

CRIMES (AMENDMENT) BILL.

Schedule of Amendments in Legislative Council's Message of 17th October, 1951.

No. 1.—Page 13, clause 4. *After line 26 insert—*

- (ii) by inserting in paragraph (b) of the same subsection after the words “dishonest means” the words “during the period specified in the recognizance”;
- (iii) by omitting from the same paragraph the words “is getting his livelihood by dishonest means” and by inserting in lieu thereof the words “got his livelihood by dishonest means during such period”;
- (iv) by inserting in paragraph (c) of the same subsection after the word “conviction” the words “in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance”;
- (v) by inserting in paragraph (d) of the same subsection after the word “conviction” the words “in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance”;

No. 2.—Page 14, clause 4. *After line 9 insert—*

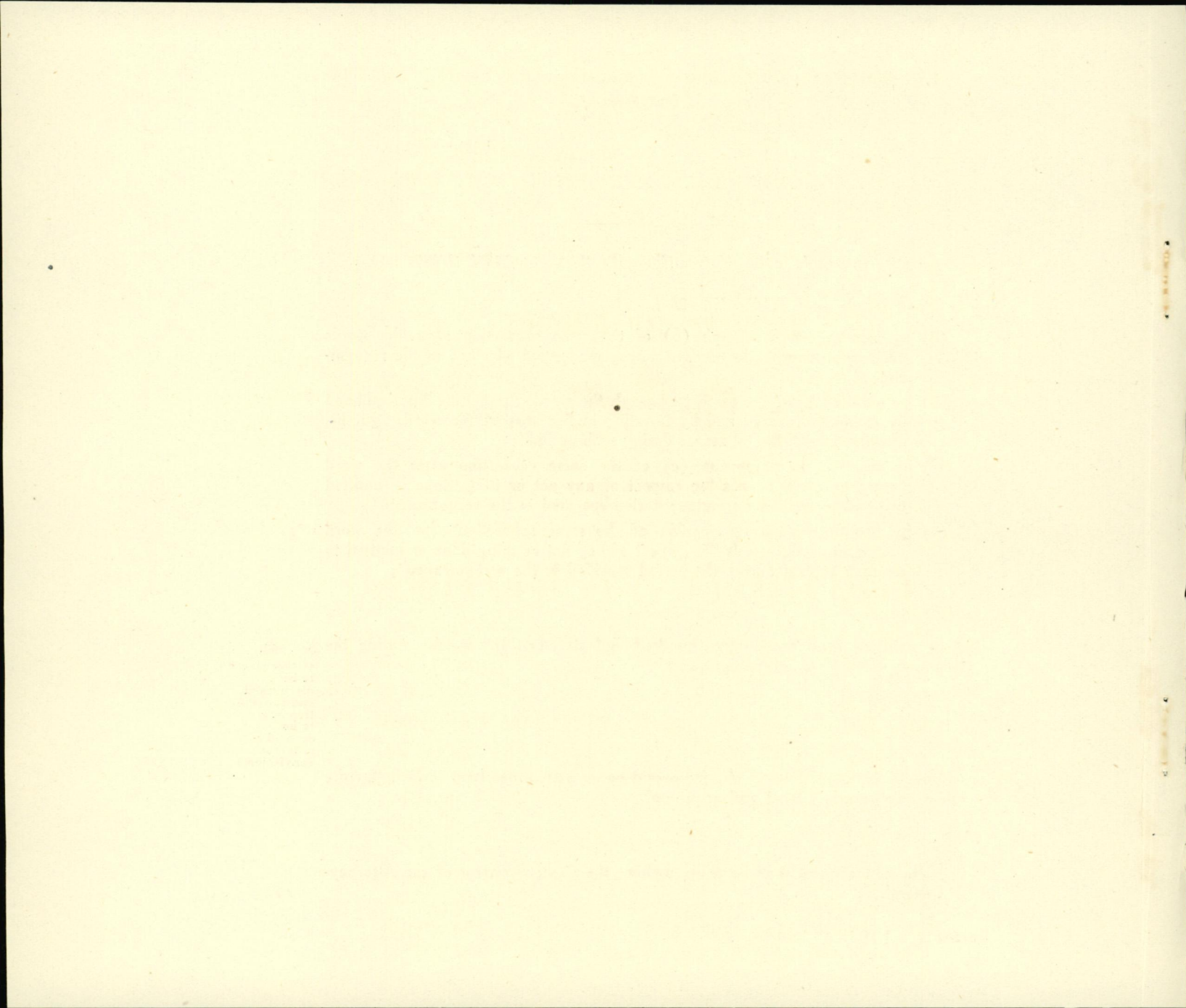
- (k) by omitting from section five hundred and sixty-two the words “during the period specified in the recognizance”.

Sec. 562.
(Otherwise
to be
discharged
and conviction
not
to be
deemed a
previous
conviction.)

No. 3.—Page 16, clause 7, line 6. *Omit “presiding at a criminal trial” insert “before whom any person is tried and acquitted”*

No. 4.—Page 16, clause 7. *After line 12 insert new paragraph—*

No such request shall be made without the written consent of the Attorney-General.



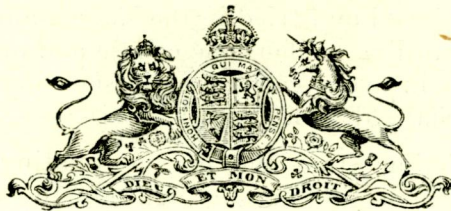
This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 October, 1951.

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

W. K. CHARLTON,
Clerk of the Parliaments.
Legislative Council Chamber,
Sydney, 17th October, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1951." Short title.

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

61209 148—A'

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

*Crimes (Amendment).***2.** The Principal Act is amended—

- (a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";
- 5 (b) (i) by inserting next after section sixteen the following new section:—
- 16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.
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- 15 (ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";
- (c) by omitting section seventeen;
- 20 (d) by inserting next after section twenty-two the following new section:—
- 22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.
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Amendment of Act No. 40, 1900.

Sec. 4.
(Definition of "trustee.")cf. 6 and 7
Geo. V. c. 50,
s. 46.New sec.
16A.Procedure
in cases
of treason.Sec. 1.
(Consequen-
tial.)Sec. 17.
(Petit
treason.)

New s. 22A.

Infanticide.
cf. 1 and 2
Geo. VI,
c. 36, s. 1.

Crimes (Amendment).

5 (2) Where upon the trial of a woman for
the murder of her child, being a child under the
age of twelve months, the jury are of opinion
that she by any wilful act or omission caused its
death, but that at the time of the act or omission
the balance of her mind was disturbed by reason
of her not having fully recovered from the effect
of giving birth to such child or by reason of the
effect of lactation consequent upon the birth of
10 the child, then the jury may, notwithstanding
that the circumstances were such that but for
the provisions of this section they might have
returned a verdict of murder, return in lieu
thereof a verdict of infanticide, and the woman
15 may be dealt with and punished as if she had
been guilty of the offence of manslaughter of
the said child.

20 (3) Nothing in this section shall affect
the power of the jury upon an indictment for
the murder of a child to return a verdict of
manslaughter or a verdict of not guilty on the
ground of insanity, or a verdict of concealment
of birth.

25 (e) by inserting next after section fifty-two the
following new section:— New
sec. 52A.

52A. (1) Where the death of any person is Culpable
driving.
occasioned through impact with a motor vehicle
being driven by a person—

30 (a) under the influence of intoxicating
liquor or of a drug; or

(b) at a speed or in a manner which is
dangerous to the public,

35 the person lastmentioned shall be guilty of the
misdemeanour of culpable driving and shall be
liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

- 5 (a) under the influence of intoxicating liquor or of a drug; or
(b) at a speed or in a manner which is dangerous to the public,

10 the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

15 (3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

20 (4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

25 Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter
30 or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

35 (5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an
40 offence under this section, to find him guilty of that offence. (6)

Crimes (Amendment).

- (6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.
- 5 (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person";
- (g) by omitting section 91D and by inserting in lieu thereof the following section:—
- 10 91D. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years.
- 15 (h) (i) by inserting next after section 93H the following new section:—
- 20 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B.
- (2) Upon any prosecution under section 93C, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- 25 (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I";
- 30 (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three;
- 35 (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer";
- (k)

Sec. 80.
(Attempt, etc.,
to commit
buggery.)

Sec. 91D.

Employment
in brothel.

New
Sec. 93I.

Accused
to prove
pistol
licensed
or his
exemption.
cf. Act No.
10, 1927, s. 4
(3) (d).

Sec. 1.
(Consequen-
tial.)

Secs. 141,
142, 143.
(Stealing
trees,
etc., third
offence.)

Sec. 154A.
(Unlawful
use of
vehicle,
etc.)

Crimes (Amendment).

- (k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections"; Sec. 155. (Definition of clerk or servant.)
- 5 (l) (i) by inserting next after section 178A the following short heading and new section:— New sec. 178B.
- VALUELESS CHEQUES.
- 10 178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves— Valueless cheques. South Australian Police Act, 1936, s. 90.
- (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and
- (b) that he had no intent to defraud,
- 15 be liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.
- 20 (ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:— Sec. 1. (Consequential.)
- (f2) VALUELESS CHEQUES—S. 178B.
- 25 (m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 179. (False pretences.)
- (n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 180. (Causing payment, etc., by false pretence.)
- 30 (o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 182. (Conviction on charge of false pretences, etc.)
- 35 (p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 183. (Trial for false pretences, etc.)
- (q) etc.)

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196.
(Setting fire to dwelling knowing person therein.)
- 5 (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197.
(Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198.
(Setting fire to certain other buildings.)
- 10 (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201.
(Setting fire to things in or adjacent to buildings.)
- (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202.
(Attempting to set fire to buildings.)
- 15 (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203.
(Destroying or damaging a house with gunpowder.)
- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft"; 20
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204.
(Attempting to destroy building with gunpowder.)
- 25 (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty-eight;
- (y) Sec. 335.
(False declaration in fraud of revenue.)

Crimes (Amendment).

- (y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";
- (z) by inserting at the end of subsection three of section 353A the words "and palm-prints";
- (aa) by inserting next after section three hundred and sixty the following new section:—
- 360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.
- (2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:
- Provided that—
- (a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or,
- if

Sec. 340.
(Directing prosecution for perjury.)
cf. 1 and 2
Geo. V, c. 6,
s. 9.

Sec. 353A.
(Power to search person etc.)

New sec.
360A.

Indictment of corporations.

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

5 (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the
10 corporation does not so appear it shall not be necessary to put the question.

(3) Where a bill is found against a corporation the corporation may on arraignment.
15 enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

20 (4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to
25 the effect that the person named has been appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

(5) Any summons or other document
30 may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(6) Where the penalty in respect of any
35 offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding -

(a) where the term of imprisonment does
40 not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

- (b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;
- 5 (c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;
- (d) where the term of imprisonment exceeds two years—one thousand pounds.

10 In this subsection “imprisonment” includes penal servitude.

- (bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.
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Secs. 376, 377, 397, 398.
(Indictment for murder or manslaughter. Averment of value of instrument not necessary. Pleas of attainder and dilatory pleas.)

3. The Principal Act is further amended—

- (a) by omitting section four hundred and one;
- (b) by inserting at the end of section four hundred and five the following new subsection:—
- 20 (2) Where the accused intends to give evidence or to call any witness or witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.

Further amendment of Act No. 40, 1900.
Sec. 461.
(Jury not to inquire of lands, &c.)
Sec. 405.

Accused may open case before calling witnesses.

- 25 (c) by omitting section four hundred and twenty-nine;

Sec. 429.
(Release of juvenile offenders.)

(d)

Crimes (Amendment).

- (d) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
irons.)
- 5 (e) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- 10 (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- 15 (f) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds"; Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)
4. The Principal Act is further amended— Further
amendment of
Act No. 40,
1900.
- 20 (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Sec. 501.
(Offences
punishable
summarily
without
consent
of accused.)
- (ii) by omitting from the same subsection the words "or police";
- 25 (iii) by inserting at the end of the same section the following new subsection:—
- (3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.
- (b)

Crimes (Amendment).

- 5 (b) by omitting from section five hundred and two the words "may be summoned to appear before" and by inserting in lieu thereof the words "may be brought before or may be summoned to appear before";
- 10 (c) by inserting at the end of section 526A the following new subsection:—
(2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate.
- (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive;
- (e) by omitting section five hundred and fifty-two and the sub-heading thereto;
- 15 (f) by omitting from section five hundred and fifty-three the words "section of this";
- (g) by inserting in subsection two of section five hundred and fifty-four after the words "three months" the words "with either hard labour or light labour";
- 20 (h) by inserting at the end of section 556A the following new subsection:—
(3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951.
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Sec. 502.
(Possession of skin, etc., of stolen cattle.)

Sec. 526A.
(Unlawfully using vehicle or boat.)

Sec. 532 to 538.
(Injuries to trees, etc.)

Sec. 552.
(Discharge of juvenile first offenders.)

Sec. 553.
(Sentence may be for less term, or fine for less amount than that fixed.)

Sec. 554.
(Recognition for good behaviour.)

Sec. 556A.
(Power to permit conditional release of offenders.)

Crimes (Amendment).

- (i) (i) by inserting next after section 556A the following new section:—

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556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance.

New s. 556B.
Proceedings
on breach of
condition of
recogni-
zance.

- (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B";

Sec. 1.
(Conse-
quential.)

- (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance";

Sec. 561.
(Forfeiture
of recog-
nizance,
etc.)

- (ii) by inserting in paragraph (b) of the same subsection after the words "dishonest means" the words "during the period specified in the recognizance";

- (iii) by omitting from the same paragraph the words "is getting his livelihood by dishonest means" and by inserting in lieu thereof the words "got his livelihood by dishonest means during such period";

- (iv) by inserting in paragraph (c) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";

(v)

Crimes (Amendment).

5 (v) by inserting in paragraph (d) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";

(ii) (vi) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".

10 (k) by omitting from section five hundred and sixty-two the words "during the period specified in the recognizance".

Sec. 562. (Otherwise to be discharged and conviction not to be deemed a previous conviction.)

5. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

15 (a) by omitting section two hundred and ninety-nine;

Sec. 299. (Forging trade mark.)

(b) by omitting Part VI;

Part VI (Coinage offences.)

(c) by omitting from section one the matter relating to Part VI.

Sec. 1. (Consequential.)

6. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

20 (a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";

Sec. 185. (Inducing persons by fraud to execute instruments.)

25 (b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—

Sec. 349.

30 349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.

Punishment of accessories after the fact to murder, etc.

Crimes (Amendment).

(2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.

5 (c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction"; Sec. 441. (Judgment after sentence deferred.)

(d) (i) by inserting next after section 545c the following short-heading and new section:— New sec. 545d.

10 (D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

545d. Whosoever being charged before two Justices with— Unlawful making or possession of explosives.

(a) having made; or

15 (b) knowingly having in his possession or under his control,

any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such Justices that he made the explosive substance, or had such substance in his possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

25 (ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1. (Consequential.)

30 (D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

Crimes (Amendment).

7. The Criminal Appeal Act of 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
16, 1912.

(a) by inserting at the end of section 5A the following new subsection:—

Sec. 5A.

5 (2) (a) The judge or chairman of quarter sessions ~~presiding at a criminal trial~~ **before whom any person is tried and acquitted** shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for
10 decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial.

Reserving
question
of law.

No such request shall be made without the written consent of the Attorney-General.

15 (b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement
20 as the Court of Criminal Appeal may require.

(c) The Court of Criminal Appeal shall have power to determine the question reserved.

