

## UNLAWFUL ASSOCIATIONS.

## No. 14 of 1917.

An Act to amend the *Unlawful Associations Act 1916.*

[ Assented to 27th July, 1917.]

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

Short title and citation.

1.—(1.) This Act may be cited as the *Unlawful Associations Act 1917.*

(2.) The *Unlawful Associations Act 1916* is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Unlawful Associations Act 1916–1917.*<sup>(a)</sup>

Unlawful associations.

2. Section three of the Principal Act is amended by adding at the end thereof the following words:— “; and

(c) any association which the Governor-General, by notice published in the *Gazette*, declares to be in his opinion an unlawful association within the meaning of the last preceding paragraph.

Provided that this last sub-section shall not apply in the case of any association registered under any Arbitration law of the Commonwealth or any State, or any law relating to Trades Unions in any State.”

3. After section three of the Principal Act the following section is inserted:—

“3A. Whoever—

(a) becomes a member of an unlawful association; or

(b) after the expiration of one month, from the commencement of this section, continues to be a member of an unlawful association,

shall be guilty of an offence.

Penalty: Imprisonment for six months”.

Becoming or continuing to be a member of an unlawful association.

Deportation.

4. Section six of the Principal Act is amended—

(a) by omitting the words “not being a natural-born British subject born in Australia”; and

(b) by omitting the words “either of the last two preceding sections” and inserting in their stead the words “any one of the last three preceding sections and who fails to satisfy the Attorney-General that he is a natural-born British subject born in Australia.”

(a) For copy of *Unlawful Associations Act 1916–1917* see p. 177 *infra*.

5. After section seven of the Principal Act the following sections are inserted :—

“7A. Whoever—

(a) knowingly gives or contributes money or goods to an unlawful association ; or

(b) receives or solicits subscriptions or contributions of money or goods for an unlawful association,

shall be guilty of an offence.

Penalty : Imprisonment for six months.

“7B.—(1.) No book, periodical, pamphlet, handbill, poster or newspaper issued by or on behalf or in the interests of any unlawful association shall—

(a) if posted in Australia be transmitted through the post ; or

(b) in the case of a newspaper, be registered as a newspaper under the provisions of the *Post and Telegraph Act* 1901–1916.

“(2.) Any newspaper registered prior to the commencement of this section which is issued by or on behalf or in the interests of any unlawful association shall, as soon as practicable after the commencement of this section, be removed from the register.

“(3.) Any book, periodical, pamphlet, handbill, poster or newspaper posted in Australia, the transmission of which would be a contravention of this Act, shall be forwarded to the General Post Office of the State in which it was posted, and shall be forfeited to the Commonwealth and shall be destroyed or disposed of as the Minister directs.

“7C. Any person who knowingly prints, publishes, sells or exposes for sale any book, periodical, pamphlet, handbill, poster or newspaper issued or intended to be issued by or on behalf or in the interests of any unlawful association shall be guilty of an offence.

Penalty : Imprisonment for six months.

“7D. After the expiration of one month from the commencement of this section, no member of an unlawful association shall be eligible to be or to continue to be a member of the Public Service of the Commonwealth, or to hold any office or employment, permanent or temporary, under the Commonwealth or any authority of the Commonwealth.

“7E.—(1.) All property of any kind, real or personal, belonging to an unlawful association, or held by any person for or on behalf of an unlawful association, may be taken possession of or seized by any person thereto authorized by a Minister of State or by a prescribed authority, and shall thereupon be forfeited to the Commonwealth.

“(2.) All books, periodicals, pamphlets, hand-bills, posters, or newspapers issued by or on behalf of an unlawful association, or advocating an unlawful association or its propaganda, may be seized by any person thereto authorized by a Minister of State or by a prescribed authority, and shall thereupon be forfeited to the Commonwealth.

Giving or soliciting contributions for unlawful association.

Books, &c., issued by unlawful association not transmissible by post

Prohibition of sale of books, &c., issued by unlawful association.

Members of unlawful association to be ineligible for Public Service.

Forfeiture of property held by an unlawful association.

“(3.) Where any property has been taken possession of or seized as forfeited under this Act, unless any claimant thereafter enters an action against the Commonwealth within one month for recovery of the property and after due prosecution of the action establishes his claim, the property shall be deemed to be condemned without further proceedings, and may be disposed of as directed by the Minister.

**Proof of membership of an association.**

“7F. In any prosecution under this Act, proof that the defendant has at any time since the beginning of the present war been a member of an association shall, in the absence of proof to the contrary, be evidence that he has continued to be a member of the association at all times material to the case and proof that the defendant has since the beginning of the war repeatedly—

- (a) attended meetings of the association ; or
- (b) spoken publicly in advocacy of the association ; or
- (c) distributed literature of the association,

shall, in the absence of proof to the contrary, be evidence that he was a member of the association.

**Evidence of unlawful intent or purpose.**

“7G. Where, in any prosecution under the law of the Commonwealth, any question of unlawful intent or purpose is in issue, the fact that the accused is a member of an unlawful association which practises, advocates or incites to action with that intent or purpose, shall be deemed to be relevant to the issue.

**Power to enter premises and seize documents.**

“7H. Any person thereto authorized by a Minister of State, or by a prescribed authority, may at any hour of the day or night, with such assistance as he may require, break into and enter any premises or place owned or occupied by an unlawful association, or in which any member of an unlawful association or any property of an unlawful association is believed to be, and seize any articles, books, documents or papers found therein.”