

*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 30 November, 1961, A.M.*

## New South Wales



ANNO DECIMO

**ELIZABETHÆ II REGINÆ**

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**Act No.           , 1961.**

An Act to make provisions with respect to kidnapping, obtaining credit by fraud and the admissibility of certain evidence as to credit, reputation or character of persons charged; to amend the Crimes Act, 1900, as amended by subsequent Acts; and for purposes connected therewith.

**B**E it enacted by the Queen'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.** This Act may be cited as the "Crimes (Amendment) Act, 1961". Short title.

**2.**



*Crimes (Amendment).*

2. The Crimes Act, 1900, as amended by subsequent Acts, is amended— Amendment of Act No. 40,1900.

(a) by inserting next after section ninety the following new section :— New sec. 90A.

5           90A. Whosoever leads takes or entices away or  
detains a person with intent to hold him for ransom  
or for any other advantage to any person shall be  
liable to penal servitude for twenty years or, if it  
10           is proved to the satisfaction of the judge that the  
person so led taken enticed away or detained was  
thereafter liberated without having sustained any  
substantial injury, to penal servitude for fourteen  
years. Kidnapping.

15           This section does not apply to any person who  
shall, in good faith, have claimed a right to the  
possession of the person so led, taken or enticed  
away or detained.

(b) by inserting next after section 178B the following new short heading and section :— New short heading and sec. 178C.

20                           OBTAINING CREDIT BY FRAUD.

          178C. Whosoever incurring any debt or liability  
obtains credit by any false pretence or by any  
wilfully false promise or partly by a false pretence  
and partly by a wilfully false promise or by any  
25           other fraud shall be liable to imprisonment for one  
year. Obtaining credit by fraud.

(c) by inserting in subsection two of section three hundred and forty-nine after the word "persons," the words "or the crime of kidnapping referred to in section 90A of this Act,"; Sec. 349. (Punishment of accessories after the fact to murder, etc.)

(d) by inserting in paragraph (f) of section four hundred and seventy-seven after the figures and letter "178B," the figures and letter "178C,"; Sec. 477. (List of offences within this jurisdiction.)

(e)



*Crimes (Amendment).*

(e) by inserting in paragraph (c) of subsection one of section five hundred and one after the words "one hundred and fifty-two," the figures and letter "178C.;"

Sec. 501.  
(List of offences punishable summarily without consent of accused.)

5 (f) by inserting next after section five hundred and seventy-eight the following new section : —

New sec. 579.

10 579. (1) Where, following the conviction of any person for an offence or a finding that a charge of an offence has been proved against any person, whether the conviction or finding was before or after the commencement of the Crimes (Amendment) Act, 1961—

Evidence of proceedings dealt with by way of recognizance after 15 years.

15 (a) sentence in respect of the conviction was suspended or deferred upon the person entering into a recognizance or, in substitution for sentence in respect of the conviction, the person was required to enter into a recognizance, or no conviction in respect of the finding was made and the person was discharged conditionally on his entering into a recognizance; and

20 (b) a period of fifteen years has elapsed since the recognizance was entered into—

25 (i) without the recognizance having been forfeited during that period or a court having found during that period that the person failed to observe any condition of the recognizance; and

30 (ii) without the person having, during that period, been convicted of an indictable offence on indictment or otherwise or of any other offence punishable by imprisonment (otherwise than under section eighty-two of the Justices Act, 1902, as amended

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*Crimes (Amendment).*

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5 by subsequent Acts) or without a finding during that period that a charge of such an indictable or other offence has been proved against the person,

10 the conviction or finding shall, where that period expired before the commencement of the Crimes (Amendment) Act, 1961, as on and from that commencement, or, where that period expires or has expired after that commencement, as on and from the expiration of that period—

(c) be disregarded for all purposes whatsoever; and

15 (d) without prejudice to the generality of paragraph (c) of this subsection, be inadmissible in any criminal, civil or other legal proceedings as being no longer of any legal force or effect.

20 Without prejudice to the generality of the foregoing provisions of this section, any question asked of or concerning that person in or in relation to any criminal, civil or other legal proceedings otherwise than by his counsel, attorney or agent or other person acting on his behalf may be answered as if  
25 the conviction or finding had never taken place or the recognizance had never been entered into.

(2) Notwithstanding the provisions of subsection one of this section, where in any criminal, civil or other legal proceedings the person first referred to in that subsection, by himself, his  
30 counsel, attorney or agent or other person acting on his behalf, otherwise than in answer to a question that can, in accordance with the last paragraph of that subsection, be answered in the  
35 negative, makes an assertion that denies the fact that



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*Crimes (Amendment).*

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that the conviction or finding took place or that the recognizance was entered into, then the conviction, finding or recognizance is admissible—

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- (a) in those proceedings, as to the character credit or reputation of the person so referred to;
  - (b) in any prosecution for perjury or false swearing founded on the assertion.

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The non-disclosure of the conviction, finding or recognizance in the making or giving of a statement or evidence as to the good character, credit or reputation of the person so referred to shall not of itself be taken, for the purposes of this subsection, to mean that the statement or evidence contains

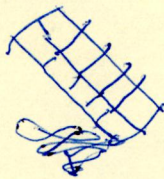
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such an assertion.

(3) In this section "legal proceedings" includes any application for a license, registration, authority, permit or the like under any statute.



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No. , 1961.

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## A BILL

To make provisions with respect to kidnapping, obtaining credit by fraud and the admissibility of certain evidence as to credit, reputation or character of persons charged; to amend the Crimes Act, 1900, as amended by subsequent Acts; and for purposes connected therewith.

[MR. MANNIX;—28 *November*, 1961.]

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**B**E it enacted by the Queen'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. This Act may be cited as the "Crimes (Amendment) Short title. Act, 1961".

2.



*Crimes (Amendment).*

2. The Crimes Act, 1900, as amended by subsequent Acts, is amended— Amendment of Act No. 40,1900.

(a) by inserting next after section ninety the following new section :— New sec. 90A.

5           90A. Whosoever leads takes or entices away or Kidnapping.  
detains a person with intent to hold him for ransom  
or for any other advantage to any person shall be  
liable to penal servitude for twenty years or, if it  
10 is proved to the satisfaction of the judge that the  
person so led taken enticed away or detained was  
thereafter liberated without having sustained any  
substantial injury, to penal servitude for fourteen  
years.