25 (d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

30 (e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose to be represented upon such determination, the Attorney-General shall instruct
35 counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

(f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

(g)

Crimes (Amendment).

(g) The hearing and determination of any question under this section shall be held in camera :

5 Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

10 (h) No report of any request made pursuant to paragraph (a) of this subsection shall be published. No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

20 (b) by omitting from section 5B the words "and such submission shall be dealt with as if it were an appeal under this Act." Sec. 5B.
(Cases stated from Court of Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended— Amendment of Act No. 27, 1902.

25 (a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words " , or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded"; Sec. 122.
(Appeal to Quarter Sessions.)

30 (b) by inserting next after section one hundred and thirty-one the following new section:— New sec. 131A.

35 131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the Supreme Court for determination Cases stated from Court of Quarter Sessions.

Crimes (Amendment).

determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

5 (2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

10 (2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

Amendment
of Act No.
15, 1905.

15 (a) by omitting from the Schedule the words and figures—

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

20 (b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

25 and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

30 Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

Further
amendment of
Act No. 40,
1900.
(Revision.)

SCHEDULE.

Crimes (Amendment).

SCHEDULE.

Sec. 10.

Enactment of Act No. 40, 1900.	Amendment.
5 Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
Section thirty-four	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three"; (b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
10 Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine";
15 Section sixty ..	(b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
20 Section seventy-five	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
Section seventy-five	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
25 Section 78B ..	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
Section 78c ..	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
30 Section eighty-eight	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
35 Section ninety-three	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
40 Section ninety-six	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
Section one hundred and one.	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."
45	

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
10 Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
15 Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
20 Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
25 Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
30	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
35	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
Section 154A ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."
40 Section 154B ..	

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
10 Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
15 Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
20 Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
25 Section one hundred and seventy-eight.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
30 Section one hundred and eighty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
35 Section one hundred and eighty-seven.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
40 Section one hundred and ninety-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
45 Section one hundred and ninety-five.	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
50 Section two hundred	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
10 Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
15 Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
20 Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
25 Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
30 Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
35 Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
40 Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1950.	Amendment.
5 Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
10 Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
15 Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
20 Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
25 Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
25 Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
30 Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
30 Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
35 Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
40 Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
40 Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section three hundred and forty-six .	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
10 Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
15 20 Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
25 Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
30 Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
:5 Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
40 Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
10 Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
15 Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
20 Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
25 Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
30 Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
35 Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
40 Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
45 Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
10 Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
15 Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
20 Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
25 Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
30 Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
35 Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-two	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.

H. ROBBINS,

Clerk of the Legislative Assembly.

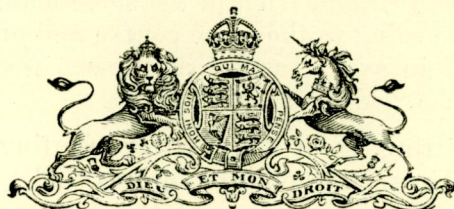
*Legislative Assembly Chamber,
Sydney, 4 October, 1951.*

The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.

Clerk of the Parliaments.

*Legislative Council Chamber,
Sydney, October, 1951.*

New South Wales.



ANNO QUINTO DECIMO

GEORGI VI REGIS.

Act No. , 1951.

An Act to amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1951." Short title.

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

61209 148—A'

2.

NOTE.—The words to be omitted are ruled through; those to be inserted are printed in black letter.

Crimes (Amendment).

2. The Principal Act is amended—

(a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";

Amendment of Act No. 49, 1900.

Sec. 4. (Definition of "trustee.") cf. 6 and 7 Geo. V. c. 50, s. 46.

5 (b) (i) by inserting next after section sixteen the following new section:—

New sec. 16A.

10 16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.

Procedure in cases of treason.

15 (ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";

Sec. 1. (Consequential.)

(c) by omitting section seventeen;

Sec. 17. (Petit treason.)

20 (d) by inserting next after section twenty-two the following new section:—

New s. 22A.

25 22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Infanticide. cf. 1 and 2 Geo. VI, c. 36, s. 1.

Crimes (Amendment).

5 (2) Where upon the trial of a woman for
the murder of her child, being a child under the
age of twelve months, the jury are of opinion
that she by any wilful act or omission caused its
death, but that at the time of the act or omission
the balance of her mind was disturbed by reason
of her not having fully recovered from the effect
of giving birth to such child or by reason of the
10 effect of lactation consequent upon the birth of
the child, then the jury may, notwithstanding
that the circumstances were such that but for
the provisions of this section they might have
returned a verdict of murder, return in lieu
thereof a verdict of infanticide, and the woman
15 may be dealt with and punished as if she had
been guilty of the offence of manslaughter of
the said child.

20 (3) Nothing in this section shall affect
the power of the jury upon an indictment for
the murder of a child to return a verdict of
manslaughter or a verdict of not guilty on the
ground of insanity, or a verdict of concealment
of birth.

25 (e) by inserting next after section fifty-two the
following new section:— New
sec. 52A.

52A. (1) Where the death of any person is Culpable
driving.
occasioned through impact with a motor vehicle
being driven by a person—

30 (a) under the influence of intoxicating
liquor or of a drug; or

(b) at a speed or in a manner which is
dangerous to the public,

35 the person lastmentioned shall be guilty of the
misdemeanour of culpable driving and shall be
liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

- 5 (a) under the influence of intoxicating liquor or of a drug; or
(b) at a speed or in a manner which is dangerous to the public,

10 the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

15 (3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

20 (4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

25 Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter
30 or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

35 (5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an
40 offence under this section, to find him guilty of that offence. (6)

Crimes (Amendment).

(6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.

- 5 (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person"; Sec. 80. (Attempt, etc., to commit buggery.)
- (g) by omitting section 91D and by inserting in lieu thereof the following section:— Sec. 91D.
- 10 91D. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years. Employment in brothel.
- 15 (h) (i) by inserting next after section 93H the following new section:— New Sec. 93I.
- 20 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B. Accused to prove pistol licensed or his exemption. cf. Act No. 10, 1927, s. 4 (3) (d).
- 25 (2) Upon any prosecution under section 93c, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- 30 (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I"; Sec. 1. (Consequential.)
- 35 (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three; Secs. 141, 142, 143. (Stealing trees, etc., third offence.)
- (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer"; Sec. 154A. (Unlawful use of vehicle, etc.)
- (k)

Crimes (Amendment).

- (k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections"; Sec. 155.
(Definition of clerk or servant.)
- 5 (l) (i) by inserting next after section 178A the following short heading and new section:— New sec. 178B.
- VALUELESS CHEQUES.
- 10 178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves— Valueless cheques.
South Australian Police Act, 1936, s. 90.
- (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and
- (b) that he had no intent to defraud,
- 15 be liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.
- 20 (ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:— Sec. 1.
(Consequential.)
- (f2) VALUELESS CHEQUES—S. 178B.
- 25 (m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 179.
(False pretences.)
- (n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 180.
(Causing payment, etc., by false pretence.)
- 30 (o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 182.
(Conviction on charge of false pretences, etc.)
- (p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 183.
(Trial for false pretences, etc.)
- 35 (q) etc.)

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196. (Setting fire to dwelling knowing person therein.)
- 5 (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197. (Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198. (Setting fire to certain other buildings.)
- 10 (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201. (Setting fire to things in or adjacent to buildings.)
- (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202. (Attempting to set fire to buildings.)
- 15 (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203. (Destroying or damaging a house with gunpowder.)
- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft"; 20
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204. (Attempting to destroy building with gunpowder.)
- (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft"; 25
- (x) by omitting section three hundred and thirty-eight; Sec. 335. (False declaration in fraud of revenue.)
- (y)

Crimes (Amendment).

(y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";

Sec. 340.
(Directing prosecution for perjury.)
cf. 1 and 2 Geo. V, c. 6, s. 9.

(z) by inserting at the end of subsection three of section 353A the words "and palm-prints";

Sec. 353A.
(Power to search person etc.)

(aa) by inserting next after section three hundred and sixty the following new section:—

New sec. 360A.

360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

Indictment of corporations.

(2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:

Provided that—

(a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or, if

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

5 (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the
10 corporation does not so appear it shall not be necessary to put the question.

15 (3) Where a bill is found against a corporation the corporation may on arraignment enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

20 (4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to
25 the effect that the person named has been appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

30 (5) Any summons or other document may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

35 (6) Where the penalty in respect of any offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding -

40 (a) where the term of imprisonment does not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

(b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;

5

(c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;

(d) where the term of imprisonment exceeds two years—one thousand pounds.

10

In this subsection "imprisonment" includes penal servitude.

15

(bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.

Secs. 376, 377, 397, 398. (Indictment for murder or manslaughter. Averment of value of instrument not necessary. Pleas of attainder and dilatory pleas.)

3. The Principal Act is further amended—

(a) by omitting section four hundred and one;

Further amendment of Act No. 40, 1900.

(b) by inserting at the end of section four hundred and five the following new subsection:—

Sec. 401. (Jury not to inquire of lands, &c.) Sec. 405.

20

(2) Where the accused intends to give evidence or to call any witness or witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.

Accused may open case before calling witnesses.

25

(c) by omitting section four hundred and twenty-nine;

Sec. 429. (Release of juvenile offenders.)

(d)

Crimes (Amendment).

- (d) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
irons.)
- 5 (e) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- 10 (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- 15 (f) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds". Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)

4. The Principal Act is further amended—

Further
amendment of
Act No. 40,
1900.

- 20 (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Sec. 501.
(Offences
punishable
summarily
without
consent
of accused.)
- (ii) by omitting from the same subsection the words "or police";
- 25 (iii) by inserting at the end of the same section the following new subsection:—

(3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.

(b)

Crimes (Amendment).

- 5 (b) by omitting from section five hundred and two the words "may be summoned to appear before" and by inserting in lieu thereof the words "may be brought before or may be summoned to appear before";
- 10 (c) by inserting at the end of section 526A the following new subsection:—
(2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate.
- (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive;
- (e) by omitting section five hundred and fifty-two and the sub-heading thereto;
- 15 (f) by omitting from section five hundred and fifty-three the words "section of this";
- (g) by inserting in subsection two of section five hundred and fifty-four after the words "three months" the words "with either hard labour or light labour";
- 20 (h) by inserting at the end of section 556A the following new subsection:—
(3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951.
- 25
- 30

Sec. 502.
(Possession of skin, etc., of stolen cattle.)

Sec. 526A.
(Unlawfully using vehicle or boat.)

Sec. 532 to 538.
(Injuries to trees, &c.)

Sec. 552.
(Discharge of juvenile first offenders.)

Sec. 553.
(Sentence may be for less term, or fine for less amount than that fixed.)

Sec. 554.
(Recognizance for good behaviour.)

Sec. 556A.
(Power to permit conditional release of offenders.)

Crimes (Amendment).

- (i) (i) by inserting next after section 556A the following new section:—

5 556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance.

New s. 556B.
Proceedings
on breach of
condition of
recogni-
zance.

- (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B";

Sec. 1.
(Conse-
quential.)

- (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance";

Sec. 561.
(Forfeiture
of recog-
nizance,
etc.)

- (ii) by inserting in paragraph (b) of the same subsection after the words "dishonest means" the words "during the period specified in the recognizance";

- (iii) by omitting from the same paragraph the words "is getting his livelihood by dishonest means" and by inserting in lieu thereof the words "got his livelihood by dishonest means during such period";

- (iv) by inserting in paragraph (c) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";

(v)

Crimes (Amendment).

- 5 (v) by inserting in paragraph (d) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";
- (ii) (vi) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".
- 10 (k) by omitting from section five hundred and sixty-two the words "during the period specified in the recognizance".
5. The Principal Act is further amended—
- 15 (a) by omitting section two hundred and ninety-nine;
- (b) by omitting Part VI;
- (c) by omitting from section one the matter relating to Part VI.
6. The Principal Act is further amended—
- 20 (a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";
- 25 (b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—
- 30 349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.

Sec. 562.
(Otherwise to be discharged and conviction not to be deemed a previous conviction.)

Further amendment of Act No. 40, 1900.

Sec. 299.
(Forging trade mark.)

Part 7I
(Coinage offences.)

Sec. 1.
(Consequential.)

Further amendment of Act No. 40, 1900.

Sec. 185.
(Inducing persons by fraud to execute instruments.)

Sec. 349.

Punishment of accessories after the fact to murder, etc.

Crimes (Amendment).

(2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.

5 (c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction"; Sec. 441. (Judgment after sentence deferred.)

(d) (i) by inserting next after section 545c the following short-heading and new section:— New sec. 545D.

10 (D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

545D. Whosoever being charged before two Justices with— Unlawful making or possession of explosives.

(a) having made; or

15 (b) knowingly having in his possession or under his control,

any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such Justices that he made the explosive substance, or had such substance in his possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

20
25
30 (ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1. (Consequential.)

(D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

Crimes (Amendment).

7. The Criminal Appeal Act of 1912, as amended by subsequent Acts, is amended—

Amendment
of Act No.
16, 1912.

(a) by inserting at the end of section 5A the following new subsection:—

Sec. 5A.

5

(2) (a) The judge or chairman of quarter sessions ~~presiding at a criminal trial before~~ **whom any person is tried and acquitted** shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial.

Reserving
question
of law.

10

No such request shall be made without the written consent of the Attorney-General.

15

(b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement as the Court of Criminal Appeal may require.

20

(c) The Court of Criminal Appeal shall have power to determine the question reserved.

25

(d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

30

(e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose to be represented upon such determination, the Attorney-General shall instruct counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

35

(f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

(g)

Crimes (Amendment).

(g) The hearing and determination of any question under this section shall be held in camera :

5 Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

10 (h) No report of any request made pursuant to paragraph (a) of this subsection shall be published. No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

20 (b) by omitting from section 5b the words "and such submission shall be dealt with as if it were an appeal under this Act."

Sec. 5b.
(Cases stated from Court of Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

Amendment of Act No. 27, 1902.

25 (a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words " , or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

Sec. 122.
(Appeal to Quarter Sessions.)

30 (b) by inserting next after section one hundred and thirty-one the following new section:—

New sec. 131A.

35 131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the Supreme Court for determination

Cases stated from Court of Quarter Sessions.

Crimes (Amendment).

determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

5 (2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

10 (2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

Amendment
of Act No.
15, 1905.

15 (a) by omitting from the Schedule the words and figures—

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

20 (b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

25 and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

30 Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

Further
amendment of
Act No. 40,
1900.
(Revision.)

SCHEDULE.

Crimes (Amendment).

SCHEDULE.

Sec. 10.

Enactment of Act No. 40, 1900.	Amendment.
5 Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
Section thirty-four	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three";
10	(b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine";
15	(b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
Section sixty ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
20	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
Section seventy-five	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
25	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
Section 78B ..	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
30	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
Section 78C ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
35	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."
Section eighty-eight	
40	
Section ninety-three	
45	
Section ninety-six	
Section one hundred and one.	

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
10 Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
15 Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
20 Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
25 Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
30 Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
35 Section one hundred and thirty-seven.	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
Section 154A ..	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
40 Section 154B ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
10 Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
15 Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
20 Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
25 Section one hundred and seventy-eight.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
30 Section one hundred and eighty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
35 Section one hundred and eighty-seven.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
40 Section one hundred and ninety-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
Section one hundred and ninety-five.	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
Section two hundred	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
10 Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
15 Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
20 Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
25 Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
30 Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
35 Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
40 Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
10 Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
15 Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
20 Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
25 Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
25 Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
30 Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
30 Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
35 Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
40 Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
40 Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section three hundred and fifty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
10 Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
15 20 Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
25 Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
30 Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
35 Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
40 Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
10 Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
15 Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
20 Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
25 Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
30 Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
35 Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
40 Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
45 Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

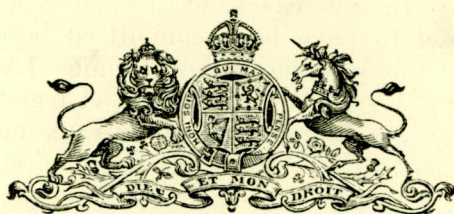
*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
10 Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
15 Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
20 Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
25 Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
30 Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
35 Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-two	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY,
and, having this day passed, is now ready for presentation to the
LEGISLATIVE COUNCIL for its concurrence.*

H. ROBBINS,
Clerk of the Legislative Assembly.
Legislative Assembly Chamber,
Sydney, 4 October, 1951.

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. , 1951.

