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

Legislative Council Chamber, Sydney, 17th April, 1895. } JOHN J. CALVERT, Clerk of the Parliaments.

## New South Wales.



ANNO QUINQUAGESIMO OCTAVO

## VICTORIÆ REGINÆ.

## No.

## An Act for the Suppression of Disorderly Conduct.

WHEREAS it is expedient that additional powers be given to Preamble. Stipendiary and Police Magistrates for the suppression of Disorderly Behaviour and for the punishment of Aggravated Assaults: Be it therefore enacted by the Queen's Most Excellent Majesty, by 5 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 :--

Whosoever is guilty of riotous, disorderly, or indecent Riotous, disorderly, behaviour in any public street, road, thoroughfare, or public place, or behaviour.
is guilty of any violent or indecent behaviour in any police office, lock-up, or police station, shall, on conviction before a stipendiary or police magistrate, be liable to imprisonment with hard labour for a

term not exceeding six months, or to a fine not exceeding twenty pounds; and if it be proved that such person has been previously 15 convicted of any offence against decency or good order, he shall not be fined, but shall be liable to imprisonment with hard labour for any term not exceeding six months; and if more than one such provides conviction he proved against him he shall be liable to impriv-

be lined, but shall be hable to imprisonment with hard fabour for any term not exceeding six months; and if more than one such previous conviction be proved against him, he shall be liable to imprisonment with hard labour for any term not exceeding twelve months. c 78 - 2.

Biotous disorderly

### 58° VICTORIÆ, No.

#### Disorderly Conduct Suppression.

2. Whosoever is guilty of riotous, disorderly, or indecent Riotous, &c., behabehaviour, accompanied by actual injury to person or property, in any viour, accompanied by actual injury to public street, thoroughfare, or public place, or in any house, booth, person or property. place, or vessel duly licensed under the "Liquors Licensing Acts,"

- 5 shall be liable, on conviction before a stipendiary or police magistrate, to imprisonment with hard labour for any term not exceeding twelve months, or to a fine not exceeding twenty pounds; and, in addition to such imprisonment or fine, shall be liable to pay to the owner of any property injured such sum of money as such magistrate may direct
- 10 as compensation for such injury, such compensation to be recoverable as a fine or penalty under this Act. And if such offence is committed by any person in combination with other persons, or if it shall be proved that such person has been previously convicted of any offence against good order, accompanied by actual injury to person or property, 15 he shall not be fined, but shall be liable to be imprisoned with hard
  - labour for any term not exceeding twelve months.

3. Whosoever is guilty of riotous, disorderly, or indecent Riotous, &c., beha-behaviour, accompanied by the throwing of stones or other missiles viour, accompanied by the throwing of likely to cause personal injury, in any public street, road, thorough- stones.

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- 25 4. The provisions of the preceding three sections are in addition to and not in substitution for the provisions of section fifteen of the Act of Council seventeenth Victoria number thirty-one.
- 5. Whosoever commits any unprovoked and violent assault on Unprovoked and any person, or who violently assaults any constable or police officer violent assaults.
- 30 while in the execution of his duty, or any person while lawfully aiding such constable or police officer, or any witness in any criminal proceeding (whether before or after such witness has given evidence) shall be liable, on conviction before a stipendiary or police magistrate, to imprisonment with hard labour for any term not exceeding twelve
- 35 months, and at the discretion of such magistrate shall in addition to such term of imprisonment be liable, in the case of a male person, who in the opinion of such magistrate is of or above the age of eighteen years, to be once, twice, or thrice privately whipped. And the provisions of sections four hundred and three and four hundred and
- 40 four of the "Criminal Law Amendment Act of 1883," and of section five of the "Criminal Law and Evidence Amendment Act of 1891" shall apply to any sentence of whipping under this Act. The maximum number of strokes to be given at each whipping shall be thirty, and the number of strokes to be inflicted shall be specified in each 45 conviction.

6. Any number of persons exceeding two congregated together Persons assembled in any public street, thoroughfare, or public place, and conducting unlawfully in a themselves in a manner reasonably calculated to cause annoyance to disperse forthwith. other persons shall, on being requested so to do by any police constable,

50 forthwith separate and disperse; and any one or more of such persons who shall fail to comply with such request, shall be liable on conviction before a stipendiary or police magistrate to a fine not exceeding ten pounds.

commit the offender to prison for non-payment, there to remain,

7. Where a sum adjudged to be paid or forfeited or imposed as a Committal on non-55 penalty under this Act is not paid into the hands of the Clerk of Petty payment. Sessions, together with the costs imposed, if any, immediately upon the conviction, or within such period as the adjudicating magistrate shall, at the time of conviction, have appointed, such magistrate may

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### 58º VICTORIÆ, No.

