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 Sec. 562.

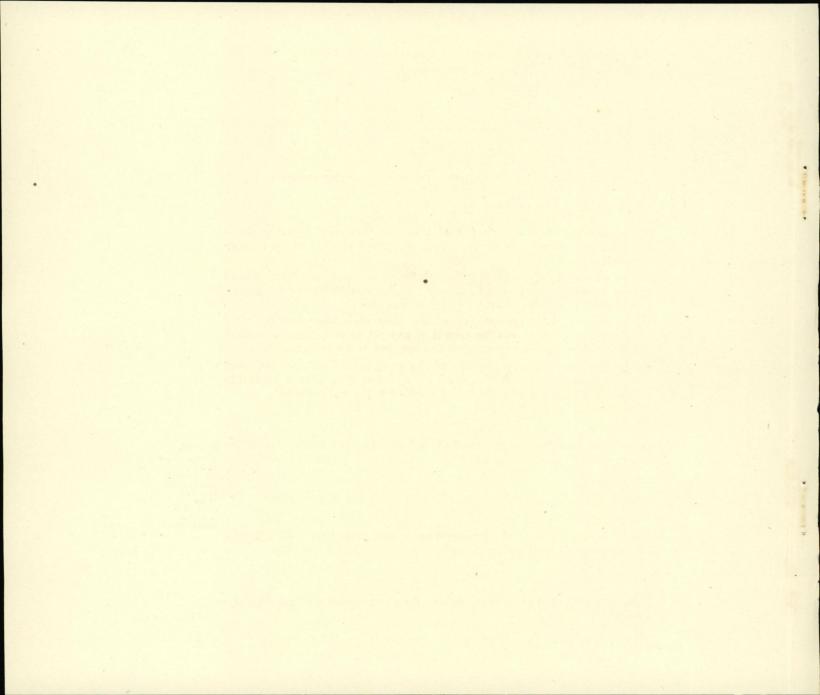
period specified in the recognizance".

(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.

B^E 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.

61209 148—A

~ .	1 1	7 5 1	
Crimes	(Amen	dment).	

2. The Principal Act is amended-

Amendment of Act No. 40, 1900.

2

(a) by inserting in section four at the end of the sec. 4. definition of "Trustee" the words "and also an "CDefinition of "trustee.") executor or administrator";

(b) (i) by inserting next after section sixteen the New sec. 5 following new section:-

> 16a. In all cases of treason, whether Procedure alleged to have been committed before or of treason. 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 Sec. 1. 15 Part II in section one the figures "16" and tial.) by inserting in lieu thereof the figures and letter "16A";

(c) by omitting section seventeen;

Sec. 17. (Petit treason.)

20 (d) by inserting next after section twenty-two the News. 22A. following new section:—

> 22A. (1) Where a woman by any wilful act or Infanticide. omission causes the death of her child, being a cf. 1 and 2 child under the age of twelve months, but at the Geo. VI, e. 36, s. 1. 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.

35

25

30

- (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 New following new section:—
 - 52A. (1) Where the death of any person is Culpable occasioned through impact with a motor vehicle driving 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 five years.

35

30

5

10

- (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.

10

5

15

20

25

30

35

5

20

25

:.0

:5

- (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 sec. so. "with intent to commit the same" the words (Attempt. etc., "with or without the consent of such person"; buggery.)
 - (g) by omitting section 91p and by inserting in lieu Sec. 91p. thereof the following section:
- 91D. Whosoever employs in or suffers to Employment 10 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 New following new section:
 - 931. (1) Upon any prosecution under Accused section 93B of this Act, it shall be upon the to prove person accused to prove that the pistol was licensed licensed or that, by reason of the provisions or his exemption. of section 93н of this Act, he is not subject cf. Act No. to the provisions of section 93B.

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
- (ii) by omitting from the matter relating to Part Sec. 1. IIIA in section one the figures and letter (Consequen-"93H" and by inserting in lieu thereof the figures and letter "931";
 - (i) by omitting sections one hundred and forty-one, Secs. 141, 142, 143. one hundred and forty-two, and one hundred and (Stealing forty-three;
 - (j) by inserting in section 154A after the words Sec. 154A. "motor car" the words "caravan, trailer";

trees, etc., third offence.) (Uniawful use of

vehicle, (k) etc.)

	(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— (a) that he had reasonable grounds for believing that that cheque would be paid in full on presentation; and	cheques.
	(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:—	
	(f2) Valueless Cheques—s. 1786.	
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";	(False
	(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";	
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"; (q) 	Sec. 183. (Trial for false pretences.

- (q) by inserting in section one hundred and ninetysix after the word "dwelling-house" wherever (Setting fire
 occurring the words "vehicle or aircraft"; to dwelling
 knowing
 person
 therein.)
- (r) by inserting in section one hundred and ninetyseven after the word "dwelling-house" wherefire to
 ever occurring the words "vehicle or aircraft";
 dwelling a
 person being
 therein or to
 a church.)
 - (s) by inserting in section one hundred and ninety- sec. 198.

 eight after the word "dwelling-house" the words (Setting fire to certain other buildings.)
- the word "building" wherever occurring the sec. 201.
 words "vehicle or aircraft";
- (u) by inserting in section two hundred and two sec. 202.

 after the word "building" the words "vehicle, (Attempting to set fire to buildings.)

 15
 - (v) (i) by inserting in section two hundred and Sec. 203.

 three after the word "dwelling-house" the (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 Sec. 204.

 after the word "building" where first (Attempting occurring the words "vehicle or aircraft"; 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- Sec. 333.

 (False declaration in fraud of revenue.)

- (y) by omitting from section three hundred and Sec. 340. forty all the words after the words "direct such (Directing person to be prosecuted for perjury in respect prosecution for perthereof" and by inserting in lieu thereof the jury.) words "and may commit him, or admit him to cf. 1 and 2 bail, to take his trial at the proper court, and Geo. V, c. 6, s. 9. 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 sec. 353A. section 353A the words "and palm-prints";

(aa) by inserting next after section three hundred New sec. 15 and sixty the following new section:-

360a. (1) Every provision of an Act relating Indictment to offences punishable upon indictment or upon of summary conviction may, unless a contrary tions. 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,

35

5

10

20

25

Crimes (Amendment). if it does so appear, consents that the offence should be so dealt with, the offence may be dealt with summarily; 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 corpora-10 tion 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. 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 offence is a term of imprisonment only, the court 35 before which the offence is tried may, if it thinks

fit, in the case of a body corporate, impose a

(a) where the term of imprisonment does

not exceed six months-one hundred

(1)

pecuniary penalty not exceeding -

pounds;

- (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 years-one thousand exceeds two pounds.
- In this subsection "imprisonment" includes 10 penal servitude.

5

(bb) by omitting sections three hundred and seventy- Secs. 376, 377, 398. six, three hundred and seventy-seven, three (Indictment hundred and ninety-seven and three hundred manslaughter. 15 and ninety-eight.

Averment of value of instrument not necessary. Pleas of attainder 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;

Sec. 401. (Jury not to

(b) by inserting at the end of section four hundred Sec. 405. and five the following new subsection:-

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

(c) by omitting section four hundred and twenty- Sec. 429. 25 nine;

(Release of juvenile offenders.)

(d)

(d) by omitting section four hundred and thirty-six; Sec. 436.

(Sentences in irons.)

(e) (i) by omitting from subsection one of section Sec. 475. four hundred and seventy-five the words (Governor "of a prisoner" and by inserting in lieu may direct thereof the words "of any person";

5

- (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 10 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 Sec. 476. hundred and seventy-six the words "one offences hundred pounds" and by inserting in lieu thereof the words "two hundred and fifty by consent of the accused.) 15 pounds".

4. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

(a) (i) by omitting from subsection two of section Sec. 501. 20 five hundred and one the words and figures "and by section 526A of this Act";

(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 25 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.

Li.

(b)

5

10

20

25

30

- (b) by omitting from section five hundred and two Sec. 502. the words "may be summoned to appear (Possesbefore" and by inserting in lieu thereof sion of skin, the words "may be brought before or may be stolen summoned to appear before";
- (c) by inserting at the end of section 526A the Sec. 526A. following new subsection:-

(Unlawfully vehicle or boat.)

- (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 Sec. 532 to to five hundred and thirty-eight both inclusive; (Injuries to trees, &c.)
- (e) by omitting section five hundred and fifty-two Sec. 552. and the sub-heading thereto;

juvenile first offenders.)

(f) by omitting from section five hundred and fifty- Sec. 553. 15 three the words "section of this";

term, or fine for less amount that. that fixed.)

(g) by inserting in subsection two of section five Sec. 554. hundred and fifty-four after the words "three (Recognimonths" the words "with either hard labour or good light labour";

(h) by inserting at the end of section 556A the Sec. 556A. following new subsection:-

(Power to permit release of

(3) Where under subsection one of this conditional section a charge is dismissed or an offender is offenders.) 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)

(i) (i) by inserting next after section 556A the News. 556B. following new section:-556B. If the court before which an Proceedings offender is bound by recognizance to appear on breach of condition of 5 for conviction or sentence, or any court of recognisummary jurisdiction, is satisfied by zance. information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for 10 his apprehension and upon his apprehension, on being satisfied that he has failed to observe any condition of his -1 recognizance, may convict and sentence him, or sentence him, as the case may 15 require, for the offence with which he was originally charged as if he had not been released on recognizance. (ii) by omitting from the matter relating to Part Sec. 1. XIV, Chapter IV, in section one the letters (Conseand figures "s. 556a" and by inserting in quential., 20 lieu thereof the letters and figures "ss. 556A, 556B"; (j) (i) by omitting from subsection one of section sec. 561. five hundred and sixty-one the words "dur- (Forfeiture ing the period specified in the recog-of recognizance, 25 nizance"; etc.) (ii) by inserting in paragraph (b) of the same subsection after the words "dishonest means" the words "during the period 30 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 35 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 40 period specified in the recognizance"; (v)

- (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- sec. sec. sec. two the words "during the period specified in Otherwise to be distinct the recognizance".

not to be deemed a previous conviction.)

5. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

(a) by omitting section two hundred and ninety- sec. 299. 15

(b) by omitting Part VI;

Part VI (Coinage

(c) by omitting from section one the matter relating sec. 1. to Part VI.

(Consequential,)

6. The Principal Act is further amended—

amendment of

(a) by inserting in section one hundred and eighty- Sec. 185. 20 five after the word "parchment" the words "in (Inducing order that the same may be afterwards made or persons by converted into, or used or dealt with as a execute valuable security,";

instru-

25 (b) by omitting section three hundred and forty- Sec. 349. nine and by inserting in lieu thereof the following section—

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

murder, etc.

30

- (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- Sec. 441. one after the word "tried" the words "or any Judgment after other court of like jurisdiction";
 - (d) (i) by inserting next after section 545c the New sec. following short-heading and new section:-
- 10 (D4) Unlawful Making or Possession of EXPLOSIVES.

545p. Whosoever being charged before Unlawful making or possession of two Justices with-

explosives.

(a) having made; or

15

20

25

30

(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 sec. 1. and letter "545c" the letters, words and (Consequential.) figures :-
 - (D4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

- 7. The Criminal Appeal Act of 1912, as amended by Amendment subsequent Acts, is amended— 16, 1912. (a) by inserting at the end of section 5A the follow- Sec. 5A.
 - ing new subsection:—

(2) (a) The judge or chairman of quarter Reserving sessions presiding at a criminal trial before question of law. 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.

10

5

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) 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.

5

35

- (h) No report of any request made 10 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 15 Any publication in given at the trial. contravention of the foregoing provision shall be punishable as contempt of the Supreme Court.
- (b) by omitting from section 5B the words "and such Sec. 5B. submission shall be dealt with as if it were an stated from 20 appeal under this Act."

8. (1) The Justices Act, 1902, as amended by subse-Amendment quent Acts, is amended-

of Act No. 27, 1902.

(a) by inserting in subsection one of section one Sec. 122. hundred and twenty-two after the words "the Quarter 25 making of such conviction or order" the words Sessions.) ", 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 30 concluded":

(Appeal to

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

131A. (1) A chairman of quarter sessions may Cases stated submit any question of law arising on any appeal to Court of quarter sessions coming before him not being a Quarter question of criminal law to the Supreme Court for determination 148-B

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

 (a) by Amendment of Act No. 15, 1905.
- (a) by omitting from the Schedule the words and schedule.
 - "148 to 153 inclusive—Larceny" and by inserting in lieu thereof the words and figures "148 to 1544—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—

30

- "Under Part IV of the Commonwealth Crimes Act 1914-1946—Coinage.
- Under sections 178A or 178B of the Crimes Act, 1900—Fraudulent misappropriation."
- 10. The Principal Act is further amended to the extent Further set out in the Schedule to this Act.

