

No. 3292.

An Act to make provision for the Protection of the Community in Cases of Emergency.

[9th November, 1923.]

BE it enacted by the King's Most Excellent Majesty by and with the advice and consent of the Legislative Council and the Legislative Assembly of Victoria in this present Parliament assembled and by the authority of the same as follows (that is to say) :—

1. This Act may be cited as the *Public Safety Preservation Act 1923*. Short title.

2. Forthwith on the passing of this Act and until the expiration of one month after the passing of this Act the Governor in Council may exercise all or any of the powers conferred upon the Governor in Council by or under this Act notwithstanding that a proclamation of emergency as hereinafter provided has not been issued but without prejudice to the issue of such a proclamation of emergency before at or after the end of that period. Powers on the passing of this Act.

3. (1) Where at any time it appears to the Governor in Council that any action has been taken or is immediately threatened by any persons or body of persons whereby the public safety or order is or is likely to be imperilled the Governor in Council may by proclamation (in this Act referred to as a "proclamation of emergency") declare that a state of emergency exists. Future powers.

(2) No such proclamation shall be in force for more than one month without prejudice to the issue of another proclamation of emergency before at or after the end of that period.

(3) Where a proclamation of emergency has been made the occasion thereof shall be forthwith communicated to Parliament; and if Parliament is then separated by such adjournment or prorogation as will not expire within five days then (notwithstanding anything in The Constitution Act Amendment Acts) a proclamation of the Governor shall

shall be issued summoning the Legislative Council and the Legislative Assembly to meet for the despatch of the business of Parliament on any day not less than two or more than five days from the date of the said proclamation of emergency and Parliament shall accordingly meet and sit upon the day appointed by the said proclamation of the Governor and shall continue to sit and act in like manner as if it had stood adjourned or prorogued to the same day.

(4) Where a proclamation of emergency has been made and so long as the proclamation is in force the Governor in Council may exercise all or any of the powers hereinafter conferred upon the Governor in Council by or under this Act.

(5) Where a proclamation of emergency has been made and so long as the proclamation is in force any regulations made under this Act shall not continue in force after the expiration of seven days from the time when they are laid before Parliament unless a resolution is passed by both Houses providing for the continuance thereof.

Regulations
as to public
safety or order.

4. Pursuant to powers conferred by or under this Act the Governor in Council may make regulations for or with respect to—

- (a) securing public safety or order;
- (b) conferring such powers and imposing such duties as the Governor in Council thinks fit upon any responsible Minister or Ministers of the Crown and any officers or other persons for securing public safety or order and in particular (and without affecting the generality of the foregoing provisions of this section) with a view—
 - (i) to prevent interference with or intimidation molestation or annoyance of any persons in or in relation to the lawful conduct of their affairs or the lawful performance of their duties and to prevent the exposure of any person to insult or disability in or in relation to his lawful behaviour or the lawful conduct of his affairs or the lawful performance of his duties;
 - (ii) to prohibit or regulate the sale supply or disposal of liquor within the meaning of

of the Licensing Acts including power (in the case of any offence against the said Acts or this Act) to suspend any licence under the said Acts or to restrict or to subject to conditions the exercise of any right or privilege conferred by any such licence; and

- (iii) to prevent the doing of any act or thing (whether or not of the like nature to the foregoing) with the object of or which may have the effect of prejudicing the public safety or order.

5. Pursuant to powers conferred by or under this Act the Governor in Council may make regulations for or with respect to securing the essentials of life to the community or any substantial portion of the community; and such regulations may confer such powers and impose such duties as the Governor in Council thinks fit upon any responsible Minister or Ministers of the Crown and any officers or other persons for the preservation of peace or order, for securing and regulating the supply and distribution of food water fuel light and other necessities, for maintaining the means of transit transport locomotion or other services, and for any purposes essential to public safety or order or the life of the community; and such regulations may contain such provisions incidental to the powers aforesaid as may appear to the Governor in Council to be required for making the exercise of those powers effective.

