

## CRIMES (PROCEDURE) AMENDMENT BILL 1987

NEW SOUTH WALES



### EXPLANATORY NOTE

**(This Explanatory Note relates to this Bill as introduced into Parliament)**

The object of this Bill is to amend the Crimes Act 1900 so that—

- (a) an accused may make admissions of fact and consent to the tender of affidavit evidence prior to (not only, as at present, at) trial (Schedule 1 (1));
- (b) indictable offences may be dealt with under sections 476 and 501 of the Act if the charges concerned relate to property or money of higher monetary values than are presently applicable (the amounts being increased from \$10,000 to \$15,000 and \$2,000 to \$5,000, respectively) (Schedule 1 (2) (b) and (3) (c));
- (c) indictable offences mentioned in the following sections of the Act may be dealt with by a Local Court under section 501 of the Act, without the consent of the accused:
  - section 125 (Larceny by bailee);
  - section 156 (Larceny by clerks or servants);
  - section 157 (Embezzlement by clerks or servants);
  - section 158 (Destruction, falsification of accounts etc. by clerk or servant);
  - section 159 (Larceny by persons in Public Service);
  - section 160 (Embezzlement etc. by persons in the Public Service);
  - section 178A (Fraudulent misappropriation of moneys collected or received);
  - section 178BA (Obtaining money etc. by deception);
  - section 178BB (Obtaining money etc. by false or misleading statements);
  - section 184 (Fraudulent personation);
  - section 185 (Inducing persons by fraud to execute instruments);
  - section 185A (Inducing persons to enter into certain arrangements by misleading etc. statements etc.);
  - section 186 (Taking reward for helping to recover stolen property);
  - section 188 (Receiving etc. where principal guilty of felony);

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- section 189 (Receiving etc. where principal guilty of misdemeanour);  
section 189A (Receiving etc. goods stolen out of New South Wales);  
section 190 (Receiving etc. cattle feloniously killed, or carcass etc.);  
section 192 (Receiving material or tools intrusted for manufacture),  
(Schedule 1 (3) (b)); and  
(d) the fine that may be imposed under section 501 is increased from \$1,000 to  
\$2,000 (Schedule 1 (3) (d)).

The Bill also makes provisions of a consequential or transitional nature.

