

UNLAWFUL ASSEMBLIES AND PROCESSIONS ACT 1958

No. 6406 of 1958

Version incorporating amendments as at 7 June 2012

Unlawful Assemblies and Processions Act 1958

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Unlawful Assemblies and Processions Act 1958

- SECT 1

Short title, commencement and division

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1. Short title, commencement and division

This Act may be cited as the Unlawful Assemblies and Processions Act 1958, and shall come into operation on a day to be fixed by proclamation of the Governor in Council published in the Government Gazette, and is divided into Parts as follows:

Part I-Unlawful Assemblies ss 3-9

Part II-Party Processions ss 1-12

Part III-Special Constables ss 13-25

Part IV-Riotously Disturbed Districts ss 26-55.

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Unlawful Assemblies and Processions Act 1958

- SECT 2

Repeal and savings

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2. Repeal and savings

(1) The Act mentioned in the Schedule to the extent thereby expressed to be repealed is hereby repealed accordingly.

(2) Except as in this Act expressly or by necessary implication provided-

(a) all persons things and circumstances appointed or created by or under the repealed Act or existing or continuing under that Act immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if that Act had not been so repealed;

(b) in particular and without affecting the generality of the foregoing paragraph such repeal shall not disturb the continuity of status operation or effect of any proclamation regulation order appointment notice award compensation certificate information subpoena summons warrant distress charge claim liability or right made effected issued granted given presented passed fixed levied accrued incurred or acquired or existing or continuing by or under that Act before the commencement of this Act.

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Unlawful Assemblies and Processions Act 1958

- SECT 5

Riotous meetings

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5. Riotous meetings

It shall not be lawful for any persons to assemble together riotously and tumultuously and to the disturbance of the public peace at any place in Victoria; and if persons so unlawfully riotously and tumultuously assembled or any of them happen to be killed maimed or hurt in the dispersing seizing or apprehending or endeavouring to disperse seize or apprehend them, the persons so dispersing seizing or apprehending or endeavouring to disperse seize or apprehend the offenders shall be free discharged and indemnified of for and concerning the killing maiming or hurting of any such person or persons so unlawfully assembled as aforesaid.

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Unlawful Assemblies and Processions Act 1958

- SECT 6

Persons not dispersing after notice guilty of a misdemeanour

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6. Persons not dispersing after notice guilty of a misdemeanour

Any magistrate shall and may proceed with or without assistance to the place where any meeting or assembly prohibited by this Part is held or takes place; and such magistrate shall then and there read or repeat aloud to the persons then and there present a notice in the words or to the effect following:

"Our Sovereign Lady the Queen doth strictly charge and command all manner of persons here assembled immediately to disperse themselves and peaceably depart to their own homes. God save the Queen."

And if any one or more of the persons so met or assembled together wilfully and knowingly oppose obstruct or in any manner wilfully and knowingly let hinder or hurt any magistrate who begins to read or repeat aloud the notice hereinbefore mentioned so that the same shall not be read or repeated as aforesaid, or after the expiration of fifteen minutes after such notice has been read or repeated or has been so hindered as aforesaid from being read or repeated remain in attendance at such assembly, he or they shall be deemed and taken to be guilty of an indictable offence.

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Unlawful Assemblies and Processions Act 1958

- SECT 7

Not to extend to meetings for election of members of Parliament

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7. Not to extend to meetings for election of members of Parliament

Nothing hereinbefore contained shall by any construction whatever be deemed or taken to apply to or affect any meeting or assembly convened called together or holden for the purpose or in the course of any election of any member to serve in Parliament, or any persons attending such meeting or assembly, or any persons attending upon the business of either House of Parliament.

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Unlawful Assemblies and Processions Act 1958
- SECT 9
Form of procedure

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9. Form of procedure

In all proceedings under this Part it shall be sufficient to state the offence in the words of the enactment.