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

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
Section thirty-fou	(a) Omit the words "the last preceding section" and insert in lieu thorses the
10	(b) omit the words "the next following section" and insert in lieu thereof the month
Section forty .	(a) Omit the words "the last proceding
15	"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 though the
Section 78 _B	"section seventy-three or section seventy- four." Omit the words "the last preceding section"
Section 78c	and insert in lieu thereof the word and figures "section 78A." Omit the words "either of the last two preceding sections" when the last two preceding sections are sections.
Section eighty-eight	in lieu thereof the words and figures "section 78A or section 78B"
35	Omit the words "either of the two last pre- ceding sections" and insert in lieu thereof the words "section eighty-six or section
Section ninety-three	eighty-seven." Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-two."
O 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."
	one number and four."

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."
Section one hundred 20 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."
Section one hundred and thirty-seven	Omit the words "in the said two sections" and insert in lieu thereof the words "in section one bundred and thirty-four or in section
Section 154A .	one hundred and thirty-five." Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 154s."
Section 154B .	Omit the words "the next preceding section' and insert in lieu thereof the word and figures "section 154A."
	SCHEDILE

	SCHEDULE		
	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	
10	Section one hundred and sixty-seven.	inclusive." 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. Section one hundred and seventy-seven	Omit the words "the last preceding section and insert in lieu thereof the words "section one hundred and seventy." Omit the words "twelve last preceding sections" and insert in lieu thereof the words "sections from section one hundred and	
2	Section one hundred and seventy-eight	sixty-live to section seventy-six both inclusive." 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."	
2	5 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 hundre and eighty-seven	"sections one hundred and eighty-eight and	
	Section one hundre and ninety-one.	and insert in field thereof the war and ninety."	
	35 Section one hundre and ninety-five.	bundred and ninety-four."	
	Section two hundr	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—continued.

1	Enactment of Act No. 40, 1900.	Amendment.
5	Section two hundred and two.	lieu thereof the words "as is referred to in sections one hundred and ninety-six to two
10	Section two hundred and six.	hundred and one both inclusive"
15	Section two hundred and fourteen.	"section two hundred and seven." 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
20	Section two hundred and seventeen.	twelve or two hundred and thirteen." 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. Section two hundred and thirty-one.	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." (a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty";
30		(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."
	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
	Section two hundred and forty-seven.	hundred and forty both inclusive." Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
_	and fifty-tw	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

SCHEDULE

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-	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. Section two hun-	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."
dred and seventy- four. Section two hun- dred and seventy- six.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three." Omit the word "herein" and insert in lieu thereof the words " by any provision of this Part."
Section two hundred and seventynine. 30 Section two hundred and seventynine.	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." Omit the words "in the lest root of the words "in the lest root."
dred and eighty- eight. 35 Section two hundred and ninety-	words "mentioned in section two hundred and eighty-seven." Omit the word "herein" and insert in lieu thereof the
Section three hundred and twentynine. Section three hundred and forty-	thereof the words "by any provision of this Part." Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty." Omit the words "the last preceding section" wherever occurring
one.	wherever occurring and insert in lieu thereof the words "section three hundred and forty."

SCHEDULE

	SCHEDULE—continued.		
	Enactment of Act No. 40, 1900.	Amendment.	
5	Section three hundred and fifty-six.	Cmit the words "cither of the two last pre- ceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty-	
10	Section four hundred and sixty-three.	five." (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	
15	and a series of the	three of this section."	
20	Section four hundred and sixtyeight.	tions, and of sections four hundred and thirty-seven and four hundred and fifty- seven" and insert in lieu thereof the words "greating four hundred and thirty-seven,	
		four hundred and fifty-seven, four hundred and sixty-six and four hundred and sixty-	
2	5 Section four hun- dred and seventy- six. Section four hun-	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven." Omit the words "the last preceding section"	
9	dred and seventy- seven. Section four hun- dred and seventy-	and insert in heu thereof the words section	
	eight. Section four hun- 5 dred 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-	(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) emit the words "the last preceding sec-	
		tion" and insert in lieu thereof the words "section four hundred and eighty."	

	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. Section four hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three." Omit from subsection two the words "the
	dred and ninety.	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. Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five." Omit the words "the last preceding section" and insert in lieu thereof the words "section
35	Section five hundred and four- teen. Section five hun-	five hundred and seven." Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen."
	dred and sixteen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and fifteen."
40	Section five hun- dred and nine- teen.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
	Section five hundred and twenty-	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."
45	Tour.	nve nundred and twenty-three.

	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 inclu- sive."
15	Section five hundred and thirtyone. Section five hundred	After the words "any such act" insert the words "as is referred to in section five hundred and thirty." Omit the words "the last preceding section"
	dred and forty. Section five hun-	and insert in lieu thereof the words "section five hundred and thirty-nine." Omit the words "hereinbefore provided" and
20	dred and forty- one.	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. Section five hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
	dred and fifty-eight.	Omit from paragraph four the words "herein- after 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 "sec- tion five hundred and fifty-eight or section
3 5	Section five hundred and sixtyone.	five hundred and fifty-nine." 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 u'h Amendments.

Clerk of the Parliaments.

Legislative Council Chamber, Sydney, 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.

B^E 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 (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.

61209 148—A

2.

Crimes (Amendment). Amendment 2. The Principal Act is amended— (a) by inserting in section four at the end of the sec. 4. definition of "Trustee" the words "and also an "trustee.") executor or administrator"; s. 46. (b) (i) by inserting next after section sixteen the New sec. 5 164. following new section:— 16A. In all cases of treason, whether Procedure alleged to have been committed before or of treason. after the passing of the Crimes (Amendment) Act, 1951, the person charged shall 10 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 Sec. 1. 15 Part II in section one the figures "16" and (Consequential.) by inserting in lieu thereof the figures and letter "16A"; (c) by omitting section seventeen; Sec. 17. (Petit treason.) 20 (d) by inserting next after section twenty-two the News. 22A. following new section:-22A. (1) Where a woman by any wilful act or Infanticide. omission causes the death of her child, being a cf. 1 and 2 child under the age of twelve months, but at the Geo. VI, time of the act or omission the balance of her 25 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, 30 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.

35

(2)

- (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 New following new section:—
 - 52A. (1) Where the death of any person is Culpable occasioned through impact with a motor vehicle driving 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 five years.

35

30

5

10

15

(2)

- (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.

10

5

15

20

25

30

35

5

10

15

20

25

:5

(f)

(g)

(h)

(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.	
by inserting in section eighty after the words "with intent to commit the same" the words "with or without the consent of such person";	(Attempt, etc.,
by omitting section 91o and by inserting in lieu thereof the following section:—	Sec. 91p.
91b. 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.	Employmen in brothel.
(i) by inserting next after section 93н the following new section:—	New Sec. 93I.
931. (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	Accused to prove pistol licensed or his exemption. ef. Act No. 10, 1927, s. 4 (3) (d).

apply. (ii) by omitting from the matter relating to Part Sec. 1. :0 IIIA in section one the figures and letter (Consequen-"93H" and by inserting in lieu thereof the tial.)

figures and letter "931";

(i) by omitting sections one hundred and forty-one, Sect. 141. one hundred and forty-two, and one hundred and (Stealing forty-three;

section under which he is charged does not

(j) by inserting in section 154A after the words Sec. 154A. "motor car" the words "caravan, trailer";

trees, etc., third offence.)

use of vehicle,

(k) etc.)

	· · · · · · · · · · · · · · · · · · ·	
	(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	(1) (i) by inserting next after section 1784 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— (a) that he had reasonable grounds for	cheques.
	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	
20	was passed. (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.	
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";	(False
	(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
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";	pretence.) 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"; (q) 	Sec. 183. (Trial for false pretences, etc.)

(q) by inserting in section one hundred and ninety- Sec. 196. six after the word "dwelling-house" wherever (Setting fire occurring the words "vehicle or aircraft";

knowing person therein.)

(r) by inserting in section one hundred and ninety- Sec. 197. seven after the word "dwelling-house" where-5 seven after the word "dwelling-house" where-fire to ever occurring the words "vehicle or aircraft"; person being therein or to

a church.)

(s) by inserting in section one hundred and ninety- sec. 198. eight after the word "dwelling-house" the words (Setting fire to "vehicle or aircraft";

- (t) by inserting in section two hundred and one after Sec. 201. 10 the word "building" wherever occurring the (Setting fire to words "vehicle or aircraft";
 - (u) by inserting in section two hundred and two sec. 202. after the word "building" the words "vehicle, Attempting to buildings.) aircraft";
 - (v) (i) by inserting in section two hundred and sec. 203. three after the word "dwelling-house" the (Destroying or damaging words "vehicle or aircraft"; a house with gunpowder.)
- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or 20 aircraft";

- (w) (i) by inserting in section two hundred and four Sec. 204. after the word "building" where first (Attempting occurring the words "vehicle or aircraft"; building with gunpowder.)
- (ii) by inserting in the same section after the 25 word "building" where secondly occurring the words "vehicle, aircraft";
 - (x) by omitting section three hundred and thirty- Sec. 338. (False declaration eight; in fraud of **(y)** revenue.)

(y) by omitting from section three hundred and Scc. 340. forty all the words after the words "direct such (Directing person to be prosecuted for perjury in respect prosecution for perthereof" and by inserting in lieu thereof the jury.) 5 words "and may commit him, or admit him to cf. 1 and 2 bail, to take his trial at the proper court, and Geo. V, c. 6, s. 9. may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where 10 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 Sec. 353A. section 353A the words "and palm-prints";

(aa) by inserting next after section three hundred New sec. 15 and sixty the following new section:-

360A. (1) Every provision of an Act relating Indictment to offences punishable upon indictment or upon of corporasummary conviction may, unless a contrary tions. 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,

35

20

25

5

10

15

20

25

30

- 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;

5

10

15

20

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.	
(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.	(Indictment
3. The Principal Act is further amended—	Further amendment of Act No. 40, 1900.
(a) by omitting section four hundred and one;	Sec. 401. (Jury not to inquire of lands, &c.)
(b) by inserting at the end of section four hundred and five the following new subsection:—	Sec. 405.

(2) Where the accused intends to give Accused may open evidence or to call any witness or wit-case before

nesses in support of the defence the accused or calling witnesses.

(e) by omitting section four hundred and twenty- Sec. 428. 25 nine;

the defence before calling his evidence.

(Release of juvenile offenders.)

- (d) by omitting section four hundred and thirty-six; Sec. 436. (Sentences in irons.)
- (e) (i) by omitting from subsection one of section Sec. 475.

 four hundred and seventy-five the words or judge "of a prisoner" and by inserting in lieu may direct thereof the words "of any person";
 - (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";

5

- (f) by omitting from paragraph two of section four Sec. 476.

 hundred and seventy-six the words "one hundred pounds" and by inserting in lieu summarily thereof the words "two hundred and fifty by consent of pounds".

 (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

10

20

25

30

(b) by omitting from section five hundred and two Sec. 502. the words "may be summoned to appear (Possesbefore" and by inserting in lieu thereof etc., of the words "may be brought before or may be stolen summoned to appear before";

(c) by inserting at the end of section 526A the Sec. 526A. following new subsection:—

(Unlawfully vehicle

- (2) The jurisdiction conferred on two justices or boat.) by this section shall be exercisable only by a stipendiary magistrate.
- (d) by omitting sections five hundred and thirty-two Sec. 532 to to five hundred and thirty-eight both inclusive; (Injuries to trees, &c.)
- (e) by omitting section five hundred and fifty-two Sec. 552. and the sub-heading thereto;

juvenile first offenders.)

(f) by omitting from section five hundred and fifty- Sec. 558. 15 three the words "section of this";

be for less term, or fine for less amount that. that fixed.)

(g) by inserting in subsection two of section five Sec. 554. hundred and fifty-four after the words "three (Recognimenths" the words "with either hard labour or good light labour";

(h) by inserting at the end of section 556A the Sec. 556A. following new subsection:-

permit release of

(3) Where under subsection one of this conditional section a charge is dismissed or an offender is offenders.) 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) (i) by inserting next after section 556A the News. 556B. following new section:-556B. If the court before which an Proceedings offender is bound by recognizance to appear condition of 5 for conviction or sentence, or any court of recognisummary jurisdiction, is satisfied by zance. information on oath that the offender has failed to observe any condition of his recognizance, it may issue a warrant for 10 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 15 require, for the offence with which he was originally charged as if he had not been released on recognizance. (ii) by omitting from the matter relating to Part Sec. 1. XIV, Chapter IV, in section one the letters (Conseand figures "s. 556A" and by inserting in quential., 20 lieu thereof the letters and figures "ss. 556л, 556в"; (j) (i) by omitting from subsection one of section sec. 561. five hundred and sixty-one the words "dur- (Forfeiture ing the period specified in the recog- of recognizance, 25 nizance"; (ii) by inserting in paragraph (b) of the same subsection after the words "dishonest means" the words "during the period 30 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 35 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 40 period specified in the recognizance";

(v)

- (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".
- (k) by omitting from section five hundred and sixty- sec. 562. 10 two the words "during the period specified in Cotherwise to be discharged and the recognizance".

not to be deemed a conviction.)

5. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

- (a) by omitting section two hundred and ninety- Sec. 299. nine;
 - (Forging trade mark.)

(b) by omitting Part VI;

Part 71 (Coinage offences.)

(c) by omitting from section one the matter relating sec. 1. to Part VI.

(Consequential.)

6. The Principal Act is further amended-

Further amendment of Act No. 40, 1900.

(a) by inserting in section one hundred and eighty- Sec. 185. 20 five after the word "parchment" the words "in (Inducing order that the same may be afterwards made or persons by converted into, or used or dealt with as a execute valuable security,";

ments.)

(b) by omitting section three hundred and forty- Sec. 349. 25 nine and by inserting in lieu thereof the following section—

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

murder, etc.

30

5

15

(2)

- (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- Sec. 441. one after the word "tried" the words "or any after other court of like jurisdiction": other court of like jurisdiction";

- (d) (i) by inserting next after section 545c the New sec. following short-heading and new section:-
- (D4) Unlawful Making or Possession of EXPLOSIVES.

545b. Whosoever being charged before unlawful making or two Justices with-

possession of explosives.

(a) having made; or

10

15

20

25

30

(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 sec. 1. and letter "545c" the letters, words and (Consefigures:-
 - (D4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

7. The Criminal Appeal Act of 1912, as amended by Amendment of Act No. subsequent Acts, is amended— 16, 1912. (a) by inserting at the end of section 5A the follow- Sec. 5A. ing new subsection: 5 (2) (a) The judge or chairman of quarter Reserving sessions presiding at a criminal trial before question 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. 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. (d) The determination by the Court of Criminal Appeal of the question reserved shall 25 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 30 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 35 of Criminal Appeal on behalf of such person. (f) The reasonable costs of legal repre-

> sentation of any person heard before the Court of Criminal Appeal as provided in this section

shall be paid by the Crown.

(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.

- 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 15 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 stated from stated from 20 appeal under this Act."

8. (1) The Justices Act, 1902, as amended by subse- Amendment quent Acts, is amended—

(a) by inserting in subsection one of section one Sec. 122. hundred and twenty-two after the words "the Quarter 25 making of such conviction or order" the words Sessions.) ", 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 30 date upon which proceedings consequent thereon concluded";

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

·131A. (1) A chairman of quarter sessions may Cases stated submit any question of law arising on any appeal to from Court of quarter sessions coming before him not being a Quarter question of criminal law to the Supreme Court for 148--B determination

35

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 5 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 sub-10 sequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.
 - 9. The Habitual Criminals Act, 1905, as amended by Amendment subsequent Acts, is amended— 15, 1905.
- (a) by omitting from the Schedule the words and Schedule. 15 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 20 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 25 words and figures—

30

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

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

10. The Principal Act is further amended to the extent of the Schedule to this Act.

Further amendment of Act No. 40, 1900. set out in the Schedule to this Act.

(Revision.)

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
	Section thirty-four	twenty-seven to twenty-nine both inclusive." (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."
15	Section forty	(a) Omit the words "the last preceding sec- tion" and insert in lieu thereof the words "section thirty-nine";
		(b) omit the words "the next following sec- tion" and insert in lieu thereof the words "section forty-one."
20		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-
20	Section 78B	four." 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 preced- ing sections" wherever occurring and insert in lieu thereof the words and figures "section
35	Section eighty-eight	78A or section 78B." Omit the words "either of the two last preceding sections" and insert in lieu thereof the words "section eighty-six or section
	Section ninety-three	eighty-seven." Omit the words "the last preceding section" and insert in lieu thereof the words "section
40	Section ninety-six	ninety-two." Omit the words "the last preceding section" and insert in lieu thereof the words "section
45	Section one hundred and one.	ninety-five." Omit the words "hereinafter defined" and insert in lieu thereof the words "defined in section one hundred and four."

SCHEDULE

	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."
3.5	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."
30	Section 154A	Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 1548."
40	Section 154B	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

	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."
	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."
25	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."
30	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."
35	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."
40	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."
		The second se

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." to two
10	Section two hundred and six.	hundred and one both inclusive." (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
15	Section two hundred and fourteen.	"section two hundred and seven." 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."
	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 sec-
25	Section two hundred and thirty-one.	tion two hundred and twenty-one." (a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty";
30		(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
00	Section two hundred and forty-one.	and thirty-three." 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."
40	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-tw	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part,"

SCHEDULE

	Enactment of Act No. 40, 1909.	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. Section two hundred and seventy-	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." Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in
25	four. Section two hundred and seventy- six.	section two hundred and seventy-three." Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
30	Section two hundred and seventy- nine. Section two hundred and eighty- eight.	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." Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred
3 5	Section two hundred and ninety-two.	and eighty-seven." Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
40	Section three hundred and twentynine. Section three hundred and fortyone.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty." Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and factor."
-		and forty."

	Enactment of Act No. 40, 1900.	Amendment.
5	Section three hundred and fifty-six.	Cmit the words "either of the two last pre- ceding 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
15		the words "subsection two or subsection three of this section."
	Section four hundred and sixty-eight.	Omit the words "the two last preceding sec- tions, and of sections four hundred and thirty-seven and four hundred and fifty-
20		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-	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-	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six." Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven."
15	Section four hun-	Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four
40	Section four hundred and eightyone.	hundred and seventy-nine." (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."

	Enactment of Act No. 40, 1900.	${\bf Amendment.}$
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. Section four hundred and ninety.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three." 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. Section five hundred and eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five." Omit the words "the last preceding section" and insert in lieu thereof the words "section"
35	Section five hundred and four- teen. Section five hundred	five hundred and seven." Omit the words "the preceding section" and insert in lieu thereof the words "section five hundred and thirteen." Omit the words "the last preceding section"
40	dred and sixteen. Section five hundred and nine-	and insert in lieu thereof the words "section five hundred and fifteen." Omit the words "the last preceding section" and insert in lieu thereof the words "section
45	teen. Section five hundred and twenty-four.	five hundred and eighteen." Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

	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 inclu- sive."
15	Section five hundred and thirtyone. Section five hundred and forty.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty." Omit the words "the last preceding section" and insert in lieu thereof the words "sec-
20	Section five hun-	tion five hundred and thirty-nine." 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. Section five hundred and fifty-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one." Omit from paragraph four the words "hereinafter specified" and insert in lieu thereof the words "specified in section five hundred
30	Section five hundred and sixty.	and sixty-one." 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."
3 5	Section five hundred and sixtyone.	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 hun- dred 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.

B^E 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.

2. The Principal Act is amended—

Amendment of Act No. 40, 1900.

(a) by inserting in section four at the end of the sec. 4. definition of "Trustee" the words "and also an "Definition of "trustee.") executor or administrator";

cf. 6 and 7 Geo. V. c. 50, s. 46.

(b) (i) by inserting next after section sixteen the Newsec. 5 16A. following new section:-

> 16a. In all cases of treason, whether Procedure alleged to have been committed before or of treason. 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 Sec. 1. Part II in section one the figures "16" and tial.) by inserting in lieu thereof the figures and letter "16A";

(c) by omitting section seventeen;

Sec. 17. (Petit treason.)

(d) by inserting next after section twenty-two the News. 22A. 20 following new section:-

> 22A. (1) Where a woman by any wilful act or Infanticide. omission causes the death of her child, being a cf. 1 and 2 child under the age of twelve months, but at the c. 36, s. 1. 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.

30

25

10

15

35

(2)

- (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 5 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.
- (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 New following new section:— sec. 52A.
 - 52a. (1) Where the death of any person is Culpable occasioned through impact with a motor vehicle driving 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 five years.

35

30

(2)

(2) Where grievous bodily harm to a person is occasioned through impact with	iny a
motor vehicle being driven by a person—	
(a) under the influence of intoxicat liquor or of a drug; or	
(b) at a speed or in a manner which	18

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.

10

5

15

20

25

30

35

5	(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	Sec. 80.
	"with intent to commit the same" the words "with or without the consent of such person";	(Attempt, etc., to commit
	(g) by omitting section 91n and by inserting in lieu thereof the following section:—	Sec. 91p.
10	91b. 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 93н the following new section:—	New Sec. 93I.
20	section 93B of this Act, it shall be upon the	Accused to prove pistol licensed or his exemption. ef. Act No. 10, 1927, s. 4 (3) (d).
25	(2) Upon any prosecution under section 93c, 93p 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.	(a) (d).
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";	(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"; (k)	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 1784 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—	cheques.
	(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,	1936, s. 90.
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:— 	
	(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";	(False
	(n) by inserting in section one hundred and eighty after the words "by any false pretence" the words "or by any wilfully false promise";	(Causing payment, etc., by false
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";	(Conviction
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"; (q)	Sec. 183. (Trial for false pretences, etc.)

- (q) by inserting in section one hundred and ninetysix after the word "dwelling-house" wherever occurring the words "vehicle or aircraft"; knowing person therein.)
- (r) by inserting in section one hundred and ninetyseven after the word "dwelling-house" wherefire to
 ever occurring the words "vehicle or aircraft";
 welling a
 person being
 therein or to
 a church.)
 - (s) by inserting in section one hundred and ninety- sec. 198.
 eight after the word "dwelling-house" the words (Setting fire to certain other buildings.)
- the word "building" wherever occurring the words "vehicle or aircraft";
 - (u) by inserting in section two hundred and two sec. 202.

 after the word "building" the words "vehicle, (Attempting to buildings.)
 - (v) (i) by inserting in section two hundred and sec. 203.
 three after the word "dwelling-house" the words "vehicle or aircraft";

 words "vehicle or aircraft";
- 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 Sec. 204.

 after the word "building" where first (Attempting occurring the words "vehicle or aircraft"; 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 thirtyeight;

 (y)

 Sec. 335.

 (False declaration in fraud et revenue.)

(y) by omitting from section three hundred and sec. 340. forty all the words after the words "direct such (Directing person to be prosecuted for perjury in respect prosecution for perthereof" and by inserting in lieu thereof the jury.) words "and may commit him, or admit him to ef. 1 and 2 bail, to take his trial at the proper court, and Geo. V, c. 6, s. 9. 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 sec. 353A. section 353A the words "and palm-prints";

search person

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

360a. (1) Every provision of an Act relating Indictment to offences punishable upon indictment or upon of corporasummary conviction may, unless a contrary tions. 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

35

5

10

20

25

_	
	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.
10	may be made on behalf of the corpora- tion by that representative, but if the 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
25	management of the affairs of the corporation to the effect that the person named has been appointed as the representative of the corpora- tion 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—

(a) where the term of imprisonment does

pounds;

not exceed six months—one hundred

(b)

	1100 1100 , 1001	
7	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.	
.0	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.	(Indictment
	3. The Principal Act is further amended—	Further amendment of Act No. 40, 1900.
	(a) by omitting section four hundred and one;	Sec. 401. (Jury not to inquire of lands, &c.)
	(b) by inserting at the end of section four hundred and five the following new subsection:—	
20	(2) where the accused intends to give	case before

(c) by omitting section four hundred and twenty- Sec. 429.
(Release of juvenile offenders.)

(d)

(d) by omitting section four hundred and thirty-six; Sec. 436.

(e) (i) by omitting from subsection one of section Sec. 475. four hundred and seventy-five the words (Governor "of a prisoner" and by inserting in lieu may direct thereof the words "of any person";

5

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 10 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 Sec. 476. hundred and seventy-six the words "one offences bundred pounds" and by inserting in lieu summarily 15 thereof the words "two hundred and fifty by consent of the accused.) pounds".

4. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

(a) (i) by omitting from subsection two of section Sec. 501. 20 five hundred and one the words and figures "and by section 526A of this Act";

summarily consent of accused.)