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NEW SOUTH WALES

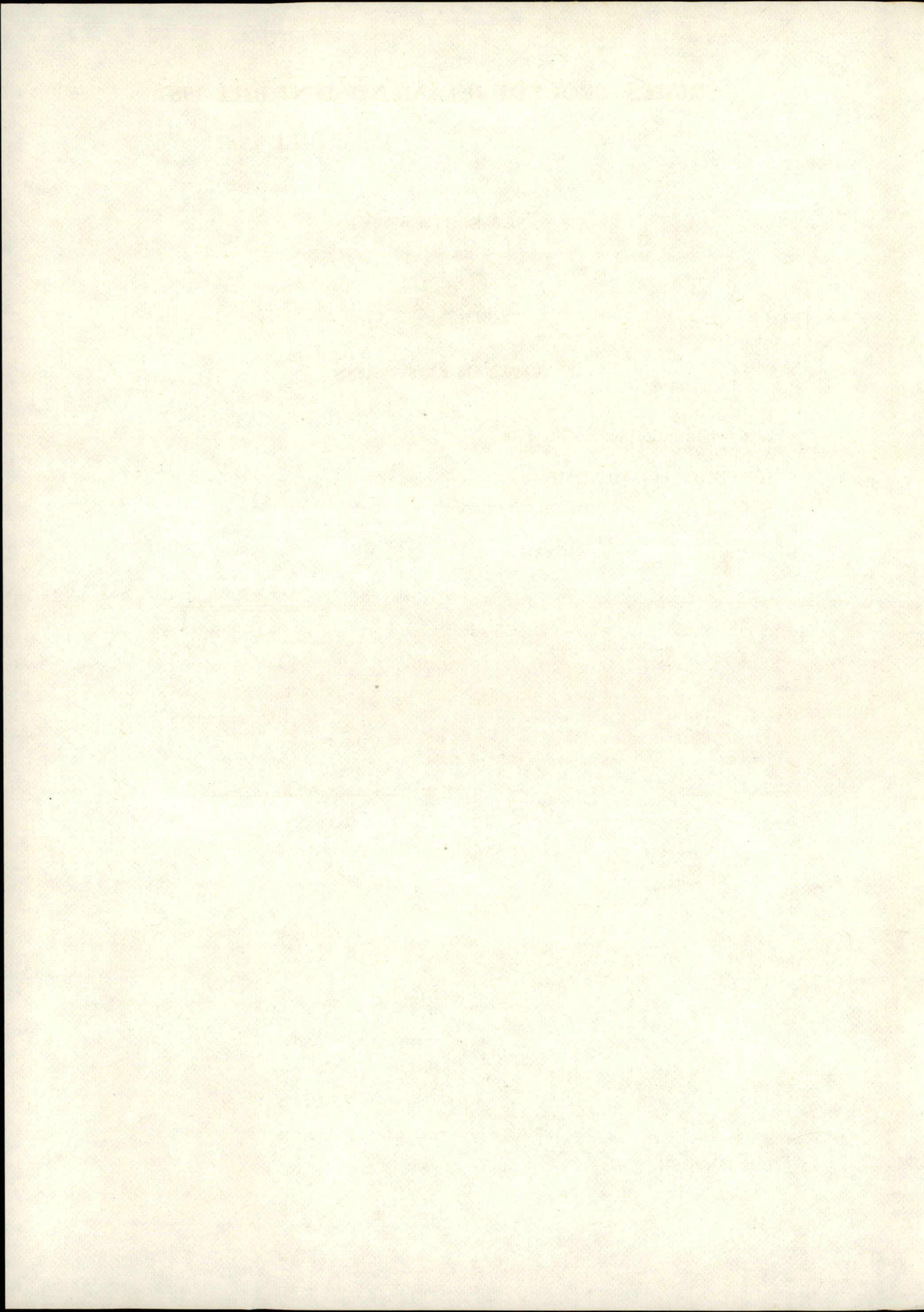


## TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 40, 1900
3. Savings

SCHEDULE 1—AMENDMENTS

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# CRIMES (PROCEDURE) AMENDMENT BILL 1987

NEW SOUTH WALES



No. , 1987

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## A BILL FOR

An Act to amend the Crimes Act 1900 with respect to the summary punishment of indictable offences; and for other purposes.

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*Crimes (Procedure) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Procedure) Amendment Act 1987.

**5 Amendment of Act No. 40, 1900**

2. The Crimes Act 1900 is amended as set out in Schedule 1.

**Savings**

3. Section 501 of the Crimes Act 1900, as in force when the offence was committed, applies to and in respect of an offence committed before 10 the commencement of this Act.

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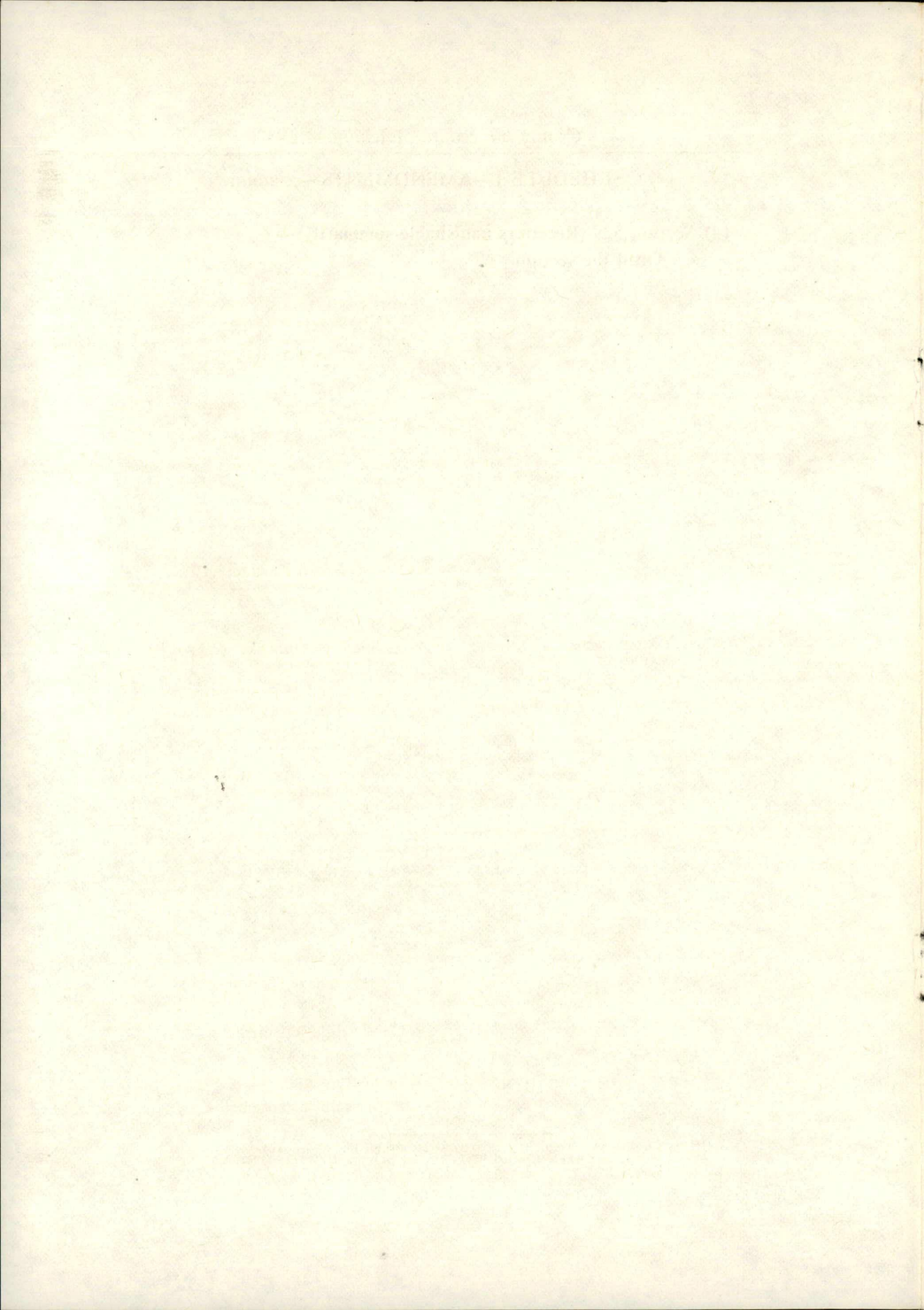
**SCHEDULE 1—AMENDMENTS**

