



War Precautions Act Repeal Act 1920

Act No. 54 of 1920 as amended

This compilation was prepared on 20 March 2001
taking into account amendments up to Act No. 164 of 1989

The text of any of those amendments not in force
on that date is appended in the Notes section

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An Act to repeal the *War Precautions Act 1914–1918* and to provide for certain matters arising out of such repeal, and for other purposes

1 Short title [*see* Note 1]

This Act may be cited as the *War Precautions Act Repeal Act 1920*.

2 Repeal of War Precautions Act

The *War Precautions Act 1914–1918* is hereby repealed.

Amendments of Crimes Act 1914–1915

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After section seven of the *Crimes Act 1914–1915* the following section is inserted:

7A Inciting or urging to the commission of an offence

- (1) If any person:
- (a) incites to, urges, aids or encourages; or
 - (b) prints or publishes any writing which incites to, urges, aids or encourages;

the commission of offences against any law of the Commonwealth or the carrying on of any operations for or by the commission of such offences, he shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for twelve months, or both.

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After section twenty-four of the *Crimes Act 1914–1915* the following sections are inserted:

24A Definition of seditious intention

- (1) Subject to subsection (2) of this section an intention to effect any of the following purposes, that is to say:
- (a) to bring the Sovereign into hatred or contempt;
 - (b) to excite disaffection against the Sovereign or the Government or Constitution of the United Kingdom or against either House of the Parliament of the United Kingdom;
 - (c) to excite disaffection against the Government or Constitution of any of the King's Dominions;
 - (d) to excite disaffection against the Government or Constitution of the Commonwealth or against either House of the Parliament of the Commonwealth;
 - (e) to excite disaffection against the connexion of the King's Dominions under the Crown;
 - (f) to excite His Majesty's subjects to attempt to procure the alteration, otherwise than by lawful means, of any matter in the Commonwealth established by law of the Commonwealth; or
 - (g) to promote feelings of ill-will and hostility between different classes of His Majesty's subjects so as to endanger the peace, order or good government of the Commonwealth;
- is a seditious intention.
- (2) It shall be lawful for any person:
- (a) to endeavour in good faith to show that the Sovereign has been mistaken in any of his counsels;
 - (b) to point out in good faith errors or defects in the Government or Constitution of the United Kingdom or of any of the King's Dominions or of the Commonwealth as by law established, or in legislation, or in the administration of justice, with a view to the reformation of such errors or defects;
 - (c) to excite in good faith His Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the Commonwealth as by law established; or
 - (d) to point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and hostility between different classes of His Majesty's subjects.

24B Definition of seditious enterprise

- (1) A seditious enterprise is an enterprise undertaken in order to carry out a seditious intention.
- (2) Seditious words are words expressive of a seditious intention.

24C Offences

Any person who:

- (a) engages in or agrees or undertakes to engage in, a seditious enterprise;
- (b) conspires with any person to carry out a seditious enterprise;
- (c) counsels, advises or attempts to procure the carrying out of a seditious enterprise;

shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

24D Seditious words

- (1) Any person who writes, prints, utters or publishes any seditious words shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

- (2) A person cannot be convicted of any of the offences defined in this or the preceding section upon the uncorroborated testimony of one witness.

24E Punishment of offences

- (1) An offence under either of the last two preceding sections shall be punishable either on indictment or summarily, but shall not be prosecuted summarily without the consent of the Attorney-General.
- (2) If any person who is prosecuted summarily in respect of an offence against either of the last two preceding sections, elects, immediately after pleading, to be tried upon indictment, the Court or Magistrate shall not proceed to summarily convict that person but may commit him for trial.
- (3) The penalty for an offence under either of the last two preceding sections shall, where the offence is prosecuted upon indictment, be

imprisonment for any period not exceeding three years, and, where the offence is prosecuted summarily, shall be imprisonment for a period not exceeding twelve months or a fine not exceeding One hundred pounds or both.

13 Continuance of *Crimes Act 1915*

Section one of the *Crimes Act 1915* is amended by omitting subsection (3) thereof, and that Act shall continue in force as if that subsection had not been enacted.