15           This section does not apply to any person who  
shall, in good faith, have claimed a right to the  
possession of the person so led, taken or enticed  
away or detained.

(b) by inserting next after section 178B the following new short heading and section :— New short heading and sec. 178c.

20                           OBTAINING CREDIT BY FRAUD.

          178c. Whosoever incurring any debt or liability Obtaining credit by fraud.  
obtains credit by any false pretence or by any  
wilfully false promise or partly by a false pretence  
and partly by a wilfully false promise or by any  
25 other fraud shall be liable to imprisonment for one  
year.

(c) by inserting in subsection two of section three Sec. 349.  
hundred and forty-nine after the word "persons," (Punishment of accessories after the fact to murder, etc.)  
30 the words "or the crime of kidnapping referred to  
in section 90A of this Act,";

(d) by inserting in paragraph (f) of section four Sec. 477.  
hundred and seventy-seven after the figures and (List of offences within this jurisdiction.)  
letter "178B," the figures and letter "178c,";  
(e)



*Crimes (Amendment).*

(e) by inserting in paragraph (c) of subsection one of section five hundred and one after the words "one hundred and fifty-two," the figures and letter "178C,"; (List of offences punishable summarily without consent of accused.)

5 (f) by inserting next after section five hundred and seventy-eight the following new section : — New sec. 579.

10 579. (1) Where, following the conviction of any person for an offence or a finding that a charge of an offence has been proved against any person, whether the conviction or finding was before or after the commencement of the Crimes (Amendment) Act, 1961— Evidence of proceedings dealt with by way of recognizance after 15 years.

15 (a) sentence in respect of the conviction was suspended or deferred upon the person entering into a recognizance or, in substitution for sentence in respect of the conviction, the person was required to enter into a recognizance, or no conviction in respect of the finding was made and the person was discharged conditionally on his entering into a recognizance; and

20 (b) a period of fifteen years has elapsed since the recognizance was entered into—

25 (i) without the recognizance having been forfeited during that period or a court having found during that period that the person failed to observe any condition of the recognizance; and

30 (ii) without the person having, during that period, been convicted of an indictable offence on indictment or otherwise or of any other offence punishable by imprisonment (otherwise than under section eighty-two of the Justices Act, 1902, as amended  
35 by



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*Crimes (Amendment).*

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by subsequent Acts) or without a finding during that period that a charge of such an indictable or other offence has been proved against the person,

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the conviction or finding shall, where that period expired before the commencement of the Crimes (Amendment) Act, 1961, as on and from that commencement, or, where that period expires or has expired after that commencement, as on and from the expiration of that period—

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(c) be disregarded for all purposes whatsoever; and

(d) without prejudice to the generality of paragraph (c) of this subsection, be inadmissible in any criminal, civil or other legal proceedings as being no longer of any legal force or effect.

15

Without prejudice to the generality of the foregoing provisions of this section, any question asked of or concerning that person in or in relation to any criminal, civil or other legal proceedings otherwise than by his counsel, attorney or agent or other person acting on his behalf may be answered as if the conviction or finding had never taken place or the recognizance had never been entered into.

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(2) Notwithstanding the provisions of subsection one of this section, where in any criminal, civil or other legal proceedings the person first referred to in that subsection, by himself, his counsel, attorney or agent or other person acting on his behalf, otherwise than in answer to a question that can, in accordance with the last paragraph of that subsection, be answered in the negative, makes an assertion that denies the fact that

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*Crimes (Amendment).*

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that the conviction or finding took place or that the recognizance was entered into, then the conviction, finding or recognizance is admissible—

- 5 (a) in those proceedings, as to the character credit or reputation of the person so referred to;
- (b) in any prosecution for perjury or false swearing founded on the assertion.

10 The non-disclosure of the conviction, finding or recognizance in the making or giving of a statement or evidence as to the good character, credit or reputation of the person so referred to shall not of itself be taken, for the purposes of this subsection, to mean that the statement or evidence contains  
15 such an assertion.

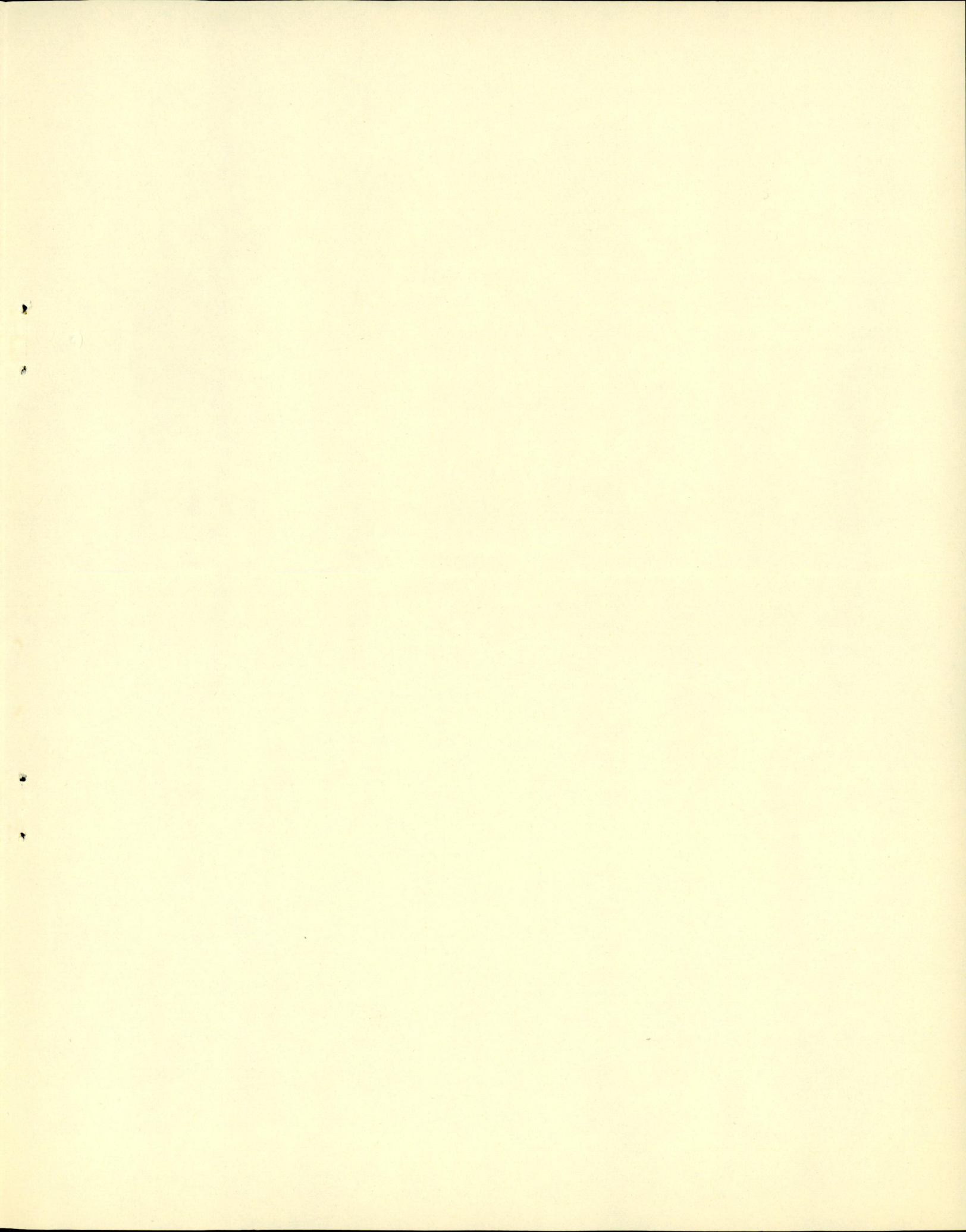
(3) In this section “legal proceedings” includes any application for a license, registration, authority, permit or the like under any statute.