(Sec. 2)

- (1) Section 404 (**Admission by accused before or on trial**)—  
After “person”, insert “before or”.
- 15 (2) Section 476 (**Indictable offences punishable summarily with consent of accused**)—
- (a) Section 476 (6) (a) (iii)—  
After “179,”, insert “184,”.
- (b) Section 476 (6) (a), (f) (ii)—  
20 Omit “\$10,000” wherever occurring, insert instead “\$15,000”.
- (3) Section 501 (**Indictable offences punishable summarily without consent of accused**)—
- (a) Section 501 (1) (a)—  
Omit “or” where lastly occurring.
- 25 (b) Section 501 (1) (c)—  
Omit the paragraph, insert instead:
- (c) any offence mentioned in section 125, 126, 131, 132, 133,  
139, 140, 144, 148, 150, 151, 152, 156, 157, 158, 159, 160,  
178A, 178B, 178BA, 178BB, 178C, 179, 184, 185, 185A, 186,  
30 188, 189, 189A, 190, 192, 247, 249B, 249D, 249E or 249F,
- (c) Section 501 (1)—  
Omit “\$2,000”, insert instead “\$5,000”.
- (d) Section 501 (1)—  
Omit “\$1,000”, insert instead “\$2,000”.

SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 529 (**Receivers punishable summarily**)—  
Omit the section.