- (ii) by omitting from the same subsection the words "or police";
- (iii) by inserting at the end of the same section 25 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)

(b) by omitting from section five hundred and two Sec. 502. the words "may be summoned to appear (Possesbefore" and by inserting in lieu thereof the words "may be brought before or may be stolen summoned to appear before";

(c) by inserting at the end of section 526A the following new subsection:-

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

- (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 Sec. 532 to to five hundred and thirty-eight both inclusive; (Injuries to
- (e) by omitting section five hundred and fifty-two Sec. 552. (Discharge of and the sub-heading thereto; juvenile first offenders.)
- (f) by omitting from section five hundred and fifty- Sec. 553. 15 three the words "section of this";

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

(g) by inserting in subsection two of section five Sec. 554. hundred and fifty-four after the words "three (Recognimonths" the words "with either hard labour or good light labour";

behaviour.)

(h) by inserting at the end of section 556A, the Sec. 556A. following new subsection:-

(Power to permit

(3) Where under subsection one of this conditional section a charge is dismissed or an offender is offenders.) 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.

30

25

20

5

10

(i)

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

> 556B. If the court before which an Proceedings offender is bound by recognizance to appear on breach of for conviction or sentence, or any court of recognisummary jurisdiction, is satisfied by zance. 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.

15

20

30

35

5

10

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

(j) (i) by omitting from subsection one of section Sec. 561. five hundred and sixty-one the words "dur- (Forfeiture ing the period specified in the recog-nizance, 25 nizance";

(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—

Further amendment of Act No. 40, 1900.

(a) by omitting section two hundred and ninety- sec. 299. nine;

(Forging trade mark.)

(b) by omitting Part VI;

Part 71

(c) by omitting from section one the matter relating sec. 1. to Part VI.

(Consequen-

6.

6. The Principal Act is further amended—

valuable security,";

		A
(a)	by inserting in section one hundred and eighty-	1 8
(4)	five after the word "parchment" the words "in	
	order that the same may be afterwards made or	

Further amendment of Act No. 40, 1900.

Sec. 185. Inducing persons by fraud to converted into, or used or dealt with as a execute ments.)

- (b) by omitting section three hundred and forty- Sec. 349. nine and by inserting in lieu thereof the following section—
- 349. (1) Every accessory after the fact to Punishment 10 murder shall be liable to penal servitude for after the life.

murder, etc.

- (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- sec. 441. one after the word "tried" the words "or any (Judgment other court of like jurisdiction";

sentence

- 20 (d) (i) by inserting next after section 545c the Newsec. following short-heading and new section: - 545D.
 - (D4) Unlawful Making or Possession of EXPLOSIVES.

545p. Whosoever being charged before Unlawful two Justices with—

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

30

25

5

15

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 Sec. 1. and letter "545c" the letters, words and (Conse-figures:—

(D4) Unlawful Making or Possession of Explosives.

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

of Act No. 16, 1912.

(a) by inserting at the end of section 5A the follow- Sec. 5A. ing new subsection:—

(2) (a) The judge or chairman of quarter Reserving sessions presiding at a criminal trial shall, if so question of law. 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.

(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

15

5

20

25

30

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.

5

10

15

20

25

35

40

(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 Sec. 5B. submission shall be dealt with as if it were an stated from appeal under this Act."

8. (1) The Justices Act, 1902, as amended by subse- Amendment quent Acts, is amended—

(a) by inserting in subsection one of section one sec. 122. hundred and twenty-two after the words "the (Appeal to making of such conviction or order" the words Quarter Sessions.) ", 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"; (b)

(b) by inserting next after section one hundred and New sec. 131A. thirty-one the following new section:— 131A. (1) A chairman of quarter sessions may Cases stated submit any question of law arising on any appeal to Court of quarter sessions coming before him not being a Quarter 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. (2) On the hearing of the case stated by the chairman of quarter sessions the Supreme Court

10 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 sub-15 sequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.

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

15, 1905.

- (a) by omitting from the Schedule the words and Schedule. 20 figures-
 - "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";

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."

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

amendment of Act No. 40, 1900.

148-B

SCHEDULE.

(Revision.)

35

30

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."
15	Section forty	(a) Omit the words "the last preceding sec- tion" 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."
	Section seventy-five	Omit the words "the last two preceding sec- tions" and insert in lieu thereof the words "section seventy-three or section seventy-
25	Section 78B	four." Omit the words "the last preceding section" and insert in lieu thereof the word and
30	Section 78c	figures "section 78A." 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 pre- ceding sections" and insert in lieu thereof the words "section eighty-six or section
	Section ninety-three	eighty-seven." Omit the words "the last preceding section" and insert in lieu thereof the words "section
40	Section ninety-six	ninety-two." Omit the words "the last preceding section" and insert in lieu thereof the words "section ninety-five."
45	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

	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 1548."
40	Section 154B	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

	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		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. Section one hundred and seventy-eight.	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." Omit the words "the said twelve sections" and insert in lieu thereof the words "sections			
25	Section one hundred and eighty.	one hundred and sixty-five to one hundred and seventy-six both inclusive." Omit the words "the last preceding section" and insert in lieu thereof the words "section one hundred and seventy-nine."			
30	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."			
35	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."			
10	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—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
10	Section two hundred and six.	hundred and one both inclusive." (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
15	Section two hundred and fourteen.	"section two hundred and seven." 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
20	Section two hundred and seventeen.	twelve or two hundred and thirteen." 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. Section two hundred and thirty-one.	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." (a) Omit the words "the last preceding section" and insert in lieu thereof the words
30		"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."
	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
40	Section two hundred and forty-seven.	hundred and forty both inclusive." Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
	Section two hundred and fifty-tw,	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

SCHEDULE

	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."
20	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. Section two hun-	Omit the word "herein" and insert in lieu thereof the words " by any provision of this Part." Omit the words "the five next following sec-
30	dred and seventy- nine. Section two hun-	tions" and insert in lieu thereof the words "sections two hundred and eighty to two hundred and eighty-four both inclusive." Omit the words "in the last preceding section
	dred and eighty- eight.	mentioned" and insert in lieu thereof the words "mentioned in section two hundred and eighty-seven."
35	Section two hundred and ninety- two. Section three hun-	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part." Omit the words "the next following section"
40	dred and twenty- nine. Section three hun-	and insert in lieu thereof the words "section three hundred and thirty." Omit the words "the last preceding section"
	dred and forty- one.	wherever occurring and insert in lieu thereof the words "section three hundred and forty."

	Enactment of Act No. 40, 1900.	Amendment.
5	Section three hundred and fifty-six.	Omit the words "either of the two last pre- ceding 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
15		the words "subsection two or subsection three of this section."
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 hun- dred 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 hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six." Omit the words "the last preceding section" and insert in lieu thereof the words "section"
35	dred and seventy- eight. Section four hun- dred and eighty.	four hundred and seventy-seven." Omit the words "In any such case" and insert in lieu thereof the words "Where a charge is disposed of summarily under section four
40	Section four hundred and eightyone.	hundred and seventy-nine." (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."

	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. Section four hundred and ninety.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three." Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this
15	Section four hundred and ninety-eight.	section." 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
20	Section four hundred and ninety-nine.	both inclusive." 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. Section five hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five." Omit the words "the last preceding section"
	dred and eight. Section five hun-	and insert in lieu thereof the words "section five hundred and seven." Omit the words "the preceding section" and
35	dred and four- teen. Section five hun-	insert in lieu thereof the words "section five hundred and thirteen." Omit the words "the last preceding section"
40	dred and sixteen. Section five hundred and nine-	and insert in lieu thereof the words "section five hundred and fifteen." Omit the words "the last preceding section" and insert in lieu thereof the words "section
	teen. Section five hundred and twentyfour.	five hundred and eighteen." Omit the words "the last preceding section" and insert in lieu thereof the words "section"
45	Tour.	five hundred and twenty-three."

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." Omit the words "the last preceding section"
	dred and forty. Section five hun-	and insert in lieu thereof the words "section five hundred and thirty-nine." Omit the words "hereinbefore provided" and
20	dred and forty- one.+	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-	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 "herein- after 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 hun- dred 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 hun- dred 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.

Crimes (.Imentymeid).

Dennitron T. 1943 HOE

the of a solution of the solut

ental our todie 7 trot les man pais 141 ann avit correct

Contraction of the

And on process with the charles with the control of the control of

the self-prise of

employed mine-

cirle there exis

The projection of the state of

to the bundled and result in the chiese to be seen as a second of the bundled and feetween took or since the second or the secon

and rescribe the dense was demonstrated as a community of the state of

The state of the s

where you had been a self-or and the self-or a

the adjust of the gut of any party of the property of the prop

Tall of found by Theory of the conditional and the second of the second

Chairman and American Commercial

La title stille

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.]

B^E 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.
61209 148—A. 2.

2. The Principal Act is amended—

Amendment of Act No. 40, 1900.

(a) by inserting in section four at the end of the Sec. 4. definition of "Trustee" the words "and also an "brustee." executor or administrator";

(b) (i) by inserting next after section sixteen the New sec. 5 following new section:-

16a. In all cases of treason, whether Procedure alleged to have been committed before or of treason. 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 Sec. 1. 15 Part II in section one the figures "16" and (Consequential.) by inserting in lieu thereof the figures and letter "16A";

(c) by omitting section seventeen;

Sec. 17. (Petit treason.)

(d) by inserting next after section twenty-two the News, 22A. 20 following new section:-

> 22A. (1) Where a woman by any wilful act or Infanticide. omission causes the death of her child, being a cf. 1 and 2 child under the age of twelve months, but at the e. 36, s. 1. 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.

35

25

30

10

(2)

- (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 New following new section:—
 - 52A. (1) Where the death of any person is Culpable occasioned through impact with a motor vehicle driving 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 five years.

(2)

35

30

25

5

10

- (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.

10

5

15

20

25

30

35

- (6) In	this	section,	"dı	ug''	mean	s a
drug to which	Part	VI of	the I	Police	Offer	ices
(Amendment)	Act	, 1908,	as	ame	nded	by
subsequent Ac						

- (f) by inserting in section eighty after the words sec. 80. "with intent to commit the same" the words (Attempt, etc., "with or without the consent of such person"; buggery.)
 - (g) by omitting section 91D and by inserting in lieu Sec. 91D. thereof the following section:
- 91D. Whosoever employs in or suffers to Employment 10 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.
- (h) (i) by inserting next after section 93H the New 15 Sec. 93I. following new section:
 - 931. (1) Upon any prosecution under Accused section 93B of this Act, it shall be upon the to prove person accused to prove that the pistol was licensed licensed or that, by reason of the provisions or his of section 93H of this Act, he is not subject cf. Act No. 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.

(ii) by omitting from the matter relating to Part Sec. 1. 30 IIIA in section one the figures and letter (Consequen-"93H" and by inserting in lieu thereof the figures and letter "931";

- (i) by omitting sections one hundred and forty-one, Secs. 141, 142, 143. one hundred and forty-two, and one hundred and (stealing trees, etc., third offence.) forty-three;
 - (j) by inserting in section 154A after the words Sec. 154A. "motor car" the words "caravan, trailer";

use of vehicle, etc.)

(Unlawful

10, 1927, s. 4 (3) (d).

20

5

25

5

10

15

20

25

3

Crimes (Amendment).

(k)	by omitting fro	om section on	e hundred a	and fifty-	Sec. 1
	five the words				
	next following	sections";			serva

155. finition of ant.)

(1) (i) by inserting next after section 178A the Newsec. following short heading and new section: - 178B.

VALUELESS CHEQUES.

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

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, 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.

(ii) by inserting in the matter relating to Part Sec. 1. IV, chapter I, in section one after paragraph (Consequential.) (f1) the following new paragraph:

(f2) Valueless Cheques—s. 178b.

- (m) by inserting in section one hundred and seventy- Sec. 179. nine after the words "by any false pretence" (False the words "or by any wilfully false promise"; pretences.)
 - (n) by inserting in section one hundred and eighty Sec. 180. after the words "by any false pretence" the (Causing words "or by any wilfully false promise";

payment, etc., by false pretence.)

(o) by inserting in section one hundred and eighty- sec. 182. 30 two after the words "by any false pretence" the words "or by any wilfully false promise"; on charge of

(Conviction pretences,

(p) by inserting in section one hundred and eighty- Sec. 183. three after the words "by any false pretence" (Trial for the words "or by any wilfully false promise"; false

pretences,

(q) by inserting in section one hundred and ninety- Sec. 196. six after the word "dwelling-house" wherever (Setting fire to dwelling occurring the words "vehicle or aircraft"; knowing person

therein.) (r) by inserting in section one hundred and ninety- Sec. 197. seven after the word "dwelling-house" where- (Setting ever occurring the words "vehicle or aircraft"; welling a person being therein or to a church.