An Act to amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amend- Short title.
ment) Act, 1951."

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

*Crimes (Amendment).***2.** The Principal Act is amended—

- (a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";
- 5 (b) (i) by inserting next after section sixteen the following new section:—
- 16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.
- 15 (ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";
- (c) by omitting section seventeen;
- 20 (d) by inserting next after section twenty-two the following new section:—
- 22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Amendment of Act No. 40, 1900.

Sec. 4.
(Definition of "trustee.")
cf. 6 and 7
Geo. V. c. 50,
s. 46.New sec.
16A.Procedure
in cases
of treason.Sec. 1.
(Consequen-
tial.)Sec. 17.
(Petit
treason.)

New s. 22A.

Infanticide.
cf. 1 and 2
Geo. VI,
c. 36, s. 1.

Crimes (Amendment).

5 (2) Where upon the trial of a woman for
the murder of her child, being a child under the
age of twelve months, the jury are of opinion
that she by any wilful act or omission caused its
death, but that at the time of the act or omission
the balance of her mind was disturbed by reason
of her not having fully recovered from the effect
of giving birth to such child or by reason of the
effect of lactation consequent upon the birth of
10 the child, then the jury may, notwithstanding
that the circumstances were such that but for
the provisions of this section they might have
returned a verdict of murder, return in lieu
thereof a verdict of infanticide, and the woman
15 may be dealt with and punished as if she had
been guilty of the offence of manslaughter of
the said child.

20 (3) Nothing in this section shall affect
the power of the jury upon an indictment for
the murder of a child to return a verdict of
manslaughter or a verdict of not guilty on the
ground of insanity, or a verdict of concealment
of birth.

25 (e) by inserting next after section fifty-two the
following new section:— New
sec. 52A.

52A. (1) Where the death of any person is Culpable
driving.
occasioned through impact with a motor vehicle
being driven by a person—

30 (a) under the influence of intoxicating
liquor or of a drug; or

(b) at a speed or in a manner which is
dangerous to the public,

35 the person lastmentioned shall be guilty of the
misdemeanour of culpable driving and shall be
liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

- 5 (a) under the influence of intoxicating liquor or of a drug; or
(b) at a speed or in a manner which is dangerous to the public,

10 the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

15 (3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

20 (4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

25 Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter
30 or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

35 (5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an
40 offence under this section, to find him guilty of that offence. (6)

Crimes (Amendment).

- (6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.
- 5 (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person"; Sec. 80. (Attempt, etc., to commit buggery.)
- (g) by omitting section 91D and by inserting in lieu thereof the following section:— Sec. 91D.
- 10 91D. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years. Employment in brothel.
- 15 (h) (i) by inserting next after section 93H the following new section:— New Sec. 93I.
- 20 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B. Accused to prove pistol licensed or his exemption. cf. Act No. 10, 1927, s. 4 (3) (d).
- 25 (2) Upon any prosecution under section 93C, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- 30 (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I"; Sec. 1. (Consequential.)
- 35 (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three; Secs. 141, 142, 143. (Stealing trees, etc., third offence.)
- (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer"; Sec. 154A. (Unlawful use of vehicle, etc.)
- (k)

Crimes (Amendment).

- (k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections"; Sec. 155. (Definition of clerk or servant.)
- 5 (l) (i) by inserting next after section 178A the following short heading and new section:— New sec. 178B.
- VALUELESS CHEQUES.
- 10 178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves— Valueless cheques. South Australian Police Act, 1936, s. 90.
- (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation;
- (b) that he had no intent to defraud,
- 15 be liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.
- 20 (ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:— Sec. 1. (Consequential.)
- (f2) VALUELESS CHEQUES—s. 178B.
- 25 (m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 179. (False pretences.)
- (n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 180. (Causing payment, etc., by false pretence.)
- 30 (o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 182. (Conviction on charge of false pretences, etc.)
- 35 (p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 183. (Trial for false pretences, etc.)
- (q)

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196. (Setting fire to dwelling knowing person therein.)
- 5 (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197. (Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198. (Setting fire to certain other buildings.)
- 10 (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201. (Setting fire to things in or adjacent to buildings.)
- (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202. (Attempting to set fire to buildings.)
- 15 (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203. (Destroying or damaging a house with gunpowder.)
- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft"; 20
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204. (Attempting to destroy building with gunpowder.)
- 25 (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty-eight; Sec. 335. (False declaration in fraud of revenue.)
- (y)

Crimes (Amendment).

5 (y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";

Sec. 340.
(Directing prosecution for perjury.)
cf. 1 and 2
Geo. V, c. 6,
s. 9.

(z) by inserting at the end of subsection three of section 353A the words "and palm-prints";

Sec. 353A.
(Power to search person etc.)

15 (aa) by inserting next after section three hundred and sixty the following new section:—

New sec. 360A.

20 360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

Indictment of corporations.

25 (2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:

Provided that—

35 (a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or,

if

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

5 (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the
10 corporation does not so appear it shall not be necessary to put the question.

(3) Where a bill is found against a corporation the corporation may on arraignment enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

20 (4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to the effect that the person named has been
25 appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

(5) Any summons or other document
30 may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(6) Where the penalty in respect of any
35 offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding—

40 (a) where the term of imprisonment does not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

- (b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;
- 5 (c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;
- (d) where the term of imprisonment exceeds two years—one thousand pounds.

10 In this subsection "imprisonment" includes penal servitude.

- (bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.

Secs. 376, 377, 397, 398.
 (Indictment for murder or manslaughter. Averment of value of instrument not necessary. Pleas of attainer and dilatory pleas.)

3. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

- (a) by omitting section four hundred and one;
- (b) by inserting at the end of section four hundred and five the following new subsection:—

Sec. 401.
 (Jury not to inquire of lands, &c.)
 Sec. 405.

20 (2) Where the accused intends to give evidence or to call any witness or witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.

Accused may open case before calling witnesses.

- 25 (c) by omitting section four hundred and twenty-nine;

Sec. 429.
(Release of juvenile offenders.)

(d)

Crimes (Amendment).

- (d) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
prisons.)
- 5 (e) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- 10 (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- 15 (f) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds". Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)
4. The Principal Act is further amended— Further
amendment of
Act No. 40,
1900.
- 20 (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Sec. 501.
(Offences
punishable
summarily
without
consent
of accused.)
- (ii) by omitting from the same subsection the words "or police";
- 25 (iii) by inserting at the end of the same section the following new subsection:—
- (3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.
- (b)

Crimes (Amendment).

- 5 (b) by omitting from section five hundred and two the words "may be summoned to appear before" and by inserting in lieu thereof the words "may be brought before or may be summoned to appear before";
- 10 (c) by inserting at the end of section 526A the following new subsection:—
 (2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate.
- (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive;
- (e) by omitting section five hundred and fifty-two and the sub-heading thereto;
- 15 (f) by omitting from section five hundred and fifty-three the words "section of this";
- 20 (g) by inserting in subsection two of section five hundred and fifty-four after the words "three months" the words "with either hard labour or light labour";
- 25 (h) by inserting at the end of section 556A the following new subsection:—
 (3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951.

Sec. 502.
 (Possession of skin, etc., of stolen cattle.)

Sec. 526A.
 (Unlawfully using vehicle or boat.)

Sec. 532 to 538.
 (Injuries to trees, &c.)

Sec. 552.
 (Discharge of juvenile first offenders.)

Sec. 553.
 (Sentence may be for less term, or fine for less amount than that fixed.)

Sec. 554.
 (Recognizance for good behaviour.)

Sec. 556A.
 (Power to permit conditional release of offenders.)

(i)

Crimes (Amendment).

(i) (i) by inserting next after section 556A the following new section:—

5 556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance.

20 (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B";

25 (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance";

30 (ii) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".

5. The Principal Act is further amended—

35 (a) by omitting section two hundred and ninety-nine;

(b) by omitting Part VI;

(c) by omitting from section one the matter relating to Part VI.

Further amendment of Act No. 40, 1900.

Sec. 299. (Forging trade mark.)

Part VI. (Coinage offences.)

Sec. 1. (Consequential.)

6.

Crimes (Amendment).

6. The Principal Act is further amended—

5 (a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";

Further amendment of Act No. 40, 1900. Sec. 185. (Inducing persons by fraud to execute instruments.)

(b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—

Sec. 349.

10 349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.

Punishment of accessories after the fact to murder, etc.

15 (2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.

(c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction";

Sec. 441. (Judgment after sentence deferred.)

20 (d) (i) by inserting next after section 545c the following short-heading and new section:—

New sec. 545d.

(D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

25 545D. Whosoever being charged before two Justices with—

Unlawful making or possession of explosives.

- (a) having made; or
- (b) knowingly having in his possession or under his control,

30 any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such
35 Justices that he made the explosive substance, or had such substance in his possession

Crimes (Amendment).

possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

- 5 (ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1. (Consequential.)

(D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

7. The Criminal Appeal Act of 1912, as amended by Amendment of Act No. 16, 1912.
10 subsequent Acts, is amended— Sec. 5A.

- (a) by inserting at the end of section 5A the following new subsection:—

15 (2) (a) The judge or chairman of quarter sessions presiding at a criminal trial shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial. Reserving question of law.

20 (b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement as the Court of Criminal Appeal may require.

(c) The Court of Criminal Appeal shall have power to determine the question reserved.

30 (d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

35 (e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose

Crimes (Amendment).

propose to be represented upon such determination, the Attorney-General shall instruct counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

5 (f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

10 (g) The hearing and determination of any question under this section shall be held in camera:

15 Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

20 (h) No report of any request made pursuant to paragraph (a) of this subsection shall be published. No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in
25 contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

(b) by omitting from section 5B the words "and such submission shall be dealt with as if it were an appeal under this Act."

Sec. 5B.
(Cases stated from Court of Quarter Sessions.)

30 **S. (1)** The Justices Act, 1902, as amended by subsequent Acts, is amended—

Amendment of Act No. 27, 1902.

(a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words
35 ", or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";
40 (b)

Sec. 122.
(Appeal to Quarter Sessions.)

Crimes (Amendment).

(b) by inserting next after section one hundred and thirty-one the following new section:—

New sec.
131A.

5 131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the Supreme Court for determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

Cases stated
from
Court of
Quarter
Sessions.

10 (2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

15 (2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

Amendment
of Act No.
15, 1905.

20 (a) by omitting from the Schedule the words and figures—

Schedule.

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

25 (b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

30 Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

35 Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

Further
amendment of
Act No. 40,
1900.

Crimes (Amendment).

SCHEDULE.

Sec. 10.

Enactment of Act No. 40, 1900.	Amendment.
5 Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
Section thirty-four	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three";
10	(b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine";
15	(b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
Section sixty ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
20	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
25	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
Section 78B ..	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
30	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
35	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
Section ninety-three	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
40 Section ninety-six	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."
Section one hundred and one.	
45	

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
10 Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
15 Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
20 Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
25 Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
30 Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
35 Section one hundred and thirty-seven.	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
Section 154A ..	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
40 Section 154B ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
10 Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
15 Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
20 Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
25 Section one hundred and eighty.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
30 Section one hundred and eighty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
35 Section one hundred and ninety-one.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
40 Section one hundred and ninety-five.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
Section two hundred	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
40	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
10 Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
15 Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
20 Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
25 Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
30 Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
35 Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
40 Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1930.	Amendment.
5 Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
10 Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
15 Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
20 Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
25 Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
30 Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
35 Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
40 Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section three hundred and fifty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
10 Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
15 Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
20 Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
30 Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
35 Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
40 Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
10 Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
15 Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
20 Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
25 Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
30 Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
35 Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
40 Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
45 Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1909.	Amendment.
5 Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
10	
Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
15	
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
20	
Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
25	
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
30	
Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
35	
Section five hundred and sixty-two.	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

No. , 1951.

A BILL

To amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. C. E. MARTIN;—25 *September*, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of
5 the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1951." Short title.

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

61209 148—A'

2.

*Crimes (Amendment).***2.** The Principal Act is amended—

- (a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";
- 5 (b) (i) by inserting next after section sixteen the following new section:—
- 16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.
- 10
- 15 (ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";
- (c) by omitting section seventeen;
- 20 (d) by inserting next after section twenty-two the following new section:—
- 22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.
- 25
- 30
- 35

Amendment of Act No. 40, 1900.

Sec. 4.
(Definition of "trustee.")
cf. 6 and 7
Geo. V. c. 50,
s. 46.New sec.
16A.

Procedure in cases of treason.

Sec. 1.
(Consequential.)Sec. 17.
(Petit treason.)

New s. 22A.

Infanticide.
cf. 1 and 2
Geo. VI,
c. 36, s. 1.

Crimes (Amendment).

5 (2) Where upon the trial of a woman for
the murder of her child, being a child under the
age of twelve months, the jury are of opinion
that she by any wilful act or omission caused its
death, but that at the time of the act or omission
the balance of her mind was disturbed by reason
of her not having fully recovered from the effect
of giving birth to such child or by reason of the
effect of lactation consequent upon the birth of
10 the child, then the jury may, notwithstanding
that the circumstances were such that but for
the provisions of this section they might have
returned a verdict of murder, return in lieu
thereof a verdict of infanticide, and the woman
15 may be dealt with and punished as if she had
been guilty of the offence of manslaughter of
the said child.

20 (3) Nothing in this section shall affect
the power of the jury upon an indictment for
the murder of a child to return a verdict of
manslaughter or a verdict of not guilty on the
ground of insanity, or a verdict of concealment
of birth.

25 (e) by inserting next after section fifty-two the
following new section:— New
sec. 52A.

52A. (1) Where the death of any person is Culpable
driving.
occasioned through impact with a motor vehicle
being driven by a person—

30 (a) under the influence of intoxicating
liquor or of a drug; or

(b) at a speed or in a manner which is
dangerous to the public,

35 the person lastmentioned shall be guilty of the
misdemeanour of culpable driving and shall be
liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

- 5
- (a) under the influence of intoxicating liquor or of a drug; or
 - (b) at a speed or in a manner which is dangerous to the public,

10 the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

15 (3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

20 (4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

25 Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

30

35 (5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence. (6)

40

Crimes (Amendment).

(6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.

- 5 (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person"; Sec. 80. (Attempt, etc., to commit buggery.)
- (g) by omitting section 91D and by inserting in lieu thereof the following section:— Sec. 91D.
- 10 91D. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years. Employment in brothel.
- 15 (h) (i) by inserting next after section 93H the following new section:— New Sec. 93I.
- 20 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B. Accused to prove pistol licensed or his exemption. cf. Act No. 10, 1927, s. 4 (3) (d).
- 25 (2) Upon any prosecution under section 93c, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- 30 (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I"; Sec. 1. (Consequential.)
- 35 (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three; Secs. 141, 142, 143. (Stealing trees, etc., third offence.)
- (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer"; Sec. 154A. (Unlawful use of vehicle, etc.)
- (k)

Crimes (Amendment).