Regulations for securing essentials of life to the community.

6. (1) Any regulations made under this Act—

- (a) may be made so as to apply to or have operation throughout the whole or any part of Victoria;
- (b) may subject to this Act be made so as to operate for any period or periods or for any time or times or for any occasion or occasions specified therein;
- (c) may be of general operation or of specially limited operation according to time place circumstances conditions or restrictions;
- (d) shall be published in the *Government Gazette* and shall come into force on the date of such publication or on a later date specified in the regulations;

Application and operation of regulations.

(e) shall

(e) shall be laid before both Houses of Parliament as soon as may be after the publication thereof ; and

(f) shall have effect as if enacted in this Act.

Continuing effect of regulations revoked or expired.

(2) The expiry or revocation of any regulations made under this Act shall not be deemed to have affected the previous operation thereof or the validity of any action taken thereunder or any penalty or punishment incurred in respect of any contravention or failure to comply therewith or any proceeding or remedy in respect of any such penalty or punishment.

Regulations not to impose industrial conscription.

7. Nothing in this Act shall be construed to authorize the making of any regulations imposing any form of industrial conscription.

Regulations not to prohibit strikes in certain cases.

8. No regulation made under this Act (except a regulation made under section five hereof) shall make it an offence for any person or persons to take part in a strike or peacefully to persuade any other person or persons to take part in a strike.

Offences and penalties.

9. (1) Any person who contravenes or fails to comply with any provision of any regulation made under this Act shall be guilty of an offence against this Act and may be arrested either with or without warrant and being convicted of any such offence either as an indictable offence or before a court of petty sessions constituted by a police magistrate sitting without justices shall be liable to a penalty of not more than One hundred pounds or to imprisonment for a term of not more than three months or to both such penalty and imprisonment.

Aiders and abettors.

(2) Any person who aids abets incites counsels or procures or is in any way directly or indirectly knowingly concerned in the commission of any offence against this Act shall be deemed to have committed that offence and shall be punishable accordingly.

Recognisances.

(3) When any person is convicted of an offence against this Act the court before which he is convicted may either in addition to or in lieu of any punishment provided for the offence require him to enter into recognisances with or without sureties to comply with the provisions of the regulations in relation to which the offence was

committed

committed, and if any person fails to comply with the order of the court requiring him to enter into recognisances the court may order him to be imprisoned for any term of not more than six months.

(4) Every corporation shall be liable for any offence against this Act as if such corporation were a private person and shall be subject to the same penalties as if it were a private person; and if any chairman member of the governing body director manager secretary or officer of such corporation knowingly authorizes or permits the commission of any such offence he shall be deemed to have committed such offence and shall be punishable by penalty or imprisonment or both accordingly.

Offences by corporations.

10. (1) No action claim or demand whatsoever shall lie or be made or allowed by or in favour of any person whomsoever against His Majesty or any responsible Minister of the Crown or any officer or person acting in the execution of this Act or of any regulation made under this Act for or in respect of any damage loss or injury sustained or alleged to have been sustained by reason of the passing of this Act or of its operation or of anything done or purporting to be done thereunder save only in respect of reasonable compensation for any property used or taken by or on behalf of His Majesty in pursuance of any powers conferred by or under this Act.

No remedy except for compensation for property used or taken by or on behalf of the Crown.

(2) Notwithstanding anything in any Act any person (including any person legally exempt from serving the office of constable) who after the first day of November One thousand nine hundred and twenty-three has taken or takes the oath mentioned in section thirteen of the *Unlawful Assemblies and Processions Act 1915* administered by any justice shall be deemed to have been duly and lawfully appointed a special constable under the said Act and every such oath shall be deemed to have been duly and lawfully administered and taken.

Special constables.
No. 2743 s. 13.

11. All powers conferred by or under this Act or by or under any instrument issued in pursuance of this Act shall be in aid and not in derogation of any other powers exercisable apart from this Act.

Saving of other powers.