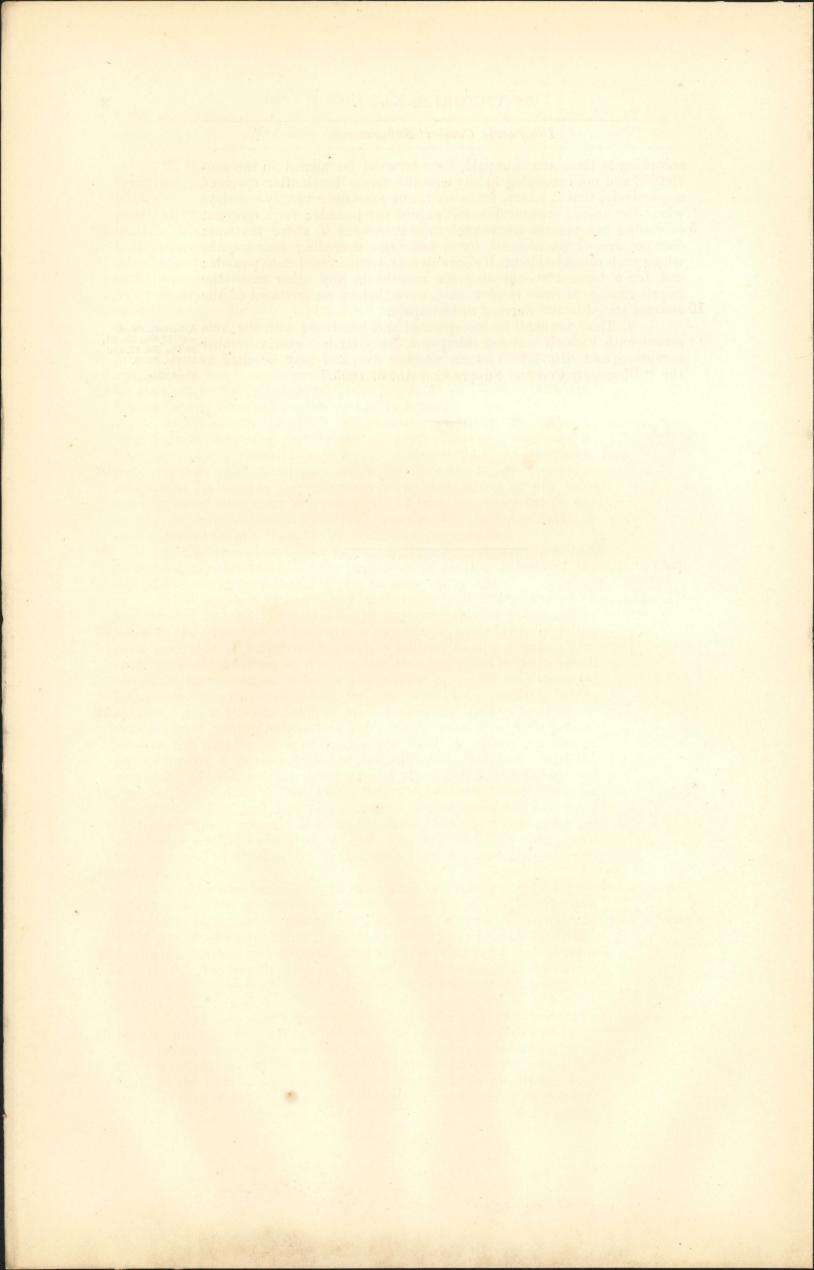
### Disorderly Conduct Suppression.

according to the amount unpaid, for a term to be named in the conviction, and not exceeding in any case the terms hereinafter specified respectively, that is to say, for a term not exceeding twenty-one days where the unpaid amount does not exceed two pounds; for a term not 5 exceeding two months where such unpaid amount if above that sum

does not exceed five pounds; for a term not exceeding four months where such unpaid amount if above five does not exceed ten pounds; and for a term not exceeding six months in any other case—the imprisonment to cease in each case, nevertheless, on payment of the 10 amount stated in the warrant to be unpaid.

8. This Act shall be incorporated and construed with the Acts Act incorporated seventeenth Victoria number thirty-one, forty-sixth Victoria number with 17 Vic. No. 31, seventeen, and fifty-fifth Victoria number five, and may be cited as 55 Vic. No. 5. the "Disorderly Conduct Suppression Act of 1895." Short title.