The first part of the report  
 deals with the general  
 conditions of the country  
 and the progress of  
 the various branches of  
 industry and commerce.  
 It also contains a  
 detailed account of the  
 state of the public  
 affairs and the  
 administration of the  
 government.

The second part of the report  
 contains a list of the  
 names of the members of  
 the various committees  
 and the names of the  
 officers of the different  
 departments.











## CRIMES (AMENDMENT) BILL, 1961.

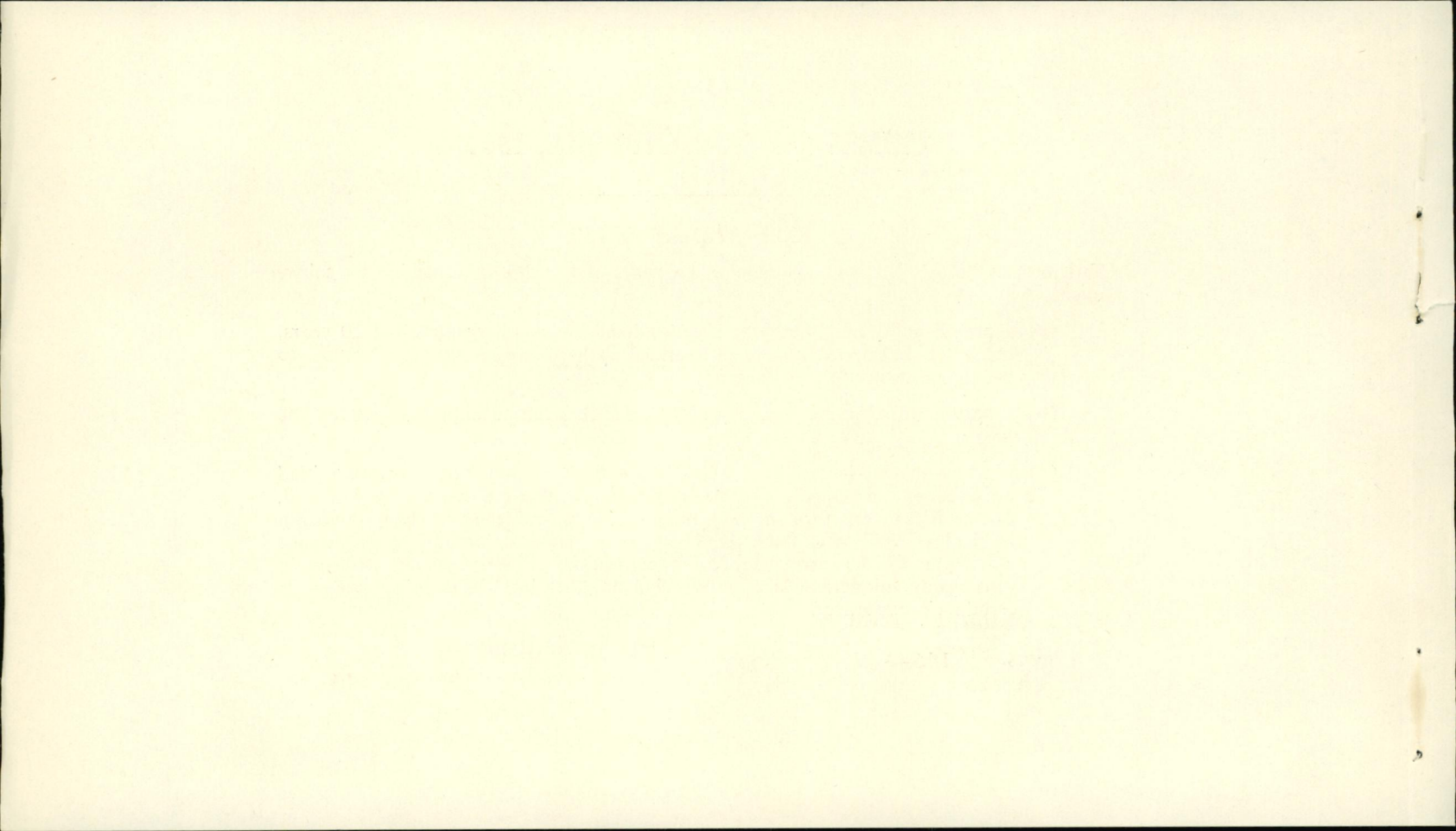
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### EXPLANATORY NOTE.

THE objects of this Bill are to amend the Crimes Act, 1900, as amended by subsequent Acts, so as to provide that—

- (a) a person guilty of kidnapping shall be liable to penal servitude for 20 years, or, if the kidnapped person is liberated without having sustained injury, to penal servitude for 14 years;
- (b) a person who obtains credit by fraud shall be liable to imprisonment for one year;
- (c) where a person is convicted of an offence, or is found to have committed an offence, and no penalty or a suspended or deferred sentence is imposed, but he is required to enter into a recognizance, evidence of such conviction or finding shall not, after the lapse of a period of fifteen years without forfeiture of the recognizance or conviction of such person of certain offences, be admissible in criminal, civil or other legal proceedings except in certain circumstances.