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Unlawful Assemblies and Processions Act 1958
- SECT 10
Unlawful processions and assemblies

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10. Unlawful processions and assemblies

Any body of persons who meet and parade together or join in procession or who assemble in any public house tavern or other place within Victoria for the purpose of celebrating or commemorating any festival anniversary or political event relating to or connected with any religious or political distinction or differences between any classes of Her Majesty's subjects or of demonstrating any such religious or political distinction or difference, and who bear wear or have among them any fire-arms or other offensive weapons or have publicly exhibited any banner emblem flag or symbol the display whereof may be calculated to provoke animosity between Her Majesty's subjects of different religious persuasions or who are accompanied by any music of a like nature or tendency, shall be and be deemed to be an unlawful assembly; and every person present thereat shall be and be deemed to be guilty of an indictable offence and shall upon conviction thereof be liable to be punished accordingly: Provided that nothing in this Part shall extend to any procession or assemblage held in the course of any election of any member to serve in the Parliament of Victoria.

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Unlawful Assemblies and Processions Act 1958
- SECT 11
Magistrate to disperse such processions

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11. Magistrate to disperse such processions

Any magistrate shall and may proceed with such assistance as is necessary to the place where any procession or meeting of persons declared by this Part to be unlawful is held or takes place; and such magistrate or some other person by his order shall then and there read or repeat aloud to the persons so assembled a command or notice to disperse in the words or to the effect following (that is to say):
"Our Sovereign Lady the Queen doth command and charge all persons being here assembled immediately to disperse themselves and peaceably to depart to their own homes. God save the Queen."

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Unlawful Assemblies and Processions Act 1958

- SECT 12

Persons refusing to disperse to be apprehended and punished

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12. Persons refusing to disperse to be apprehended and punished

The persons so assembled together shall forthwith disperse and depart; and in case any one or more of the persons so met or assembled together as aforesaid do not disperse and depart within the space of one quarter of an hour from the time of such notice or command being given, it shall be lawful for the same magistrate who has read such command or notice or any other magistrate to cause the person or persons so refusing or neglecting to disperse or depart to be arrested by a warrant for that purpose to be signed by the magistrate; and such offender or offenders shall thereupon be proceeded against in a summary way for such offence before the Magistrates' Court before which he or they may be brought and the Magistrates' Court is hereby authorized to hear and determine the charge; and every person convicted thereof on the oath of one or more credible witness or witnesses shall be committed to any gaol and there be imprisoned for a term of not more than one month and for a second or any subsequent conviction under the provisions of this Part for a term of not more than three months.

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Unlawful Assemblies and Processions Act 1958

- SECT 13

Magistrate may appoint special constables1

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13. Magistrate may appoint special constables1

In all cases where it is made to appear to any magistrate upon the oath of any credible witness that any tumult riot or indictable offence has taken place or may be reasonably apprehended in any municipal district, and such magistrate is of opinion that the ordinary constables or officers appointed for preserving the peace are not sufficient for the preservation thereof and for the protection of the inhabitants and the security of the property in the said municipal district, or where without such oath or evidence as aforesaid

any magistrate is of the opinion that the constables or officers aforesaid are not sufficient for the preservation protection or security as aforesaid or for the apprehension of any offenders, it shall be lawful for such magistrate to nominate and appoint by precept in writing under the magistrate's hand so many fit and competent persons not being legally exempt from serving the office of constable as the magistrate thinks fit to act as special constables for such time and in such manner as to the magistrate seems fit and necessary for the public peace and for the protection of the inhabitants and the security of the property in such municipal district; and any magistrate may administer to every person so appointed an oath in the words or to the effect following (that is to say):

"I [A.B.] swear by Almighty God that I will well and truly serve Our Sovereign Lady the Queen in the office of special constable for the [municipal district] of [] without favour or affection malice or ill-will; and that I will to the best of my power cause the peace to be kept and preserved and prevent all offences against the persons and property of Her Majesty's subjects; and that while I continue to hold the said office I will to the best of my skill and knowledge discharge all the duties thereof faithfully according to law:"²

Provided always that whenever it is deemed necessary to nominate and appoint such special constables as aforesaid, notice of such nomination and appointment and of the circumstances which have rendered such nomination and appointment necessary shall be forthwith transmitted by the magistrate making such appointment to the Minister.