- (k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections"; Sec. 155. (Definition of clerk or servant.)
- 5 (l) (i) by inserting next after section 178A the following short heading and new section:— New sec. 178B.
- VALUELESS CHEQUES.
- 10 178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves— Valueless cheques. South Australian Police Act, 1936, s. 90.
- (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and
- (b) that he had no intent to defraud,
- 15 be liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.
- 20 (ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:— Sec. 1. (Consequential.)
- (f2) VALUELESS CHEQUES—s. 178B.
- 25 (m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 179. (False pretences.)
- (n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 180. (Causing payment, etc., by false pretence.)
- 30 (o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 182. (Conviction on charge of false pretences, etc.)
- 35 (p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 183. (Trial for false pretences, etc.)
- (q)

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196. (Setting fire to dwelling knowing person therein.)
- 5 (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197. (Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198. (Setting fire to certain other buildings.)
- 10 (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201. (Setting fire to things in or adjacent to buildings.)
- 15 (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202. (Attempting to set fire to buildings.)
- (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203. (Destroying or damaging a house with gunpowder.)
- 20 (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft";
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204. (Attempting to destroy building with gunpowder.)
- 25 (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty-eight; Sec. 33s. (False declaration in fraud of revenue.)
- (y)

Crimes (Amendment).

5 (y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";

Sec. 340.
(Directing prosecution for perjury.)
cf. 1 and 2
Geo. V, c. 6,
s. 9.

15 (z) by inserting at the end of subsection three of section 353A the words "and palm-prints";

Sec. 353A.
(Power to search person etc.)

15 (aa) by inserting next after section three hundred and sixty the following new section:—

New sec.
360A.

20 360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

Indictment of corporations.

25 (2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:

Provided that—

35 (a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or, if

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

5 (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the
10 corporation does not so appear it shall not be necessary to put the question.

(3) Where a bill is found against a corporation the corporation may on arraignment
15 enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

20 (4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to
25 the effect that the person named has been appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

(5) Any summons or other document
30 may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(6) Where the penalty in respect of any
35 offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding—

40 (a) where the term of imprisonment does not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

- (b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;
- 5 (c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;
- (d) where the term of imprisonment exceeds two years—one thousand pounds.

10 In this subsection “imprisonment” includes penal servitude.

- (bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.

Secs. 376, 377, 397, 398.
(Indictment for murder or manslaughter. Averment of value of instrument not necessary. Pleas of attainer and dilatory pleas.)
Further amendment of Act No. 40, 1900.

3. The Principal Act is further amended—

- (a) by omitting section four hundred and one;
- (b) by inserting at the end of section four hundred and five the following new subsection:—
 - 20 (2) Where the accused intends to call witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.
- (c) by inserting at the end of section four hundred and eighteen the following new subsection:—
 - 25 (3) The evidence of the child tendered as a witness though not given on oath but otherwise taken and reduced into writing in accordance with the provisions of section thirty-six of the Justices Act, 1902-1951, shall be deemed to be a deposition.
 - 30 (d) by omitting section four hundred and twenty-nine;

Sec. 401.
(Jury not to inquire of lands, &c.)
Sec. 405.
Accused may open case before calling witnesses.
Sec. 418.
(Unsworn statement by child.)
Sec. 429.
(Release of juvenile offenders.)

(e)

Crimes (Amendment).

- (e) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
irons.)
- 5 (f) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- 10 (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- 15 (g) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds". Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)

4. The Principal Act is further amended—

Further
amendment of
Act No. 40,
1900.

- 20 (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Sec. 501.
(Offences
punishable
summarily
without
consent
of accused.)
- (ii) by omitting from the same subsection the words "or police";
- 25 (iii) by inserting at the end of the same section the following new subsection:—

(3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.

(b).

Crimes (Amendment).

- 5 (b) by omitting from section five hundred and two the words "may be summoned to appear before" and by inserting in lieu thereof the words "may be brought before or may be summoned to appear before"; Sec. 502. (Possession of skin, etc., of stolen cattle.)
- 10 (c) by inserting at the end of section 526A the following new subsection:—
 (2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate. Sec. 526A. (Unlawfully using vehicle or boat.)
- (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive; Sec. 532 to 538. (Injuries to trees, &c.)
- 15 (e) by omitting section five hundred and fifty-two and the sub-heading thereto; Sec. 552. (Discharge of juvenile first offenders.)
- (f) by omitting from section five hundred and fifty-three the words "section of this"; Sec. 553. (Sentence may be for less term, or fine for less amount than that fixed.)
- 20 (g) by inserting in subsection two of section five hundred and fifty-four after the words "three months" the words "with either hard labour or light labour"; Sec. 554. (Recognizance for good behaviour.)
- 25 (h) by inserting at the end of section 556A the following new subsection:—
 (3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951. Sec. 556A. (Power to permit conditional release of offenders.)
- 30
- (i)

Crimes (Amendment).

(i) (i) by inserting next after section 556A the following new section:—

5 556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance.

10

15

Proceedings on breach of condition of recognizance.

20 (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B";

Sec. 1. (Consequential.)

25 (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance";

Sec. 561. (Forfeiture of recognizance, etc.)

30 (ii) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".

5. The Principal Act is further amended—

35 (a) by omitting section two hundred and ninety-nine;

Further amendment of Act No. 40, 1900.

Sec. 299. (Forging trade mark.)

(b) by omitting Part VI;

Part VI. (Coinage offences.)

(c) by omitting from section one the matter relating to Part VI.

Sec. 1. (Consequential.)

6.

*Crimes (Amendment).***6.** The Principal Act is further amended—

- 5 (a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";
- 10 (b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—
349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.
- (2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.
- 15 (c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction";
- 20 (d) (i) by inserting next after section 545c the following short-heading and new section:—
- (D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.
- 545D. Whosoever being charged before two Justices with—
- (a) having made; or
- (b) knowingly having in his possession or under his control,
- any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such Justices that he made the explosive substance, or had such substance in his possession

Further amendment of Act No. 40, 1900.

Sec. 185. (Inducing persons by fraud to execute instruments.)

Sec. 349.

Punishment of accessories after the fact to murder, etc.

Sec. 441. (Judgment after sentence deferred.)

New sec. 545D.

Unlawful making or possession of explosives.

Crimes (Amendment).

possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

- 5 (ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1. (Consequential.)

(D 4) UNLAWFUL MAKING OR POSSESSION OF
EXPLOSIVES.

7. The Criminal Appeal Act of 1912, as amended by Amendment of Act No. 16, 1912.
10 subsequent Acts, is amended— Sec. 5A.

- (a) by inserting at the end of section 5A the following new subsection:—

15 (2) (a) The judge or chairman of quarter sessions presiding at a criminal trial shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial. Reserving question of law.

20 (b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement as the Court of Criminal Appeal may require.

25 (c) The Court of Criminal Appeal shall have power to determine the question reserved.

30 (d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

35 (e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose

Crimes (Amendment).

propose to be represented upon such determination, the Attorney-General shall instruct counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

5 (f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

10 (g) The hearing and determination of any question under this section shall be held in camera:

15 Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

20 (h) No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

25 (b) by omitting from section 5B the words "and such submission shall be dealt with as if it were an appeal under this Act."

Sec. 5B.
(Cases stated from Court of Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

30 (a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words ", or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

Amendment of Act No. 27, 1902.

Sec. 122.
(Appeal to Quarter Sessions.)

(b)

Crimes (Amendment).

(b) by inserting next after section one hundred and thirty-one the following new section:—

New sec.
131A.

5 131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the Supreme Court for determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

Cases stated
from
Court of
Quarter
Sessions.

10 (2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

15 (2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

Amendment
of Act No.
15, 1905.

20 (a) by omitting from the Schedule the words and figures—

Schedule.

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

25 (b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

30 and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

35 Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

Further
amendment of
Act No. 40,
1900.

Crimes (Amendment).

SCHEDULE.

Sec. 10.

Enactment of Act No. 40, 1900.	Amendment.
5 Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
10 Section thirty-four ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three"; (b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
15 Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine"; (b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
20 Section sixty ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
25 Section seventy-five ..	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
Section 78b ..	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
30 Section 78c ..	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
35 Section eighty-eight ..	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
40 Section ninety-three ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
45 Section ninety-six ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
Section one hundred and one.	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
10 Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
15 Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
20 Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
25 Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
30 Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
35 Section one hundred and thirty-seven.	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
Section 154A ..	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
Section 154B ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
10 Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
15 Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
20 Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
25 Section one hundred and seventy-eight.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
30 Section one hundred and eighty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
35 Section one hundred and eighty-seven.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
40 Section one hundred and ninety-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
45 Section one hundred and ninety-five.	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
50 Section two hundred	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
10 Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
15 Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
20 Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
25 Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
30 Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
35 Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
40 Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
45 Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1939.	Amendment.
5 Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
10 Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
15 Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
20 Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
25 Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
25 Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
30 Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
35 Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
40 Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section three hundred and fifty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
10 Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
15 20 Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
25 Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
30 Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
35 Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
40 Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
10 Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
15 Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
20 Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
25 Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
30 Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
35 Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
40 Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
45 Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

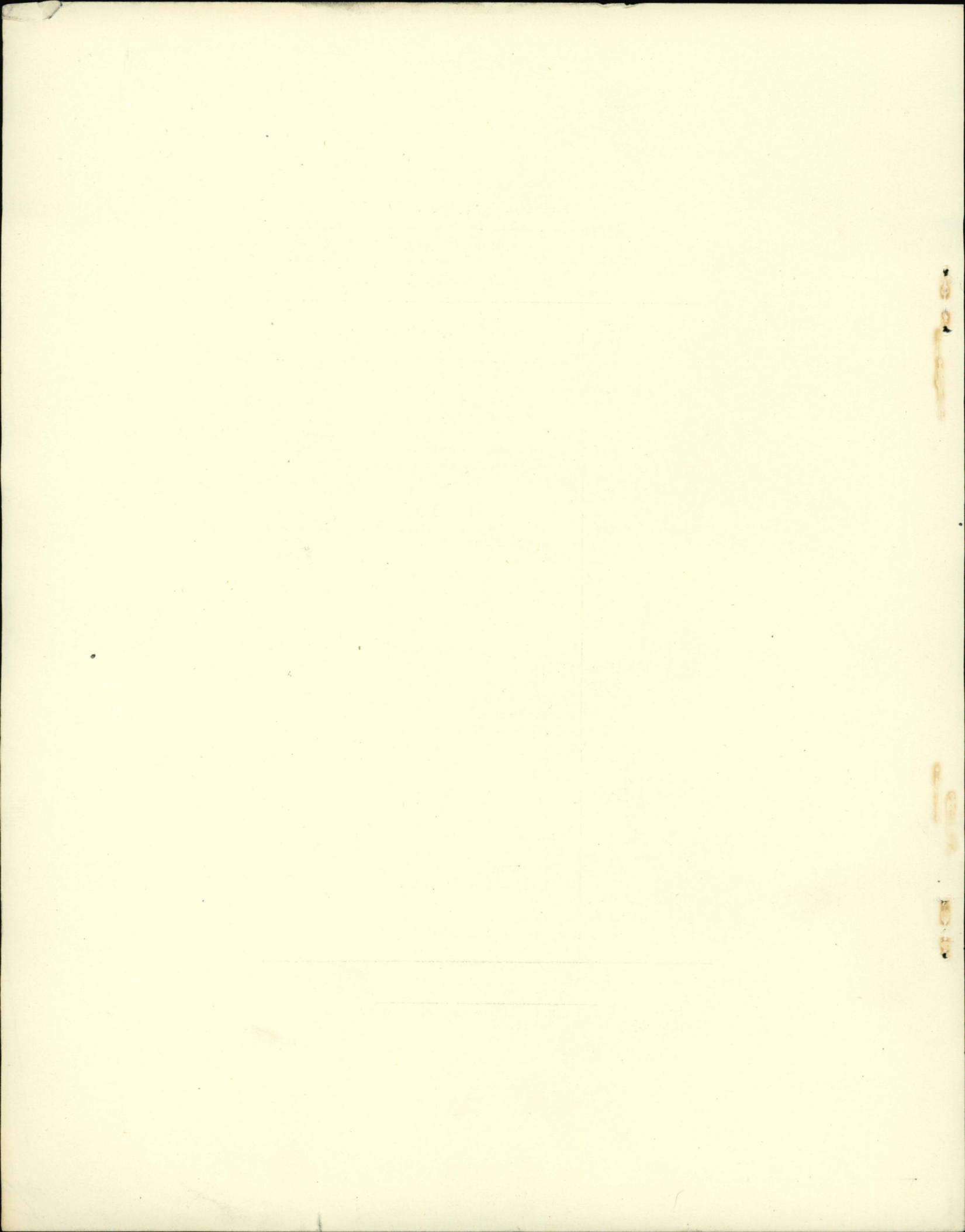
SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
10 Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
15 Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
20 Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
25 Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
30 Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
35 Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-two	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

Sydney: A. H. Pettifer, Government Printer—1951.

[2s. 3d.]



CRIMES (AMENDMENT) BILL, 1951.

EXPLANATORY NOTE.

CLAUSE 2—

- (a) The fraudulent disposal of property by trustees is an offence under section 172. This section should apply to executors and administrators, and they are included in the definition of trustee in section 46 of the English Larceny Act, 1916.
- (b) The object of this amendment is to provide that a person charged with treason is to be tried in the same manner as if he were charged with murder.
- (c) This section is obsolete.
- (d) The object of this amendment is to prevent a woman being convicted of murder in the circumstances stated. It adopts the provisions of the English Infanticide Act, 1938.
- (e) This amendment creates a new offence—the misdemeanour of culpable driving which is committed when a person drives a motor vehicle under the influence of liquor or a drug or at a speed or in a manner dangerous to the public and the death of or grievous bodily harm to a person results from impact with the vehicle.
- (f) As section 81 provides that consent is not a defence to a charge of indecent assault, a similar provision is made in regard to the offence of assault with intent in section 80.
- (g) The effect of this amendment is that section 91D will now apply whether the female concerned is above or under the age of 18.
- (h) This amendment requires a person accused of certain offences involving firearms to prove that his pistol was licensed or that he was an exempted person.
- (i) These sections are not required.
- (j) Section 154A relates to the unlawful use of vehicles and boats. This amendment extends the definition of vehicle to include caravans and trailers.
- (k) The effect of the amendment is to make the definitions of “clerk” and “servant” of general application.
- (l) This amendment creates the offence of obtaining money, etc., by passing valueless cheques.
- (m) (n) (o) (p). These amendments extend the provisions of the Act relating to false pretences to “wilfully false promises”.
- (q)–(w). These amendments extend the provisions of the Act relating to injuries to buildings, etc., by fire or explosive substances to injuries to “vehicles or aircraft”.
- (x) This offence is provided for in Commonwealth legislation; Customs Act 1901–1950, s. 234.
- (y) This is a verbal amendment copied from section 9 of the English Perjury Act, 1911, which, it is considered, is an improvement in the language of the section.
- (z) This amendment authorises the taking of palm-prints as well as finger-prints.
- (aa) This amendment provides a procedure for the trial of corporations charged with offences punishable upon indictment.
- (bb) These sections are not required.

CLAUSE 3—

- (a) This section is obsolete.
- (b) This follows the English practice by allowing the accused to open his case before calling his witnesses.
- (c) The effect of this amendment is that where the evidence of a child of tender years, though not given on oath, is tendered at the lower Court the evidence is to be deemed to be a deposition, and may be read as evidence for the prosecution or the defence at the trial under section 409, if the child is dead or too ill to give evidence at the trial: see Children and Young Persons Act, 23 Geo. 5, c. 12, s. 38, where there is a similar provision.
- (d) This section is not required as the case is dealt with under the Child Welfare Act, 1939.
- (e) Sentences in irons are not now imposed.
- (f) The object of the amendment is to make it clear that a further inquiry may be granted in every case where there has been a conviction. If a person were convicted, and released as a first offender, or bound over to come up for sentence, it might be contended that he was not a "prisoner", as he was not serving a sentence, and therefore could not be granted a further inquiry.
- (g) This amendment enlarges the jurisdiction of magistrates to deal summarily with indictable offences, when the accused consents.

