

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

Act No. 31, 1929.

An Act to make certain provisions relating to mass or other picketing; to amend the criminal law relating to intimidation and molestation, and to unauthorised processions; to amend the Crimes Act, 1900, and certain other Acts; and for purposes connected therewith. [Assented to, 26th November, 1929.]

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 "Crimes (Intimidation and Molestation) Act, 1929." Short title.

2.

Crimes (Intimidation and Molestation).

Amendment
of Act No. 40,
1900.

New ss. 545B,
545C.

Intimidation
or annoyance
by violence
or otherwise.
cf. 38 and 39
Vic., c. 86,
s. 7; 50 and
51 Vic., c. 20
s 2

2. The Crimes Act, 1900, as amended by subsequent Acts, is further amended—

- (a) by inserting next after section 545A the following short headings and new sections :—

(D 2) INTIMIDATION, &C.

545B. (1) Whosoever,—

- (a) with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing; or
- (b) in consequence of such other person having done any act which he had a legal right to do, or of his having abstained from doing any act which he had a legal right to abstain from doing,

wrongfully and without legal authority,—

- (i) uses violence or intimidation to or towards such other person or his wife, child, or dependant, or does any injury to him or to his wife, child, or dependant; or
- (ii) follows such other person about from place to place; or
- (iii) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (iv) watches or besets the house or other place where such other person resides or works, or carries on business, or happens to be, or the approach to such house or place; or,
- (v) follows such other person with two or more other persons in a disorderly manner in or through any street, road, or public place,

shall, on conviction before two justices, be liable to imprisonment for six months, or to a fine of twenty pounds.

Crimes (Intimidation and Molestation).

(2) In this section—

cf. 17 & 15
Geo. V, c. 22,
s. 3.

“Intimidation” means the causing of a reasonable apprehension of injury to a person or to any member of his family or to any of his dependants, or of violence or damage to any person or property, and “intimidate” has a corresponding meaning; and

“Injury” includes any injury to a person in respect of his property, business, occupation, employment, or other source of income, and also includes any actionable wrong of any nature; and

“Watches or besets” includes attending at or near any house or place in such numbers or otherwise in such manner as is calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace.

(D 3) JOINING UNLAWFUL ASSEMBLIES, &C.

545c. (1) Whosoever knowingly joins an unlawful assembly or continues in it shall be taken to be a member of that assembly, and shall, on conviction before a police or stipendiary magistrate, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds.

Knowingly
joining or
continuing in
an unlawful
assembly.

(2) Whosoever being armed with any weapon or loaded arms, or with anything which used as a weapon of offence is likely to cause death or grievous bodily harm, is a member of an unlawful assembly, shall be liable, on conviction before a police or stipendiary magistrate, to imprisonment for a term not exceeding twelve months or to a fine not exceeding fifty pounds.

Carrying
arms in an
unlawful
assembly.

(3)

Crimes (Intimidation and Molestation).

Interpreta-
tion.

(3) Any assembly of five or more persons whose common object is by means of intimidation or injury to compel any person to do what he is not legally bound to do or to abstain from doing what he is legally entitled to do, shall be deemed to be an unlawful assembly.

- (b) by inserting in section one after the figures and letter "545A" the letters, words, and figures—

(D 2) INTIMIDATION, &C.—s. 545B.

(D 3) JOINING UNLAWFUL ASSEMBLIES,
&C.—s. 545C.

Amendment of
Act No. 5, 1901.
Sec. 8.

3. The Police Offences Act, 1901, is amended—

- (a) by inserting in section eight next after the words "offensive substance; or" the words "wilfully or by negligence or misbehaviour prevents in any manner the free passage of any person or vehicle; or";
- (b) by inserting at the end of section eighteen the following new subsection:—

Sec. 18 (3).

(3) Any person who is taking part in an unauthorised procession, and who fails to discontinue such taking part after being directed so to discontinue by an officer of police of or above the rank of sergeant, shall be liable to imprisonment for one month or to a penalty not exceeding ten pounds.