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Unlawful Assemblies and Processions Act 1958

- SECT 14

Penalty for refusing to take the oath of office

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14. Penalty for refusing to take the oath of office

Every person so residing within such municipal district as aforesaid who being appointed a special constable as aforesaid refuses to take the oath lastly hereinbefore mentioned when thereunto required by the magistrate so appointing him or by any other magistrate, shall on conviction thereof in a summary way before the Magistrates' Court be liable to a penalty of not more than 0?1 penalty unit. And every person being appointed a special constable as aforesaid who neglects or refuses to appear at the time and place for which he is summoned for the purpose of taking the said oath, or having been appointed a special constable as aforesaid and being called upon to serve neglects or refuses to serve as such special constable or to obey such lawful orders and directions as may be given to him for the performance of the duties of his office; shall on conviction in a summary way before the Magistrates' Court for every such neglect be liable to a penalty of not more than 0?1 penalty unit, unless such person proves to the satisfaction of the Magistrates' Court that he was prevented by sickness or other such unavoidable cause as in the judgment of the Magistrates' Court is a sufficient excuse.

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Unlawful Assemblies and Processions Act 1958

- SECT 15

Non-residents may be appointed as special constables

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15. Non-residents may be appointed as special constables

All persons willing to act as special constables under the provisions of this Part shall be capable of being appointed and acting and may be appointed and act as such special constables, notwithstanding they may not be resident in such city borough town or district as aforesaid or in the neighbourhood thereof; and every person appointed and acting as a special constable under the provisions of this section shall have all the same powers and be entitled to and enjoy all the same privileges and benefits and be subject to all the same duties and liabilities as the special constables appointed or to be appointed under the other provisions of this Part.

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Unlawful Assemblies and Processions Act 1958

- SECT 16

Powers of special constables

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16. Powers of special constables

Every special constable appointed under this Part shall, not only within the municipal district for which he has been appointed but also throughout Victoria, have exercise and enjoy all such powers authorities advantages and immunities and be liable to all such duties and responsibilities as any constable duly appointed now has by virtue of the common law or of any enactment in force in Victoria.

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Unlawful Assemblies and Processions Act 1958

- SECT 17

Punishment for assaulting or resisting constables

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17. Punishment for assaulting or resisting constables

Every person who assaults or resists any special constable whilst in the execution of his office or promotes or encourages any other person so to do, shall be liable to a penalty for such offence of not more than 0?4 penalty unit, or shall be liable to such other punishment upon conviction on any charge for such offence as any persons are by law liable to for assaulting a member of the police force in the execution of the duties of his office.

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Unlawful Assemblies and Processions Act 1958

- SECT 18

Magistrates may make regulations respecting special constables and may remove them for misconduct

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18. Magistrates may make regulations respecting special constables and may remove them for misconduct

The magistrates who have appointed any special constables under this Part, or any other magistrate, shall have power to make such orders and regulations as may from time to time be necessary and expedient for rendering such special constables more efficient for the preservation of the public peace; and shall also have power to remove any such special constable from his office for any misconduct or neglect of duty therein.

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Unlawful Assemblies and Processions Act 1958

- SECT 19

Power in special sessions to discontinue the services of constables

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19. Power in special sessions to discontinue the services of constables

The magistrates who have appointed any special constables under this Part, or any other magistrate shall have power to suspend or determine the services of all or any of the said special constables as to the magistrates or magistrate seems meet; and notice of such suspension or determination of the services of all or any of the said special constables shall be forthwith transmitted to the Minister.