CLAUSE 4—

- (a) This amendment removes a doubt as to whether the section is affected by the limitation imposed by section 56 of the Justices Act, 1902, which requires certain proceedings to be brought within six months of the commission of the offence: see *Ex parte Cusack*, (1935) 52 W.N. 214. The words omitted in (i) are inserted in section 526A: see paragraph (c).
- (b) This amendment enables a person found in possession of the skin or carcass of stolen cattle or of cattle reasonably suspected to have been stolen to be brought before a magistrate and dealt with summarily. At present he must be summoned to appear.
- (c) This amendment inserts the words omitted by paragraph (a) (i).
- (d) In view of section 541 these sections are unnecessary.
- (e) In view of the Child Welfare Act, 1939, s. 83, this section is not required.
- (f) This amendment states that the provision for reduction of sentence or fine is of general application.
- (g) This is a verbal amendment which, it is considered, is an improvement upon the existing provision.
- (h) This amendment provides a right of appeal to a court of quarter sessions where the charge against a person is dismissed under section 556A (1) or the person charged is conditionally discharged under section 556A (1).
- (i) This amendment provides for the case of breaches of recognizances to be of good behaviour. In case of a breach the offender may be arrested and sentenced as if he had not been released on recognizances.
- (j) (i) This amendment allows a discharged offender to be dealt with according to the section even though the period specified in the recognizance has expired.
(ii) It is considered that the words proposed to be omitted are inconsistent with the earlier words in the paragraph and cause difficulties in certain cases.

CLAUSE 5—

- (a) Section 299 is superseded by ss. 86, 87 of the Commonwealth Trade Marks Act 1905–1948.
- (b) Part VI deals with coinage offences and is superseded by the Commonwealth Crimes Act 1914–1946, s. 52, *et seq.*

CLAUSE 6—

- (a) This amendment inserts in the section words which were accidentally omitted when the corresponding English section was first adopted in New South Wales.
- (b) This amendment ensures that an accessory after the fact to robbery with arms, etc., shall not be liable to greater punishment than the principal offender—see section 97.
- (c) This amendment enables not only the court before which a person was convicted but also any other court of like jurisdiction to pronounce judgment against him where the sentence had been deferred.
- (d) The making or having in possession of explosive substances in circumstances which give rise to reasonable suspicion that they were not made or possessed for a lawful purpose is made a summary offence.

CLAUSE 7—

- (a) At criminal trials decisions of general importance are sometimes given in cases where the jury acquit. Under the existing law there is no method of questioning the accuracy of these decisions, which may govern other cases. It is proposed to allow a right of appeal by case stated. No decision upon the case stated will affect the verdict. Section 50 of the Act allows an appeal against the quashing of an indictment.
- (b) This amendment enables the judge or chairman of quarter sessions to submit a question of law arising on an appeal to the Court of Criminal Appeal for determination even though it has not finally disposed of the appeal before it.

CLAUSE 8—

- (a) This amendment extends the time within which an appeal lies to quarter sessions where an order nisi for statutory prohibition has been obtained against the summary conviction or order concerned.
- (b) This amendment enables a chairman of quarter sessions to submit a question of law arising on an appeal not being a question of criminal law to the Supreme Court for determination.

CLAUSE 9—

This is a consequential amendment.

CLAUSE 10—

These are drafting amendments which do not alter the law.

1847

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No. , 1951.

A BILL

To amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith.

[MR. C. E. MARTIN;—25 September, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1951." Short title.

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

*Crimes (Amendment).***2. The Principal Act is amended—**

- (a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";
- 5 (b) (i) by inserting next after section sixteen the following new section:—
- 16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.
- 10
- 15 (ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";
- (c) by omitting section seventeen;
- 20 (d) by inserting next after section twenty-two the following new section:—
- 22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.
- 25
- 30
- 35

Amendment of Act No. 40, 1900.

Sec. 4.
(Definition of "trustee.")
cf. 6 and 7
Geo. V. c. 50.
s. 46.New sec.
16A.

Procedure in cases of treason.

Sec. 1.
(Consequential.)Sec. 17.
(Petit treason.)

New s. 22A.

Infanticide.
cf. 1 and 2
Geo. VI;
c. 36, s. 1.

Crimes (Amendment).

5 (2) Where upon the trial of a woman for
the murder of her child, being a child under the
age of twelve months, the jury are of opinion
that she by any wilful act or omission caused its
death, but that at the time of the act or omission
the balance of her mind was disturbed by reason
of her not having fully recovered from the effect
of giving birth to such child or by reason of the
effect of lactation consequent upon the birth of
10 the child, then the jury may, notwithstanding
that the circumstances were such that but for
the provisions of this section they might have
returned a verdict of murder, return in lieu
thereof a verdict of infanticide, and the woman
15 may be dealt with and punished as if she had
been guilty of the offence of manslaughter of
the said child.

20 (3) Nothing in this section shall affect
the power of the jury upon an indictment for
the murder of a child to return a verdict of
manslaughter or a verdict of not guilty on the
ground of insanity, or a verdict of concealment
of birth.

25 (e) by inserting next after section fifty-two the
following new section:— New
sec. 52A.

52A. (1) Where the death of any person is Culpable
driving.
occasioned through impact with a motor vehicle
being driven by a person—

30 (a) under the influence of intoxicating
liquor or of a drug; or

(b) at a speed or in a manner which is
dangerous to the public,

35 the person lastmentioned shall be guilty of the
misdemeanour of culpable driving and shall be
liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

5 (a) under the influence of intoxicating liquor or of a drug; or

(b) at a speed or in a manner which is dangerous to the public,

10 the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

15 (3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

20 (4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

25 Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

35 (5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence. (6)

40

Crimes (Amendment).

(6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.

- 5 (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person"; Sec. 80. (Attempt, etc., to commit buggery.)
- (g) by omitting section 91D and by inserting in lieu thereof the following section:— Sec. 91D.
- 10 91D. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years. Employment in brothel.
- 15 (h) (i) by inserting next after section 93H the following new section:— New Sec. 93I.
- 20 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B. Accused to prove pistol licensed or his exemption. cf. Act No. 10, 1927, s. 4 (3) (d).
- 25 (2) Upon any prosecution under section 93C, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- 30 (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I"; Sec. 1. (Consequential.)
- 35 (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three; Secs. 141, 142, 143. (Stealing trees, etc., third offence.)
- (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer"; Sec. 154A. (Unlawful use of vehicle, etc.)
- (k)

Crimes (Amendment).

- (k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections"; Sec. 155. (Definition of clerk or servant.)
- 5 (l) (i) by inserting next after section 178A the following short heading and new section:— New sec. 178B.
- VALUELESS CHEQUES.
- 10 178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves— Valueless cheques. South Australian Police Act, 1936, s. 90.
- (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and
- (b) that he had no intent to defraud,
- 15 he liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.
- 20 (ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:— Sec. 1. (Consequential.)
- (f2) VALUELESS CHEQUES—s. 178B.
- 25 (m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 179. (False pretences.)
- (n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 180. (Causing payment, etc., by false pretence.)
- 30 (o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 182. (Conviction on charge of false pretences, etc.)
- 35 (p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise"; Sec. 183. (Trial for false pretences, etc.)
- (q)

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196. (Setting fire to dwelling knowing person therein.)
- 5 (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197. (Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198. (Setting fire to certain other buildings.)
- 10 (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201. (Setting fire to things in or adjacent to buildings.)
- 15 (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202. (Attempting to set fire to buildings.)
- (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203. (Destroying or damaging a house with gunpowder.)
- 20 (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft";
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204. (Attempting to destroy building with gunpowder.)
- 25 (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty-eight; Sec. 338. (False declaration in fraud of revenue.)
- (y)

Crimes (Amendment).

5 (y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";

Sec. 340.
(Directing prosecution for perjury.)
cf. 1 and 2 Geo. V, c. 6, s. 9.

(z) by inserting at the end of subsection three of section 353A the words "and palm-prints";

Sec. 353A.
(Power to search person etc.)

15 (aa) by inserting next after section three hundred and sixty the following new section:—

New sec. 360A.

20 360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

Indictment of corporations.

25 (2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:

Provided that—

35 (a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or, if

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

5 (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the
10 corporation does not so appear it shall not be necessary to put the question.

(3) Where a bill is found against a corporation the corporation may on arraignment
15 enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

20 (4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to
25 the effect that the person named has been appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

(5) Any summons or other document
30 may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(6) Where the penalty in respect of any
35 offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding—

40 (a) where the term of imprisonment does not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

- (b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;
- 5 (c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;
- (d) where the term of imprisonment exceeds two years—one thousand pounds.

10 In this subsection "imprisonment" includes penal servitude.

- (bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.

Secs. 376, 377, 397, 398.
 (Indictment for murder or manslaughter. Averment of value of instrument not necessary.
 Pleas of attainder and dilatory pleas.)
 Further amendment of Act No. 40, 1900.

3. The Principal Act is further amended—

- (a) by omitting section four hundred and one;
- (b) by inserting at the end of section four hundred and five the following new subsection:—
 - 20 (2) Where the accused intends to call witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.
- (c) by inserting at the end of section four hundred and eighteen the following new subsection:—
 - 25 (3) The evidence of the child tendered as a witness though not given on oath but otherwise taken and reduced into writing in accordance with the provisions of section thirty-six of the Justices Act, 1902-1951, shall be deemed to be a deposition.
 - 30

Sec. 401.
 (Jury not to inquire of lands, &c.)
 Sec. 405.
 Accused may open case before calling witnesses.
 Sec. 418.
 (Unsworn statement by child.)

- (d) by omitting section four hundred and twenty-nine;

Sec. 420.
 (Release of juvenile offenders.)

(e)

Crimes (Amendment).

- (e) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
irons.)
- 5 (f) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- 10 (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- 15 (g) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds"; Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)

4. The Principal Act is further amended—

- 20 (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Further
amendment of
Act No. 40,
1900.

Sec. 501.
(Offences
punishable
summarily
without
consent
of accused.)
- (ii) by omitting from the same subsection the words "or police";
- 25 (iii) by inserting at the end of the same section the following new subsection:—

(3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.

(b)

Crimes (Amendment).

- 5 (b) by omitting from section five hundred and two the words "may be summoned to appear before" and by inserting in lieu thereof the words "may be brought before or may be summoned to appear before";
- (c) by inserting at the end of section 526A the following new subsection:—
 (2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate.
- 10 (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive;
- (e) by omitting section five hundred and fifty-two and the sub-heading thereto;
- 15 (f) by omitting from section five hundred and fifty-three the words "section of this";
- (g) by inserting in subsection two of section five hundred and fifty-four after the words "three months" the words "with either hard labour or light labour";
- 20 (h) by inserting at the end of section 556A the following new subsection:—
 (3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951.
- 25
30

(i)

Crimes (Amendment).

(i) (i) by inserting next after section 556A the following new section:—

5 556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance.

10 (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B";

15 (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance";

20 (ii) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".

25 **5.** The Principal Act is further amended—

30 (a) by omitting section two hundred and ninety-nine;

(b) by omitting Part VI;

(c) by omitting from section one the matter relating to Part VI.

Further amendment of Act No. 40, 1900.

Sec. 299. (Forging trade mark.)

Part VI. (Coinage offences.)

Sec. 1. (Consequential.)

6.

*Crimes (Amendment).***6.** The Principal Act is further amended—

- 5 (a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";
- 10 (b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—
349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.
- 15 (2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.
- 20 (c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction";
- (d) (i) by inserting next after section 545C the following short-heading and new section:—
- (D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.
- 25 545D. Whosoever being charged before two Justices with—
- (a) having made; or
- (b) knowingly having in his possession or under his control,
- 30 any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such
- 35 Justices that he made the explosive substance, or had such substance in his possession

Further amendment of Act No. 40, 1900.

Sec. 185. (Inducing persons by fraud to execute instruments.)

Sec. 349.

Punishment of accessories after the fact to murder, etc.

Sec. 441. (Judgment after sentence deferred.)

New sec. 545D.

Unlawful making or possession of explosives.

Crimes (Amendment).

possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

5 (ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1. (Consequential.)

(D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

7. The Criminal Appeal Act of 1912, as amended by Amendment of Act No. 16, 1912.
10 subsequent Acts, is amended— Sec. 5A.

(a) by inserting at the end of section 5A the following new subsection:—

15 (2) (a) The judge or chairman of quarter sessions presiding at a criminal trial shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial. Reserving question of law.

20 (b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement as the Court of Criminal Appeal may require.

(c) The Court of Criminal Appeal shall have power to determine the question reserved.

30 (d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

35 (e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose

Crimes (Amendment).

propose to be represented upon such determination, the Attorney-General shall instruct counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

5 (f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

10 (g) The hearing and determination of any question under this section shall be held in camera:

15 Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

20 (h) No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

25 (b) by omitting from section 5B the words "and such submission shall be dealt with as if it were an appeal under this Act."

Sec. 5B.
(Cases stated from Court of Quarter Sessions.)

S. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

Amendment of Act No. 27, 1902.

30 (a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words
35 " , or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

Sec. 122.
(Appeal to Quarter Sessions.)

(b)

Crimes (Amendment).

(b) by inserting next after section one hundred and thirty-one the following new section:—

New sec.
131A.

5 131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the Supreme Court for determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

Cases stated
from
Court of
Quarter
Sessions.

10 (2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

15 (2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

Amendment
of Act No.
15, 1905.

20 (a) by omitting from the Schedule the words and figures—

Schedule.

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

25 (b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

30 Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

35 Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

Further
amendment of
Act No. 40,
1900.
(Revision.)

Crimes (Amendment).

SCHEDULE.

Sec. 10.

Enactment of Act No. 40, 1900.	Amendment.
5 Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
10 Section thirty-four ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three"; (b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
15 Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine"; (b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
20 Section sixty ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
25 Section seventy-five ..	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
30 Section 78B ..	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
35 Section 78C ..	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
40 Section eighty-eight ..	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
45 Section ninety-three ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
Section ninety-six ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
Section one hundred and one.	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
10 Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
15 Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
20 Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
25 Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
30 Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
35 Section one hundred and thirty-seven.	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
Section 154A ..	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
Section 154B ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

Crimes (Amendment).

SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
10 Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
15 Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
20 Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
25 Section one hundred and seventy-eight.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
30 Section one hundred and eighty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
35 Section one hundred and eighty-seven.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
40 Section one hundred and ninety-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
Section one hundred and ninety-five.	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
Section two hundred	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
10 Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
15 Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
20 Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
25 Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
30 Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
35 Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
40 Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
45 Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
10 Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
15 Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
20 Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
25 Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
30 Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
35 Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
40 Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section three hundred and fifty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
10 Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
15 Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
20 Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
25 Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
30 Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
35 Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
40 Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
10 Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
15 Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
20 Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
25 Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
30 Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
35 Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
40 Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
45 Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
5 Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
10	
Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
15	
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
20	
Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
25	
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
30 Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
35	
Section five hundred and sixty-two	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. 31, 1951.

An Act to amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th November, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1951." Short title.

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

Crimes (Amendment).

2. The Principal Act is amended—

Amendment
of Act No.
40, 1900.

Sec. 4.
(Definition of
"trustee.")
cf 5 and 7
Geo. V. c. 50,
s. 46.

New sec.
16A.

Procedure
in cases
of treason.

Sec. 1.
(Consequen-
tial.)

Sec. 17.
(Petit
treason.)

New s. 22A.

Infanticide.
cf. 1 and 2
Geo. VI,
c. 36, s. 1.