In this subsection "unauthorised procession" means any procession in a public street or public place other than a military or naval procession or a procession for funeral purposes, for the holding of which the previous consent in writing of the prescribed authority has not been obtained, and "prescribed authority" means in relation to the area to which the Metropolitan Traffic Act, 1900, applies, the Inspector-General of Police, and in relation to any other area the council of the municipality or shire in which the procession is to be held.

I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

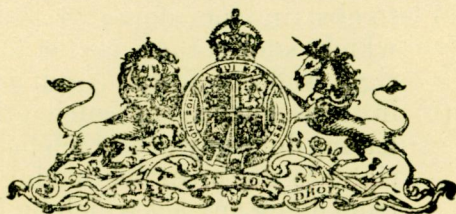
S. G. BOYDELL,

Clerk of the Legislative Assembly.

Legislative Assembly Chamber,

Sydney, 19 November, 1929.

New South Wales.



ANNO VICESIMO

GEORGII V REGIS.

Act No. 31, 1929.

An Act to make certain provisions relating to mass or other picketing; to amend the criminal law relating to intimidation and molestation, and to unauthorised processions; to amend the Crimes Act, 1900, and certain other Acts; and for purposes connected therewith. [Assented to, 26th November, 1929.]

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 "Crimes (Intimidation and Molestation) Act, 1929." Short title

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

R. B. WALKER,

Chairman of Committees of the Legislative Assembly.

Crimes (Intimidation and Molestation).

Amendment
of Act No. 40,
1900.

New ss. 545B,
545C.

Intimidation
or annoyance
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or otherwise.
cf. 38 and 39
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(a) by inserting next after section 545A the following short headings and new sections:—

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545B. (1) Whosoever,—

- (a) with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing; or
- (b) in consequence of such other person having done any act which he had a legal right to do, or of his having abstained from doing any act which he had a legal right to abstain from doing,

wrongfully and without legal authority,—

- (i) uses violence or intimidation to or towards such other person or his wife, child, or dependant, or does any injury to him or to his wife, child, or dependant; or
- (ii) follows such other person about from place to place; or
- (iii) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or
- (iv) watches or besets the house or other place where such other person resides or works, or carries on business, or happens to be, or the approach to such house or place; or,
- (v) follows such other person with two or more other persons in a disorderly manner in or through any street, road, or public place,

shall, on conviction before two justices, be liable to imprisonment for six months, or to a fine of twenty pounds.

(2)

Crimes (Intimidation and Molestation).

(2) In this section—

“Intimidation” means the causing of a reasonable apprehension of injury to a person or to any member of his family or to any of his dependants, or of violence or damage to any person or property, and “intimidate” has a corresponding meaning; and

cf. 17 & 18
Geo. V, c. 22,
s. 3.

“Injury” includes any injury to a person in respect of his property, business, occupation, employment, or other source of income, and also includes any actionable wrong of any nature; and

“Watches or besets” includes attending at or near any house or place in such numbers or otherwise in such manner as is calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace.

(D 3) JOINING UNLAWFUL ASSEMBLIES, &C.

545c. (1) Whosoever knowingly joins an unlawful assembly or continues in it shall be taken to be a member of that assembly, and shall, on conviction before a police or stipendiary magistrate, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty pounds.

Knowingly
joining or
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an unlawful
assembly.

(2) Whosoever being armed with any weapon or loaded arms, or with anything which used as a weapon of offence is likely to cause death or grievous bodily harm, is a member of an unlawful assembly, shall be liable, on conviction before a police or stipendiary magistrate, to imprisonment for a term not exceeding twelve months or to a fine not exceeding fifty pounds.

Carrying
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Crimes (Intimidation and Molestation).

Interpreta-
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(3) Any assembly of five or more persons whose common object is by means of intimidation or injury to compel any person to do what he is not legally bound to do or to abstain from doing what he is legally entitled to do, shall be deemed to be an unlawful assembly.