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Unlawful Assemblies and Processions Act 1958

- SECT 20

Special constables to deliver arms etc. to successors

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20. Special constables to deliver arms etc. to successors

Every special constable shall forthwith after the expiration of his office or after he ceases to hold and exercise the same pursuant to this Part deliver over to his successor (if any such has been appointed) or otherwise to such person and at such time and place as may be directed by any magistrate all arms staves weapons and other articles which have been provided for such special constable under this Act; and every such special constable who omits or refuses so to do shall be liable to a penalty of not more than 0?1 penalty unit.

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Unlawful Assemblies and Processions Act 1958

- SECT 21

Magistrates' Courts may order allowances to the special constables

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21. Magistrates' Courts may order allowances to the special constables

The Magistrates' Court is empowered to order from time to time such reasonable allowances for the trouble loss of time and expenses to be paid to such special constables who have so served or are then serving as to the Court seems proper; and the Court may also order the payment of such expenses as may have been incurred in providing arms staves weapons or other necessary articles for such special constables; and the Court shall make every order for the payment of such allowances and expenses upon the Minister, who is hereby required to procure proper warrants for the payment of the same out of any part of the Consolidated Fund appropriated for the purpose: Provided that it shall be lawful for the Governor in Council to disallow any such order as he considers excessive.

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Unlawful Assemblies and Processions Act 1958

- SECT 24

Nothing here contained to abridge the power of justices

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24. Nothing here contained to abridge the power of justices

Nothing in this Part contained shall be construed to abridge any powers for preserving the public peace whether by appointing constables or otherwise which any justice or justices had by law before the coming into operation of this Act.

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Unlawful Assemblies and Processions Act 1958

- SECT 25

No formal information required

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25. No formal information required

In proceedings for any penalty or forfeiture under this Part it shall not be necessary to file any formal charge; and no complaint conviction or other proceeding before or by the Magistrates' Court under this Part shall be quashed, or set aside or deemed void or insufficient for want of form only, or be removed or removeable by certiorari or any other process whatsoever into the Supreme Court.

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Unlawful Assemblies and Processions Act 1958
- SECT 26
Definition

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26. Definition

The word habitation and the word premises used in this Part shall include any shop store curtilage warehouse booth shed hut tent stall or other building or erection used as a human habitation.

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Unlawful Assemblies and Processions Act 1958
- SECT 27
Magistrates' Court may summon jury

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27. Magistrates' Court may summon jury

If the Magistrates' Court sitting at a venue within any district in Victoria is of opinion that such district is or has been within twenty days in a state of disturbance, the Magistrates' Court may cause so many not fewer than twenty as it thinks fit of the jurors on the special jurors' list for such district to be summoned to meet upon a day named in such summons.

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Unlawful Assemblies and Processions Act 1958
- SECT 28
Constitution of jury

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28. Constitution of jury

On such day the Magistrates' Court shall proceed to call over the names of the jurors summoned and take down the names of those who answer; and the first ten so taken down and against whom no valid objection is raised shall be the jurors to try the issue hereinafter mentioned; the jurors so chosen shall be sworn before the Magistrates' Court; and the Court shall administer

to such jurors so chosen an oath well and truly to find whether the said district or any part thereof is or has been in a state of disturbance; and the jurors so chosen and sworn shall thereupon proceed to hear and receive evidence on the state of such district and shall inquire into and find the affirmative or negative of such issue.

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Unlawful Assemblies and Processions Act 1958

- SECT 29

Court may summon witnesses

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29. Court may summon witnesses

The Magistrates' Court shall issue witness summonses for the attendance of any necessary witnesses, and in reference to such witnesses and the said jurors shall have the like and the same powers to punish any neglect to attend or refusal to be sworn or to give evidence or any other contempt as are possessed by the County Court or a Judge of the County Court.

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Unlawful Assemblies and Processions Act 1958

- SECT 30

Jury shall by verdict define the area disturbed and fix date since when disturbed

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30. Jury shall by verdict define the area disturbed and fix date since when disturbed

If such jurors find that the said district or any part thereof is or has been in such state of disturbance, they shall also find the date as nearly as may be at which such district first was or became in such state and shall also determine and define the boundaries and limits within which such state of disturbance existed or exists: Provided that no such boundaries or limits shall include any portion of more than one police district.