Sydney : Charles Potter, Government Printer .- 1895.



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## New South Wales.



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## VICTORIÆ REGINÆ.

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previous conviction be proved against him, he shall be liable to imprisonment with hard labour for any term not exceeding twelve months. c 78-

#### Disorderly Conduct Suppression.

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- 25 4. The provisions of the preceding three sections are in addition to and not in substitution for the provisions of section fifteen of the Act of Council seventeenth Victoria number thirty-one.
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- 40 four of the "Criminal Law Amendment Act of 1883," and of section five of the "Criminal Law and Evidence Amendment Act of 1891" shall apply to any sentence of whipping under this Act. The maximum number of strokes to be given at each whipping shall be thirty, and the number of strokes to be inflicted shall be specified in each 45 conviction.

6. Any number of persons exceeding two congregated together Persons assembled in any public street, thoroughfare, or public place, and conducting unlawfully in a themselves in a manner reasonably calculated to cause annoyance to disperse forthwith. other persons shall, on being requested so to do by any police constable,

- 50 forthwith separate and disperse; and any one or more of such persons who shall fail to comply with such request, shall be liable on conviction before a stipendiary or police magistrate to a fine not exceeding ten pounds.
- 7. Where a sum adjudged to be paid or forfeited or imposed as a Committal on non-55 penalty under this Act is not paid into the hands of the Clerk of Petty payment. Sessions, together with the costs imposed, if any, immediately upon the conviction, or within such period as the adjudicating magistrate shall, at the time of conviction, have appointed, such magistrate may commit the offender to prison for non-payment, there to remain,

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### 58° VICTORIÆ, No.

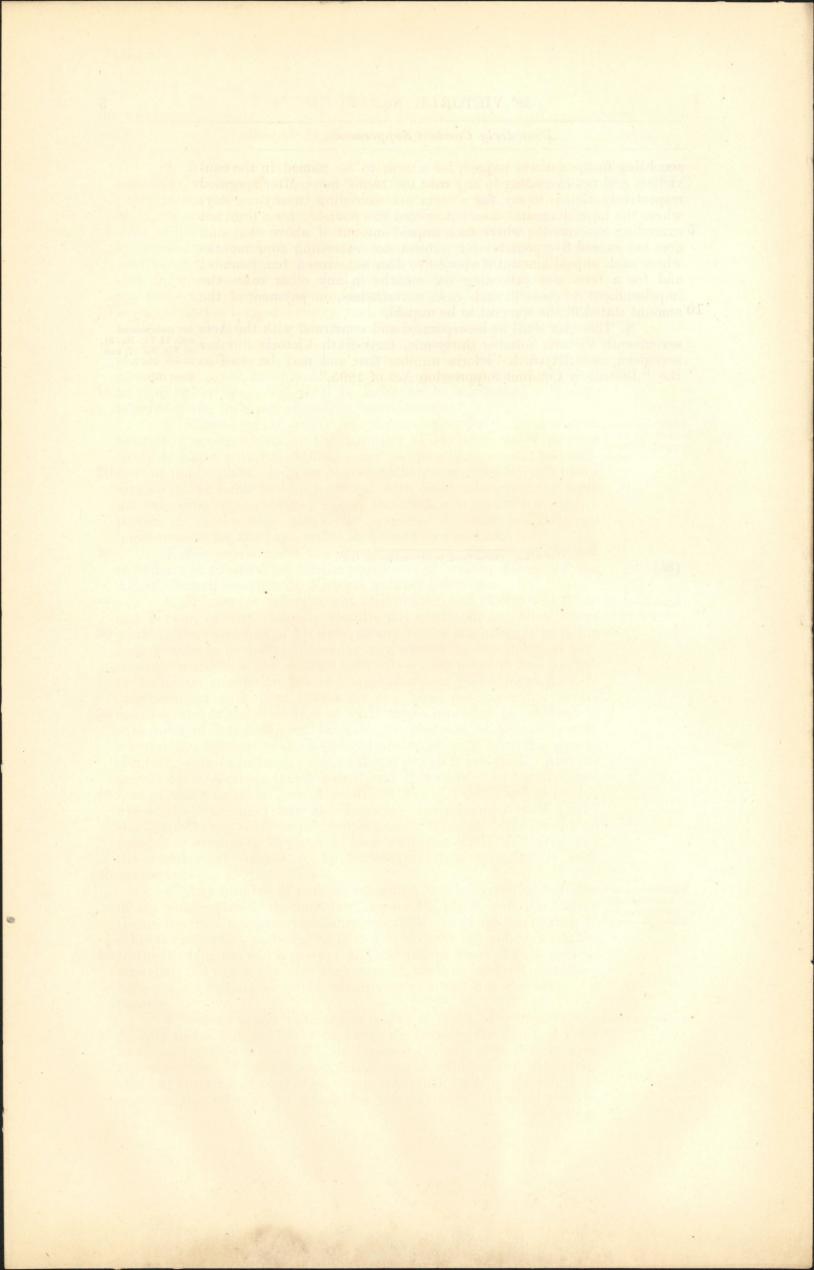
### Disorderly Conduct Suppression.

