Legislative Council.

No. , 1905.

A BILL

To extend to girls of and above the ages of fourteen and sixteen years respectively and under the age of seventeen years the protection given to girls under the ages of fourteen and sixteen years respectively by certain provisions of the criminal law relating to offences against the person; and for that purpose and purposes incidental thereto and connected therewith to amend the Crimes Act, 1900.

[Dr. Mackellar;—14 *June*, 1905.]

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. This Act shall be construed with the Crimes Act, 1900, and may be cited as the "Crimes (Girls Protection) Act, 1905." Short title.

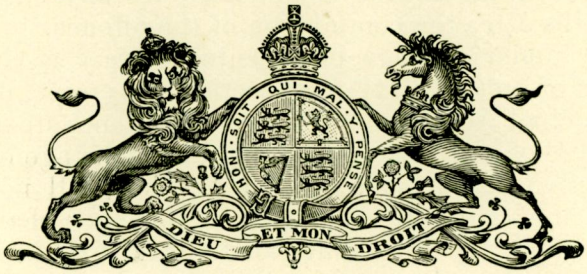
2. The Crimes Act, 1900, is hereby amended by the substitution of the word "seventeen" for the word "fourteen" wherever it occurs in sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-seven, and seventy-eight of that Act, and for the word "sixteen" wherever it occurs in sections seventy-three and seventy-four of that Act. Amendment of sections 64, 69, 70, 71, 72, 73, 74, 77, and 78 of Crimes Act, 1900.

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

Legislative Council Chamber,
Sydney, 26th July, 1905.

JOHN J. CALVERT,
Clerk of the Parliaments.

New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

* *

Act No. , 1905.

An Act to extend to girls of and above the ages of fourteen and sixteen years respectively and under the age of seventeen years the protection given to girls under the ages of fourteen and sixteen years respectively by certain provisions of the criminal law relating to offences against the person; and to amend the Crimes Act, 1900.

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 :—

5 **1.** This Act shall be construed with the Crimes Act, 1900, and may be cited as the "Crimes (Girls' Protection) Act, 1905." Short title

2. The Crimes Act, 1900, is hereby amended by the substitution of the word "seventeen" for the word "fourteen" wherever it occurs in sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-seven, and seventy-eight of that Act, and for the word "sixteen" wherever it occurs in sections seventy-three and seventy-four of that Act: Provided that it is a sufficient defence to any charge brought under sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-seven, or seventy-eight of the Crimes Act, 1900, as amended by this Act in respect of offences under any of the said sections where the girl in question was over the age of fourteen years if it shall be made to appear to the court or jury before whom the charge is brought that the girl was at the time of the alleged offence a common prostitute, or an associate of common prostitutes. And provided also that no prosecution may be commenced for any such offence more than six months after the commission of the offence.

Amendment of sections 64, 69, 70, 71, 72, 73, 74, 77, and 78 of Crimes Act, 1900.

3. Where a person under the age of seventeen years is, in pursuance of the provisions of section sixty-four, section sixty-nine, or section seventy of the Principal Act, found guilty of an offence upon any girl of or above the age of fourteen years and under the age of seventeen years, under section seventy-one of that Act, he shall not be liable to the punishment set out in the latter section, nor shall sentence be passed upon him; but the court shall deal with him under the provisions of section four hundred and twenty-nine of the said Act by causing him to enter into recognisances or by sending him to a reformatory school, as in that section provided.

As to persons under seventeen years and their punishment.

4. Whoever employs or harbours in, or, under any circumstances whatever, receives into a brothel or house of ill fame, any girl between the ages of twelve and seventeen shall be liable to penal servitude for five years.

Girl between twelve and seventeen not to be employed or harboured in brothel.

Sydney: William Applegate Gullick, Government Printer.—1905.

[3*d*.]

Sections of Crimes Act, 1900, referred to in Crimes (Girls' Protection) Bill.

64. Where on the trial of a person for rape, the jury are satisfied that the female was a girl under the age of fourteen years but above the age of ten years and that the accused had carnal knowledge of her but with her consent, they may acquit him of the rape charged and find him guilty of an offence under section seventy-one of this Act, and he shall be liable to punishment accordingly.

Trial for rape—verdict of carnal knowledge.
46 Vic. No. 17, s. 369.

69. Where on the trial of a person for carnally knowing a girl under the age of ten years the jury are satisfied that she was of or above that age but under the age of fourteen years and that the accused had carnal knowledge of such girl, they may acquit him of the offence charged, and find him guilty of an offence under section seventy-one of this Act, and he shall be liable to punishment accordingly.