No. , 1961.

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## A BILL

To make provisions with respect to kidnapping, obtaining credit by fraud and the admissibility of certain evidence as to credit, reputation or character of persons charged; to amend the Crimes Act, 1900, as amended by subsequent Acts; and for purposes connected therewith.

[MR. MANNIX;—28 *November*, 1961.]

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**B**E it enacted by the Queen'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. This Act may be cited as the "Crimes (Amendment) Short title. Act, 1961".

2.



*Crimes (Amendment).*

2. The Crimes Act, 1900, as amended by subsequent Acts, is amended— Amendment of Act No. 40,1900.

(a) by inserting next after section ninety the following new section :— New sec. 90A.

5           90A. Whosoever leads takes or entices away or Kidnapping.  
detains a person with intent to hold him for ransom  
or for any other advantage to any person shall be  
liable to penal servitude for twenty years or, if it  
10 is proved to the satisfaction of the judge that the  
person so led taken enticed away or detained was  
thereafter liberated without having sustained any  
substantial injury, to penal servitude for fourteen  
years.

15           This section does not apply to any person who  
shall, in good faith, have claimed a right to the  
possession of the person so led, taken or enticed  
away or detained.

(b) by inserting next after section 178B the following new short heading and section :— New short heading and sec. 178C.

20                           OBTAINING CREDIT BY FRAUD.

          178C. Whosoever incurring any debt or liability Obtaining credit by fraud.  
obtains credit by any false pretence or by any  
wilfully false promise or partly by a false pretence  
and partly by a wilfully false promise or by any  
25 other fraud shall be liable to imprisonment for one  
year.

(c) by inserting in subsection two of section three Sec. 349.  
hundred and forty-nine after the word "persons," (Punishment of accessories after the fact to murder, etc.)  
30 the words "or the crime of kidnapping referred to  
in section 90A of this Act,";

(d) by inserting in paragraph (f) of section four Sec. 477.  
hundred and seventy-seven after the figures and (List of offences within this jurisdiction.)  
letter "178B," the figures and letter "178C,";  
(e)



*Crimes (Amendment).*

(e) by inserting in paragraph (c) of subsection one of section five hundred and one after the words "one hundred and fifty-two," the figures and letter "178C,";

(List of offences punishable summarily without consent of accused.)

5 (f) by inserting next after section five hundred and seventy-eight the following new section :—

New sec. 579.

10 579. (1) Where, following the conviction of any person for an offence or a finding that a charge of an offence has been proved against any person, whether the conviction or finding was before or after the commencement of the Crimes (Amendment) Act, 1961—

Evidence of proceedings dealt with by way of recognizance after 15 years.

15 (a) sentence in respect of the conviction was suspended or deferred upon the person entering into a recognizance or, in substitution for sentence in respect of the conviction, the person was required to enter into a recognizance, or no conviction in respect of the finding was made and the person was discharged conditionally on his entering into a recognizance; and

20 (b) a period of fifteen years has elapsed since the recognizance was entered into—

25 (i) without the recognizance having been forfeited during that period or a court having found during that period that the person failed to observe any condition of the recognizance; and

30 (ii) without the person having, during that period, been convicted of an indictable offence on indictment or otherwise or of any other offence punishable by imprisonment (otherwise than under section eighty-two of the Justices Act, 1902, as amended

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by



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*Crimes (Amendment).*

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5 by subsequent Acts) or without a finding during that period that a charge of such an indictable or other offence has been proved against the person,

10 the conviction or finding shall, where that period expired before the commencement of the Crimes (Amendment) Act, 1961, as on and from that commencement, or, where that period expires or has expired after that commencement, as on and from the expiration of that period—

(c) be disregarded for all purposes whatsoever ;  
and

15 (d) without prejudice to the generality of paragraph (c) of this subsection, be inadmissible in any criminal, civil or other legal proceedings as being no longer of any legal force or effect.

20 Without prejudice to the generality of the foregoing provisions of this section, any question asked of or concerning that person in or in relation to any criminal, civil or other legal proceedings otherwise than by his counsel, attorney or agent or other person acting on his behalf may be answered as if  
25 the conviction or finding had never taken place or the recognizance had never been entered into.

30 (2) Notwithstanding the provisions of subsection one of this section, where in any criminal, civil or other legal proceedings the person first referred to in that subsection, by himself, his counsel, attorney or agent or other person acting on his behalf, otherwise than in answer to a question that can, in accordance with the last paragraph of that subsection, be answered in the  
35 negative, makes an assertion that denies the fact that



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*Crimes (Amendment).*

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that the conviction or finding took place or that the recognizance was entered into, then the conviction, finding or recognizance is admissible—

- 5 (a) in those proceedings, as to the character credit or reputation of the person so referred to ;
- (b) in any prosecution for perjury or false swearing founded on the assertion.

10 The non-disclosure of the conviction, finding or recognizance in the making or giving of a statement or evidence as to the good character, credit or reputation of the person so referred to shall not of itself be taken, for the purposes of this subsection, to mean that the statement or evidence contains