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8. This Act shall be incorporated and construed with the Acts Act incorporated seventeenth Victoria number thirty-one, forty-sixth Victoria number with 17 Vic. No. 31, seventeen, and fifty-fifth Victoria number five, and may be cited as 55 Vic. No. 5. the "Disorderly Conduct Suppression Act of 1895." Short title.

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Legislative Council Chamber, Sydney, April, 1895.

Clerk of the Parliaments.

## New South Wales.



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#### Disorderly Conduct Suppression.

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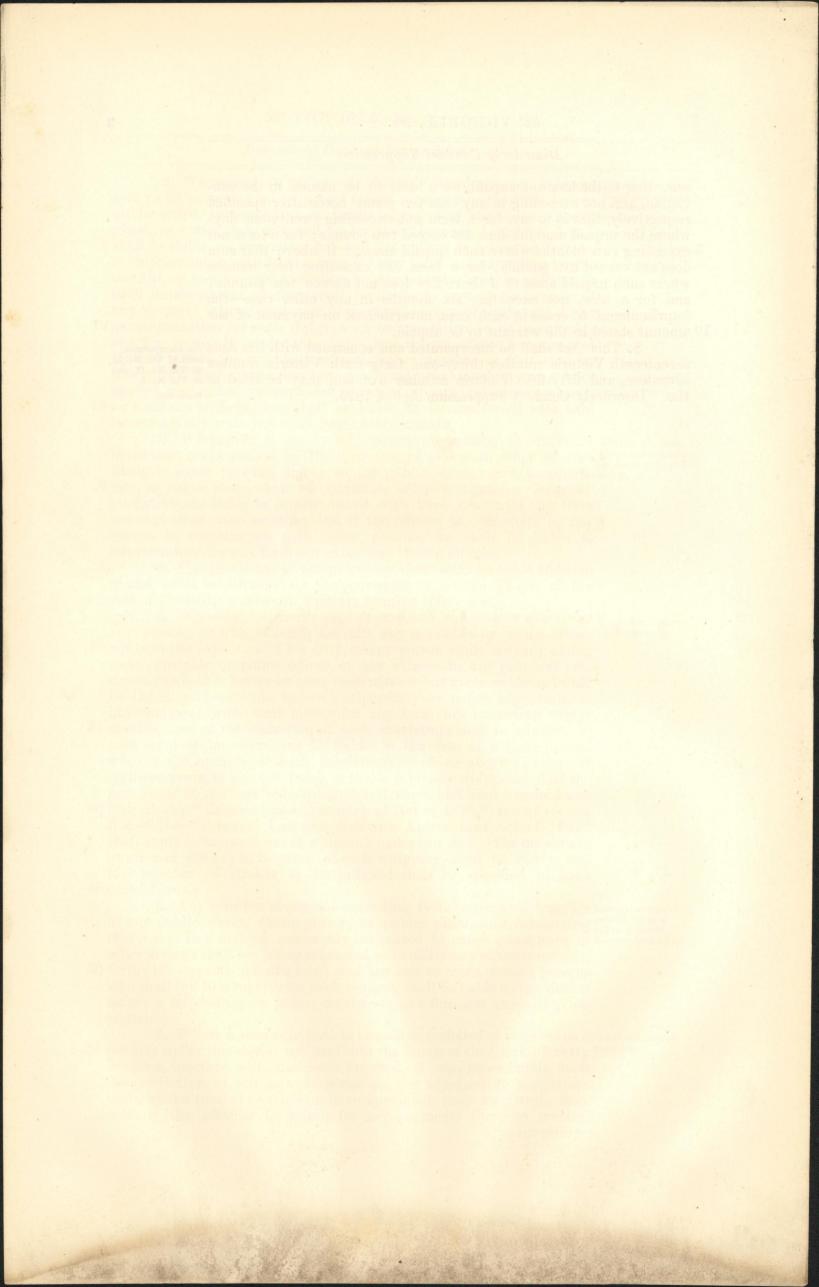
## 58º VICTORIÆ, No.