Trial for carnal knowledge—girl in fact over ten.
46 Vic. No. 17. s. 369.

70. Where on the trial of a person for carnally knowing a girl under the age of ten years the jury are satisfied that she was of or above that age but under the age of fourteen years and that the accused had not carnal knowledge of such girl, but was guilty of an offence under section seventy-two of this Act they may acquit him of the offence charged and find him guilty of an offence under the said last-mentioned section, and he shall be liable to punishment accordingly.

Trial for carnal knowledge—verdict of assault with intent.
55 Vic. No. 5 s. 15.

71. Whosoever unlawfully and carnally knows any girl of or above the age of ten years, and under the age of fourteen years, shall be liable to penal servitude for *ten* years.

Carnally knowing girl between ten and fourteen.
46 Vic. No. 17, s. 42.

72. Whosoever attempts unlawfully and carnally to know any girl above the age of ten years, and under the age of fourteen years, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude for *five* years.

Attempting, or assaulting with intent, to carnally know girl between ten and fourteen.
Ibid. s. 42.

73. Whosoever, being a schoolmaster, or other teacher, or a father, unlawfully and carnally knows any girl of or above the age of ten years, and under the age of sixteen years, being his pupil or daughter, shall be liable to penal servitude for *fourteen* years.

Teacher or father carnally knowing girl between 10 and 16.
Ibid. s. 43.

74. Whosoever, being a schoolmaster, or teacher, or father, by any means, attempts unlawfully and carnally to know any girl of or above the age of ten years, and under the age of sixteen years, being his pupil or daughter, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude for *seven* years.

Attempt, &c., by teacher or father.
Ibid.

77. Whosoever indecently assaults any girl under the age of fourteen years, whether with or without her consent, shall be liable to penal servitude for *five* years.

Indecent assault on girl under 14.
Ibid. s. 44.

78. Whosoever indecently assaults any female of or above the age of fourteen years shall be liable to imprisonment for *three* years.

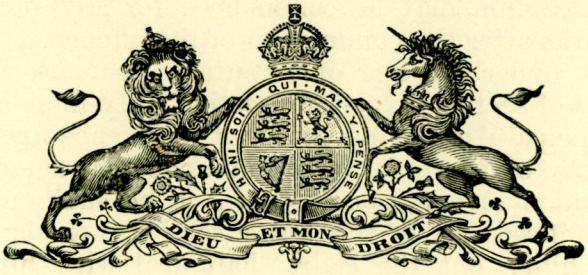
Indecent assault on female of or above 14.
Ibid.

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

Legislative Council Chamber,
Sydney, July, 1905.

Clerk of the Parliaments.

New South Wales.



ANNO QUINTO

EDWARDI VII REGIS.

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Act No. , 1905.

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2. The Crimes Act, 1900, is hereby amended by the substitution of the word "seventeen" for the word "fourteen" wherever it occurs in sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-seven, and seventy-eight of that Act, and for the word "sixteen" wherever it occurs in sections seventy-three and seventy-four of that Act: Provided that it is a sufficient defence to any charge brought under sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-seven, or seventy-eight of the Crimes Act, 1900, as amended by this Act in respect of offences under any of the said sections where the girl in question was over the age of fourteen years if it shall be made to appear to the court or jury before whom the charge is brought that the girl was at the time of the alleged offence a common prostitute, or an associate of common prostitutes. And provided also that no prosecution may be commenced for any such offence more than six months after the commission of the offence.

Amendment of sections 64, 69, 70, 71, 72, 73, 74, 77, and 78 of Crimes Act, 1900.

3. Where a person under the age of seventeen years is, in pursuance of the provisions of section sixty-four, section sixty-nine, or section seventy of the Principal Act, found guilty of an offence upon any girl of or above the age of fourteen years and under the age of seventeen years, under section seventy-one of that Act, he shall not be liable to the punishment set out in the latter section, nor shall sentence be passed upon him; but the court shall deal with him under the provisions of section four hundred and twenty-nine of the said Act by causing him to enter into recognisances or by sending him to a reformatory school, as in that section provided.

As to persons under seventeen years and their punishment.

4. Whoever employs or harbours in, or, under any circumstances whatever, receives into a brothel or house of ill fame, any girl between the ages of twelve and seventeen shall be liable to penal servitude for five years.

Girl between twelve and seventeen not to be employed or harboured in brothel.

Sections of Crimes Act, 1900, referred to in Crimes (Girls' Protection) Bill.