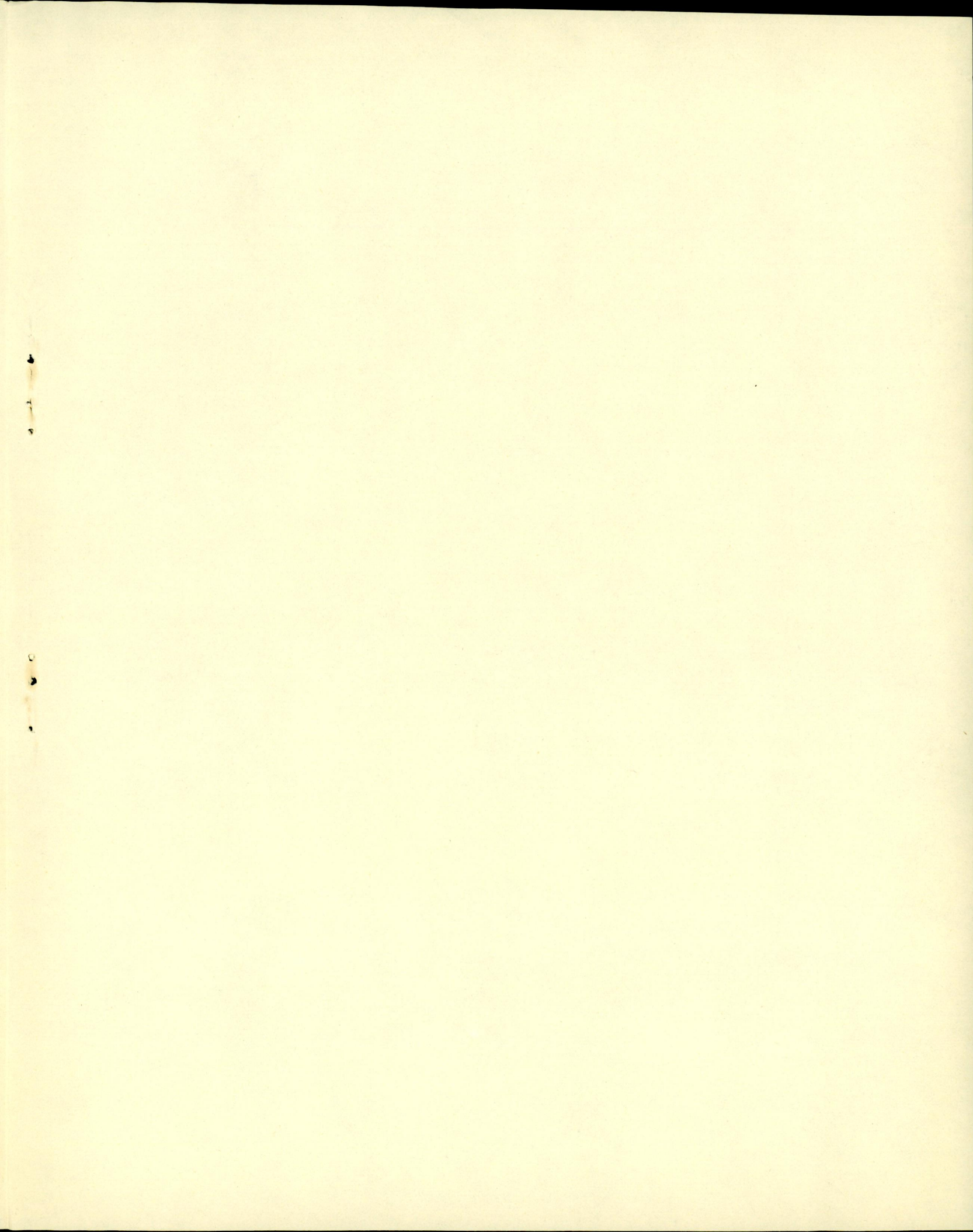
15 such an assertion.

(3) In this section "legal proceedings" includes any application for a license, registration, authority, permit or the like under any statute.

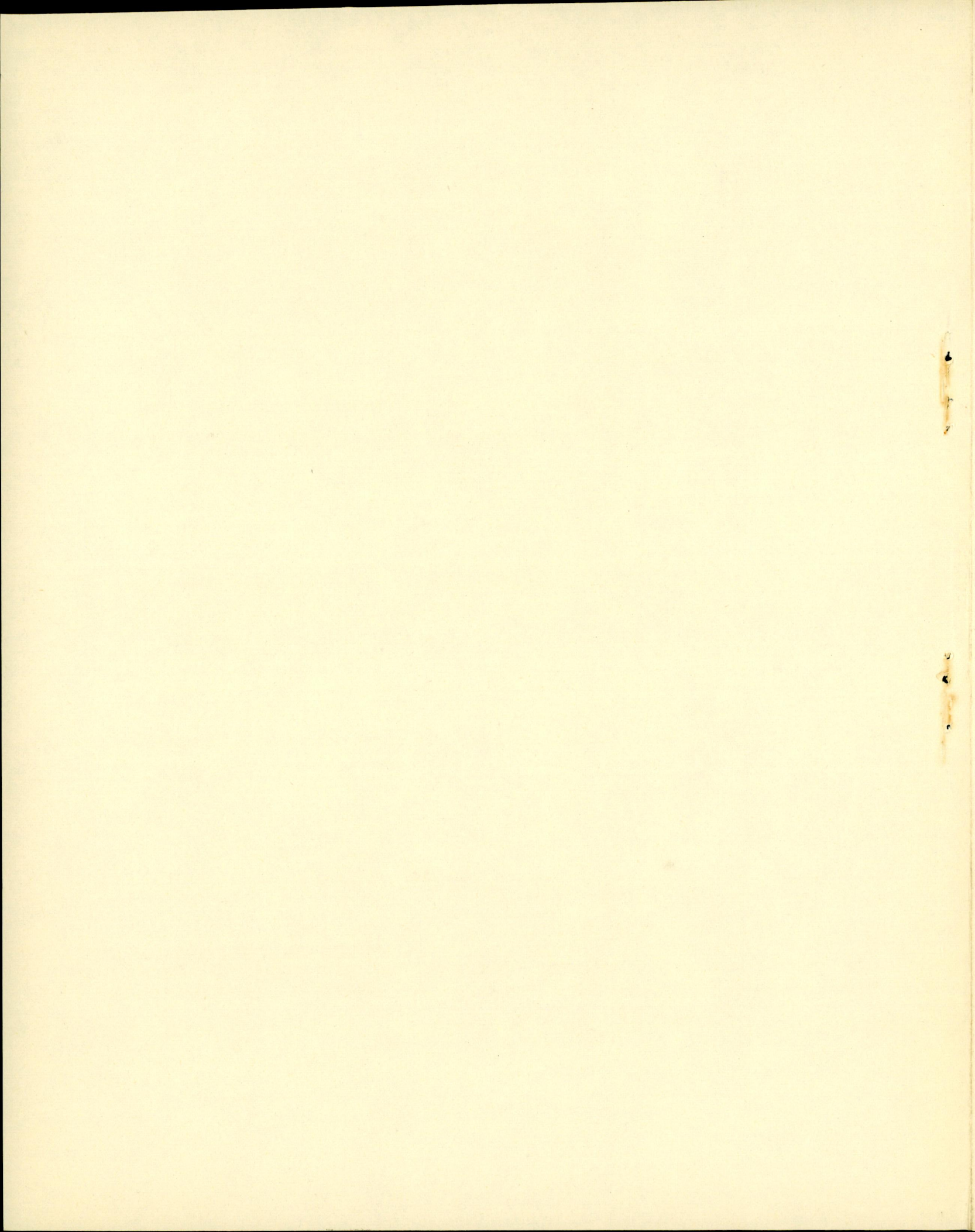














# New South Wales



ANNO DECIMO

## ELIZABETHÆ II REGINÆ

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### Act No. 70, 1961.