#### Disorderly Conduct Suppression.

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Legislative Council Chamber, Sydney, April, 1895. }

Clerk of the Parliaments.

## New South Wales.



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#### Disorderly Conduct Suppression.

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6. Any number of persons exceeding two congregated together Persons assembled in any public street, thoroughfare, or public place, and conducting unlawfully in a themselves in a manner reasonably calculated to cause annoyance to disperse forthwith. other persons shall, on being requested so to do by any police constable,

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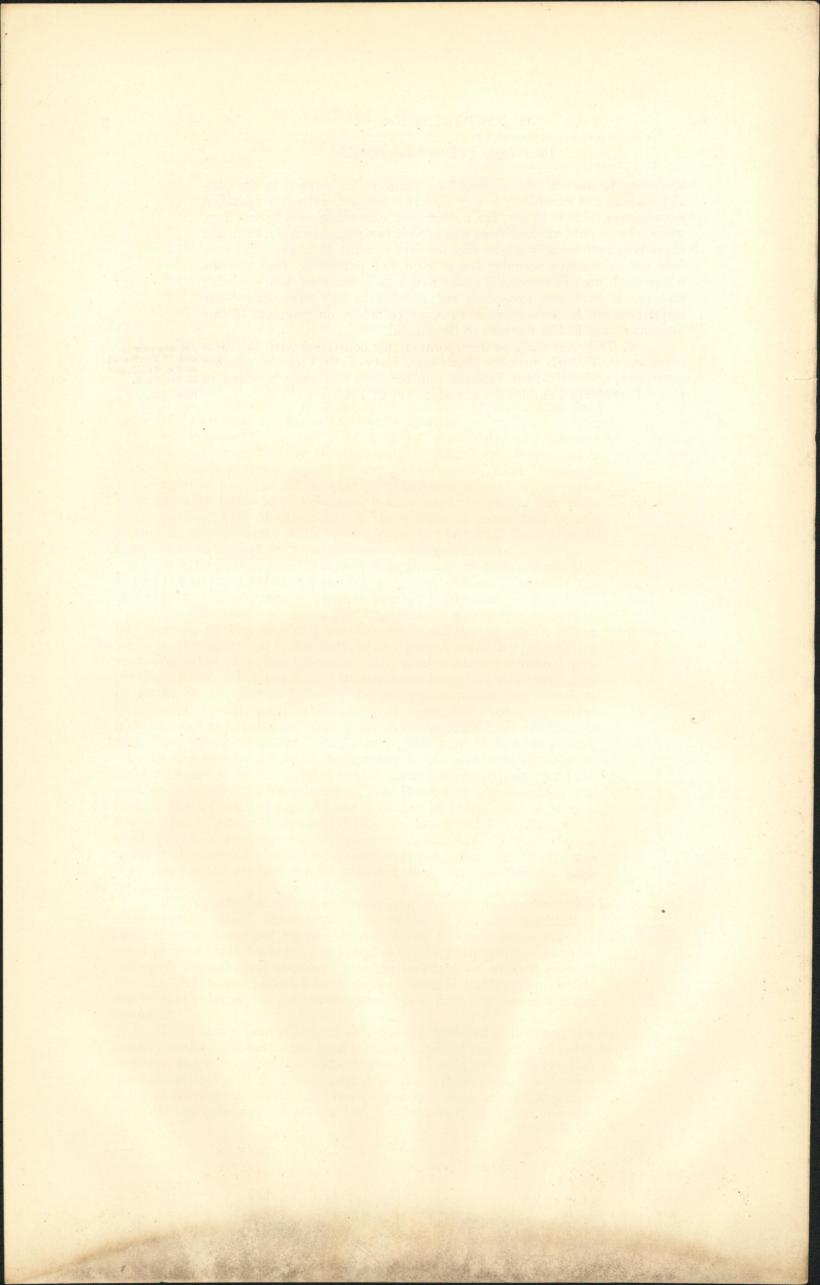
### 58° VICTORIÆ, No.

### Disorderly Conduct Suppression.

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Legislative Conncil.

58º VICTORIÆ, 1895.

# A BILL

For the Suppression of Disorderly Conduct.

[MR. O'CONNOR; -6 March, 1895.]

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Riotous, &c., behaviour, accompanied by actual injury to person or property.

Riotous, &c., behaviour, accompanied by the throwing of stones.

Unprovoked and violent assaults.