# CRIMES (PROCEDURE) AMENDMENT ACT 1987 No. 289

NEW SOUTH WALES

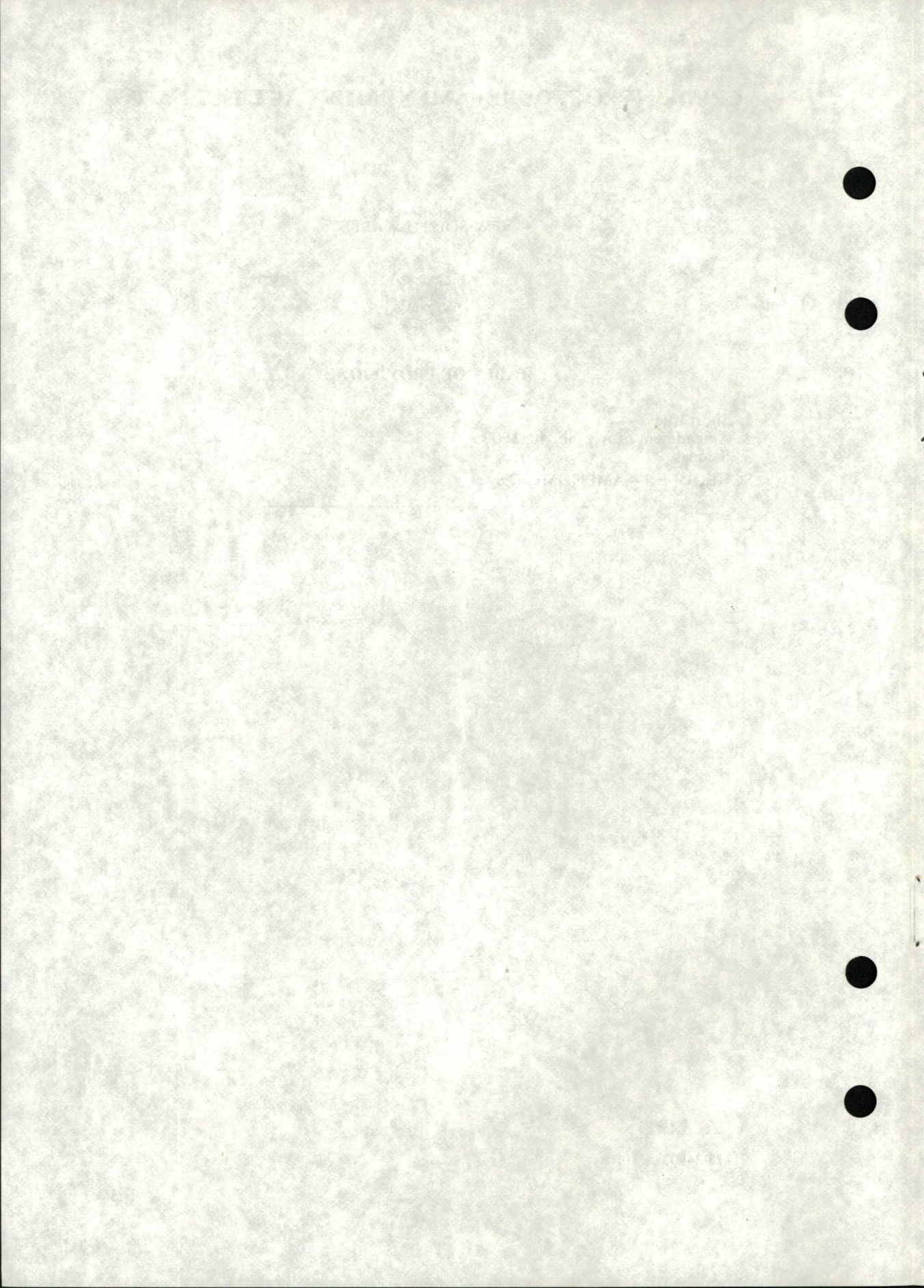


## TABLE OF PROVISIONS

1. Short title
2. Amendment of Act No. 40, 1900
3. Savings

SCHEDULE 1—AMENDMENTS

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**CRIMES (PROCEDURE) AMENDMENT ACT 1987 No. 289**

**NEW SOUTH WALES**



**Act No. 289, 1987**

An Act to amend the Crimes Act 1900 with respect to the summary punishment of indictable offences; and for other purposes. [Assented to 16 December 1987]

*Crimes (Procedure) Amendment 1987*

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**The Legislature of New South Wales enacts:**

**Short title**

1. This Act may be cited as the Crimes (Procedure) Amendment Act 1987.

**Amendment of Act No. 40, 1900**

2. The Crimes Act 1900 is amended as set out in Schedule 1.

**Savings**

3. Section 501 of the Crimes Act 1900, as in force when the offence was committed, applies to and in respect of an offence committed before the commencement of this Act.

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**SCHEDULE 1—AMENDMENTS**

(Sec. 2)

- (1) Section 404 (**Admission by accused before or on trial**)—  
After “person”, insert “before or”.
- (2) Section 476 (**Indictable offences punishable summarily with consent of accused**)—
  - (a) Section 476 (6) (a) (iii)—  
After “179,”, insert “184,”.
  - (b) Section 476 (6) (a), (f) (ii)—  
Omit “\$10,000” wherever occurring, insert instead “\$15,000”.
- (3) Section 501 (**Indictable offences punishable summarily without consent of accused**)—
  - (a) Section 501 (1) (a)—  
Omit “or” where lastly occurring.
  - (b) Section 501 (1) (c)—  
Omit the paragraph, insert instead:
    - (c) any offence mentioned in section 125, 126, 131, 132, 133, 139, 140, 144, 148, 150, 151, 152, 156, 157, 158, 159, 160, 178A, 178B, 178BA, 178BB, 178C, 179, 184, 185, 185A, 186, 188, 189, 189A, 190, 192, 247, 249B, 249D, 249E or 249F,
  - (c) Section 501 (1)—  
Omit “\$2,000”, insert instead “\$5,000”.
  - (d) Section 501 (1)—  
Omit “\$1,000”, insert instead “\$2,000”.

SCHEDULE 1—AMENDMENTS—*continued*

- (4) Section 529 (**Receivers punishable summarily**)—  
Omit the section.

