

No. 6406.

## UNLAWFUL ASSEMBLIES AND PROCESSIONS ACT 1958.

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An Act to consolidate the Law relating to Unlawful Assemblies and Processions Special Constables and Riotously Disturbed Districts.

[30th September, 1958.]

BE it enacted by the Queen'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 *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:—

Short title,  
commence-  
ment and  
division.

Part I.—Unlawful Assemblies ss. 3–9.

Part II.—Party Processions ss. 10–12.

Part III.—Special Constables ss. 13–25.

Part IV.—Riotously Disturbed Districts ss. 26–55.

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 (1) The Act mentioned in the Schedule to the extent thereby expressed to be repealed is hereby repealed accordingly.

Repeal.  
Schedule.

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- (a) all persons things and circumstances appointed or created by or under the repealed Act or existing or continuing under that Act immediately before the commencement of this Act shall under and subject to this Act continue to have the same status operation and effect as they respectively would have had if that Act had not been so repealed;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

#### PART I.—UNLAWFUL ASSEMBLIES.

Certain  
meeting near  
Parliament  
House  
forbidden.  
No. 3796 s. 3.

3. It shall not be lawful for any number of persons exceeding fifty to meet in the open air, within that part of the city of Melbourne and its suburbs included within a line commencing at the junction of Exhibition-street and Flinders-street running along Flinders-street and Wellington-parade to Lansdowne-street thence by Lansdowne-street to Victoria-parade thence by Victoria-parade to its junction with Exhibition-street thence by Exhibition-street to the point of starting including the said streets, for any unlawful purpose or for the purpose or on the pretext of making known their grievances or of discussing public affairs or of considering or preparing or presenting any petition memorial complaint remonstrance declaration or other address to Her Majesty or to the Governor or both Houses or either House of the Imperial Parliament or the Parliament of Victoria or to any officer of Government for the repeal or enactment of any law or for the alteration of matters in state, on any day on which the two Houses or either House of Parliament meet and sit or are summoned or adjourned or prorogued to meet and sit.

Punishment  
for  
attending  
such meeting.  
No. 3796 s. 4.

4. If any meeting for the purposes or on the pretexts aforesaid or any of them of any persons is assembled contrary to the intent and meaning of the provisions hereinbefore contained, such meeting shall be deemed and taken to be an unlawful assembly by whomsoever or in consequence of what notice soever such

meeting has been called together or held; and every person who attends and takes part in any such meeting shall be liable to imprisonment with or without hard labour for a term of not more than six months.

5. 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.

Riotous  
meetings.  
No. 3796 s. 5.

6. Any justice 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 justice 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:—

Persons not  
dispersing  
after notice  
guilty of a  
mis-  
demeanour.  
No. 3796 s. 6.

“ 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 justice 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 a misdemeanour.

7. 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.

Not to extend  
to meetings  
for election  
of Members  
of Parliament.  
No. 3796 s. 7.

8. For the more effectual apprehension of all offenders against this Part, any person who has committed any offence against the same may be immediately apprehended without other warrant than this Act by any person whomsoever, and forthwith detained and taken before a justice to be dealt with according to law.

Offenders may  
be arrested  
without  
warrant.  
No. 3796 s. 8.

Form of  
procedure.  
No. 3796 s. 9.

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

#### PART II.—PARTY PROCESSIONS.

What  
processions  
shall be  
unlawful.  
No. 3796 s. 10.

10. 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 a misdemeanour 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.

Justices to  
disperse such  
processions.  
No. 3796 s. 11.

11. Any justice or justices shall and may proceed with such assistance as is necessary to the place where any procession or meeting or persons declared by this Part to be unlawful is held or takes place; and such justices or one of such justices or some other person by their or 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.”

Persons  
refusing to  
disperse to be  
apprehended  
and punished.  
No. 3796 s. 12.

12. 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 justice or justices who have read such command or notice or any other justice or justices to cause the person or persons so refusing or neglecting to disperse or depart to be apprehended by a warrant for that purpose to be signed by him or them; and such offender or offenders shall thereupon be proceeded against in a summary way for such offence before any two or more justices before

whom he or they may be brought and such justices are hereby authorized to hear and determine the complaint; 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.

Summary  
proceedings.