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Unlawful Assemblies and Processions Act 1958

- SECT 31

Verdict of seven the verdict of all

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31. Verdict of seven the verdict of all

The verdict of not less than seven of such jurors shall be considered and taken as the verdict of the whole; and if such verdict is that such district within the boundaries to be defined as aforesaid is or has been in a

state of disturbance, the Magistrates' Court shall immediately certify the same to the Governor.

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Unlawful Assemblies and Processions Act 1958

- SECT 32

Governor in Council may proclaim disturbed district as defined

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32. Governor in Council may proclaim disturbed district as defined

Thereupon the Governor in Council if he thinks fit may proclaim such district so defined as aforesaid to be or to have been in a state of disturbance according to the meaning of this Part.

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Unlawful Assemblies and Processions Act 1958

- SECT 33

Proclamation shall bring district under the operation of this Part

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33. Proclamation shall bring district under the operation of this Part

Such proclamation shall notify and define the limits or boundaries of such district and shall be published in the Government Gazette; and upon such publication such district so defined shall become subject to the operation of this Part.

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Unlawful Assemblies and Processions Act 1958

- SECT 34

Losses in proclaimed districts to be levied from inhabitants thereof

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34. Losses in proclaimed districts to be levied from inhabitants thereof

The value of any private or public property whether real or personal which is wilfully and unlawfully injured or destroyed in such proclaimed district after the date at which it has been found that such district first was or became in such state of disturbance as aforesaid shall be assessed; and such value so assessed shall be charged upon such proclaimed district and levied upon and paid for by the inhabitants thereof in the manner and with the restrictions and provisions hereinafter mentioned.

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Unlawful Assemblies and Processions Act 1958

- SECT 35

Appointment of commissioner for each proclaimed district

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35. Appointment of commissioner for each proclaimed district

Upon publication of any such proclamation the Governor in Council shall appoint a fit and proper person to be a commissioner for the purpose from time to time of investigating and ascertaining the amount of expense which has been and may be incurred by enforcing this Part within the district proclaimed in such proclamation, and the amount of loss or damage which any person in such a district has sustained in or by any riot or disturbance which has taken place in such district, and for otherwise acting in conformity with this Part; and the Governor in Council may remove such commissioner and appoint another or other in his place as to the Governor in Council seems fit.

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Unlawful Assemblies and Processions Act 1958

- SECT 36

Expense of commissioner to be levied from inhabitants of proclaimed district

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36. Expense of commissioner to be levied from inhabitants of proclaimed district

Any expense which is incurred for the salary or emoluments of the commissioner or his clerks or assistants or for any jurors rate collectors or assessors or for the rent of any office or other necessary buildings or in any other manner in carrying out the provisions of this Part shall be charged upon such proclaimed district, and levied upon and paid by the inhabitants thereof in manner hereinafter provided.

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Unlawful Assemblies and Processions Act 1958

- SECT 37

Time and place of claims for compensation for losses in proclaimed district

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37. Time and place of claims for compensation for losses in proclaimed district

The commissioner appointed for any district shall as soon as conveniently may be give notice of a time and place when and where may be sent to him and will be received by him all statements of claims by persons who have sustained any loss or damage by such injury or destruction as aforesaid.

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Unlawful Assemblies and Processions Act 1958

- SECT 38

Claimant for losses by the Crown

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38. Claimant for losses by the Crown

If any public building or works or other property real or personal belonging to the Crown have been destroyed or have suffered damage by any disturbance within any proclaimed district, the person left or being in charge of any such buildings works or property shall for the purposes of this Part be deemed taken and allowed to be the claimant for the amount of the loss or damage sustained.