(s) by inserting in section one hundred and ninety- sec. 198. eight after the word "dwelling-house" the words (Setting fire to "vehicle or aircraft";

5

(t) by inserting in section two hundred and one after sec. 201. 10 the word "building" wherever occurring the things in or words "vehicle or aircraft";

(u) by inserting in section two hundred and two sec. 202. after the word "building" the words "vehicle, (Attempting to aircraft"; 15

(v) (i) by inserting in section two hundred and Sec. 203. three after the word "dwelling-house" the (Destroying words "vehicle or aircraft";

or damaging a house with gunpowder.)

- (ii) by inserting in the same section after the word "whatsoever" the words "vehicle or 20 aircraft";
 - (w) (i) by inserting in section two hundred and four Sec. 204. after the word "building" where first (Attempting occurring the words "vehicle or aircraft"; to destroy

with gunpowder.)

- (ii) by inserting in the same section after the 25 word "building" where secondly occurring the words "vehicle, aircraft";
 - (x) by omitting section three hundred and thirty- Sec. 338. eight;

declaration in fraud of revenue.;

(y) by omitting from section three hundred and sec. 340. forty all the words after the words "direct such (Directing person to be prosecuted for perjury in respect prosecution for perthereof" and by inserting in lieu thereof the jury.) 5 words "and may commit him, or admit him to cf. 1 and 2 bail, to take his trial at the proper court, and Geo. V, c. 6, may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where 10 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 sec. 353A. section 353A the words "and palm-prints";

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

360A.

360a. (1) Every provision of an Act relating Indictment to offences punishable upon indictment or upon of summary conviction may, unless a contrary tions. 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 25 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 30 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,

35

	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 repre-
	sentative any answer to the question to be put under subsection four of section
	forty-one of the Justices Act, 1902-1951
0	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
5	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.
0	(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 th
	management of the affairs of the corporation t
5	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.
0	(5) Any summons or other documen
U	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 i
	trades or carries on business.
5	(6) Where the penalty in respect of an offence is a term of imprisonment only, the cour before which the offence is tried may, if it think fit, in the case of a body corporate, impose
	pecuniary penalty not exceeding—

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

pounds;

	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
	3. The Principal Act is further amended—	rinstrument no necessary. Pleas of attainder and dilatory pleas.) Further amendment of Act No. 40, 1900.
	(a) by omitting section four hundred and one;	Sec. 401. (Jury not to inquire of lands, &c.)
	(b) by inserting at the end of section four hundred and five the following new subsection:—	Sec. 405.
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.	Accused may open case before calling witnesses.
25	(c) by inserting at the end of section four hundred and eighteen the following new subsection:—(3) The evidence of the child tendered as	Sec. 418. (Unsworn statement by child.)
30	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.	
	(d) by omitting section four hundred and twenty- nine; (e)	Sec. 429. (Release of juvenile offenders.)

5

(e) by omitting section four hundred and thirty-six; Sec. 436.

Sec. 436. (Sentences in irons.)

- (f) (i) by omitting from subsection one of section Sec. 475.
 four hundred and seventy-five the words "of a prisoner" and by inserting in lieu thereof the words "of any person"; (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";
- (g) by omitting from paragraph two of section four Sec. 476.

 hundred and seventy-six the words "one offences hundred pounds" and by inserting in lieu summarily thereof the words "two hundred and fifty by consent of pounds".
 - 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)

(b) by omitting from section five hundred and two Sec. 502. the words "may be summoned to appear (Possesbefore" and by inserting in lieu thereof sion of skin, the words "may be brought before or may be stolen summoned to appear before";

(c) by inserting at the end of section 526A the Sec. 526A. following new subsection:-

(Unlawfully using vehicle or boat.)

(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 Sec. 532 to to five hundred and thirty-eight both inclusive; (Injuries to

(e) by omitting section five hundred and fifty-two Sec. 552. and the sub-heading thereto;

(Discharge of juvenile first offenders.)

(f) by omitting from section five hundred and fifty- Sec. 553. 15 three the words "section of this";

term, or fine for less amount than, that fixed.)

(g) by inserting in subsection two of section five Sec. 554. hundred and fifty-four after the words "three (Recognizance for months" the words "with either hard labour or good light labour";

behaviour.)

(h) by inserting at the end of section 556A the Sec. 556A. following new subsection:-

(3) Where under subsection one of this conditional release of section a charge is dismissed or an offender is offenders.) 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.

30

25

20

5

10

(i)

5

10

15

20

25

30

35

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

556B. If the court before which an Proceedings offender is bound by recognizance to appear on breach of for conviction or sentence, or any court of recognizance. 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.

(ii) by omitting from the matter relating to Part Sec. 1. XIV, Chapter IV, in section one the letters (Conseand 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 Sec. 561.

five hundred and sixty-one the words "during the period specified in the recognizance, nizance";

(Forfeiture of recognizance, etc.)

(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—

(a) by omitting section two hundred and ninetysec. 299.
(Forging

(b) by omitting Part VI;

(c) by omitting from section one the matter relating sec. 1. (Constitution of the Part VI.

Further amendment of Act No. 40, 1900.

Sec. 299. (Forging trade mark.)

Part 7I. (Coinage offences.)

(Consequential.)

6.

	Crimes (Amendment).				
	6. The Principal Act is further amended—	Further amendment of Act No. 40,			
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,";	(Inducing persons by fraud to			
	(b) by omitting section three hundred and forty- nine and by inserting in lieu thereof the following section—	Sec. 349.			
10	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.				
	(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:—				
	(d4) Unlawful Making or Possession of Explosives.				
25	545p. Whosoever being charged before two Justices with— (a) having made; or (b) knowingly having in his possession or under his control,	Unlawful making or possession of explosives.			
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				
35	lawful purpose, does not satisfy such Justices that he made the explosive sub- stance, or had such substance in his possession				

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 Sec. 1. and letter "545c" the letters, words and (Consefigures:-

(D4) Unlawful Making or Possession of EXPLOSIVES.

7. The Criminal Appeal Act of 1912, as amended by Amendment 10 subsequent Acts, is amended—

of Act No. 16, 1912.

- (a) by inserting at the end of section 5A the follow- Sec. 5A. ing new subsection:-
 - (2) (a) The judge or chairman of quarter Reserving sessions presiding at a criminal trial shall, if so question 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.

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

as the Court of Criminal Appeal may require.

- (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

15

5

25

35

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

5

10

15

20

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 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 sec. 5B. submission shall be dealt with as if it were an (Cases stated from appeal under this Act."

Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subse- Amendment quent Acts, is amended—

Sessions.)

(a) by inserting in subsection one of section one Sec. 122. 30 hundred and twenty-two after the words "the (Appeal to making of such conviction or order" the words Quarter ", 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 35 conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

(b)

(b) by inserting next after section one hundred and New sec. thirty-one the following new section:— 131A. (1) A chairman of quarter sessions may Cases stated submit any question of law arising on any appeal to from Court of quarter sessions coming before him not being a Quarter 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.

- 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.
- (2) The Justices Act, 1902, as amended by sub-15 sequent Acts and by this Act, may be cited as the Justices Act, 1902-1951.
 - 9. The Habitual Criminals Act, 1905, as amended by Amendment subsequent Acts, is amended— 15, 1905.

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

> "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";

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."

10. The Principal Act is further amended to the extent amendment of Act No. 40, 1900. set out in the Schedule to this Act.

(Revision.)

148-B

30

35

5

SCHEDULE.

SCHEDULE.

Sec. 10.

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

	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 1548."
台)	Section 154B	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

111

Crimes (Amendment).

	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."	
	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."	
25	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."	
30	Section one hundred and eighty-seven.	Omit the words "the two next following sec- tions" 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."	
35	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."	
40	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—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. Section two hundred and thirty-one.	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." (a) Omit the words "the last preceding section" and insert in lieu thereof the words "section two hundred and thirty";
30		(b) omit the words "the next following sec- tion" 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."
	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."
40	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."
45	Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

SCREDULE

	Enactment of Act No. 40, 1909.	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. Section two hun-	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three." Omit the word "herein" and insert in lieu
25	dred and seventy- six. Section two hun- dred and seventy-	thereof the words "by any provision of this Part." Omit the words "the five next following sections" and insert in lieu thereof the words
30	nine. Section two hundred and eighty-eight.	"sections two hundred and eighty to two hundred and eighty-four both inclusive." Omit the words "in the last preceding section mentioned" and insert in lieu thereof the words "mentioned in section two hundred
35	Section two hundred and ninety-	and eighty-seven." Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
40	Section three hundred and twentynine. Section three hundred and forty-	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty." Omit the words "the last preceding section" wherever occurring and insert in lieu
	one.	thereof the words "section three hundred and forty."

	Enactment of Act No. 40, 1900.	Amendment.
5	Section three hundred and fifty-six.	Cmit 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
15	Section four hun-	said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section." Omit the words "the two last preceding sec-
20	dred and sixty-eight.	tions, 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. Section four hundred and seventy-eight. Section four hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-six." Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and seventy-seven." Omit the words "In any such case" and insert
35	dred and eighty.	in lieu thereof the words "Where a charge is disposed of summarily under section four hundred and seventy-nine."
40	Section four hundred and eightyone.	(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—continued.

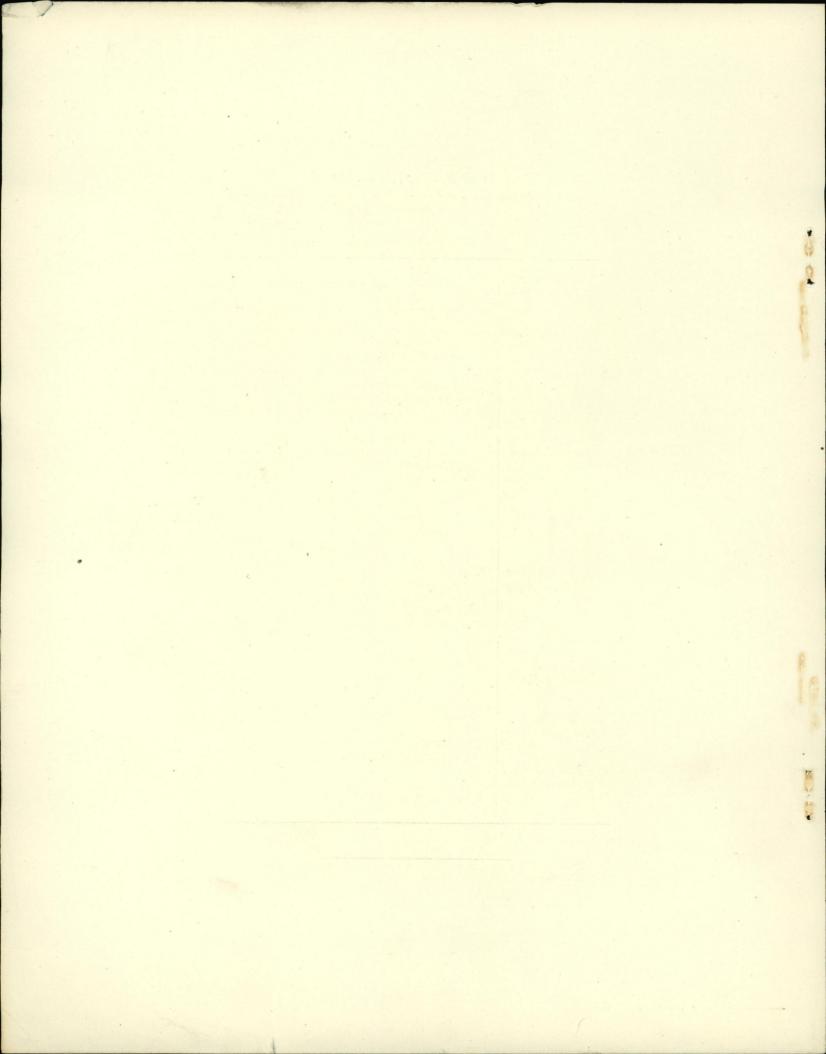
	Enactment of Act No. 40, 1900.	Amendment.
5	Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
10	Section four hundred and eighty-four. Section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

SCHEDULE—continued.

	Enactment of Act No. 40, 1900.	Amendment.
5	Section five hundred and twentysix. Section five hundred	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five." Omit the words "the twelve sections next following" and insert in lieu thereof the
10	dred and thirty.	words "sections five hundred and thirty-one to five hundred and forty-two both inclu- sive."
15	Section five hundred and thirtyone.	After the words "any such act" insert the words "as is referred to in section five hundred and thirty."
	Section five hundred and forty. Section five hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "sec- tion five hundred and thirty-nine." Omit the words "hereinbefore provided" and
20	dred and forty- one.	insert in lieu thereof the words "provided in sections five hundred and thirty to five hundred and forty both inclusive."
25		Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one."
	Section five hundred and fiftyeight.	Omit from paragraph four the words "herein- after specified" and insert in lieu thereof the words "specified in section five hundred and sixty-one."
30	Section five hun- dred and sixty.	Omit the words "the foregoing provisions" and insert in lieu thereof the words "sec- tion five hundred and fifty-eight or section five hundred and fifty-nine."
35	Section five hundred and sixtyone.	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 hun- dred 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.



