mentioned in Part II of the Schedule hereto, and any
10 person who, being entitled to apply under the above provisions, fails to so apply within the prescribed time, shall be subject to the disqualifications set out in subsection one.

15 (4) If any person who has been convicted of any offence mentioned in the Schedule hereto, appeals against such conviction, any disqualification imposed by this Act to which he has become liable in consequence of such conviction, shall be suspended pending the determination of such appeal. If on such appeal the
20 conviction is quashed or set aside such disqualification shall be deemed not to have been incurred. If on such appeal the conviction is confirmed such disqualification shall, subject to the provisions of this Act, be deemed to have been incurred as from the date of such conviction.

25 (5) Where any person who has been convicted of any offence mentioned in Part II of the Schedule hereto, appeals against such conviction, the time within which he may apply to a Judge of the Supreme Court for a declaration under subsection two of this section shall
30 begin to run from the date of the determination of such appeal.

(4 6) Where any person is convicted of any offence mentioned in the Schedule hereto, the clerk of the court before which he is convicted shall forthwith forward a
35 certificate of such conviction to the Prothonotary of the Supreme Court, and when any person so convicted is or becomes subject to any disqualification by virtue of the provisions of this Act, the Prothonotary shall, as soon as practicable, cause a certificate to that effect to be sent to
40 the Chief Electoral Officer, who shall upon receipt thereof take all such measures as are necessary to cause the name of such person to be struck off any roll of electors upon which it appears. (5 7)

THE UNIVERSITY OF CHICAGO

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASIAN DRIVE
CHICAGO, ILLINOIS 60607

10
THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASIAN DRIVE
CHICAGO, ILLINOIS 60607

THE UNIVERSITY OF CHICAGO
DIVISION OF THE PHYSICAL SCIENCES
DEPARTMENT OF CHEMISTRY
57 SOUTH EAST ASIAN DRIVE
CHICAGO, ILLINOIS 60607

NOV 1968

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 October, 1918.*

New South Wales.



ANNO NONO

GEORGI V REGIS.

Act No. , 1918.

An Act to impose certain disqualifications upon persons convicted of sedition or other offences; to amend the Constitution Act, 1902, the Parliamentary Electorates and Elections Act, 1912, the Local Government Act, 1906, the Sydney Corporation Act, 1902; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. This Act may be cited as the "Sedition Act, Short title. 1918."

Sedition.

2. (1) Any person convicted of any offence mentioned in the Schedule hereto, committed after the commencement of this Act, shall, subject to the qualification therein contained, be disqualified for a period of 5 five years from the date of such conviction, from being appointed to the Legislative Council, and from being nominated as a candidate at, and from voting at, any election of a member of the Legislative Assembly, or of the council of any municipality, including the city of 10 Sydney, or of any shire.

Persons
convicted of
sedition or
other offences
disenfran-
chised.

(2) If any person is convicted, otherwise than on indictment, of an offence mentioned in Part II of the Schedule hereto, he may, within fourteen days after such conviction, apply in the prescribed manner to a 15 judge of the Supreme Court for a declaration that the evidence upon which he was convicted would not have supported a conviction of an offence mentioned in Part I of such Schedule.

If the judge makes such a declaration the applicant 20 shall not be subject to the disqualifications set out in subsection one hereof.

If the judge declines to make such a declaration the applicant shall, subject to the following provisions, suffer such disqualifications :

25 Provided that if the judge is satisfied that the applicant has not been previously convicted of any offence mentioned in the Schedule, or that there were extenuating circumstances, he may suspend the imposition of any such disqualification, and postpone the 30 hearing of such application upon the applicant entering into a recognisance, with or without sureties, in such amount as the judge directs, such recognisance being conditioned that the applicant be of good behaviour for a period of twelve months from the date of such appli- 35 cation. If at the expiration of such period the judge, on such postponed hearing, is satisfied that the conditions of such recognisance have been observed, he may declare the applicant freed from any such disqualifications. If he is not so satisfied, the applicant shall be 40 subject to such disqualifications.

Upon the hearing or postponed hearing of any such application, the judge may allow any party to the application to call further evidence. (3)

Sedition.