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Unlawful Assemblies and Processions Act 1958

- SECT 39

Requisites of claim

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39. Requisites of claim

Every statement of claim shall be in writing, and shall distinctly state the exact nature and extent of the injury or destruction sustained, the value of the property injured or destroyed, the date and place when and where such injury or destruction took place, the names and residences of all persons whom the claimant knows or believes to have been present or active in inflicting such injury or destruction, and a detail of what measures the claimant has taken to bring the offending parties to justice and prevent such injury or destruction or recover from them the amount of the injury and destruction thus by them inflicted.

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Unlawful Assemblies and Processions Act 1958

- SECT 40

Notice when and where commissioner will investigate claims

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40. Notice when and where commissioner will investigate claims

Upon the receipt of any such statement of claim the commissioner shall appoint a convenient time and place, and shall give to all parties interested notice when and where such statement will be investigated as hereinafter provided.

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Unlawful Assemblies and Processions Act 1958

- SECT 41

Summoning of jury to try claims

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41. Summoning of jury to try claims

So soon as the time named by the commissioner of any proclaimed district for transmission of statements of claims as aforesaid has expired, and seven days before the day named for investigating such statements, the commissioner shall cause to be summoned from the list of special jurors for such district or any part thereof not less than twenty jurors for such investigation.

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Unlawful Assemblies and Processions Act 1958

- SECT 42

Commissioner may summon witnesses

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42. Commissioner may summon witnesses

Such commissioner shall issue witness summonses for the attendance of any person whose evidence he may think it necessary to take; and during such investigation he shall in reference to such jurors witnesses and other persons have the like and the same powers to punish any neglect to attend or refusal to be sworn or to give evidence or any other contempt as are possessed by the County Court or a Judge of the County Court.

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Unlawful Assemblies and Processions Act 1958

- SECT 43

Mode of impanelling jury of assessors to try each claim

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43. Mode of impanelling jury of assessors to try each claim

On the day on which such jurors have been summoned to attend the said commissioner shall proceed to call over the names of the jurors thus summoned and take down the names of those who answer; and if any objection is made against any of such jurors by any house-holder or other interested party on such grounds as are allowed by such commissioner, such juror shall be rejected; and when such list of those who answer shall be completed to ten against whom no objection has been allowed, the same list shall be submitted to the claimant who may attend personally or by his agent or attorney and who may strike off from such list five names; and the remaining five persons shall be assessors with the said commissioner to assess and award the amount (if any) to which such claimant is entitled.

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Unlawful Assemblies and Processions Act 1958

- SECT 44

Matters to be tried by the commissioner and assessors in each claim

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44. Matters to be tried by the commissioner and assessors in each claim

Such commissioner and assessors shall proceed to ascertain (firstly) whether the injury or destruction for which such compensation is claimed was wilfully and unlawfully committed, whether such injury or destruction might not have been prevented by reasonable diligence or caution on the part of the person claiming, whether such person so claiming has used reasonable diligence to bring the guilty parties to justice, and whether by reasonable diligence he might not have recovered from the offending persons the amount of such injury or destruction; and (secondly) what amount of damage for the injury or destruction so sustained should be awarded to such claimant.

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Unlawful Assemblies and Processions Act 1958

- SECT 45

Conditions under which an award may be made in favour of a claimant

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45. Conditions under which an award may be made in favour of a claimant

If the said commissioner and assessors are of opinion that such injury or destruction was wilfully or unlawfully committed, and that such claimant could not by reasonable diligence or exertion have prevented such injury or destruction, that such claimant has used reasonable diligence to bring the guilty person to justice, and that such claimant could not by any reasonable diligence have recovered from the offending persons the amount of such injury or destruction, such commissioner and assessors shall ascertain and award to such claimant such amount of damage or compensation as to such commissioner and assessors seems right and proper.

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Unlawful Assemblies and Processions Act 1958

- SECT 46

Unsuccessful claimant made liable for costs

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46. Unsuccessful claimant made liable for costs

If such commissioner and assessors find that such claimant has not under this Part any right to any compensation or amount for any damages injury or

destruction alleged to have been sustained by him, such claimant shall at the discretion of such commissioner be liable to any expenses incurred in consequence of such claim whether for the payment or jurors the expenses of witnesses or otherwise.