Persons assembled unlawfully in a public street to disperse forthwith.

Special prison treatment in certain cases.

2. Whosoever is guilty of riotous, disorderly, or indecent behaviour, accompanied by actual injury to person or property, in any public street, thoroughfare, or public place, or in any house, booth, place, or vessel duly licensed under the "Liquors Licensing Acts," shall be liable, on conviction before a stipendiary or police magistrate, **5** to imprisonment with hard labour for any term not exceeding *twelve* months, or to a fine not exceeding *twenty* pounds; and, in addition to such imprisonment or fine, shall be liable to pay to the owner of any property injured such sum of money as such magistrate may direct as compensation for such injury, such compensation to be recoverable **10** as a fine or penalty under this Act. And if such offence is committed by any person in combination with other persons, or if it shall be proved that such person has been previously convicted of any offence against good order, accompanied by actual injury to person or property, he shall not be fined, but shall be liable to be imprisoned with hard **15** labour for any term not exceeding *twelve* months.

3. Whosoever is guilty of riotous, disorderly, or indecent behaviour, accompanied by the throwing of stones or other missiles likely to cause personal injury, in any public street, road, thoroughfare, or public place, shall, on conviction before a stipendiary or police 20 magistrate, be liable to imprisonment with hard labour for any term not exceeding *nine* months; and if the offence is committed by any person in combination with other persons, he shall be liable to imprisonment for any term not exceeding *twelve* months.

4. The provisions of the preceding three sections are in addition 25 to and not in substitution for the provisions of section fifteen of the Act of Council seventeenth Victoria number thirty-one.

5. Whosoever commits any unprovoked and violent assault on any person, or who violently assaults any constable or police officer while in the execution of his duty, or any person while lawfully aiding 30 such constable or police officer, or any witness in any criminal proceeding (whether before or after such witness has given evidence) shall be liable, on conviction before a stipendiary or police magistrate, to imprisonment with hard labour for any term not exceeding twelve months, and at the discretion of such magistrate shall in addition to 35 such term of imprisonment be liable, in the case of a male person, who in the opinion of such magistrate is of or above the age of twelve years, to be once, twice, or thrice privately whipped. And the provisions of sections four hundred and three and four hundred and four of the "Criminal Law Amendment Act of 1883," and of section 40 five of the "Criminal Law and Evidence Amendment Act of 1891' shall apply to any sentence of whipping under this Act. The maximum number of strokes to be given at each whipping shall be thirty in the case of a person of or above the age of eighteen years, and twenty in the case of a person under the said age and of or above the age of 45 fourteen years, and fifteen in the case of a person under the age of fourteen years, and the number of strokes to be inflicted shall be specified in each conviction.

6. Any number of persons exceeding two congregated together in any public street, thoroughfare, or public place, and conducting 50 themselves in a manner reasonably calculated to cause annoyance to other persons shall, on being requested so to do by any police constable, forthwith separate and disperse; and any one or more of such persons who shall fail to comply with such request, shall be liable on conviction before a stipendiary or police magistrate to a fine not exceeding *ten* 55 pounds.