### PART III.—SPECIAL CONSTABLES.

13.<sup>(a)</sup> In all cases where it is made to appear to any justice upon the oath of any credible witness that any tumult riot or felony has taken place or may be reasonably apprehended in any city borough town or district within the limits for which the said justice usually acts, and such justice 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 city borough town or district, or where without such oath or evidence as aforesaid any two justices are of 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 justice or justices to nominate and appoint by precept in writing under his or their hand or hands so many fit and competent persons not being legally exempt from serving the office of constable as he or they think fit to act as special constables for such time and in such manner as to the said justice or justices respectively seem fit and necessary for the public peace and for the protection of the inhabitants and the security of the property in such city borough town or district; and the justice or any of the justices who appoint any special constables by virtue of this Part or any justice having jurisdiction in such city borough town or district is hereby authorized to administer to every person so appointed an oath in the words or to the effect following (that is to say):—

Justices may  
appoint  
special  
constables.  
No. 3796 s. 13.

“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 [city borough town or 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 best of my skill and knowledge discharge all the duties thereof faithfully according to law.”<sup>(b)</sup>

Form of  
oath to be  
taken by  
special  
constable.

(a) See the *Public Safety Preservation Act* 1958, section 10.

(b) See the *Evidence Act* 1958, section 100, for the usual form of oath.

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 justice or justices making such appointment to the Chief Secretary of Victoria.

Penalty for refusing to take the oath of officer to serve or to obey orders.  
No. 3796 s. 14.

14. Every person so residing within such city borough town or district as aforesaid who being appointed a special constable as aforesaid refuses to take the oath lastly hereinbefore mentioned when thereunto required by the justice or justices so appointing him or by any justices acting for the same city borough town or district, shall on conviction thereof in a summary way before the said justice or justices so requiring him (whether in sessions or not) be liable to a penalty of not more than Five pounds. 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 any two or more justices in or out of sessions for every such neglect be liable to a penalty of not more than Five pounds, unless such person proves to the satisfaction of the court or justices that he was prevented by sickness or other such unavoidable cause as in the judgment of the court or justices is a sufficient excuse.

Non-residents may be appointed as special constables.  
No. 3796 s. 15.

15. 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.

Powers of special constables.  
No. 3796 s. 16.

16. Every special constable appointed under this Part shall, not only within the city borough town or district for which he has been appointed but also throughout the entire jurisdiction of the justices so appointing him, 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.

17. 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 Twenty pounds, or shall be liable to such other punishment upon conviction on any information 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.

Punishment  
for assaulting  
or resisting  
constables.  
No. 3796 s. 17.

18. The justices who have appointed any special constables under this Part, or the justices acting for the city borough town or district within which such special constables have been called out assembled in special sessions, 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.

Justices in  
special session  
may make  
regulations  
respecting  
special  
constables  
and may  
remove them  
for  
misconduct.  
No. 3796 s. 18.

19. The justices who have appointed any special constables under this Part, or the justices acting for the city borough town or district within which such special constables have been called out are hereby empowered in special sessions assembled to suspend or determine the services of all or any of the said special constables so called out as to the said justices respectively 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 Chief Secretary of Victoria.

Power in  
special  
sessions to  
discontinue  
the services of  
constables.  
No. 3796 s. 19.

20. 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 justice acting for the city borough town or district within which such special constable has been called out 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 Five pounds.

Special  
constables to  
deliver arms  
staves &c. to  
successors.  
No. 3796 s. 20.

21. Any two justices assembled in petty sessions and acting for the city borough town or district within which any such special constables have been called out to serve are hereby empowered to order from time to time such reasonable allowances for their trouble loss of time and expenses to be paid to such special constables who have so served or are then serving as to the said justices seem proper; and the said justices 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

Justices in  
petty  
sessions may  
order  
allowances to  
the special  
constables,  
such  
allowances to  
be paid out of  
a sum  
annually  
appropriated  
for that  
purpose.  
No. 3796 s. 21.

constables; and the said justices shall make every order for the payment of such allowances and expenses upon the Chief Secretary of Victoria, who is hereby required to procure proper warrants for the payment of the same out of any part of the public revenue appropriated for the purpose: Provided that it shall be lawful for the Governor in Council to disallow any such order as he considers excessive.

Power to  
adjourn any  
special  
session.  
No. 3796 s. 22.

22. The justices assembled at any special sessions for any of the purposes mentioned in this Part shall have power to adjourn the same from time to time as they think proper; and every special sessions which has been actually held for the purposes mentioned in this Part shall be deemed and taken to have been legally held until the contrary is proved.

Payment of  
penalties  
and mode of  
levying  
the same.  
No. 3796 s. 23.

23. The justices whether sitting in or out of sessions by whom any person is summarily convicted and adjudged to pay any sum of money for any offence under this Part may adjudge that such person shall pay the same either immediately or within such period as the said justices think fit; and in case such sum of money is not paid at the time so appointed the same shall be levied by distress and sale of the goods and chattels of the offender together with the reasonable charges of such distress; and for want of sufficient distress such offender shall be imprisoned with or without hard labour as to the convicting justices seems meet for a term of not more than one month where the sum does not exceed Five pounds and for a term of not more than two months in any other case, the term to cease in each of the cases aforesaid upon payment of the sum due.