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Unlawful Assemblies and Processions Act 1958

- SECT 47

Summary process to recover such costs

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47. Summary process to recover such costs

Such expenses shall be assessed by such commissioner and assessors, and may be recovered by proceedings in a summary way before the Magistrates' Court.

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Unlawful Assemblies and Processions Act 1958

- SECT 48

Expenses of enforcing Act to be levied from inhabitants of proclaimed district

<pre>

48. Expenses of enforcing Act to be levied from inhabitants of proclaimed district

The commissioner after having ascertained the total amount to be awarded to all the claimants as aforesaid shall proceed to ascertain the amount of expenses incurred in the carrying into effect the provisions of this Part to which shall be added the probable expense of making collecting and enforcing the rate of assessment hereinafter provided; and for the purpose of so ascertaining the amount expended such commissioner shall be furnished with all necessary accounts documents and vouchers and shall certify the amount thereof in writing; and the amount so certified together with the total amount awarded for loss or damage sustained as aforesaid shall be levied upon the inhabitants of the district so proclaimed by way of assessment in manner hereinafter provided.

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Unlawful Assemblies and Processions Act 1958

- SECT 49

Census to be taken of inhabitants of proclaimed district for apportioning amounts charged

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49. Census to be taken of inhabitants of proclaimed district for apportioning amounts charged

The commissioner shall cause an account to be taken of the number of habitations in such district and of the number of adult persons usually resident in each habitation, and shall then apportion to each habitation an amount to be assessed thereon according to the number of adult persons usually resident therein in proportion to the amount required to be paid by such district, so that each adult inhabitant may be assessed in equal portion as nearly as may be of the total amount to be paid by the district.

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Unlawful Assemblies and Processions Act 1958
- SECT 50
Commissioner to publish census etc.

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50. Commissioner to publish census etc.

The commissioner shall by notice in the Government Gazette and in some one newspaper published in or nearest to such proclaimed district give public notice of the number so taken of the habitations and residents in such district and of the assessments thereon so made, and that he will at a day and place to be fixed in such notice not earlier than seven days from the day of such publication hear and determine upon all such objections to such assessment.

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Unlawful Assemblies and Processions Act 1958
- SECT 51
Commissioner to investigate objections and determine on them

<pre>

51. Commissioner to investigate objections and determine on them

Such commissioner shall attend on such day and at such place and shall investigate all such objections and may from time to time adjourn such investigation and summon any necessary witnesses to give evidence in regard thereto; and such commissioner shall decide upon such objection and his decision shall be final and conclusive.

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Unlawful Assemblies and Processions Act 1958
- SECT 52
Final adjustment to be published

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52. Final adjustment to be published

Upon the final adjustment of such assessment the said commissioner shall cause notice thereof and of the office or place at which the same must be paid to be published in the Government Gazette and some one newspaper published in or nearest to such district.

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Unlawful Assemblies and Processions Act 1958

- SECT 53

Summary proceedings to recover assessment from defaulters

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53. Summary proceedings to recover assessment from defaulters

If after seven days from such publication any person liable to the payment of such assessment neglects or omits to pay the same into the office or place named in such notice, such commissioner may issue a warrant to seize property in respect of the goods and chattels of the owner or occupier of the habitation so assessed; and if sufficient goods and chattels cannot be found upon such premises, such assessment shall remain a charge upon such premises and may at any future time be recovered on or from goods found thereon.

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Unlawful Assemblies and Processions Act 1958

- SECT 54

Commissioner to pay into Treasury all receipts and give certificates to claimants

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54. Commissioner to pay into Treasury all receipts and give certificates to claimants

On receipt by such commissioner of any part of the sums so assessed he shall pay the same into the Treasury, and shall from time to time give to each person entitled to any such compensation a certificate for the amount unpaid and to which, proportionately to the sums so received as aforesaid and after deduction of the expenses hereinafter mentioned, such person may be then entitled.