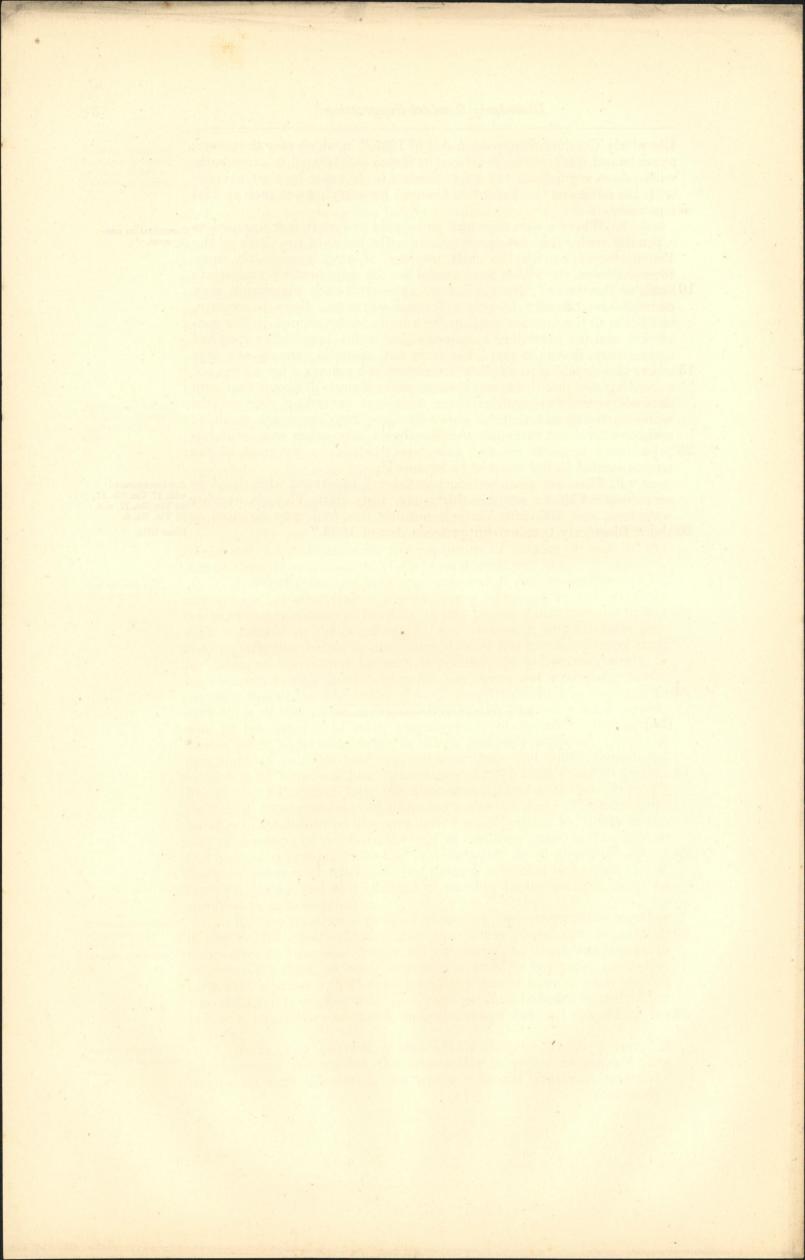
7. In any conviction under this Act in which a term of imprisonment is awarded, the stipendiary or police magistrate may indorse on such conviction the words "Special treatment under the Disorderly Disorderly Conduct Suppression Act of 1895," in which case the person so sentenced shall, while in prison, be dieted and treated in accordance with prison regulations hereby authorised to be made by the Governor with the advice of the Executive Council for carrying out such special 5 treatment.

8. Where a sum adjudged to be paid or forfeited or imposed as <sub>Committal on non-</sub> a penalty under this Act is not paid into the hands of the Clerk of the payment. Bench, together with the costs imposed, if any, immediately upon

- the conviction, or within such period as the adjudicating magistrate 10 shall, at the time of conviction, have appointed, such magistrate may commit the offender to prison for non-payment, there to remain, according to the amount unpaid, for a term to be named in the conviction, and not exceeding in any case the terms hereinafter specified respectively, that is to say, for a term not exceeding *twenty-one* days
- 15 where the unpaid amount does not exceed two pounds; for a term not exceeding *two* months where such unpaid amount if above that sum does not exceed five pounds; for a term not exceeding *four* months where such unpaid amount if above five does not exceed ten pounds; and for a term not exceeding *six* months in any other case—the im-
- 20 prisonment to cease in each case, nevertheless, on payment of the amount stated in the warrant to be unpaid.

Sydney : Charles Potter, Government Printer.-1895

9. This Act shall be incorporated and construed with the Acts Act incorporated seventeenth Victoria number thirty-one, forty-sixth Victoria number <sup>with 17</sup> Vic. No. 31, seventeen, and fifty-fifth Victoria number five, and may be cited as 55 Vic. No. 5. 25 the "Disorderly Conduct Suppression Act of 1895." Short title.



Legislative Council.

58º VICTORIÆ, 1895.

# A BILL

## For the Suppression of Disorderly Conduct.

[MR. O'CONNOR; -6 March, 1895.]

WHEREAS it is expedient that additional powers be given to Preamble. Stipendiary and Police Magistrates for the suppression of Disorderly Behaviour and for the punishment of Aggravated Assaults: Be it therefore enacted by the Queen's Most Excellent Majesty, by 5 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 :--

Whosoever is guilty of riotous, disorderly, or indecent Riotous, disorderly behaviour in any public street, road, thoroughfare, or public place, or or indecent behaviour in any police office, lock-up, or police station, shall, on conviction before a stipendiary or police magistrate, be liable to imprisonment with hard labour for a term not exceeding six months, or to a fine not exceeding twenty pounds; and if it be proved that such person has been previously
convicted of any offence against decency or good order, he shall not be fined, but shall be liable to imprisonment with hard labour for any term not exceeding six months; and if more than one such previous conviction be proved against him, he shall be liable to imprisonment with hard labour for any term not exceeding six months; and if more than one such previous conviction be proved against him, he shall be liable to imprisonment with hard labour for any term not exceeding six months; and if more than one such previous conviction be proved against him, he shall be liable to imprisonment with hard labour for any term not exceeding twelve months. c 78— 2.