Nothing here  
contained to  
abridge the  
power of  
justices.  
No. 3796 s. 24.

24. 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.

No formal  
information  
required.  
No. 3796 s. 25.

25. In proceedings for any penalty or forfeiture under this Part it shall not be necessary to lay or file any formal information; and no complaint conviction or other proceeding before or by any justice or justices 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 writ or process whatsoever into the Supreme Court.

#### PART IV.—RIOTOUSLY DISTURBED DISTRICTS.

Interpretation.  
"Habitation."  
"Premises."  
No. 3796 s. 26.

26. 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.

27. If the justices within any district in Victoria when assembled in petty sessions are of opinion that such district is or has been within twenty days in a state of disturbance, such justices may cause so many not fewer than twenty as they think fit of the jurors on the special jurors' list for such district to be summoned to meet upon a day named in such summons.

Justices may summon jury to try state of district.  
No. 3796 s. 27.

28. On such day the said justices 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 said justices; and such justices 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.

Constitution of jury.  
No. 3796 s. 28.

Swearing of jury and issue to be tried by them.

29. The said justices shall issue subpoenas 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 any court of general sessions or any chairman thereof.

Justices may summon witnesses and others and shall have the powers of court of general sessions or its chairman.  
No. 3796 s. 29.

30. 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.

Jury shall by verdict define the area disturbed and fix date since when disturbed.  
No. 3796 s. 30.

31. 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 said justices shall immediately certify the same under their hands to the Governor.

Verdict of seven the verdict of all.  
No. 3796 s. 31.

32. 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.

Governor in Council may proclaim disturbed district as defined.  
No. 3796 s. 32.

33. 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.

Proclamation shall bring district under the operation of this Part.  
No. 3796 s. 33.

Losses in  
proclaimed  
districts to be  
levied from  
inhabitants  
thereof.

No. 3796 s. 34.

34. 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.

Appointment  
of  
commissioner  
for each  
proclaimed  
district.

No. 3796 s. 35.

35. 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 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 others in his place as to the Governor in Council seems fit.

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

No. 3796 s. 36.

36. 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.

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

No. 3796 s. 37.

37. 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.

Claimant for  
losses by the  
Crown.

No. 3796 s. 38.

38. 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.

Requisites of  
claim.

No. 3796 s. 39.

39. 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,

40. 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.

Notice when and where commissioner will investigate claims.  
No. 3796 s. 40.

41. 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.

Summoning of jury to try claims.  
No. 3796 s. 41.

42. Such commissioner shall issue subpoenas 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 a court of general sessions or any chairman of such court.

Commissioner may summon witnesses and others and shall have powers of court of general sessions and its chairman.  
No. 3796 s. 42.

43. 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.

Mode of impanelling jury of assessors to try each claim.  
No. 3796 s. 43.

44. 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.

Matters to be tried by the commissioner and assessors in each claim.  
No. 3796 s. 44.

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

No. 3796 s. 45.

45. 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.

Unsuccessful claimant made liable for costs.

No. 3796 s. 46.

46. 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 of jurors the expenses of witnesses or otherwise.

Summary process to recover such costs.

No. 3796 s. 47.

47. Such expenses shall be assessed by such commissioner and assessors, and may be recovered by proceedings in a summary way before a court of petty sessions.

Gross awards and expenses of enforcing the Act to be charged upon and levied from inhabitants of the proclaimed district.

No. 3796 s. 48.

48. 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.

Commissioner shall take census of habitations and persons in proclaimed district and assess the amount charged.

No. 3796 s. 49.

49. 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.

50. 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.

The commissioner shall publish such census and assessment and notice of the time and place when and where he will hear objections.  
No. 3796 s. 50.

51. 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.

The commissioner shall investigate objections and determine on them.  
No. 3796 s. 51.

52. 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.

Final adjustment to be published in *Gazette* and one newspaper.  
No. 3796 s. 52.

53. 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 his warrant to levy the same by distress and sale 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 levied and recovered on or from goods found thereon.

Summary proceedings to recover assessment from defaulters.  
No. 3796 s. 53.

54. 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.

Commissioner shall pay into Treasury all receipts and give certificates to claimants.  
No. 3796 s. 54.

55. 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.

Payment out of Treasury after deducting expenses.  
No. 3796 s. 55.

656

1958.

*Unlawful Assemblies and Processions.*

No. 6406

Section 2

## SCHEDULE.

Number of Act.	Title of Act.	Extent of Repeal.
3796 ..	<i>Unlawful Assemblies and Processions Act</i> 1928	The whole.

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