(a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";

(b) (i) by inserting next after section sixteen the following new section:—

16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.

(ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";

(c) by omitting section seventeen;

(d) by inserting next after section twenty-two the following new section:—

22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

Crimes (Amendment).

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to such child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide, and the woman may be dealt with and punished as if she had been guilty of the offence of manslaughter of the said child.

(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter or a verdict of not guilty on the ground of insanity, or a verdict of concealment of birth.

- (e) by inserting next after section fifty-two the following new section:— New
sec. 52A.

52A. (1) Where the death of any person is occasioned through impact with a motor vehicle being driven by a person— Culpable
driving.

(a) under the influence of intoxicating liquor or of a drug; or

(b) at a speed or in a manner which is dangerous to the public,

the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

- (a) under the influence of intoxicating liquor or of a drug; or
- (b) at a speed or in a manner which is dangerous to the public,

the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

(3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

(4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

(5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

(6)

Crimes (Amendment).

(6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.

- (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person"; Sec. 80. (Attempt, etc., to commit buggery.)
- (g) by omitting section 91D and by inserting in lieu thereof the following section:— Sec. 91D.
- 91D. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years. Employment in brothel.
- (h) (i) by inserting next after section 93H the following new section:— New Sec. 93I.
- 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B. Accused to prove pistol licensed or his exemption. cf. Act No. 10, 1927, s. 4 (3) (d).
- (2) Upon any prosecution under section 93C, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I"; Sec. 1. (Consequential.)
- (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three; Secs. 141, 142, 143. (Stealing trees, etc., third offence.)
- (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer"; Sec. 154A. (Unlawful use of vehicle, etc.).
- (k)

Crimes (Amendment).

Sec. 155.
(Definition of
clerk or
servant.)

(k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections";

New sec.
178B.

(l) (i) by inserting next after section 178A the following short heading and new section:—

VALUELESS CHEQUES.

Valueless
cheques.
South
Australian
Police Act;
1936; s. 90.

178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves—

(a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and

(b) that he had no intent to defraud, be liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.

Sec. 11
(Conse-
quential.)

(ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:—

(f2) VALUELESS CHEQUES—S. 178B.

Sec. 179.
(False
pretences.)

(m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise";

Sec. 180.
(Causing
payment,
etc., by
false
pretence.)

(n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise";

Sec. 182.
(Conviction
on charge of
false
pretences,
etc.)

(o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise";

Sec. 183.
(Trial for
false
pretences,
etc.)

(p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise";

(q)

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196.
(Setting fire to dwelling knowing person therein.)
- (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197.
(Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198.
(Setting fire to certain other buildings.)
- (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201.
(Setting fire to things in or adjacent to buildings.)
- (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202.
(Attempting to set fire to buildings.)
- (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203.
(Destroying or damaging a house with gunpowder.)
- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft";
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204.
(Attempting to destroy building with gunpowder.)
- (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty-eight; Sec. 335.
(False declaration in fraud of revenue.)
- (y)

Crimes (Amendment).

Sec. 340.
(Directing
prosecution
for per-
jury.)
cf. 1 and 2
Geo. V, c. 6,
s. 9.

(y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";

Sec. 353A.
(Power to
search person
etc.)

(z) by inserting at the end of subsection three of section 353A the words "and palm-prints";

New sec.
360A.

(aa) by inserting next after section three hundred and sixty the following new section:—

Indictment
of
corpora-
tions.

360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

(2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:

Provided that—

(a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or,
if

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

- (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the question.

(3) Where a bill is found against a corporation the corporation may on arraignment enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

(4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to the effect that the person named has been appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

(5) Any summons or other document may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(6) Where the penalty in respect of any offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding—

- (a) where the term of imprisonment does not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

- (b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;
- (c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;
- (d) where the term of imprisonment exceeds two years—one thousand pounds.

In this subsection “imprisonment” includes penal servitude.

Secs. 376, 377,
397, 398.

(Indictment
for murder or
manslaughter.

Averment of
value of
instrument not
necessary.

Pleas of
attainder and
dilatatory
pleas.)

- (bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.

Further
amendment
of Act No.
40, 1900.

Sec. 401.
(Jury not to
inquire of
lands, &c.)

Sec. 405.

3. The Principal Act is further amended—

- (a) by omitting section four hundred and one;
- (b) by inserting at the end of section four hundred and five the following new subsection:—

Accused
may open
case before
calling
witnesses.

(2) Where the accused intends to give evidence or to call any witness or witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.

Sec. 429.
(Release of
juvenile
offenders.)

- (c) by omitting section four hundred and twenty-nine;

(d)

Crimes (Amendment).

- (d) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
irons.)
- (e) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- (f) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds". Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)

4. The Principal Act is further amended—

- (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Further
amendment of
Act No. 40,
1900.
- (ii) by omitting from the same subsection the words "or police";
- (iii) by inserting at the end of the same section the following new subsection:—

(3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.

(b)

Crimes (Amendment).

- Sec. 502.
(Possession of skin, etc., of stolen cattle.)
- (b) by omitting from section five hundred and two the words “may be summoned to appear before” and by inserting in lieu thereof the words “may be brought before or may be summoned to appear before”;
- Sec. 526A.
(Unlawfully using vehicle or boat.)
- (c) by inserting at the end of section 526A the following new subsection:—
- (2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate.
- Sec. 532 to 538.
(Injuries to trees, &c.)
- (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive;
- Sec. 552.
(Discharge of juvenile first offenders.)
- (e) by omitting section five hundred and fifty-two and the sub-heading thereto;
- Sec. 553.
(Sentence may be for less term, or fine for less amount than that fixed.)
- (f) by omitting from section five hundred and fifty-three the words “section of this”;
- Sec. 554.
(Recognition for good behaviour.)
- (g) by inserting in subsection two of section five hundred and fifty-four after the words “three months” the words “with either hard labour or light labour”;
- Sec. 556A.
(Power to permit conditional release of offenders.)
- (h) by inserting at the end of section 556A the following new subsection:—
- (3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951.

Crimes (Amendment).

- (i) (i) by inserting next after section 556A the following new section:— New s. 556B.

556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance. Proceedings on breach of condition of recognizance.

- (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B"; Sec. 1. (Consequential.)

- (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance"; Sec. 561. (Forfeiture of recognizance, etc.)

- (ii) by inserting in paragraph (b) of the same subsection after the words "dishonest means" the words "during the period specified in the recognizance";

- (iii) by omitting from the same paragraph the words "is getting his livelihood by dishonest means" and by inserting in lieu thereof the words "got his livelihood by dishonest means during such period";

- (iv) by inserting in paragraph (c) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";

(v)

Crimes (Amendment).

(v) by inserting in paragraph (d) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";

(vi) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".

Sec. 562.
(Otherwise to be discharged and conviction not to be deemed a previous conviction.)

(k) by omitting from section five hundred and sixty-two the words "during the period specified in the recognizance".

Further amendment of Act No. 40, 1900.

5. The Principal Act is further amended—

Sec. 299.
(Forging trade mark.)

(a) by omitting section two hundred and ninety-nine;

Part VI.
(Coinage offences.)

(b) by omitting Part VI;

Sec. 1.
(Consequential.)

(c) by omitting from section one the matter relating to Part VI.

Further amendment of Act No. 40, 1900.

6. The Principal Act is further amended—

Sec. 185.
(Inducing persons by fraud to execute instruments.)

(a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";

Sec. 349.

(b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—

Punishment of accessories after the fact to murder, etc.

349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.

Crimes (Amendment).

(2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.

(c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction"; Sec. 441.
(Judgment after sentence deferred.)

(d) (i) by inserting next after section 545c the following short-heading and new section:— New sec. 545D.

(D 4) UNLAWFUL MAKING OR POSSESSION OF
EXPLOSIVES.

545D. Whosoever being charged before two Justices with— Unlawful making or possession of explosives.

(a) having made; or

(b) knowingly having in his possession or under his control,

any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such Justices that he made the explosive substance, or had such substance in his possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

(ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1.
(Consequential.)

(D 4) UNLAWFUL MAKING OR POSSESSION OF
EXPLOSIVES.

Crimes (Amendment).

Amendment
of Act No.
16, 1912.
Sec. 5A.

7. The Criminal Appeal Act of 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of section 5A the following new subsection:—

(2) (a) The judge or chairman of quarter sessions before whom any person is tried and acquitted shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial.

No such request shall be made without the written consent of the Attorney-General.

(b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement as the Court of Criminal Appeal may require.

(c) The Court of Criminal Appeal shall have power to determine the question reserved.

(d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

(e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose to be represented upon such determination, the Attorney-General shall instruct counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

(f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

(g)

Reserving
question
of law.

Crimes (Amendment).

(g) The hearing and determination of any question under this section shall be held in camera:

Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

(h) No report of any request made pursuant to paragraph (a) of this subsection shall be published. No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

- (b) by omitting from section 5B the words "and such submission shall be dealt with as if it were an appeal under this Act."

Sec. 5B.
(Cases stated from Court of Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

Amendment of Act No. 27, 1902.

- (a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words "or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

Sec. 122.
(Appeal to Quarter Sessions.)

- (b) by inserting next after section one hundred and thirty-one the following new section:—

New sec. 131A.

131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the

Cases stated from Court of Quarter Sessions.

c

Supreme

Crimes (Amendment).

Supreme Court for determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

(2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

Amendment
of Act No.
15, 1905.
Schedule.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

(a) by omitting from the Schedule the words and figures—

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

(b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

Further
amendment of
Act No. 40,
1900.
(Revision.)

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

SCHEDULE.

Crimes (Amendment).

SCHEDULE.

Sec. 1*l*.

Enactment of Act No. 40, 1900.	Amendment.
Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
Section thirty-four	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three"; (b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine"; (b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
Section sixty ..	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
Section seventy-five	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
Section 78B ..	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
Section 78c ..	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
Section eighty-eight	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
Section ninety-three	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
Section ninety-six	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
Section one hundred and one.	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
Section one hundred and thirty-seven.	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
Section 154A ..	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
Section 154B ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
Section one hundred and seventy-eight.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
Section one hundred and eighty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
Section one hundred and eighty-seven.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
Section one hundred and ninety-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
Section one hundred and ninety-five.	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
Section two hundred	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1939.	Amendment.
Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section three hundred and fifty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

SCHEDULE

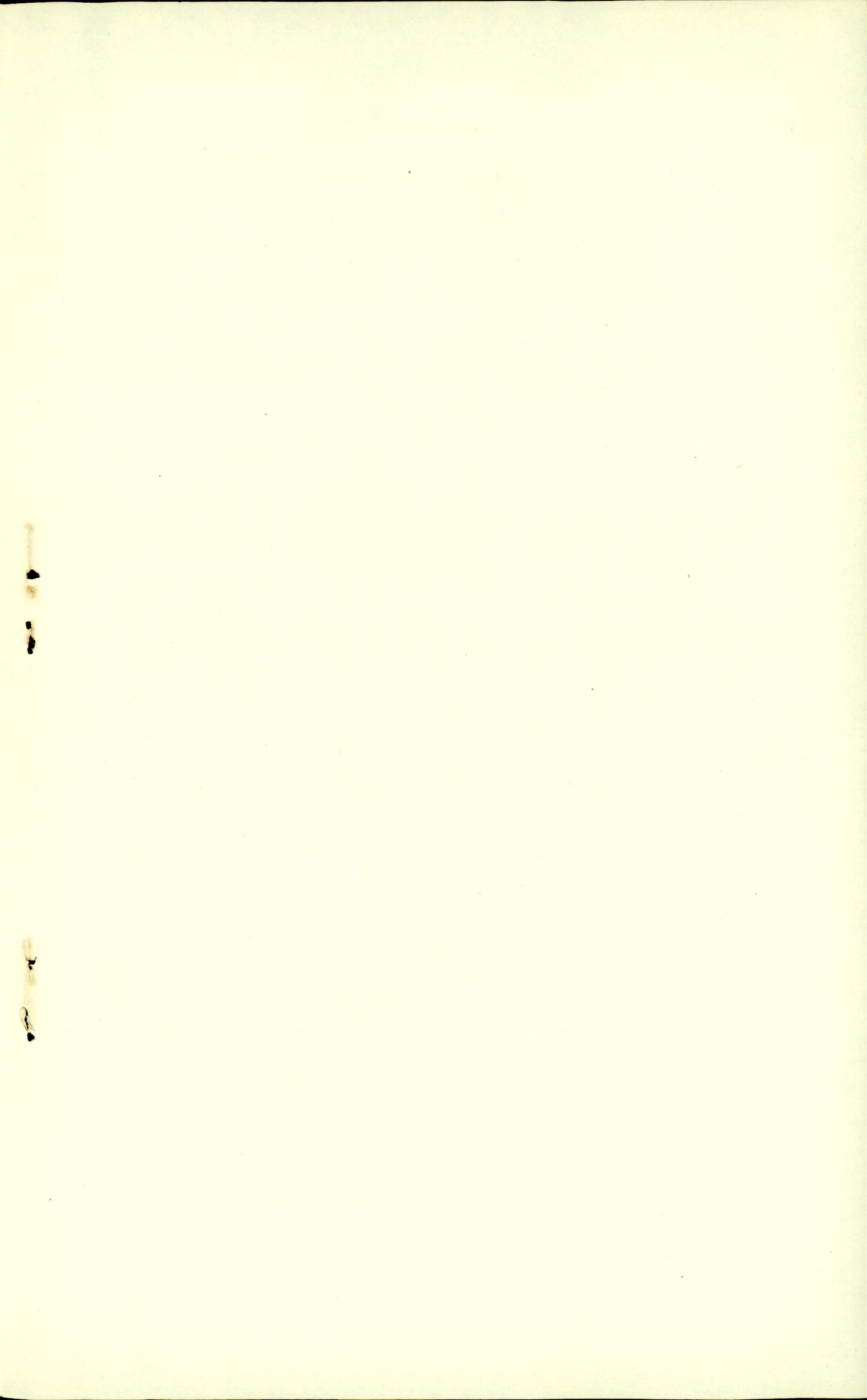
*Crimes (Amendment).*SCHEDULE—*continued.*