An Act to make provisions with respect to kidnapping, obtaining credit by fraud and the admissibility of certain evidence as to credit, reputation or character of persons charged; to amend the Crimes Act, 1900, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 15th December, 1961.]

**B**E it enacted by the Queen'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. This Act may be cited as the "Crimes (Amendment) Act, 1961".

2.



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*Crimes (Amendment).*


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Amendment of Act No. 40, 1900. **2.** The Crimes Act, 1900, as amended by subsequent Acts, is amended—

New sec. 90A. (a) by inserting next after section ninety the following new section :—

Kidnapping.

90A. Whosoever leads takes or entices away or detains a person with intent to hold him for ransom or for any other advantage to any person shall be liable to penal servitude for twenty years or, if it is proved to the satisfaction of the judge that the person so led taken enticed away or detained was thereafter liberated without having sustained any substantial injury, to penal servitude for fourteen years.

This section does not apply to any person who shall, in good faith, have claimed a right to the possession of the person so led, taken or enticed away or detained.

New short heading and sec. 178C.

(b) by inserting next after section 178B the following new short heading and section :—

OBTAINING CREDIT BY FRAUD.

Obtaining credit by fraud.

178C. Whosoever incurring any debt or liability obtains credit by any false pretence or by any wilfully false promise or partly by a false pretence and partly by a wilfully false promise or by any other fraud shall be liable to imprisonment for one year.

Sec. 349. (Punishment of accessories after the fact to murder, etc.)

(c) by inserting in subsection two of section three hundred and forty-nine after the word "persons," the words "or the crime of kidnapping referred to in section 90A of this Act,";

Sec. 477. (List of offences within this jurisdiction.)

(d) by inserting in paragraph (f) of section four hundred and seventy-seven after the figures and letter "178B," the figures and letter "178C,";

(e)



*Crimes (Amendment).*

(e) by inserting in paragraph (c) of subsection one of section five hundred and one after the words "one hundred and fifty-two," the figures and letter "178c,";

Sec. 501.  
(List of offences punishable summarily without consent of accused.)

(f) by inserting next after section five hundred and seventy-eight the following new section :—

New sec. 579.

579. (1) Where, following the conviction of any person for an offence or a finding that a charge of an offence has been proved against any person, whether the conviction or finding was before or after the commencement of the Crimes (Amendment) Act, 1961—

Evidence of proceedings dealt with by way of recognizance after 15 years.

(a) sentence in respect of the conviction was suspended or deferred upon the person entering into a recognizance or, in substitution for sentence in respect of the conviction, the person was required to enter into a recognizance, or no conviction in respect of the finding was made and the person was discharged conditionally on his entering into a recognizance; and

(b) a period of fifteen years has elapsed since the recognizance was entered into—

(i) without the recognizance having been forfeited during that period or a court having found during that period that the person failed to observe any condition of the recognizance; and

(ii) without the person having, during that period, been convicted of an indictable offence on indictment or otherwise or of any other offence punishable by imprisonment (otherwise than under section eighty-two of the Justices Act, 1902, as amended

by



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*Crimes (Amendment).*

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by subsequent Acts) or without a finding during that period that a charge of such an indictable or other offence has been proved against the person,

the conviction or finding shall, where that period expired before the commencement of the Crimes (Amendment) Act, 1961, as on and from that commencement, or, where that period expires or has expired after that commencement, as on and from the expiration of that period—

- (c) be disregarded for all purposes whatsoever; and
- (d) without prejudice to the generality of paragraph (c) of this subsection, be inadmissible in any criminal, civil or other legal proceedings as being no longer of any legal force or effect.

Without prejudice to the generality of the foregoing provisions of this section, any question asked of or concerning that person in or in relation to any criminal, civil or other legal proceedings otherwise than by his counsel, attorney or agent or other person acting on his behalf may be answered as if the conviction or finding had never taken place or the recognizance had never been entered into.

(2) Notwithstanding the provisions of subsection one of this section, where in any criminal, civil or other legal proceedings the person first referred to in that subsection, by himself, his counsel, attorney or agent or other person acting on his behalf, otherwise than in answer to a question that can, in accordance with the last paragraph of that subsection, be answered in the negative, makes an assertion that denies the fact that



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*Crimes (Amendment).*

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that the conviction or finding took place or that the recognizance was entered into, then the conviction, finding or recognizance is admissible—

- (a) in those proceedings, as to the character credit or reputation of the person so referred to;
- (b) in any prosecution for perjury or false swearing founded on the assertion.

The non-disclosure of the conviction, finding or recognizance in the making or giving of a statement or evidence as to the good character, credit or reputation of the person so referred to shall not of itself be taken, for the purposes of this subsection, to mean that the statement or evidence contains such an assertion.

(3) In this section “legal proceedings” includes any application for a license, registration, authority, permit or the like under any statute.

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By Authority:

V. C. N. BLIGHT, Government Printer, Sydney, 1962



Chapter (Amendment)

that the condition or finding took place or that the recognition was entered into. Then the condition finding or recognition is admissible—