64. Where on the trial of a person for rape, the jury are satisfied that the female was a girl under the age of fourteen years but above the age of ten years and that the accused had carnal knowledge of her but with her consent, they may acquit him of the rape charged and find him guilty of an offence under section seventy-one of this Act, and he shall be liable to punishment accordingly.

Trial for rape—verdict of carnal knowledge.
46 Vic. No. 17, s. 369.

69. Where on the trial of a person for carnally knowing a girl under the age of ten years the jury are satisfied that she was of or above that age but under the age of fourteen years and that the accused had carnal knowledge of such girl, they may acquit him of the offence charged, and find him guilty of an offence under section seventy-one of this Act, and he shall be liable to punishment accordingly.

Trial for carnal knowledge—girl in fact over ten.
46 Vic. No. 17. s. 369.

70. Where on the trial of a person for carnally knowing a girl under the age of ten years the jury are satisfied that she was of or above that age but under the age of fourteen years and that the accused had not carnal knowledge of such girl, but was guilty of an offence under section seventy-two of this Act they may acquit him of the offence charged and find him guilty of an offence under the said last-mentioned section, and he shall be liable to punishment accordingly.

Trial for carnal knowledge—verdict of assault with intent.
55 Vic. No. 5 s. 15.

71. Whosoever unlawfully and carnally knows any girl of or above the age of ten years, and under the age of fourteen years, shall be liable to penal servitude for *ten* years.

Carnally knowing girl between ten and fourteen.
46 Vic. No. 17, s. 42.

72. Whosoever attempts unlawfully and carnally to know any girl above the age of ten years, and under the age of fourteen years, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude for *five* years.

Attempting, or assaulting with intent, to carnally know girl between ten and fourteen.
Ibid. s. 42.

73. Whosoever, being a schoolmaster, or other teacher, or a father, unlawfully and carnally knows any girl of or above the age of ten years, and under the age of sixteen years, being his pupil or daughter, shall be liable to penal servitude for *fourteen* years.

Teacher or father carnally knowing girl between 10 and 16.
Ibid. s. 43.

74. Whosoever, being a schoolmaster, or teacher, or father, by any means, attempts unlawfully and carnally to know any girl of or above the age of ten years, and under the age of sixteen years, being his pupil or daughter, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude for *seven* years.

Attempt, &c., by teacher or father.
Ibid.

77. Whosoever indecently assaults any girl under the age of fourteen years, whether with or without her consent, shall be liable to penal servitude for *five* years.

Indecent assault on girl under 14.
Ibid. s. 44.

78. Whosoever indecently assaults any female of or above the age of fourteen years shall be liable to imprisonment for *three* years.

Indecent assault on female of or above 14.
Ibid.

1905.

Legislative Council.

CRIMES (GIRLS' PROTECTION) BILL.

(*Amendments to be proposed in Committee of the Whole by* SIR ARTHUR RENWICK.)

Page 2, clause 2, line 10. *Omit* "fourteen" *insert* "sixteen"
Page 2, clause 2, lines 13 and 14. *Omit* "or was of immoral character"
Page 2, clause 2, line 15. *Omit* "three" *insert* "six"
Page 2, clause 3, line 19. *After* "offence" *insert* "upon any girl of "or above sixteen years of age"

59889

(No. 2.)

Legislative Council.

No. , 1905.

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[Dr. Mackellar;—29 *June*, 1905.]

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:—

5 **1.** This Act shall be construed with the Crimes Act, 1900, and may be cited as the "Crimes (Girls' Protection) Act, 1905." **Short title**

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As to persons under eighteen years and their punishment.

3. Where a person under the age of eighteen years is, in pursuance of the provisions of section sixty-four, section sixty-nine, or section seventy of the Principal Act, found guilty of an offence under section seventy-one of that Act, he shall not be liable to the punishment set out in the latter section, nor shall sentence be passed upon him; but the court shall deal with him under the provisions of section four hundred and twenty-nine of the said Act by causing him to enter into recognisances or by sending him to a reformatory school, as in that section provided.

Girl between twelve and seventeen not to be employed or harboured in brothel.

4. Whoever employs or harbours in or receives into a brothel any girl between the ages of twelve and seventeen shall be liable to penal servitude for five years.

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Trial for carnal knowledge—verdict of assault with intent.
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Carnally knowing girl between ten and fourteen.
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72. Whosoever attempts unlawfully and carnally to know any girl above the age of ten years, and under the age of fourteen years, or assaults any such girl with intent carnally to know her, shall be liable to penal servitude for *five* years.

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Teacher or father carnally knowing girl between 10 and 16.
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