(3) An applicant shall give the Attorney-General notice in writing of his intention to make such application at least seven days before the hearing of such application.

5 Any person convicted on indictment of an offence mentioned in Part II of the Schedule hereto, and any person who, being entitled to apply under the above provisions, fails to so apply within the prescribed time, shall be subject to the disqualifications set out in sub-
10 section one.

(4) Where any person is convicted of any offence mentioned in the Schedule hereto, the clerk of the court before which he is convicted shall forthwith forward a certificate of such conviction to the Prothonotary of the
15 Supreme Court, and when any person so convicted is or becomes subject to any disqualification by virtue of the provisions of this Act, the Prothonotary shall, as soon as practicable, cause a certificate to that effect to be sent to the Chief Electoral Officer, who shall upon receipt
20 thereof take all such measures as are necessary to cause the name of such person to be struck off any roll of electors upon which it appears.

(5) The fact that a copy of the certificate hereinbefore prescribed is not sent to the Chief Electoral
25 Officer, or that the name of the person convicted is not struck off any roll shall in no way affect the imposition of any disqualification hereunder.

(6) If any person so disqualified is, at the time such disqualification is imposed, a member of the
30 Legislative Council or Legislative Assembly, or of the council of any municipality, including the city of Sydney, or of any shire, his seat shall thereupon become vacant.

3. This Act shall remain in force until the expira-
35 tion of a period of six months after the proclamation of peace between Great Britain and Germany and her Allies : Duration of Act.

Provided that the expiry of this Act shall not affect
40 any disqualification imposed hereunder before such expiry.

SCHEDULE.

Sedition.

SCHEDULE.

PART I.

- (i) Speaking and publishing seditious words.
- (ii) Publishing a seditious libel.
- 5 (iii) Seditious conspiracy :
 Provided that no person shall be disqualified by reason of conviction for any offence mentioned in this Schedule unless he is convicted on a count which does not charge a seditious intention to raise discontent or disaffection among His Majesty's subjects, or to promote feelings of ill-will and hostility between different classes of such subjects.

PART II.

- 15 (iv) Having by word of mouth or in writing, or in any newspaper, periodical, book, circular, or other printed publication, made a statement advocating or encouraging any action likely to prejudice or discourage recruiting or a statement advocating or encouraging any omission of action if such omission would be likely to prejudice or discourage recruiting. War Precautions Regulations, 1915, No. 28 (1)(c).
- 20 (v) Having attempted to cause mutiny, sedition, or disaffection among any of His Majesty's forces or among the civilian population. *Ibid.* No. 43
- (vi) Having incited to, urged, aided or encouraged the commission of any crime specified in this Schedule, or the carrying on of any operations for or by the commission of any such crime. Crimes Prevention Act, 1916, s. 2.
- 25 (vii) Having printed or published any writing which incites to, urges, aids, or encourages the commission of any crime specified in this Schedule, or the carrying on of any operations for or by the commission of any such crime. *Ibid.* s. 3.

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

W. S. MOWLE,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 17 October, 1918.*

New South Wales.



ANNO NONO

GEORGII V REGIS.

Act No. , 1918.

An Act to impose certain disqualifications upon persons convicted of sedition or other offences; to amend the Constitution Act, 1902, the Parliamentary Electorates and Elections Act, 1912, the Local Government Act, 1906, the Sydney Corporation Act, 1902; and for other purposes.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Sedition Act, Short title. 1918."

Sedition.

2. (1) Any person convicted of any offence mentioned in the Schedule hereto, committed after the commencement of this Act, shall, subject to the qualification therein contained, be disqualified for a period of 5 five years from the date of such conviction, from being appointed to the Legislative Council, and from being nominated as a candidate at, and from voting at, any election of a member of the Legislative Assembly, or of the council of any municipality, including the city of 10 Sydney, or of any shire.

Persons convicted of sedition or other offences disenfranchised.

(2) If any person is convicted, otherwise than on indictment, of an offence mentioned in Part II of the Schedule hereto, he may, within fourteen days after such conviction, apply in the prescribed manner to a 15 judge of the Supreme Court for a declaration that the evidence upon which he was convicted would not have supported a conviction of an offence mentioned in Part I of such Schedule.