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 91p 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.
- (1) 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.

CRIMES (AMENDMENT) BILL, 1951

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 5c 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.

Man M. after P. director and P. de La D. De La D the property of the state of th

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.]

B^E 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 (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.

61209 —149

2.

2. The Principal Act is amended—

Amendment of Act No. 40, 1900.

(a) by inserting in section four at the end of the sec. 4. definition of "Trustee" the words "and also an "trustee.") executor or administrator";

cf. 6 and 7 Geo. V. c. 50, s. 46.

(b) (i) by inserting next after section sixteen the New sec. 5 16A. following new section:-

> 164. In all cases of treason, whether Procedure alleged to have been committed before or of treason. 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 Sec. 1. 15 Part II in section one the figures "16" and (Consequential.) by inserting in lieu thereof the figures and letter "16A";

(c) by omitting section seventeen;

Sec. 17. (Petit treason.)

20 (d) by inserting next after section twenty-two the News. 22A. following new section:-

> 22A. (1) Where a woman by any wilful act or Infanticide. omission causes the death of her child, being a cf. 1 and 2 child under the age of twelve months, but at the Geo. VI 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.

35

25

30

10

(2)

- (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 New following new section:—
 - 52A. (1) Where the death of any person is culpable occasioned through impact with a motor vehicle driving 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 five years.

(2)

35

30

5

10

- (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)

5

10

10

20

15

25

30

35

	(6) In	this -	section,	, "dr	ug''	means	s a
drug to	which	Part	VI of	the P	olice	Offen	ices
(Amen	dment)	Act,	1908,	as	amei	nded	by
subsequ	ient Act	s, app	olies.				
hy inse	rting in	secti	on eigl	htv af	ter t	he wo	rds

(f) by inserting in section eighty after the words Sec. 80. "with intent to commit the same" the words (Attempt. etc., "with or without the consent of such person"; buggery.)

(g) by omitting section 91p and by inserting in lieu Sec. 91p. thereof the following section:

91D. Whosoever employs in or suffers to Employment 10 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 93 in the New following new section:-

> 931. (1) Upon any prosecution under Accused section 93B of this Act, it shall be upon the to prove person accused to prove that the pistol was licensed licensed or that, by reason of the provisions or his exemption. of section 93H of this Act, he is not subject ef. Act No. to the provisions of section 93B.

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 Sec. 1. IIIA in section one the figures and letter (Consequen-"93H" and by inserting in lieu thereof the figures and letter "931";

(i) by omitting sections one hundred and forty-one, Secs. 141, 142, 143. one hundred and forty-two, and one hundred and (Stealing forty-three;

(j) by inserting in section 154A after the words Sec. 154A. "motor car" the words "caravan, trailer";

(Unlawful vehicle,

35

20

25

30

0

	(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:—	
	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, 	1300, 8. 30.
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:—	
	(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";	(False
	(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
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";	pretence.) 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"; (q)	Sec. 183. (Trial for false pretences, etc.)

- (q) by inserting in section one hundred and ninetysix after the word "dwelling-house" wherever (Setting fire
 occurring the words "vehicle or aircraft"; to dwelling
 knowing
 person
 therein.)
- (r) by inserting in section one hundred and ninetysec. 197.

 seven after the word "dwelling-house" wherefire to
 ever occurring the words "vehicle or aircraft";
 person being
 therein or to
 - (s) by inserting in section one hundred and ninety- sec. 198.
 eight after the word "dwelling-house" the words (Setting fire to certain other buildings.)
- the word "building" wherever occurring the words "vehicle or aircraft";

 (t) by inserting in section two hundred and one after sec. 201.

 (Setting fire to things in or adjacent to buildings.)
- (u) by inserting in section two hundred and two sec. 202.

 after the word "building" the words "vehicle, (Attempting to set fire to buildings.)
 - (v) (i) by inserting in section two hundred and sec. 203.

 three after the word "dwelling-house" the (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 Sec. 204.

 after the word "building" where first (Attempting occurring the words "vehicle or aircraft"; 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 thirtyeight;

 (y) Sec. 338.

 (False declaration in fraud of revenue.)

(y) by omitting from section three hundred and sec. 340. forty all the words after the words "direct such (Directing person to be prosecuted for perjury in respect prosecution for perthereof" and by inserting in lieu thereof the jury.) 5 words "and may commit him, or admit him to cf. 1 and 2 bail, to take his trial at the proper court, and Geo. V, c. 6, s. 9. may require any person then present to enter into a recognizance to give evidence against the person whose prosecution is so directed. Where 10 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 sec. 353A. section 353A the words "and palm-prints";

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

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

20

25

30

(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.

	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,
10	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
15	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)

	14 A C C C C C C C C C C C C C C C C C C	
	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
	graffy owner shall be a fig. when some chiral the control of the c	instrument not necessary. Pleas of attainder 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;	Sec. 401. (Jury not to inquire of lands, &c.)
	(b) by inserting at the end of section four hundred and five the following new subsection:—	Sec. 405:
20	nesses in support of the defence the accused or	Accused may open case before calling witnesses.
25	(c) by inserting at the end of section four hundred and eighteen the following new subsection:—(3) The evidence of the child tendered as	Sec. 418. (Unsworn statement by child.)
30	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.	
	(d) by omitting section four hundred and twenty- nine; (e)	Sec. 429. (Release of juvenile offenders.)

(e) by omitting section four hundred and thirty-six; Sec. 486.

(Sentences in irons.)

(f) (i) by omitting from subsection one of section Sec. 475. four hundred and seventy-five the words (Governor "of a prisoner" and by inserting in lieu may direct thereof the words "of any person";

5

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 10 section after the word "practicable" the words "together with his report as to the conclusions to be drawn therefrom";
- (g) by omitting from paragraph two of section four Sec. 476. hundred and seventy-six the words "one offences hundred pounds" and by inserting in lieu summarily 15 thereof the words "two hundred and fifty by consent of the accused.) pounds".

4. The Principal Act is further amended—

Further amendment of Act No. 40,

(a) (i) by omitting from subsection two of section 20 five hundred and one the words and figures "and by section 526A of this Act";

Sec. 501. 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 25 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	(4	mond	ment'	1
Crimes	14	mena	meter.	١.

(b) by omitting from section five hundred and two Sec. 502. the words "may be summoned to appear (Possesbefore" and by inserting in lieu thereof sion of skin, the words "may be brought before or may be stolen summoned to appear before";

(c) by inserting at the end of section 526A the Sec. 526A. following new subsection:-

(Unlawfully using vehicle or boat.)

(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 Sec. 532 to to five hundred and thirty-eight both inclusive; (Injuries to trees, &c.)

(e) by omitting section five hundred and fifty-two Sec. 552. and the sub-heading thereto;

(f) by omitting from section five hundred and fifty- Sec. 553. 15 three the words "section of this";

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

(g) by inserting in subsection two of section five Sec. 554: hundred and fifty-four after the words "three (Recognimonths" the words "with either hard labour or good light labour";

behaviour.)

(h) by inserting at the end of section 556A the Sec. 556A. following new subsection:-

permit

(3) Where under subsection one of this conditional release of section a charge is dismissed or an offender is offenders.) 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.

30

25

20

5

10

(i)

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

> 556B. If the court before which an Proceedings offender is bound by recognizance to appear on breach of for conviction or sentence, or any court of recognisummary jurisdiction, is satisfied by zance. 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.

15

10

5

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

20

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

30

25

(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—

Further amendment of Act No. 40, 1900.

35

(a) by omitting section two hundred and ninety- sec. 299. nine;

(Forging trade mark.)

(b) by omitting Part VI;

Part VI.

(c) by omitting from section one the matter relating sec. 1. to Part VI.

(Consequen-tial.)

6.

~		11		7	\	
0	rimes	3 (A	men	dm	ent	١.

6. The Principal Act is further amended— Further amendment of Act No. 40, 1900. (a) by inserting in section one hundred and eighty- sec. 185. five after the word "parchment" the words "in (Inducing order that the same may be afterwards made or persons by converted into, or used or dealt with as a execute 5 instruvaluable security,"; (b) by omitting section three hundred and forty- Sec. 349. nine and by inserting in lieu thereof the following section— 349. (1) Every accessory after the fact to Punishment 10 murder shall be liable to penal servitude for after the fact to murder, etc. 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 15 liable to penal servitude for fourteen years. (c) by inserting in section four hundred and forty- sec. 441. one after the word "tried" the words "or any (Judgment other court of like jurisdiction"; (d) (i) by inserting next after section 545c the Newsec. 20 following short-heading and new section: - 545D. (D4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES. 545p. Whosoever being charged before Unlawful making or possession of explosives. two Justices with-25 (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 30 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 sub-35 stance, or had such substance in his possession

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 Sec. 1. and letter "545c" the letters, words and (Consefigures:—

(D 4) Unlawful Making or Possession of Explosives.

7. The Criminal Appeal Act of 1912, as amended by Amendment of Act No. 16, 1912.

(a) by inserting at the end of section 5a the follow- Sec. 5a. ing new subsection:—

(2) (a) The judge or chairman of quarter Reserving sessions presiding at a criminal trial shall, if so question 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.

(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

15

5

20

25

35

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

15

20

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 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 sec. 5B. submission shall be dealt with as if it were an (Cases stated from appeal under this Act."

Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subse- Amendment quent Acts, is amended—

27, 1902.

(a) by inserting in subsection one of section one 30 hundred and twenty-two after the words "the (Appeal to making of such conviction or order" the words Quarter ", 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 35 conviction or order, within seven days from the date upon which proceedings consequent thereon concluded";

Sec. 122. Sessions.)

(b)

Wilsin .

(b) by inserting next after section one hundred and New sec. thirty-one the following new section:— 131A. (1) A chairman of quarter sessions may Cases stated submit any question of law arising on any appeal to from Court of 5 quarter sessions coming before him not being a Quarter 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. (2) On the hearing of the case stated by 10 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 Amendment of Act No. subsequent Acts, is amended— 15, 1905. (a) by omitting from the Schedule the words and Schedule. 20 figures-"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 30 -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."

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

Further amended to the extent further amended to the extent set out in the Schedule to this Act.

Further amendment of Act No. 40, 1900.

149—B

35

SCHEDULE.

(Revision.)

W. Table

SCHEDULE.

Sec. 10.

	Enactment of Act No. 40, 1900.	Amendment.
	Section thirty	Omit the words "the preceding sections" and
5	Section thirty-four	insert in lieu thereof the words "sections twenty-seven to twenty-nine both inclusive." (a) Omit the words "the last preceding section" and insert in lieu thereof the words "section thirty-three";
10	rami'a w a mani'a w func'i o	(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";
	, and the second	(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."
20	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 pre- ceding sections" and insert in lieu thereof the words "section eighty-six or section
	Section ninety-three	eighty-seven." 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	Omit the words "hereinafter defined" and
4 5	and one.	insert in lieu thereof the words "defined in section one hundred and four."

SCHEDULE

SCHEDULE—continued.

		Y.
	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 preced- ing 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
35	Section 154A	one hundred and thirty-five." Omit the words "and the next succeeding section" and insert in lieu thereof the words and figures "section and in section 1548."
,	Section 154B	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

SCHEDULE

SCHEDULE—continued.

		the state of the s
	Enactment of Act No. 40, 1900.	Amendment. 30 members of the section
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."
	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."
25	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."
3 0	Section one hundred and eighty-seven.	Omit the words "the two next following sec- tions" 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."
35	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."
40	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—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 sec
	Section two hundred	tion" and insert in lieu thereof the words "section two hundred and seven." Omit the words "in the three last preceding
15	and fourteen.	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."
	Section two hundred and thirty-one.	(a) Omit the words "the last preceding sec- tion" and insert in lieu thereof the words "section two hundred and thirty";
30		(b) omit the words "the next following sec- tion" 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
35	Section two hundred and forty-one.	and thirty-three." Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in sections two hundred and thirty-five to two
40	Section two hundred and forty-seven.	hundred and forty both inclusive." Omit the words "hereinbefore provided" and insert in lieu thereof the words "provided in this Chapter of this Part."
15	Section two hundred and fifty-two.	Omit the word "herein" and insert in lieu thereof the words "by any provision in this Part."

10

MG.

Crimes (Amendment).

SCHEDULE—continued.