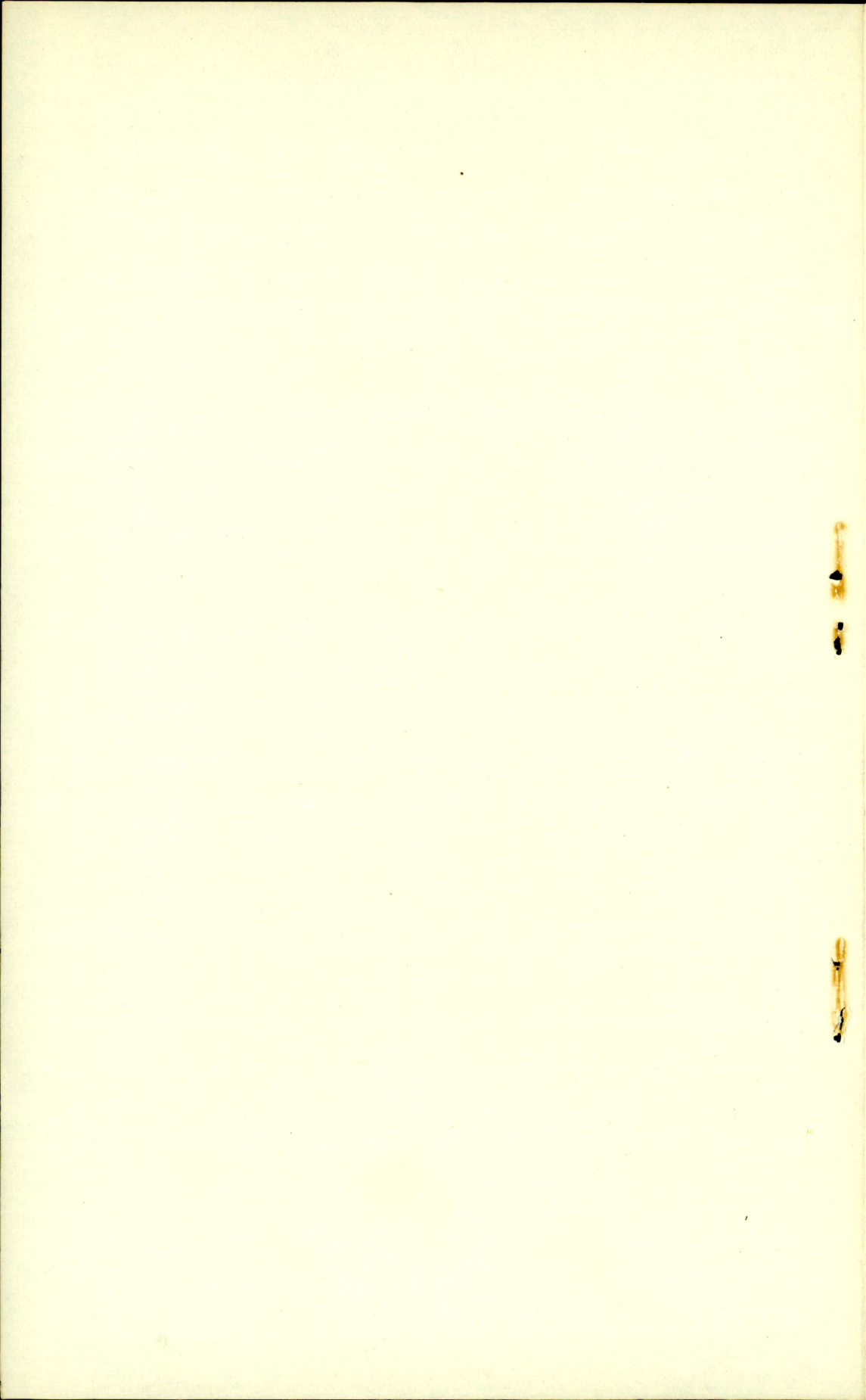
Enactment of Act No. 40, 1900.	Amendment.
Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-two	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

By Authority:

A. H. PETTIFER, Government Printer, Sydney, 1951.

[1s. 4d.]





I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

H. ROBBINS,
Clerk of the Legislative Assembly.

*Legislative Assembly Chamber,
Sydney, 23 October, 1951.*

New South Wales.



ANNO QUINTO DECIMO

GEORGII VI REGIS.

Act No. 31, 1951.

An Act to amend the Crimes Act, 1900, the Criminal Appeal Act of 1912, the Habitual Criminals Act, 1905, the Justices Act, 1902, and certain other Acts in certain respects; and for purposes connected therewith. [Assented to, 6th November, 1951.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the "Crimes (Amendment) Act, 1951." Short title.

(2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

2.

I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.

G. BOOTH,
Chairman of Committees of the Legislative Assembly.

Crimes (Amendment).

2. The Principal Act is amended—

Amendment
of Act No.
40, 1900.

Sec. 4.
(Definition of
"trustee.")
cf. 6 and 7
Geo. V. c. 50,
s. 46.

New sec.
16A.

Procedure
in cases
of treason.

Sec. 1.
(Consequen-
tial.)

Sec. 17.
(Petit
treason.)

New s. 22A.

Infanticide.
cf. 1 and 2
Geo. VI,
c. 36, s. 1.

(a) by inserting in section four at the end of the definition of "Trustee" the words "and also an executor or administrator";

(b) (i) by inserting next after section sixteen the following new section:—

16A. In all cases of treason, whether alleged to have been committed before or after the passing of the Crimes (Amendment) Act, 1951, the person charged shall be arraigned and tried in the same manner, and according to the same course and order of trial in every respect as if such person stood charged with murder.

(ii) by omitting from the matter relating to Part II in section one the figures "16" and by inserting in lieu thereof the figures and letter "16A";

(c) by omitting section seventeen;

(d) by inserting next after section twenty-two the following new section:—

22A. (1) Where a woman by any wilful act or omission causes the death of her child, being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of lactation consequent upon the birth of the child, then, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, she shall be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child.

(2)

Crimes (Amendment).

(2) Where upon the trial of a woman for the murder of her child, being a child under the age of twelve months, the jury are of opinion that she by any wilful act or omission caused its death, but that at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to such child or by reason of the effect of lactation consequent upon the birth of the child, then the jury may, notwithstanding that the circumstances were such that but for the provisions of this section they might have returned a verdict of murder, return in lieu thereof a verdict of infanticide, and the woman may be dealt with and punished as if she had been guilty of the offence of manslaughter of the said child.

(3) Nothing in this section shall affect the power of the jury upon an indictment for the murder of a child to return a verdict of manslaughter or a verdict of not guilty on the ground of insanity, or a verdict of concealment of birth.

(e) by inserting next after section fifty-two the following new section:— New sec. 52A.

52A. (1) Where the death of any person is occasioned through impact with a motor vehicle being driven by a person— Culpable driving.

(a) under the influence of intoxicating liquor or of a drug; or

(b) at a speed or in a manner which is dangerous to the public,

the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for five years.

(2)

Crimes (Amendment).

(2) Where grievous bodily harm to any person is occasioned through impact with a motor vehicle being driven by a person—

- (a) under the influence of intoxicating liquor or of a drug; or
- (b) at a speed or in a manner which is dangerous to the public,

the person lastmentioned shall be guilty of the misdemeanour of culpable driving and shall be liable to imprisonment for three years.

(3) It shall be a defence to any charge under this section that the death or the grievous bodily harm occasioned, as the case may be, was not in any way attributable to the fact that the person charged was under the influence of intoxicating liquor or of a drug or, as the case may be, to the speed at which or the manner in which the vehicle was driven.

(4) This section shall not take away the liability of any person to be prosecuted for or found guilty of murder, manslaughter or any other offence, or affect the punishment which may be imposed therefor:

Provided that no person who has been convicted or acquitted of an offence under this section shall afterwards be prosecuted for murder or manslaughter or for any other offence on the same or substantially the same facts, nor shall any person who has been convicted or acquitted of murder or manslaughter or of any other offence be afterwards prosecuted for an offence under this section on the same or substantially the same facts.

(5) Upon the trial of a person who is indicted for murder or manslaughter or for an offence under section fifty-three or fifty-four of this Act in connection with the driving of a motor vehicle by him, it shall be lawful for the jury, if they are satisfied that he is guilty of an offence under this section, to find him guilty of that offence. (6)

Crimes (Amendment).

(6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended by subsequent Acts, applies.

- (f) by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person"; Sec. 80. (Attempt, etc., to commit buggery.)
- (g) by omitting section 91b and by inserting in lieu thereof the following section:— Sec. 91d.
- 91d. Whosoever employs in or suffers to resort to or to be upon any premises which to his knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years. Employment in brothel.
- (h) (i) by inserting next after section 93H the following new section:— New Sec. 93I.
- 93I. (1) Upon any prosecution under section 93B of this Act, it shall be upon the person accused to prove that the pistol was licensed or that, by reason of the provisions of section 93H of this Act, he is not subject to the provisions of section 93B. Accused to prove pistol licensed or his exemption. cf. Act No. 10, 1927, s. 4 (3) (d).
- (2) Upon any prosecution under section 93c, 93D or 93E of this Act, it shall be upon the person accused to prove that he is a person to whom, by reason of the provisions of section 93H of this Act, the section under which he is charged does not apply.
- (ii) by omitting from the matter relating to Part IIIA in section one the figures and letter "93H" and by inserting in lieu thereof the figures and letter "93I"; Sec. 1. (Consequential.)
- (i) by omitting sections one hundred and forty-one, one hundred and forty-two, and one hundred and forty-three; Secs. 141, 142, 143. (Stealing trees, etc., third offence.)
- (j) by inserting in section 154A after the words "motor car" the words "caravan, trailer"; Sec. 154A. (Unlawful use of vehicle, etc.).
- (k)

Crimes (Amendment).

Sec. 155.
(Definition of
clerk or
servant.)

(k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections";

New sec.
178B.

(l) (i) by inserting next after section 178A the following short heading and new section:—

VALUELESS CHEQUES.

Valueless
cheques.
South
Australian
Police Act,
1936, s. 90.

178B. Whosoever obtains any chattel, money or valuable security by passing any cheque which is not paid on presentation shall, unless he proves—

(a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and

(b) that he had no intent to defraud,

be liable to imprisonment for one year, notwithstanding that there may have been some funds to the credit of the account on which the cheque was drawn at the time it was passed.

Sec. 1.
(Conse-
quential.)

(ii) by inserting in the matter relating to Part IV, chapter I, in section one after paragraph (f1) the following new paragraph:—

(f2) VALUELESS CHEQUES—s. 178B.

Sec. 179.
(False
pretences.)

(m) by inserting in section one hundred and seventy-nine after the words "by any false pretence" the words "or by any wilfully false promise";

Sec. 180.
(Causing
payment,
etc., by
false
pretence.)

(n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise";

Sec. 182.
(Conviction
on charge of
false
pretences,
etc.)

(o) by inserting in section one hundred and eighty-two after the words "by any false pretence" the words "or by any wilfully false promise";

Sec. 183.
(Trial for
false
pretences,
etc.)

(p) by inserting in section one hundred and eighty-three after the words "by any false pretence" the words "or by any wilfully false promise";

(q).

Crimes (Amendment).

- (q) by inserting in section one hundred and ninety-six after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 196.
(Setting fire to dwelling knowing person therein.)
- (r) by inserting in section one hundred and ninety-seven after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; Sec. 197.
(Setting fire to dwelling a person being therein or to a church.)
- (s) by inserting in section one hundred and ninety-eight after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 198.
(Setting fire to certain other buildings.)
- (t) by inserting in section two hundred and one after the word "building" wherever occurring the words "vehicle or aircraft"; Sec. 201.
(Setting fire to things in or adjacent to buildings.)
- (u) by inserting in section two hundred and two after the word "building" the words "vehicle, aircraft"; Sec. 202.
(Attempting to set fire to buildings.)
- (v) (i) by inserting in section two hundred and three after the word "dwelling-house" the words "vehicle or aircraft"; Sec. 203.
(Destroying or damaging a house with gunpowder.)
- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or aircraft";
- (w) (i) by inserting in section two hundred and four after the word "building" where first occurring the words "vehicle or aircraft"; Sec. 204.
(Attempting to destroy building with gunpowder.)
- (ii) by inserting in the same section after the word "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty-eight;

(y)

Sec. 333.
(False declaration in fraud of revenue.)

Crimes (Amendment).

Sec. 340.
(Directing
prosecution
for per-
jury.)
cf. 1 and 2
Geo. V, c. 6,
s. 9.

(y) by omitting from section three hundred and forty all the words after the words "direct such person to be prosecuted for perjury in respect thereof" and by inserting in lieu thereof the words "and may commit him, or admit him to bail, to take his trial at the proper court, and may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where there is a committal by a magistrate and bail is not granted the magistrate may issue any necessary warrant";

Sec. 353A.
(Power to
search person
etc.)

(z) by inserting at the end of subsection three of section 353A the words "and palm-prints";

New sec.
360A.

(aa) by inserting next after section three hundred and sixty the following new section:—

Indictment
of
corpora-
tions.

360A. (1) Every provision of an Act relating to offences punishable upon indictment or upon summary conviction may, unless a contrary intention appears, be construed to apply to bodies corporate as well as to individuals.

(2) Where a corporation whether alone or jointly with some other person is charged before justices with an indictable offence, the justices may, if they are of opinion that the evidence is sufficient to put the accused corporation upon trial, make an order empowering the prosecutor appointed under section five hundred and seventy-two of this Act to prefer a bill for the offence named in the order or for such other offence as such prosecutor shall deem proper, and such order shall be deemed to be a committal for trial:

Provided that—

(a) where the offence is an offence which in the case of an adult may be dealt with summarily and the corporation does not appear by a representative or,
if

Crimes (Amendment).

if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; and

- (b) if the corporation appears by a representative any answer to the question to be put under subsection four of section forty-one of the Justices Act, 1902-1951, may be made on behalf of the corporation by that representative, but if the corporation does not so appear it shall not be necessary to put the question.

(3) Where a bill is found against a corporation the corporation may on arraignment enter in writing by its representative a plea of guilty or not guilty. If no such plea is entered the court shall enter a plea of not guilty and the trial shall proceed as though the corporation had pleaded not guilty.

(4) A representative need not be appointed under the seal of the corporation, and a written statement purporting to be signed by any person being one of the persons having the management of the affairs of the corporation to the effect that the person named has been appointed as the representative of the corporation shall be admissible as prima facie evidence that the person has been so appointed.

(5) Any summons or other document may be served upon the corporation by leaving it at or sending it by post to the registered office of the corporation or to any place at which it trades or carries on business.

(6) Where the penalty in respect of any offence is a term of imprisonment only, the court before which the offence is tried may, if it thinks fit, in the case of a body corporate, impose a pecuniary penalty not exceeding —

- (a) where the term of imprisonment does not exceed six months—one hundred pounds; (b)

Crimes (Amendment).

- (b) where the term of imprisonment exceeds six months but does not exceed one year—two hundred pounds;
- (c) where the term of imprisonment exceeds one year but does not exceed two years—five hundred pounds;
- (d) where the term of imprisonment exceeds two years—one thousand pounds.

In this subsection "imprisonment" includes penal servitude.

Secs. 376, 377,
397, 398.

(Indictment
for murder or
manslaughter.

Averment of
value of
instrument not
necessary.

Pleas of
attainder and
dilatory
pleas.)

- (bb) by omitting sections three hundred and seventy-six, three hundred and seventy-seven, three hundred and ninety-seven and three hundred and ninety-eight.

Further
amendment
of Act No.
40, 1900.

Sec. 401.
(Jury not to
inquire of
lands, &c.)

Sec. 405.

3. The Principal Act is further amended—

- (a) by omitting section four hundred and one;
- (b) by inserting at the end of section four hundred and five the following new subsection:—

Accused
may open
case before
calling
witnesses.

(2) Where the accused intends to give evidence or to call any witness or witnesses in support of the defence the accused or his counsel shall be entitled to open the case for the defence before calling his evidence.

Sec. 429.
(Release of
juvenile
offenders.)

- (c) by omitting section four hundred and twenty-nine;

(d)

Crimes (Amendment).

- (d) by omitting section four hundred and thirty-six; Sec. 436.
(Sentences in
irons.)
- (e) (i) by omitting from subsection one of section four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; Sec. 475.
(Governor
or judge
may direct
inquiry.)
- (ii) by omitting from the same subsection the words "of the prisoner" and by inserting in lieu thereof the words "of the person convicted";
- (iii) by inserting in subsection four of the same section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- (f) by omitting from paragraph two of section four hundred and seventy-six the words "one hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty pounds". Sec. 476.
(Indictable
offences
punishable
summarily
by consent of
the accused.)

4. The Principal Act is further amended—

Further
amendment of
Act No. 40,
1900.

- (a) (i) by omitting from subsection two of section five hundred and one the words and figures "and by section 526A of this Act"; Sec. 501.
(Offences
punishable
summarily
without
consent
of accused.)
- (ii) by omitting from the same subsection the words "or police";
- (iii) by inserting at the end of the same section the following new subsection:—

(3) The provisions of section fifty-six of the Justices Act, 1902-1951, shall not apply to proceedings under this section.