(b) by inserting in section one after the figures and letter "545A" the letters, words, and figures—

(D 2) INTIMIDATION, &C.—s. 545B.

(D 3) JOINING UNLAWFUL ASSEMBLIES,
&C.—s. 545C.

Amendment of
Act No. 5, 1901.
Sec. 8.

3. The Police Offences Act, 1901, is amended—

(a) by inserting in section eight next after the words "offensive substance; or" the words "wilfully or by negligence or misbehaviour prevents in any manner the free passage of any person or vehicle; or";

Sec. 18 (3).

(b) by inserting at the end of section eighteen the following new subsection:—

(3) Any person who is taking part in an unauthorised procession, and who fails to discontinue such taking part after being directed so to discontinue by an officer of police of or above the rank of sergeant, shall be liable to imprisonment for one month or to a penalty not exceeding ten pounds.

In this subsection "unauthorised procession" means any procession in a public street or public place other than a military or naval procession or a procession for funeral purposes, for the holding of which the previous consent in writing of the prescribed authority has not been obtained, and "prescribed authority" means in relation to the area to which the Metropolitan Traffic Act, 1900, applies, the Inspector-General of Police, and in relation to any other area the council of the municipality or shire in which the procession is to be held.

*In the name and on behalf of His Majesty I assent
to this Act.*

D. R. S. DE CHAIR,
Governor.

Government House,
Sydney, 26th November, 1929.

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.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 17 October, 1929.

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

CRIMES (INTIMIDATION AND MOLESTATION) BILL, 1929.

SCHEDULE of Amendments referred to in Message of 13th November, 1929.

- Page 2, clause 2, line 22. *Omit* "persistently"
Page 3, clause 2, lines 2, 3. *Omit* "in the mind of a person"
Page 3, clause 2, line 3. *After* "person" *insert* "of"
Page 3, clause 2, line 4. *Omit* "him" *insert* "a person"
Page 3, clause 2, lines 8-10. *Omit* "whether such injury, violence, or damage is actually threatened or not"
Page 3, clause 2, line 30. *Omit* "two justices," *insert* "a police or stipendiary magistrate"
Page 3, clause 2, line 32. *After* "for" *insert* "a term not exceeding"
Page 3, clause 2, line 33. *Omit* "of" *insert* "not exceeding"
Page 4, clause 2, line 1. *Omit* "two justices," *insert* "a police or stipendiary magistrate"
Page 4, clause 2, line 3. *After* "for" *insert* "a term not exceeding"
Page 4, clause 2, line 4. *Omit* "of" *insert* "not exceeding"
Page 4, clause 2, line 7. *Omit* "force or a show of force" *insert* "intimidation or injury"

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 "Crimes (Intimidation and Molestation) Act, 1929." Short title.

1625

31—A

2.

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

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.

S. G. BOYDELL,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 17 October, 1929.

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

W. L. S. COOPER,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 13th November, 1929.

New South Wales.



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Crimes (Intimidation and Molestation).

2. The Crimes Act, 1900, as amended by subsequent Acts, is further amended—

Amendment of Act No. 40, 1900, New ss. 545B, 545C.

(a) by inserting next after section 545A the following short headings and new sections:—

5

(D 2) INTIMIDATION, &C.

545B. (1) Whosoever,—

Intimidation or annoyance by violence or otherwise. cf. 38 and 39 Vic., c. 86, s. 7; 50 and 51 Vic., c. 20, s. 2.