Riotous, &c., behaviour, accompanied by actual injury to person or property.

Riotous, &c., behaviour, accompanied by the throwing of stones.

Unprovoked and violent assaults.

Persons assembled unlawfully in a public street to disperse forthwith.

Special prison treatment in certain cases. 2. Whosoever is guilty of riotous, disorderly, or indecent behaviour, accompanied by actual injury to person or property, in any public street, thoroughfare, or public place, or in any house, booth, place, or vessel duly licensed under the "Liquors Licensing Acts," shall be liable, on conviction before a stipendiary or police magistrate, **5** to imprisonment with hard labour for any term not exceeding *twelve* months, or to a fine not exceeding *twenty* pounds; and, in addition to such imprisonment or fine, shall be liable to pay to the owner of any property injured such sum of money as such magistrate may direct as compensation for such injury, such compensation to be recoverable **10** as a fine or penalty under this Act. And if such offence is committed by any person in combination with other persons, or if it shall be proved that such person has been previously convicted of any offence against good order, accompanied by actual injury to person or property, he shall not be fined, but shall be liable to be imprisoned with hard **15** labour for any term not exceeding *twelve* months.

3. Whosoever is guilty of riotous, disorderly, or indecent behaviour, accompanied by the throwing of stones or other missiles likely to cause personal injury, in any public street, road, thoroughfare, or public place, shall, on conviction before a stipendiary or police 20 magistrate, be liable to imprisonment with hard labour for any term not exceeding *nine* months; and if the offence is committed by any person in combination with other persons, he shall be liable to imprisonment for any term not exceeding *twelve* months.

4. The provisions of the preceding three sections are in addition 25 to and not in substitution for the provisions of section fifteen of the Act of Council seventeenth Victoria number thirty-one.

5. Whosoever commits any unprovoked and violent assault on any person, or who violently assaults any constable or police officer while in the execution of his duty, or any person while lawfully aiding 30 such constable or police officer, or any witness in any criminal pro-ceeding (whether before or after such witness has given evidence) shall be liable, on conviction before a stipendiary or police magistrate, to imprisonment with hard labour for any term not exceeding twelve months, and at the discretion of such magistrate shall in addition to 35 such term of imprisonment be liable, in the case of a male person, who in the opinion of such magistrate is of or above the age of twelve years, to be once, twice, or thrice privately whipped. And the provisions of sections four hundred and three and four hundred and four of the "Criminal Law Amendment Act of 1883," and of section 40 five of the "Criminal Law and Evidence Amendment Act of 1891" shall apply to any sentence of whipping under this Act. The maximum number of strokes to be given at each whipping shall be thirty in the case of a person of or above the age of eighteen years, and twenty in the case of a person under the said age and of or above the age of 45 fourteen years, and fifteen in the case of a person under the age of fourteen years, and the number of strokes to be inflicted shall be specified in each conviction.

6. Any number of persons exceeding two congregated together in any public street, thoroughfare, or public place, and conducting 50 themselves in a manner reasonably calculated to cause annoyance to other persons shall, on being requested so to do by any police constable, forthwith separate and disperse; and any one or more of such persons who shall fail to comply with such request, shall be liable on conviction before a stipendiary or police magistrate to a fine not exceeding *ten* 55 pounds.

7. In any conviction under this Act in which a term of imprisonment is awarded, the stipendiary or police magistrate may indorse on such conviction the words "Special treatment under the Disorderly Disorderly Conduct Suppression Act of 1895," in which case the person so sentenced shall, while in prison, be dieted and treated in accordance with prison regulations hereby authorised to be made by the Governor with the advice of the Executive Council for carrying out such special 5 treatment.

8. Where a sum adjudged to be paid or forfeited or imposed as <sub>Committal on non-</sub> a penalty under this Act is not paid into the hands of the Clerk of the payment. Bench, together with the costs imposed, if any, immediately upon the conviction, or within such period as the adjudicating magistrate

- 10 shall, at the time of conviction, have appointed, such magistrate may commit the offender to prison for non-payment, there to remain, according to the amount unpaid, for a term to be named in the conviction, and not exceeding in any case the terms hereinafter specified respectively, that is to say, for a term not exceeding *twenty-one* days
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