

1932.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 18th May, 1932.

(Brought from the Senate.)

A BILL

FOR

AN ACT

To amend the *Crimes Act* 1914-1928.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

- 1.—(1.) This Act may be cited as the *Crimes Act* 1932.
- 5 (2.) The *Crimes Act* 1914-1928* is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Crimes Act* 1914-1932.

Short title and citation.

2. Section thirty A of the Principal Act is amended by inserting
- 10 at the end of sub-section (1.) the following paragraph :—

Unlawful associations.

“; (c) Any body of persons, incorporated or unincorporated, declared by the High Court or the Supreme Court of a State, in pursuance of the next succeeding section, to be an unlawful association.”

3. After

* Act No. 12, 1914, as amended by No. 6, 1915; No 54, 1920; No 9, 1926; and No. 13, 1928

3. After section thirty A of the Principal Act the following sections are inserted :—

Application for
declaration as to
unlawful
association.

“ 30AA.—(1.) The Attorney-General may apply to the High Court or to the Supreme Court of a State for an order calling upon any body of persons, incorporated or unincorporated, to show cause why it should not be declared to be an unlawful association. 5

“ (2.) An application under the last preceding sub-section shall be by summons which may contain averments setting out the facts relied upon in support of the application.

“ (3.) The provisions of section thirty A of this Act shall apply in relation to averments contained in the summons as if they were averments of the prosecutor in a prosecution for an offence under this Part. 10

“ (4.) Service of a summons under this section upon the body of persons specified in the summons may be effected by publication of the summons in the *Gazette* and in a daily newspaper circulating in the city or town in which the head office in Australia of that body is stated in the summons to be situate, but the Court may order such further or other service as it thinks fit. 15

“ (5.) Any officer or member of the body of persons specified in any summons issued under this section may appear on behalf of that body to show cause. 20

“ (6.) The summons shall be heard by a single Justice of the High Court or of the Supreme Court of a State.

“ (7.) If cause to the contrary is not shown to the satisfaction of the Court, it may make an order declaring the respondent body of persons to be an unlawful association. 25

“ (8.) Any person who is an interested person in relation to any declaration made under this section may, within fourteen days after the making of any such declaration, apply to the High Court for the setting aside of the order. 30

“ (9.) Any application made under the last preceding sub-section shall be heard by a Full Court of the High Court consisting of not less than three Justices, and upon the hearing of the application the Court may affirm or annul the order. 35

“ (10.) The Justices of the High Court, or a majority of them, may make rules for regulating the practice and procedure of the Court in relation to applications under this section.

Attorney-
General may
require
information.

“ 30AB.—(1.) If the Attorney-General believes that any person has in his possession any information or documents relating to an unlawful association, he may require the person, or, in the case of a corporation, any person holding a specified office in the corporation— 40

(a) to answer questions ;

(b) to furnish information ; and

(c) allow the inspection of documents belonging to, or in the possession of, that person or that corporation, as the case may be, 45

relating

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relating to—

- (d) any money, property or funds belonging to or held by or on behalf of an unlawful association, or as to which there is reasonable cause to believe that they belong to or are held by or on behalf of an unlawful association ;
- 5 (e) any payments made directly or indirectly by, to, or on behalf of, an unlawful association, or as to which there is reasonable cause to believe that they are so made ; or
- 10 (f) any transactions to which an unlawful association is or is reasonably believed to be a party.

“(2.) Any person failing or neglecting to answer questions, furnish information or produce documents as required in pursuance of this section, shall be guilty of an offence.

Penalty : One hundred pounds or imprisonment for six months.”.

- 15 4. Section thirty E of the Principal Act is amended by omitting from sub-section (2.) the words “ prior to the commencement of this Act ”.

Deregistration of newspapers.

5. Section thirty F of the Principal Act is amended by inserting, after the word “ sale ”, the words “ or who circulates or distributes ”.

Sale or distribution of books, &c.

- 20 6. After section thirty F of the Principal Act the following sections are inserted :—

“ 30FA.—(1.) The imprint appearing upon any book, periodical, pamphlet, handbill, poster or newspaper shall, in any proceedings under this Part, be *prima facie* evidence that the book, periodical, pamphlet, handbill, poster or newspaper was issued or published by or on behalf of, or in the interests of, the person or body of persons specified in the imprint.

Imprints on publications.

- 25 (2.) For the purposes of this section, ‘ imprint ’ means a statement of the name and address of the printer and of the publisher of the book, periodical, pamphlet, handbill, poster or newspaper with or without a description of the place where it is printed.

“ 30FB.—(1.) The Postmaster-General shall cancel any licence issued, under the *Wireless Telegraphy Act* 1905–1919 and the regulations thereunder, in respect of any broadcasting station which is used or operated by or on behalf of, or in the interests of, any unlawful association, and, where any licence so issued has expired, shall refuse to renew the licence.

Broadcasting stations.

- 35 (2.) For the purposes of this section, ‘ broadcasting station ’ means a station for the purpose of broadcasting messages by means of wireless telegraphy.

“ 30FC. Any person who, being the owner, lessee, agent or superintendent of any building, room, premises or place, knowingly permits therein any meeting of an unlawful association or of any branch or committee thereof, shall be guilty of an offence.

Owner, &c., of building knowingly permitting meeting of unlawful association.

- 45 Penalty : One hundred pounds or imprisonment for six months:

“ 30FD. Any

Disqualification
from voting
of member of
unlawful
association

“30FD. Any person who, at the date of any declaration made by the High Court or the Supreme Court of a State under this Part declaring any body of persons to be an unlawful association, is a member of the Committee or Executive of that association, shall not for a period of seven years from that date be entitled to have his name placed on or retained on any roll of electors for the Senate or House of Representatives, or to vote at any Senate election or House of Representatives election unless so entitled under section forty-one of the Constitution.” 5

7. Section thirty L of the Principal Act is repealed and the following section inserted in its stead :— 10

Deportation of
members of
unlawful
associations and
of offenders.

“30L.—(1.) Where, in consequence of an application made by the Attorney-General under section thirty AA of this Act, any body of persons has been declared by the High Court or the Supreme Court of a State to be an unlawful association, the Attorney-General may, by order under his hand, direct that any person, not born in Australia, who, at the date of the application, was a member of that body of persons, shall be deported from the Commonwealth. 15

“(2.) The Attorney-General may, by order under his hand, direct that any person, not born in Australia, who is convicted of any offence under section thirty c, thirty j or thirty q of this Act shall be deported from the Commonwealth. 20

“(3.) An order under sub-section (2.) of this section may be made either before, or within three months after, the expiration of any period of imprisonment to which the person to whom the order relates has been sentenced for the offence, or, if that person was not sentenced to imprisonment, within three months after his conviction for the offence.” 25

8. After section ninety of the Principal Act the following section is added :— 30

Arrest of
persons ordered
to be deported.

“91. Where an order for the deportation of any person from the Commonwealth has been made under this Act or under any other Act, any officer thereto authorized by a Minister, or any constable or officer of Police, may—

(a) stop and search any vehicle or vessel, if he has reason to suspect that the person is in the vehicle or vessel ; 35

(b) at any reasonable hour in the day-time, with such assistance as he thinks necessary, enter and search any building, premises or place, if he has reasonable ground to suspect that the person is in the building, premises or place ; and 40

(c) arrest, without warrant, any person reasonably supposed to be the person in respect of whom the order has been made, and deliver him into such custody as is directed under this Act.”