(b)

Crimes (Amendment).

- Sec. 502.
(Possession of skin, etc., of stolen cattle.)
- (b) by omitting from section five hundred and two the words "may be summoned to appear before" and by inserting in lieu thereof the words "may be brought before or may be summoned to appear before";
- Sec. 526A.
(Unlawfully using vehicle or boat.)
- (c) by inserting at the end of section 526A the following new subsection:—
- (2) The jurisdiction conferred on two justices by this section shall be exercisable only by a stipendiary magistrate.
- Sec. 532 to 538.
(Injuries to trees, &c.)
- (d) by omitting sections five hundred and thirty-two to five hundred and thirty-eight both inclusive;
- Sec. 552.
(Discharge of juvenile first offenders.)
- (e) by omitting section five hundred and fifty-two and the sub-heading thereto;
- Sec. 553.
(Sentence may be for less term, or fine for less amount than that fixed.)
- (f) by omitting from section five hundred and fifty-three the words "section of this";
- Sec. 554.
(Recognizance for good behaviour.)
- (g) by inserting in subsection two of section five hundred and fifty-four after the words "three months" the words "with either hard labour or light labour";
- Sec. 556A.
(Power to permit conditional release of offenders.)
- (h) by inserting at the end of section 556A the following new subsection:—
- (3) Where under subsection one of this section a charge is dismissed or an offender is conditionally discharged, the person charged shall have a right to appeal to a court of quarter sessions on the ground that he was not guilty of the offence charged, and such appeal shall be dealt with as an appeal within the meaning of section one hundred and twenty-two of the Justices Act, 1902-1951.
- (i)

Crimes (Amendment).

- (i) (i) by inserting next after section 556A the following new section:—

556B. If the court before which an offender is bound by recognizance to appear for conviction or sentence, or any court of summary jurisdiction, is satisfied by information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his recognizance, may convict and sentence him, or sentence him, as the case may require, for the offence with which he was originally charged as if he had not been released on recognizance.

New s. 556B.

Proceedings on breach of condition of recognizance.

- (ii) by omitting from the matter relating to Part XIV, Chapter IV, in section one the letters and figures "s. 556A" and by inserting in lieu thereof the letters and figures "ss. 556A, 556B";
- (j) (i) by omitting from subsection one of section five hundred and sixty-one the words "during the period specified in the recognizance";
- (ii) by inserting in paragraph (b) of the same subsection after the words "dishonest means" the words "during the period specified in the recognizance";
- (iii) by omitting from the same paragraph the words "is getting his livelihood by dishonest means" and by inserting in lieu thereof the words "got his livelihood by dishonest means during such period";
- (iv) by inserting in paragraph (c) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";
- (v)

Sec. 1.

(Consequential.)

Sec. 561.

(Forfeiture of recognizance, etc.)

Crimes (Amendment).

(v) by inserting in paragraph (d) of the same subsection after the word "conviction" the words "in respect of any act or thing done or omitted to be done by him during the period specified in the recognizance";

(vi) by omitting from the same subsection the words "or so much thereof as remains to be performed, under the provisions hereinbefore contained".

(k) by omitting from section five hundred and sixty-two the words "during the period specified in the recognizance".

Sec. 562.
(Otherwise to be discharged and conviction not to be deemed a previous conviction.)

Further amendment of Act No. 40, 1900.

Sec. 299.
(Forging trade mark.)

Part VI.
(Coinage offences.)

Sec. 1.
(Consequential.)

5. The Principal Act is further amended—

(a) by omitting section two hundred and ninety-nine;

(b) by omitting Part VI;

(c) by omitting from section one the matter relating to Part VI.

Further amendment of Act No. 40, 1900.

Sec. 185.
(Inducing persons by fraud to execute instruments.)

Sec. 349.

Punishment of accessories after the fact to murder, etc.

6. The Principal Act is further amended—

(a) by inserting in section one hundred and eighty-five after the word "parchment" the words "in order that the same may be afterwards made or converted into, or used or dealt with as a valuable security,";

(b) by omitting section three hundred and forty-nine and by inserting in lieu thereof the following section—

349. (1) Every accessory after the fact to murder shall be liable to penal servitude for life.

(2)

Crimes (Amendment).

(2) Every accessory after the fact to the crime of robbery with arms or in company with one or more person or persons, shall be liable to penal servitude for fourteen years.

(c) by inserting in section four hundred and forty-one after the word "tried" the words "or any other court of like jurisdiction"; Sec. 441. (Judgment after sentence deterred.)

(d) (i) by inserting next after section 545c the following short-heading and new section:— New sec. 545D.

(D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

545D. Whosoever being charged before two Justices with— Unlawful making or possession of explosives.

(a) having made; or

(b) knowingly having in his possession or under his control,

any explosive substance, under such circumstances as to give rise to a reasonable suspicion that he did not make such substance, or did not have such substance in his possession or under his control, for a lawful purpose, does not satisfy such Justices that he made the explosive substance, or had such substance in his possession or under his control, for a lawful purpose, shall be liable to imprisonment for a term not exceeding six months.

(ii) by inserting in section one after the figures and letter "545c" the letters, words and figures:— Sec. 1. (Consequential.)

(D 4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

Crimes (Amendment).

Amendment
of Act No.
16, 1912.

Sec. 5A.

Reserving
question
of law.

7. The Criminal Appeal Act of 1912, as amended by subsequent Acts, is amended—

(a) by inserting at the end of section 5A the following new subsection:—

(2) (a) The judge or chairman of quarter sessions before whom any person is tried and acquitted shall, if so requested by counsel for the Crown upon or after the conclusion of the trial, reserve for decision by the Court of Criminal Appeal any question of law arising at or in connection with the trial.

No such request shall be made without the written consent of the Attorney-General.

(b) The question reserved shall be referred by the judge or chairman to the Court of Criminal Appeal for decision, together with a statement of the circumstances out of which such question arose or such further statement as the Court of Criminal Appeal may require.

(c) The Court of Criminal Appeal shall have power to determine the question reserved.

(d) The determination by the Court of Criminal Appeal of the question reserved shall not in any way affect or invalidate any verdict or decision given at the trial.

(e) Any person charged at the trial or affected by the decision shall be entitled to be heard before the Court of Criminal Appeal upon the determination of the question reserved, and if it appears that such person does not propose to be represented upon such determination, the Attorney-General shall instruct counsel to argue such question before the Court of Criminal Appeal on behalf of such person.

(f) The reasonable costs of legal representation of any person heard before the Court of Criminal Appeal as provided in this section shall be paid by the Crown.

(g)

Crimes (Amendment).

(g) The hearing and determination of any question under this section shall be held in camera:

Provided that nothing in this paragraph shall preclude a barrister or solicitor from being present at the hearing and determination for the purpose of reporting the case for the New South Wales State Reports or Weekly Notes.

(h) No report of any request made pursuant to paragraph (a) of this subsection shall be published. No report of proceedings under this subsection shall be published which discloses the name or identity of the person charged at the trial or affected by the decision given at the trial. Any publication in contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.

- (b) by omitting from section 5B the words "and such submission shall be dealt with as if it were an appeal under this Act."

Sec. 5B.
(Cases stated from Court of Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subsequent Acts, is amended—

Amendment of Act No. 27, 1902.

- (a) by inserting in subsection one of section one hundred and twenty-two after the words "the making of such conviction or order" the words " , or, where a rule or order has been granted or made under or by virtue of section one hundred and twelve of this Act in respect of the conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

Sec. 122.
(Appeal to Quarter Sessions.)

- (b) by inserting next after section one hundred and thirty-one the following new section:—

New sec. 131A.

131A. (1) A chairman of quarter sessions may submit any question of law arising on any appeal to quarter sessions coming before him not being a question of criminal law to the
Supreme

Cases stated from Court of Quarter Sessions.

Crimes (Amendment).

Supreme Court for determination and the Supreme Court may make any such order or give any such direction to the court of quarter sessions as it thinks fit.

(2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court shall have full power to determine how and by whom the costs of the proceedings in the Supreme Court are to be borne.

(2) The Justices Act, 1902, as amended by subsequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

Amendment
of Act No.
15, 1905.
Schedule.

9. The Habitual Criminals Act, 1905, as amended by subsequent Acts, is amended—

(a) by omitting from the Schedule the words and figures—

“148 to 153 inclusive—Larceny” and by inserting in lieu thereof the words and figures “148 to 154A—Larceny”;

(b) by omitting from the Schedule the words and figures—

“Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

Under the Crimes (Amendment) Act, 1905—Fraudulent misappropriation”;

and by inserting in lieu thereof the following words and figures—

“Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.

Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation.”

Further
amendment of
Act No. 40,
1900.
(Revision.)

10. The Principal Act is further amended to the extent set out in the Schedule to this Act.

SCHEDULE.

Crimes (Amendment).

SCHEDULE.

Sec. 10.

Enactment of Act No. 40, 1900.	Amendment.
Section thirty ..	Omit the words "the preceding sections" and insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive."
Section thirty-four	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three"; (b) omit the words "the next following section" and insert in lieu thereof the words "section thirty-five."
Section forty ..	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-nine"; (b) omit the words "the next following section" and insert in lieu thereof the words "section forty-one."
Section sixty :-	Omit the words "the last preceding section" and insert in lieu thereof the words "section fifty-nine."
Section seventy-five	Omit the words "the last two preceding sections" and insert in lieu thereof the words "section seventy-three or section seventy-four."
Section 78B ..	Omit the words "the last preceding section" and insert in lieu thereof the word and figures "section 78A."
Section 78C ..	Omit the words "either of the last two preceding sections" wherever occurring and insert in lieu thereof the words and figures "section 78A or section 78B."
Section eighty-eight	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section eighty-seven."
Section ninety-three	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
Section ninety-six	Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
Section one hundred and one.	Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section one hundred and two.	After the words "crime or offence" insert the words "as is referred to in section one hundred and one."
Section one hundred and three.	After the words "infamous crime" insert the words "as is defined in section one hundred and four."
Section one hundred and four.	Omit the words "the three last preceding sections" and insert in lieu thereof the words "sections one hundred and one, one hundred and two and one hundred and three."
Section one hundred and five.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections ninety-nine to one hundred and three both inclusive."
Section one hundred and fifteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and fourteen."
Section one hundred and twenty-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and twenty-six."
Section one hundred and thirty.	Omit the words "the next following section" and insert in lieu thereof the words "section one hundred and thirty-one."
Section one hundred and thirty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section one hundred and thirty-four or section one hundred and thirty-five."
Section one hundred and thirty-seven.	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one hundred and thirty-four or in section one hundred and thirty-five."
Section 154A ..	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154B."
Section 154B ..	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section one hundred and sixty-four.	Omit the words "the seven next following sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-one both inclusive."
Section one hundred and sixty-seven.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "section one hundred and sixty-five or section one hundred and sixty-six."
Section one hundred and seventy-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy."
Section one hundred and seventy-seven.	Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and sixty-five to section one hundred and seventy-six both inclusive."
Section one hundred and seventy-eight.	Omit the words "the said twelve sections" and insert in lieu thereof the words "sections one hundred and sixty-five to one hundred and seventy-six both inclusive."
Section one hundred and eighty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."
Section one hundred and eighty-seven.	Omit the words "the two next following sections" and insert in lieu thereof the words "sections one hundred and eighty-eight and one hundred and eighty-nine."
Section one hundred and ninety-one.	Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and ninety."
Section one hundred and ninety-five.	Insert after the words "any such act" the words "as is referred to in section one hundred and ninety-four."
Section two hundred	Omit the words "not hereinbefore mentioned" and insert in lieu thereof the words "not mentioned in sections one hundred and ninety-six to one hundred and ninety-nine both inclusive."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section two hundred and two.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in sections one hundred and ninety-six to two hundred and one both inclusive."
Section two hundred and six.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and five"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and seven."
Section two hundred and fourteen.	Omit the words "in the three last preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eleven, two hundred and twelve or two hundred and thirteen."
Section two hundred and seventeen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and sixteen."
Section two hundred and twenty-two.	Omit the words "as in the last preceding section mentioned" and insert in lieu thereof the words "as is mentioned in section two hundred and twenty-one."
Section two hundred and thirty-one.	(a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty"; (b) omit the words "the next following section" and insert in lieu thereof the words "section two hundred and thirty-two."
Section two hundred and thirty-four.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and thirty-three."
Section two hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two hundred and forty both inclusive."
Section two hundred and forty-seven.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section two hundred and fifty-seven.	Insert after the words "such share, or interest" where firstly occurring the words "as is referred to in section two hundred and fifty-six."
Section two hundred and sixty-two.	Omit the words "in the last section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one."
Section two hundred and sixty-three.	Omit the words "in the last two preceding sections mentioned" and insert in lieu thereof the words "mentioned in section two hundred and sixty-one or two hundred and sixty-two."
Section two hundred and sixty-eight.	Omit the words "the two last preceding sections" and insert in lieu thereof the words "sections two hundred and sixty-six and two hundred and sixty-seven."
Section two hundred and seventy-four.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three."
Section two hundred and seventy-six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section two hundred and seventy-nine.	Omit the words "the five next following sections" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive."
Section two hundred and eighty-eight.	Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
Section two hundred and ninety-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section three hundred and twenty-nine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
Section three hundred and forty-one.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section three hundred and fifty-six.	Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-five."
Section four hundred and sixty-three.	(a) Omit from subsection three the words "or the last preceding subsection" and insert in lieu thereof the words "subsection or subsection two of this section"; (b) omit from subsection four the words "the said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
Section four hundred and sixty-eight.	Omit the words "the two last preceding sections, and of sections four hundred and thirty-seven and four hundred and fifty-seven" and insert in lieu thereof the words "sections four hundred and thirty-seven, four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-seven."
Section four hundred and seventy-six.	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven."
Section four hundred and seventy-seven.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six."
Section four hundred and seventy-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
Section four hundred and eighty.	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
Section four hundred and eighty-one.	(a) Omit the words "in any such case" and insert in lieu thereof the words "upon a charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
Section four hundred and eighty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three."
Section four hundred and ninety.	Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this section."
Section four hundred and ninety-eight.	Omit the words "such case of assault" and insert in lieu thereof the words "case of assault under sections four hundred and ninety-three to four hundred and ninety-six both inclusive."
Section four hundred and ninety-nine.	Omit the words "such certificate" and insert in lieu thereof the words "a certificate of dismissal under section four hundred and ninety-eight."
Section five hundred.	Omit the words "the preceding sections" and insert in lieu thereof the words "sections four hundred and ninety-three to four hundred and ninety-nine both inclusive."
Section five hundred and six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five."
Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and seven."
Section five hundred and fourteen.	Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
Section five hundred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
Section five hundred and nineteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
Section five hundred and twenty-four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

SCHEDULE

*Crimes (Amendment).*SCHEDULE—*continued.*

Enactment of Act No. 40, 1900.	Amendment.
Section five hundred and twenty-six.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five."
Section five hundred and thirty.	Omit the words "the twelve sections next following" and insert in lieu thereof the words "sections five hundred and thirty-one to five hundred and forty-two both inclusive."
Section five hundred and thirty-one.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
Section five hundred and forty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
Section five hundred and forty-one.	Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
Section five hundred and forty-two.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
Section five hundred and fifty-eight.	Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
Section five hundred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-one.	After the words "so discharged" in subsection one insert the words "under section five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixty-two	Omit the word "aforesaid" and insert in lieu thereof the words "mentioned in section five hundred and sixty-one."

In the name and on behalf of His Majesty I assent to this Act.

K. W. STREET,
Lieutenant-Governor.

*Government House,
Sydney, 6th November, 1951.*