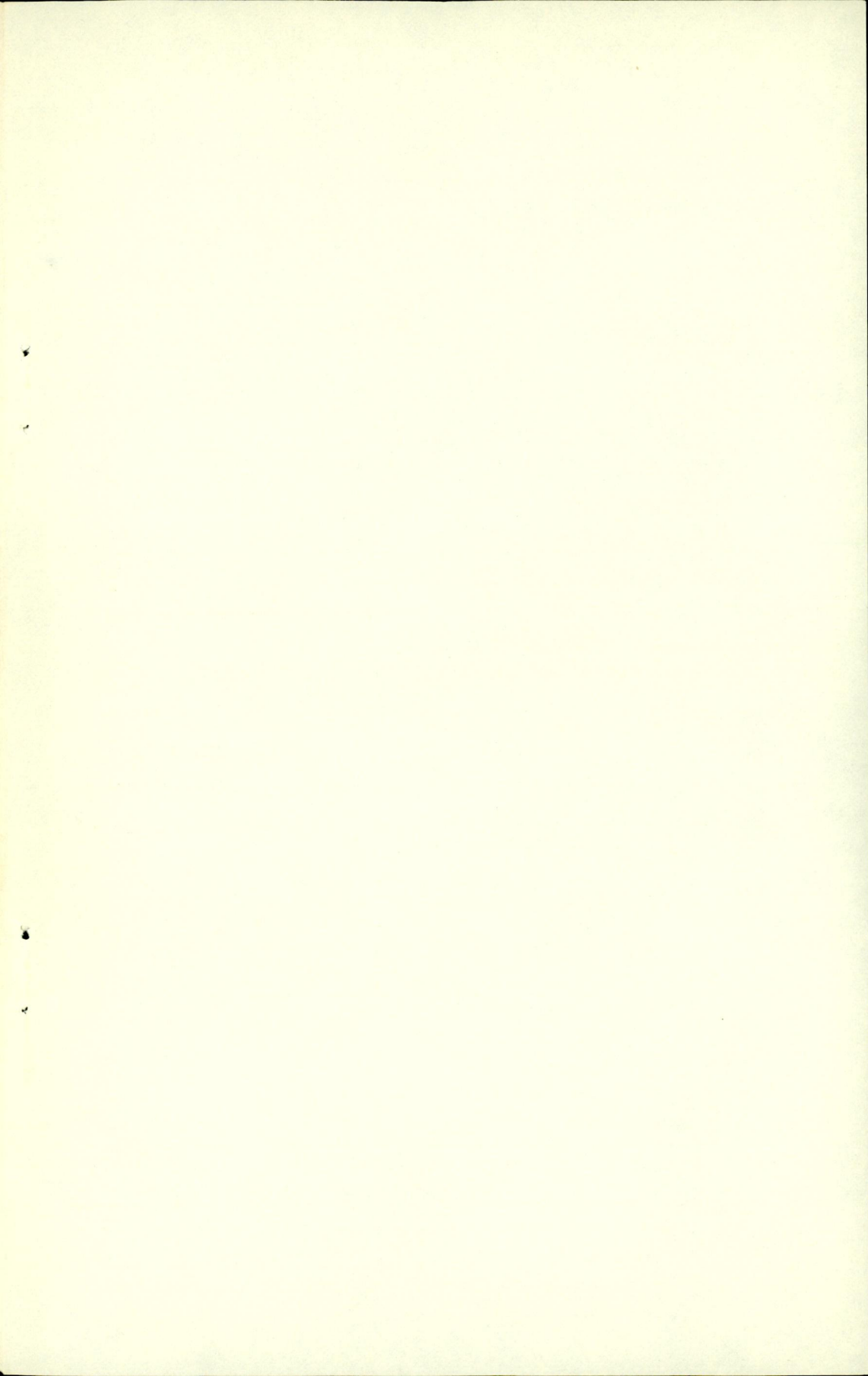
(a) in those proceedings as to the character, credit or reputation of the person so related to;

(b) in any proceeding for injury or false swearing founded on the relation.

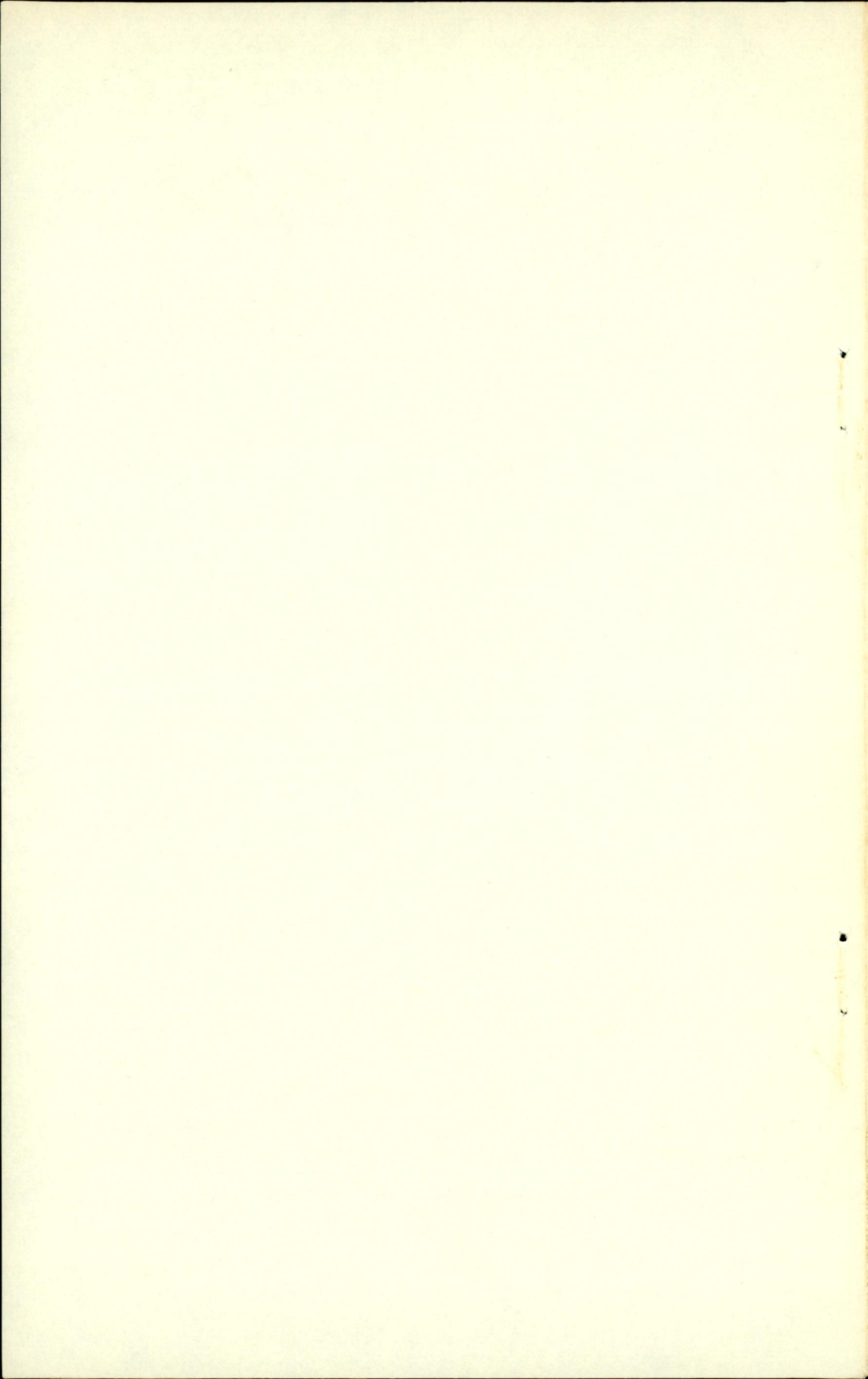
The non-disclosure of the condition, failing or agreement in the making or giving of a statement or evidence as to the good character, credit or reputation of the person so related shall not of itself be taken for the purpose of this subsection. It means that the statement or evidence contains such an admission.