Loans

Miscellaneous

22 Regulations

- (1) The Governor-General may make regulations, not inconsistent with this Act, prescribing matters providing for and in relation to:
 - (e) prohibiting or regulating the use of the word “Anzac” or any word resembling the word “Anzac”; and
 - (g) penalties not exceeding a fine of \$1,000 for breaches of regulations made under this section.
- (2) The penalty, upon conviction, for a breach of subregulation 2(1) of the Protection of Word “Anzac” Regulations involving the assumption or use of the word “Anzac” or any word resembling the word “Anzac” in connection with any trade, business, calling or profession or in connection with any entertainment or any lottery or art union or as the name or part of the name of a private residence, boat, vehicle, charitable or other institution, or any building in connection therewith, is imprisonment for a period not exceeding 12 months.
- (3) The penalty, upon conviction, for a breach of subregulation 3(1) of the Protection of Word “Anzac” Regulations involving the use of the word “Anzac”, or any word resembling the word “Anzac” as the name or part of the name of a street, road or park is imprisonment for a period not exceeding 12 months.

Table of Acts**Notes to the *War Precautions Act Repeal Act 1920*****Note 1**

The *War Precautions Act Repeal Act 1920* as shown in this compilation comprises Act No. 54, 1920 amended as indicated in the Tables below.

Table of Acts

Act	Number and year	Date of Assent	Date of commencement	Application, saving or transitional provisions
<i>War Precautions Act Repeal Act 1920</i>	54, 1920	2 Dec 1920	2 Dec 1920	
<i>War Precautions Act Repeal Act 1921</i>	36, 1921	22 Dec 1921	22 Dec 1921	—
<i>War Precautions Act Repeal Act 1922</i>	39, 1922	18 Oct 1922	18 Oct 1922	—
<i>War Precautions Act Repeal Act 1923</i>	34, 1923	1 Sept 1923	1 Sept 1923	—
<i>War Precautions Act Repeal Act 1928</i>	23, 1928	22 June 1928	22 June 1928	—
<i>Statute Law Revision Act 1934</i>	45, 1934	6 Aug 1934	6 Aug 1934	—
<i>Crimes Act 1955</i>	10, 1955	31 May 1955	31 May 1955	—
<i>Migration Act 1958</i>	62, 1958	8 Oct 1958	Parts I, II and IV: 1 June 1959 (see <i>Gazette</i> 1959, p. 1831) Part III: 10 Nov 1958 (see <i>Gazette</i> 1958, p. 3857)	S. 4(4) and (5)
<i>Statute Law Revision (Decimal Currency) Act 1966</i>	93, 1966	29 Oct 1966	1 Dec 1966	—
<i>Statute Law Revision Act 1973</i>	216, 1973	19 Dec 1973	31 Dec 1973	Ss. 9(1) and 10
<i>Statute Law (Miscellaneous Provisions) Act (No. 1) 1985</i>	65, 1985	5 June 1985	S. 3: 3 July 1985	—
<i>Social Security and Veterans' Affairs Legislation Amendment Act (No. 4) 1989</i>	164, 1989	19 Dec 1989	S. 134: Royal Assent (a)	—

Act Notes

- (a) The *War Precautions Act Repeal Act 1920* was amended by section 134 only of the *Social Security and Veterans' Affairs Legislation Amendment Act (No. 4) 1989*, section 2 of which provides as follows:
- 2 Each provision of this Act commences, or is to be taken to have commenced, as the case requires, on the day, or at the time, shown by the note in italics at the foot of that provision.

Section 134 commenced on 19 December 1989.

Table of Amendments**Table of Amendments**

ad. = added or inserted am. = amended rep. = repealed rs. = repealed and substituted

Provision affected	How affected
Headings to ss. 3–6.....	rep. No. 45, 1934
Ss. 3–6.....	rep. No. 45, 1934
Heading to s. 7.....	rep. No. 45, 1934
S. 7.....	am. No. 36, 1921; No. 39, 1922; No. 34, 1923 rep. No. 45, 1934
S. 8.....	rep. No. 23, 1928
Heading to s. 9.....	rep. No. 62, 1958
S. 9.....	rep. No. 62, 1958
Heading to s. 10.....	rep. No. 45, 1934
S. 10.....	rep. No. 45, 1934
Ss. 14–17.....	rep. No. 45, 1934
Heading to s. 18.....	rep. No. 10, 1955
S. 18.....	rep. No. 10, 1955
Heading to s. 19.....	rep. No. 45, 1934
S. 19.....	rep. No. 36, 1921
Ss. 20, 21.....	rep. No. 10, 1955
S. 22.....	am. No. 93, 1966; No. 216, 1973; No. 65, 1985; No. 164, 1989
The Schedule.....	rep. No. 62, 1958