If the judge makes such a declaration the applicant 20 shall not be subject to the disqualifications set out in subsection one hereof.

If the judge declines to make such a declaration the applicant shall, subject to the following provisions, suffer such disqualifications :

25 Provided that if the judge is satisfied that the applicant has not been previously convicted of any offence mentioned in the Schedule, or that there were extenuating circumstances, he may suspend the imposition of any such disqualification, and postpone the 30 hearing of such application upon the applicant entering into a recognisance, with or without sureties, in such amount as the judge directs, such recognisance being conditioned that the applicant be of good behaviour for a period of twelve months from the date of such appli- 35 cation. If at the expiration of such period the judge, on such postponed hearing, is satisfied that the conditions of such recognisance have been observed, he may declare the applicant freed from any such disqualifications. If he is not so satisfied, the applicant shall be 40 subject to such disqualifications.

Upon the hearing or postponed hearing of any such application, the judge may allow any party to the application to call further evidence. (3)

Sedition.

(3) An applicant shall give the Attorney-General notice in writing of his intention to make such application at least seven days before the hearing of such application.

5 Any person convicted on indictment of an offence mentioned in Part II of the Schedule hereto, and any person who, being entitled to apply under the above provisions, fails to so apply within the prescribed time, shall be subject to the disqualifications set out in sub-
10 section one.

(4) Where any person is convicted of any offence mentioned in the Schedule hereto, the clerk of the court before which he is convicted shall forthwith forward a certificate of such conviction to the Prothonotary of the
15 Supreme Court, and when any person so convicted is or becomes subject to any disqualification by virtue of the provisions of this Act, the Prothonotary shall, as soon as practicable, cause a certificate to that effect to be sent to the Chief Electoral Officer, who shall upon receipt
20 thereof take all such measures as are necessary to cause the name of such person to be struck off any roll of electors upon which it appears.

(5) The fact that a copy of the certificate hereinbefore prescribed is not sent to the Chief Electoral
25 Officer, or that the name of the person convicted is not struck off any roll shall in no way affect the imposition of any disqualification hereunder.

(6) If any person so disqualified is, at the time such disqualification is imposed, a member of the
30 Legislative Council or Legislative Assembly, or of the council of any municipality, including the city of Sydney, or of any shire, his seat shall thereupon become vacant.

3. This Act shall remain in force until the expira-
35 tion of a period of six months after the proclamation of peace between Great Britain and Germany and her Allies : Duration of Act.

Provided that the expiry of this Act shall not affect any disqualification imposed hereunder before such
40 expiry.

SCHEDULE.

Sedition.

SCHEDULE.

PART I.

- (i) Speaking and publishing seditious words.
- (ii) Publishing a seditious libel.
- 5 (iii) Seditious conspiracy :
Provided that no person shall be disqualified by reason of conviction for any offence mentioned in this Schedule unless he is convicted on a count which does not charge a seditious intention to raise discontent or disaffection among His Majesty's subjects, or to promote feelings of ill-will and hostility between different classes of such subjects.

PART II.

- 15 (iv) Having by word of mouth or in writing, or in any newspaper, periodical, book, circular, or other printed publication, made a statement advocating or encouraging any action likely to prejudice or discourage recruiting or a statement advocating or encouraging any omission of action if such omission would be likely to prejudice or discourage recruiting. War Precautions Regulations, 1915, No. 28 (1)(c).
- 20 (v) Having attempted to cause mutiny, sedition, or disaffection among any of His Majesty's forces or among the civilian population. *Ibid.* No. 43
- (vi) Having incited to, urged, aided or encouraged the commission of any crime specified in this Schedule, or the carrying on of any operations for or by the commission of any such crime. Crimes Prevention Act, 1916, s. 2.
- 25 (vii) Having printed or published any writing which incites to, urges, aids, or encourages the commission of any crime specified in this Schedule, or the carrying on of any operations for or by the commission of any such crime. *Ibid.* s. 3.