10

(a) with a view to compel any other person to abstain from doing or to do any act which such other person has a legal right to do or abstain from doing; or

15

(b) in consequence of such other person having done any act which he had a legal right to do, or of his having abstained from doing any act which he had a legal right to abstain from doing,

20

wrongfully and without legal authority,—

(i) uses violence or intimidation to or towards such other person or his wife, child, or dependant, or does any injury to him or to his wife, child, or dependant; or

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(ii) persistently follows such other person about from place to place; or

30

(iii) hides any tools, clothes, or other property owned or used by such other person, or deprives him of or hinders him in the use thereof; or

35

(iv) watches or besets the house or other place where such other person resides or works, or carries on business, or happens to be, or the approach to such house or place; or,

(v) follows such other person with two or more other persons in a disorderly manner in or through any street, road, or public place,

shall, on conviction before two justices, be liable to imprisonment for six months, or to a fine of twenty pounds.

(2)

Crimes (Intimidation and Molestation).

(2) In this section—

“Intimidation” means the causing in cf. 17 & 18
Geo. V, c. 22,
s. 3. the mind of a person of a reasonable apprehension of injury to ~~him~~ a person or to any member of his family or to any of his dependants, or of violence or damage to any person or property, ~~whether such injury, violence, or damage is actually threatened or not,~~ and “intimidate” has a corresponding meaning; and

“Injury” includes any injury to a person in respect of his property, business, occupation, employment, or other source of income, and also includes any actionable wrong of any nature; and

“Watches or besets” includes attending at or near any house or place in such numbers or otherwise in such manner as is calculated to intimidate any person in that house or place, or to obstruct the approach thereto or egress therefrom, or to lead to a breach of the peace.

(D3) JOINING UNLAWFUL ASSEMBLIES, &C.

545c. (1) Whosoever knowingly joins an unlawful assembly or continues in it shall be taken to be a member of that assembly, and shall, on conviction before ~~two justices,~~ Knowingly joining or continuing in an unlawful assembly. a police or stipendiary magistrate, be liable to imprisonment for a term not exceeding six months or to a fine of not exceeding twenty pounds.

(2) Whosoever being armed with any weapon or loaded arms, or with anything Carrying arms in an unlawful assembly. which used as a weapon of offence is likely to cause death or grievous bodily harm, is a member of an unlawful assembly, shall be liable

Crimes (Intimidation and Molestation).

liable, on conviction before ~~two justices,~~ a **police or stipendiary magistrate**, to imprisonment for a term **not exceeding** twelve months or to a fine of **not exceeding** fifty pounds.

5 (3) Any assembly of five or more persons whose common object is by means of ~~force or a show of force~~ ^{Interpretation.} **intimidation or injury** to compel any person to do what he is not legally bound to do or to abstain from doing what he is legally entitled to do, shall be deemed to be an unlawful assembly.

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(b) by inserting in section one after the figures and letter "545A" the letters, words, and figures—

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(D 2) INTIMIDATION, &C.—s. 545B.

(D 3) JOINING UNLAWFUL ASSEMBLIES, &C.—s. 545C.

3. The Police Offences Act, 1901, is amended—

20 (a) by inserting in section eight next after the words "offensive substance; or" the words "wilfully or by negligence or misbehaviour prevents in any manner the free passage of any person or vehicle; or";

25 (b) by inserting at the end of section eighteen the following new subsection :—

30 (3) Any person who is taking part in an unauthorised procession, and who fails to discontinue such taking part after being directed so to discontinue by an officer of police of or above the rank of sergeant, shall be liable to imprisonment for one month or to a penalty not exceeding ten pounds.

35

In this subsection "unauthorised procession" means any procession in a public street or public place other than a military or naval procession or a procession for funeral purposes, for the holding of which the previous consent in writing of the prescribed authority

Crimes (Intimidation and Molestation).

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authority has not been obtained, and "prescribed authority" means in relation to the area to which the Metropolitan Traffic Act, 1900, applies, the Inspector-General of Police, and in relation to any other area the council of the municipality or shire in which the procession is to be held.

Sydney: Alfred James Kent, I.S.O., Government Printer—1929.

[7d.]

31—B

81-18

1901

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1901

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S. G. BOYDELL,
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Legislative Assembly Chamber,
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of 38 and 39 Vic., c. 86, s. 7; 50 and 51 Vic., c. 20, s. 2

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[4d.]