(c) in the section "legal proceedings" includes any proceeding for a hearing, recognition authority granted or the like under any statute.











*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.*

ALLAN PICKERING,  
*Clerk of the Legislative Assembly.*

*Legislative Assembly Chamber,  
Sydney, 30 November, 1961.*

## New South Wales



ANNO DECIMO

**ELIZABETHÆ II REGINÆ**

\*\*\*\*\*

**Act No. 70, 1961.**

An Act to make provisions with respect to kidnapping, obtaining credit by fraud and the admissibility of certain evidence as to credit, reputation or character of persons charged; to amend the Crimes Act, 1900, as amended by subsequent Acts; and for purposes connected therewith. [Assented to, 15th December, 1961.]

**B**E it enacted by the Queen'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.** This Act may be cited as the "Crimes (Amendment) Short title. Act, 1961".

**2.**

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

HOWARD T. FOWLES,  
*Chairman of Committees of the Legislative Assembly.*



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*Crimes (Amendment).*


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Amendment of Act No. 40, 1900.      **2.** The Crimes Act, 1900, as amended by subsequent Acts, is amended—

New sec. 90A.      (a) by inserting next after section ninety the following new section :—

Kidnapping.

90A. Whosoever leads takes or entices away or detains a person with intent to hold him for ransom or for any other advantage to any person shall be liable to penal servitude for twenty years or, if it is proved to the satisfaction of the judge that the person so led taken enticed away or detained was thereafter liberated without having sustained any substantial injury, to penal servitude for fourteen years.

This section does not apply to any person who shall, in good faith, have claimed a right to the possession of the person so led, taken or enticed away or detained.

New short heading and sec. 178c.

(b) by inserting next after section 178B the following new short heading and section :—

OBTAINING CREDIT BY FRAUD.

Obtaining credit by fraud.

178C. Whosoever incurring any debt or liability obtains credit by any false pretence or by any wilfully false promise or partly by a false pretence and partly by a wilfully false promise or by any other fraud shall be liable to imprisonment for one year.

Sec. 349.  
(Punishment of accessories after the fact to murder, etc.)

(c) by inserting in subsection two of section three hundred and forty-nine after the word "persons," the words "or the crime of kidnapping referred to in section 90A of this Act,";

Sec. 477.  
(List of offences within this jurisdiction.)

(d) by inserting in paragraph (f) of section four hundred and seventy-seven after the figures and letter "178B," the figures and letter "178C,";

(e)



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*Crimes (Amendment).*

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(e) by inserting in paragraph (c) of subsection one of section five hundred and one after the words "One hundred and fifty-two," the figures and letter "178c,";

Sec. 501.  
(List of offences punishable summarily without consent of accused.)

(f) by inserting next after section five hundred and seventy-eight the following new section : —

New sec. 579.

579. (1) Where, following the conviction of any person for an offence or a finding that a charge of an offence has been proved against any person, whether the conviction or finding was before or after the commencement of the Crimes (Amendment) Act, 1961—

Evidence of proceedings dealt with by way of recognizance after 15 years.

(a) sentence in respect of the conviction was suspended or deferred upon the person entering into a recognizance or, in substitution for sentence in respect of the conviction, the person was required to enter into a recognizance, or no conviction in respect of the finding was made and the person was discharged conditionally on his entering into a recognizance; and

(b) a period of fifteen years has elapsed since the recognizance was entered into—

(i) without the recognizance having been forfeited during that period or a court having found during that period that the person failed to observe any condition of the recognizance; and

(ii) without the person having, during that period, been convicted of an indictable offence on indictment or otherwise or of any other offence punishable by imprisonment (otherwise than under section eighty-two of the Justices Act, 1902, as amended by



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*Crimes (Amendment).*

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by subsequent Acts) or without a finding during that period that a charge of such an indictable or other offence has been proved against the person,

the conviction or finding shall, where that period expired before the commencement of the Crimes (Amendment) Act, 1961, as on and from that commencement, or, where that period expires or has expired after that commencement, as on and from the expiration of that period—

(c) be disregarded for all purposes whatsoever; and

(d) without prejudice to the generality of paragraph (c) of this subsection, be inadmissible in any criminal, civil or other legal proceedings as being no longer of any legal force or effect.

Without prejudice to the generality of the foregoing provisions of this section, any question asked of or concerning that person in or in relation to any criminal, civil or other legal proceedings otherwise than by his counsel, attorney or agent or other person acting on his behalf may be answered as if the conviction or finding had never taken place or the recognizance had never been entered into.

(2) Notwithstanding the provisions of subsection one of this section, where in any criminal, civil or other legal proceedings the person first referred to in that subsection, by himself, his counsel, attorney or agent or other person acting on his behalf, otherwise than in answer to a question that can, in accordance with the last paragraph of that subsection, be answered in the negative, makes an assertion that denies the fact that



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*Crimes (Amendment).*

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that the conviction or finding took place or that the recognizance was entered into, then the conviction, finding or recognizance is admissible—

- (a) in those proceedings, as to the character credit or reputation of the person so referred to;
- (b) in any prosecution for perjury or false swearing founded on the assertion.

The non-disclosure of the conviction, finding or recognizance in the making or giving of a statement or evidence as to the good character, credit or reputation of the person so referred to shall not of itself be taken, for the purposes of this subsection, to mean that the statement or evidence contains such an assertion.

(3) In this section "legal proceedings" includes any application for a license, registration, authority, permit or the like under any statute.

*In the name and on behalf of Her Majesty I assent to this Act.*

E. W. WOODWARD,  
*Governor.*

*Government House,  
Sydney, 15th December, 1961.*