	Enactment of Act No. 40, 1909.	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. Section two hundred and seventy-	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." Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in
25	four. Section two hundred and seventy- six.	section two hundred and seventy-three." 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 sec- tions" 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. Section three hun-	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part." Omit the words "the next following section"
40	dred and twenty- nine. Section three hun-	and insert in lieu thereof the words "section three hundred and thirty." Omit the words "the last preceding section"
	dred and forty- one.	wherever occurring and insert in lieu thereof the words "section three hundred and forty."

SCHEDULE

15.5

SCHEDULE—continued.

	Enactment of Act No. 40, 1900.	Amendment.
5	Section three hundred and fifty-six.	Omit the words "either of the two last pre- ceding 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
15	- call	said subsections" and insert in lieu thereof the words "subsection two or subsection three of this section."
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. 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-six." 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. Section four hun-	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." (a) Omit the words "in any such case" and
40	dred and eighty- one.	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."

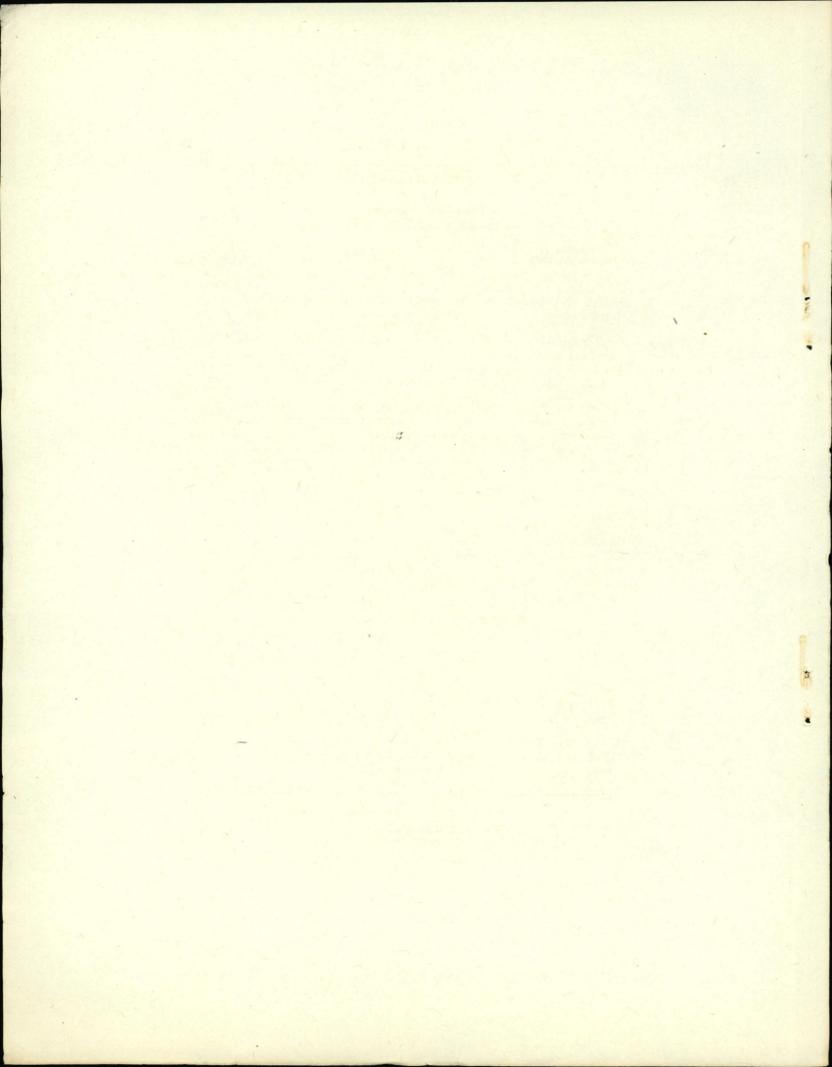
SCHEDULE

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. Section four hundred and ninety.	Omit the words "the last preceding section" and insert in lieu thereof the words "section four hundred and eighty-three." Omit from subsection two the words "the preceding subsection" and insert in lieu thereof the words "subsection one of this
15	Section four hundred and ninety-eight.	section." 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
20	Section four hundred and ninetynine.	both inclusive." 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. Section five hun-	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and five." Omit the words "the last preceding section"
	dred and eight. Section five hun-	and insert in lieu thereof the words "section five hundred and seven." Omit the words "the preceding section" and
35	dred and four- teen. Section five hun-	insert in lieu thereof the words "section" and insert in lieu thereof the words "section five hundred and thirteen." Omit the words "the last preceding section"
40	dred and sixteen. Section five hundred and nineteen.	and insert in lieu thereof the words "section five hundred and fifteen." 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."
	WINTER-CE	11.13 SCHEDULE

SCHEDULE—continued.

	Enactment of Act No. 40, 1900.	Amendment.	
5	Section five hundred and twenty-	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 thirtyone.	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 fortyone.	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. Section five hundred and fifty-eight.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and forty-one." 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."	
ვ ა	Section five hundred and sixtyone.	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 lieuthereof 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 (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.

2.

Amendment of Act No. 40, 1900.

Sec. 4.
(Definition of "trustee.")
cf. 3 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. 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";
- (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) 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 New following new section:—
 - 52A. (1) Where the death of any person is Culpable occasioned through impact with a motor vehicle driving 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 five years.

- (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)

- (6) In this section, "drug" means a drug to which Part VI of the Police Offences (Amendment) Act, 1908, as amended subsequent Acts, applies.
- (f) by inserting in section eighty after the words sec. 80. "with intent to commit the same" the words (Attempt, etc., "with or without the consent of such person"; buggery.)
- (g) by omitting section 91p and by inserting in lieu sec. 91p. thereof the following section:

91D. Whosoever employs in or suffers to Employment resort to or to be upon any premises which to his in brothel. knowledge are used as a brothel or house of ill-fame any female shall be liable to penal servitude for five years.

(h) (i) by inserting next after section 93H the New Sec. 93I. following new section:

> 931. (1) Upon any prosecution under Accused section 93B of this Act, it shall be upon the to prove person accused to prove that the pistol was licensed licensed or that, by reason of the provisions or his of section 93н of this Act, he is not subject to the provisions of section 93B.

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 Sec. 1. IIIA in section one the figures and letter (Consequen-"93H" and by inserting in lieu thereof the figures and letter "931":
- (i) by omitting sections one hundred and forty-one, Sect. 141, 142, 143. one hundred and forty-two, and one hundred and (Stealing forty-three;
- (j) by inserting in section 154A after the words Sec. 154A. "motor car" the words "caravan, trailer";

trees, etc., third offence.) (Unlawful use of vehicle, etc.).

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

New sec.

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

Sec. 1. (Consequential.)

Sec. 179. (False pretences.)

Sec. 180.
(Causing payment, etc., by false pretence.)
Sec. 182.
(Conviction on charge of false pretences, etc.)

Sec. 183. (Trial for false) pre'ances, (k) by omitting from section one hundred and fifty-five the words "within the meaning of the two next following sections";

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

VALUELESS CHEQUES.

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.

(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.

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

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

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

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

(q)

(q) by inserting in section one hundred and ninety- Sec. 196. six after the word "dwelling-house" wherever (Setting fire occurring the words "vehicle or aircraft";

to dwelling knowing person therein.)

(r) by inserting in section one hundred and ninety- sec. 197. word "dwelling-house" (Setting seven after the wherever occurring the words "vehicle aircraft":

fire to or dwelling a person being therein or to a church.)

(s) by inserting in section one hundred and ninety- Sec. 198. eight after the word "dwelling-house" the words (Setting fire to "vehicle or aircraft":

buildings.)

(t) by inserting in section two hundred and one after sec. 201. the word "building" wherever occurring the (Setting fire to things in or words "vehicle or aircraft"; diagram to buildings.)

(u) by inserting in section two hundred and two sec. 202. after the word "building" the words "vehicle, (Attempting to aircraft";

buildings;)

(v) (i) by inserting in section two hundred and sec. 203. three after the word "dwelling-house" the (Destroying words "vehicle or aircraft";

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 Sec. 204. after the word "building" where first (Attempting to occurring the words "vehicle or aircraft"; destroy building

with powder.)

- (ii) by inserting in the same section after the gunword "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty- Sec. 338. (False declaration eight: in fraud of **(y)** revenue.)

Sec. 340.
(Directing prosecution for perjury.)
ef. 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.)

New sec. 360A.

Indictment of corporations.

- (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 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 bad 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)

- (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 seventysix, 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.)

3. The Principal Act is further amended—

(a) by omitting section four hundred and one;

Sec. 405.

(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) by omitting section four hundred and thirty-six; Sec. 436.

(Sentences in

(e) (i) by omitting from subsection one of section Sec. 475. four hundred and seventy-five the words (Governor "of a prisoner" and by inserting in lieu may direct thereof the words "of any person";

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 Sec. 476. hundred and seventy-six the words "one offences hundred pounds" and by inserting in lieu summarily thereof the words "two hundred and fifty the accused.) pounds".

4. The Principal Act is further amended—

Further amendment of Act No. 40,

(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 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)

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

> 556B. If the court before which an Proceedings offender is bound by recognizance to appear on breach of for conviction or sentence, or any court of recognijurisdiction, is satisfied summary 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.

- (ii) by omitting from the matter relating to Part sec. 1. XIV, Chapter IV, in section one the letters (Conseand figures "s. 556A" and by inserting in quential.) lieu thereof the letters and figures "ss. 556A. 556B":
- (j) (i) by omitting from subsection one of section Sec. 561. five hundred and sixty-one the words "dur- (Forfeiture ing the period specified in the recog- of recognizance, 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)

- (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 sixtytwo 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 ninetynine;
- (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 fortynine 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.
- (c) by inserting in section four hundred and forty- Sec. 441. one after the word "tried" the words "or any (Judgment after other court of like jurisdiction"; deferred.)
- (d) (i) by inserting next after section 545c the New sec. following short-heading and new section:-
 - (D4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

545D. Whosoever being charged before Unlawful making or two Justices with-

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 sec. 1. and letter "545c" the letters, words and (Consequential.) figures:-
 - (D4) Unlawful Making or Possession of EXPLOSIVES.

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

Sec. 5A.

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

Reserving question of law.

(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) 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 Sec. 5B. submission shall be dealt with as if it were an stated from appeal under this Act."

Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subse- Amendment quent Acts, is amended—

of Act No. 27, 1902.

(a) by inserting in subsection one of section one hundred and twenty-two after the words "the Quarter making of such conviction or order" the words Sessions.) ", 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.

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

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

C

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.

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

Schedule.

- (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 1544—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.

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
Section thirty-four	twenty-seven to twenty-nine both inclusive." (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 forty	"section thirty-five." (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 thirty-nine";
Section sixty	tion" and insert in lieu thereof the words "section forty-one." Omit the words "the last preceding section"
, i.	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 784."
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 pre- ceding 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."

Enactment of Act No. 40, 1900.	Amendment out of 194
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 preced- ing 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 1548."
Section 154B	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section 154A."

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 sec- tions" and insert in lieu thereof the words "section one hundred and sixty-five or sec- tion 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 sec- tions" 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."

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
Section two hundred and six.	hundred and one both inclusive." (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."

Enactment of Act No. 40, 1909.	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 hun- dred and seventy- six.	Omit the word "herein" and insert in lieu thereof the words "by any provision of this Part."
Section two hundred and seventynine.	Omit the words "the five next following sec- tions" 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 fortyone.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

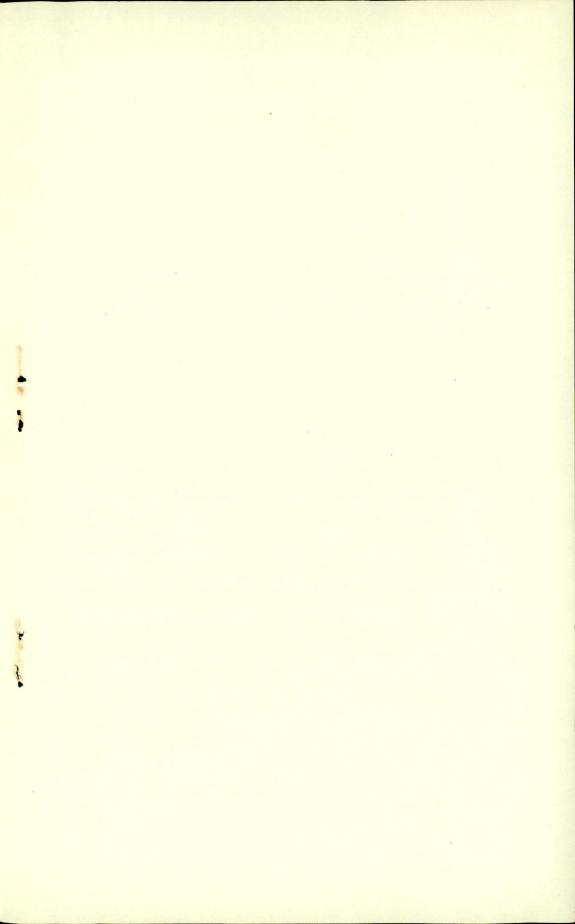
Enactment of Act No. 40, 1900.	Amendment.
Section three hundred and fifty-six.	Cmit the words "either of the two last pre- ceding sections" and insert in lieu thereof the words "section three hundred and fifty-four or section three hundred and fifty five."
Section four hundred and sixty-three.	 (a) Omit 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 word "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. Section four hundred and seventy-	Omit the words "the next following section and insert in lieu thereof the words "section four hundred and seventy-seven." Omit the words "the last preceding section and insert in lieu thereof the words "section in the words "section and insert in lieu thereof the words "section in the last presents in "
seven. Section four hundred and seventy- eight. Section four hundred and eighty.	four hundred and seventy-six." Omit the words "the last preceding section and insert in lieu thereof the words "section four hundred and seventy-seven." Omit the words "In any such case" and insert in lieu thereof the words "Where a charge in disposed of summarily under section four hundred and seventy-nine."
Section four hundred and eightyone.	 (a) Omit the words "in any such case" an insert in lieu thereof the words "upon charge disposed of summarily under section four hundred and seventy-nine"; (b) omit the words "the last preceding section is a line of the words."