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Unlawful Assemblies and Processions Act 1958

- SECT 55

Payment out of Treasury after deducting expenses

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55. Payment out of Treasury after deducting expenses

On production of such certificate the Treasurer of Victoria shall, after deducting from the amount so certified by the commissioner the expenses incurred in carrying into execution this Part and ascertained as aforesaid, pay to the party entitled thereto the amount named in such certificate or if the same is for loss or injury on the part of the Crown shall deduct and retain the same.

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Unlawful Assemblies and Processions Act 1958
- SCHEDULE

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Number
of Act
Title of Act

UNLAWFUL ASSEMBLIES AND PROCESSIONS ACT 1958
- NOTES

ENDNOTES

1. General Information

The Unlawful Assemblies and Processions Act 1958, No. 6406 was assented to on 30 September 1958 and came into operation on 1 April 1959: Government Gazette 18 March 1959, page 893.

2. Table of Amendments

This Version incorporates amendments made to the Unlawful Assemblies and Processions Act 1958 by Acts and subordinate instruments.

Crimes (Powers of Arrest) Act 1972, No. 8247

Assent Date:6.4.72Commencement Date:1.7.72: Government Gazette 28.6.72 p. 2360Current State:All of Act in operationStatute Law Revision Act 1977, No. 9019

Assent Date:17.5.77Commencement Date:17.5.77 except as otherwise provided in s. 2(2)Current State:All of Act in operationStatute Law Revision Act 1981, No. 9549

Assent Date:19.5.81Commencement Date:19.5.81 except as otherwise provided in s. 2(2)Current State:All of Act in operationCrimes (Classification of Offences) Act 1981, No. 9576

Assent Date:26.5.81Commencement Date:1.9.81: Government Gazette 26.8.81 p. 2799Current State:All of Act in operationStatute Law Revision Act 1983, No. 9902

Assent Date:15.6.83Commencement Date:15.6.83 except as otherwise provided in s. 2(2)Current State:All of Act in operationPenalties and Sentences (Amendment) Act 1983, No. 9945

Assent Date:20.9.83Commencement Date:S. 2 on 1.9.81: s. 1(4); rest of Act on 20.12.83: Government Gazette 14.12.83 p. 4035Current State:All of Act in operationLocal Government (Consequential Provisions) Act 1989, No. 12/1989

Assent Date:9.5.89Commencement Date:S. 4(1) (Sch. 2 items 121.1-127.7) on 1.11.89: Government Gazette 1.11.89 p. 2798Current State:This information relates only to the provision/s amending the Unlawful Assemblies and Processions Act 1958Magistrates' Court (Consequential Amendments) Act 1989, No. 57/1989 (as amended by No. 34/1990)

Assent Date:14.6.89Commencement Date:S. 4(1) (a)-(e) (2) on 1.9.89: Government Gazette 30.8.89 p. 2210; rest of Act on 1.9.90: Government Gazette 25.7.90 p. 2217Current State:All of Act in operation Parliamentary Precincts Act 2001, No. 4/2001

Assent Date:10.4.01Commencement Date:S. 30 on 11.4.01: s. 2Current State:This information relates only to the provision/s amending the Unlawful Assemblies and Processions Act 1958Monetary Units Act 2004, No. 10/2004

Assent Date:11.5.04Commencement Date:S. 15 (Sch. 1 item 32) on 1.7.04: s. 2(2)Current State:This information relates only to the provision/s amending the Unlawful Assemblies and Processions Act 1958-----

3. Explanatory Details

1 S. 13: See s. 10 of the Public Safety Preservation Act 1958.

2 S. 13: See s. 101 of the Evidence (Miscellaneous Provisions) Act 1958 for usual form of oath.

Unlawful Assemblies and Processions Act 1958
No. 6406 of 1958