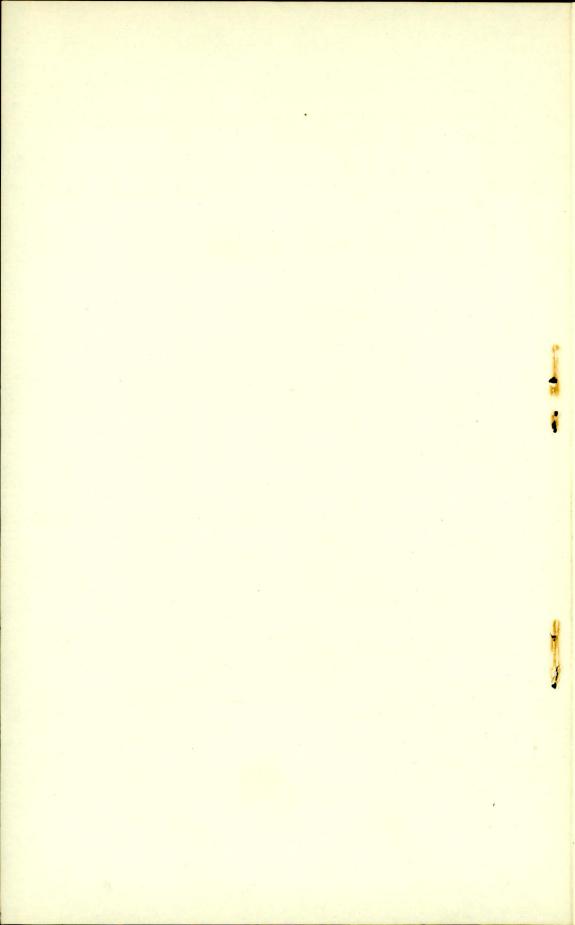
Enactment of Act No. 40, 1900.	Management. Amendment. The management of the second of the
Section four hundred and eighty-two.	Omit the words "the nine next following sections" and insert in lieu thereof the words "sections four hundred and eighty-three to four hundred and ninety-one both inclusive."
Section four hun- dred 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."
Bection 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 hun- dred and four- teen.	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 nine-	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and eighteen."
Section five hun- dred and twenty- four.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-three."

SCHEDULE—continued.

Enactment of Act No. 40, 1900.	Amendment.
Section five hundred and twentysix. Section five hundred and thirty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five." 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 thirtyone.	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 fortyone.	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 "herein- after 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 sixtyone.	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 (Amend-Energtitie. ment) Act, 1951."
- (2) The Crimes Act, 1900, as amended by subsequent Acts, is in this Act referred to as the Principal Act.

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

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

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. 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";
- (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 Π 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) 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 New following new section:— sec. 52A.
 - 52a. (1) Where the death of any person is Culpable occasioned through impact with a motor vehicle driving. 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 five years.

- (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) 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 Sec. 80. "with intent to commit the same" the words (Attempt, etc., "with or without the consent of such person"; buggery.)
- (g) by omitting section 91D and by inserting in lieu Sec. 91D. thereof the following section:

91D. Whosoever employs in or suffers to Employment 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.

- (h) (i) by inserting next after section 93H the New following new section:-
 - 931. (1) Upon any prosecution under Accused section 93B of this Act, it shall be upon the to prove person accused to prove that the pistol was licensed licensed or that, by reason of the provisions or his of section 93H of this Act, he is not subject cf. Act No. to the provisions of section 93B.

(3) (d).

- (2) Upon any prosecution under section 93c, 93p 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 Sec. 1. IIIA in section one the figures and letter (Consequen-"93H" and by inserting in lieu thereof the figures and letter "931";

(i) by omitting sections one hundred and forty-one, Secs. 141, 142, 143. one hundred and forty-two, and one hundred and (Stealing forty-three;

(j) by inserting in section 154A after the words Sec. 154A. "motor car" the words "caravan, trailer";

trees, etc., third offence.)

(Unlawful vehicle, etc.).

Sec. 155. (Definition of clerk or servant.) (k) by omitting from section one hundred and fiftyfive the words "within the meaning of the two next following sections";

New sec. 178B.

(1) (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.
- (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.

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

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

- (o) by inserting in section one hundred and eightytwo after the words "by any false pretence" the words "or by any wilfully false promise";
- (p) by inserting in section one hundred and eightythree after the words "by any false pretence" the words "or by any wilfully false promise"; (q)

quentiail

Sec. 179. (False pretences.)

Sec. 180.
(Causing payment, etc., by false pretence.)
Sec. 182.
(Conviction on charge of false pretences, etc.)

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

(q) by inserting in section one hundred and ninety- Sec. 196. six after the word "dwelling-house" wherever (Setting fire occurring the words "vehicle or aircraft";

knowing person therein.)

(r) by inserting in section one hundred and ninety- sec. 197. "dwelling-house" (Setting seven after the word wherever occurring the words "vehicle or dwelling a person being aircraft";

a church.)

(s) by inserting in section one hundred and ninety- Sec. 198. eight after the word "dwelling-house" the words (Setting fire to "vehicle or aircraft";

(t) by inserting in section two hundred and one after sec. 201. the word "building" wherever occurring the (Setting fire to things in or adjacent to words "vehicle or aircraft";

- (u) by inserting in section two hundred and two sec. 202. after the word "building" the words "vehicle, (Attempting to aircraft";
- (v) (i) by inserting in section two hundred and Sec. 203. three after the word "dwelling-house" the (Destroying words "vehicle or aircraft";

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 Sec. 204. after the word "building" where first (Attemptoccurring the words "vehicle or aircraft"; destroy

building with

- (ii) by inserting in the same section after the gunword "building" where secondly occurring the words "vehicle, aircraft";
- (x) by omitting section three hundred and thirty- Sec. 338. eight;

(False declaration in fraud of revenue.)

Sec. 340.
(Directing prosecution for perjury.)
ef. 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.)

New sec. 360A.

360A.

Indictment of corporations.

- (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 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)

- (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 years-one thousand exceeds two pounds.

In this subsection "imprisonment" includes penal servitude.

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

(bb) by omitting sections three hundred and seventysix, 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:-

(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.

> (c) by omitting section four hundred and twentynine;

Sec. 429. (Release of juvenile offenders.)

(d)

- (d) by omitting section four hundred and thirty-six; Sec. 436.
- (e) (i) by omitting from subsection one of section Sec. 475. four hundred and seventy-five the words or judge "of a prisoner" and by inserting in lieu may direct inquiry.) thereof the words "of any person";
 - (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 Sec. 476. hundred and seventy-six the words "one offences hundred pounds" and by inserting in lieu summarily by consent of the reof the words "two hundred and fifty the accused.) pounds".

4. The Principal Act is further amended—

Further amendment of Act No. 40, 1900.

(a) (i) by omitting from subsection two of section Sec. 501. five hundred and one the words and figures "and by section 526A of this Act";

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)

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 that, that fixed.)

(f) by omitting from section five hundred and fiftythree 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) (i) by inserting next after section 556A the News. 556B. following new section:-

> 556B. If the court before which an Proceedings offender is bound by recognizance to appear condition of for conviction or sentence, or any court of recognisummary jurisdiction, is satisfied by zance. 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.

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

(j) (i) by omitting from subsection one of section Sec. 561. five hundred and sixty-one the words "dur- (Forfeiture ing the period specified in the recog- of recog nizance";

- (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";
- (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 sixtytwo the words "during the period specified in the recognizance".

Sec. 562. (Otherwise to be dis-charged 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.)

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.

5. The Principal Act is further amended—

- (a) by omitting section two hundred and ninetynine;
- (b) by omitting Part VI;
- (c) by omitting from section one the matter relating to Part VI.

6. The Principal Act is further amended—

- (a) by inserting in section one hundred and eightyfive 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 fortynine 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)

- (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- Sec. 441. one after the word "tried" the words "or any "Judgment other court of like jurisdiction";
- (d) (i) by inserting next after section 545c the New sec. following short-heading and new section:-
 - (D4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

545p. Whosoever being charged before Unlawful making or possession of 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 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 sec. 1. and letter "545c" the letters, words and (Consefigures :-
 - (D4) UNLAWFUL MAKING OR POSSESSION OF EXPLOSIVES.

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

Sec. 5A.

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

Reserving question of law.

(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) 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 Sec. 5B. submission shall be dealt with as if it were an stated from court of appeal under this Act."

 (Cases stated from Court of Quarter Sessions.)

8. (1) The Justices Act, 1902, as amended by subse-Amendment quent Acts, is amended—

27, 1902.

- (a) by inserting in subsection one of section one Sec. 122. hundred and twenty-two after the words "the Quarter making of such conviction or order" the words Sessions.) ", 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":
- (b) by inserting next after section one hundred and New sec. thirty-one the following new section:-
 - 131A. (1) A chairman of quarter sessions cases stated may submit any question of law arising on any from Court of appeal to quarter sessions coming before him quarter not being a question of criminal law to the Sessions. Supreme

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.

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

Schedule.

- (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 1544—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.

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 sec- tion" 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 sec- tions" 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 784."
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 pre- ceding 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."

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 1548."
Section 154B	Omit the words "the next preceding section" and insert in lieu thereof the word and figures "section. 154A."

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 sec- tions" and insert in lieu thereof the words "section one hundred and sixty-five or sec- tion 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 sec- tions" 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."

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 fourteen.	"section two hundred and seven." 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.	
Section two hundred and forty-one.	
Section two hundred and forty-seven.	
Section two hundred and fifty-two.	

SCHEDULE

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. Section two hundred and seventy- six.	Omit the words "as aforesaid" and insert in lieu thereof the words "as is referred to in section two hundred and seventy-three." 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 twentynine.	Omit the words "the next following section" and insert in lieu thereof the words "section three hundred and thirty."
Section three hundred and fortyone.	Omit the words "the last preceding section" wherever occurring and insert in lieu thereof the words "section three hundred and forty."

Enactment of Act No. 40, 1900.	Amendment.
Section three hundred and fifty-six.	Cmit the words "either of the two last pre- ceding 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. Section four hun-	Omit the words "the next following section" and insert in lieu thereof the words "section four hundred and seventy-seven." Omit the words "the last preceding section"
dred and seventy- seven. Section four hun- dred and seventy- eight.	and insert in lieu thereof the words "section four hundred and seventy-six." 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 eightyone.	(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—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."
Bection 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 four-	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 hun- dred and nine- teen.	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

SCHEDULE-continued.

Enactment of Act No. 40, 1900.	Amendment.
Section five hundred and twentysix. Section five hundred and thirty.	Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and twenty-five." 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 inclu-
Section five hundred and thirtyone. Section five hundred and forty.	sive." After the words "any such act" insert the words "as is referred to in section five hundred and thirty." Omit the words "the last preceding section" and insert in lieu thereof the words "section five hundred and thirty-nine."
Section five hundred and fortyone. Section five hun-	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." Omit the words "the last preceding section"
dred and forty- two. Section five hun- dred and fifty- eight.	and insert in lieu thereof the words "section five hundred and forty-one." Omit from paragraph four the words "herein- after 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 "sec- tion five hundred and fifty-eight or section five hundred and fifty-nine."
Section five hundred and sixtyone.	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 hun- dred 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.