

CRIMES (GIRLS' PROTECTION) BILL.

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*SCHEDULE showing the Legislative Council's Disagreements from the Legislative Assembly's Amendments, referred to in Message of 30th September, 1909.*

JOHN J. CALVERT,  
Clerk of the Parliaments.

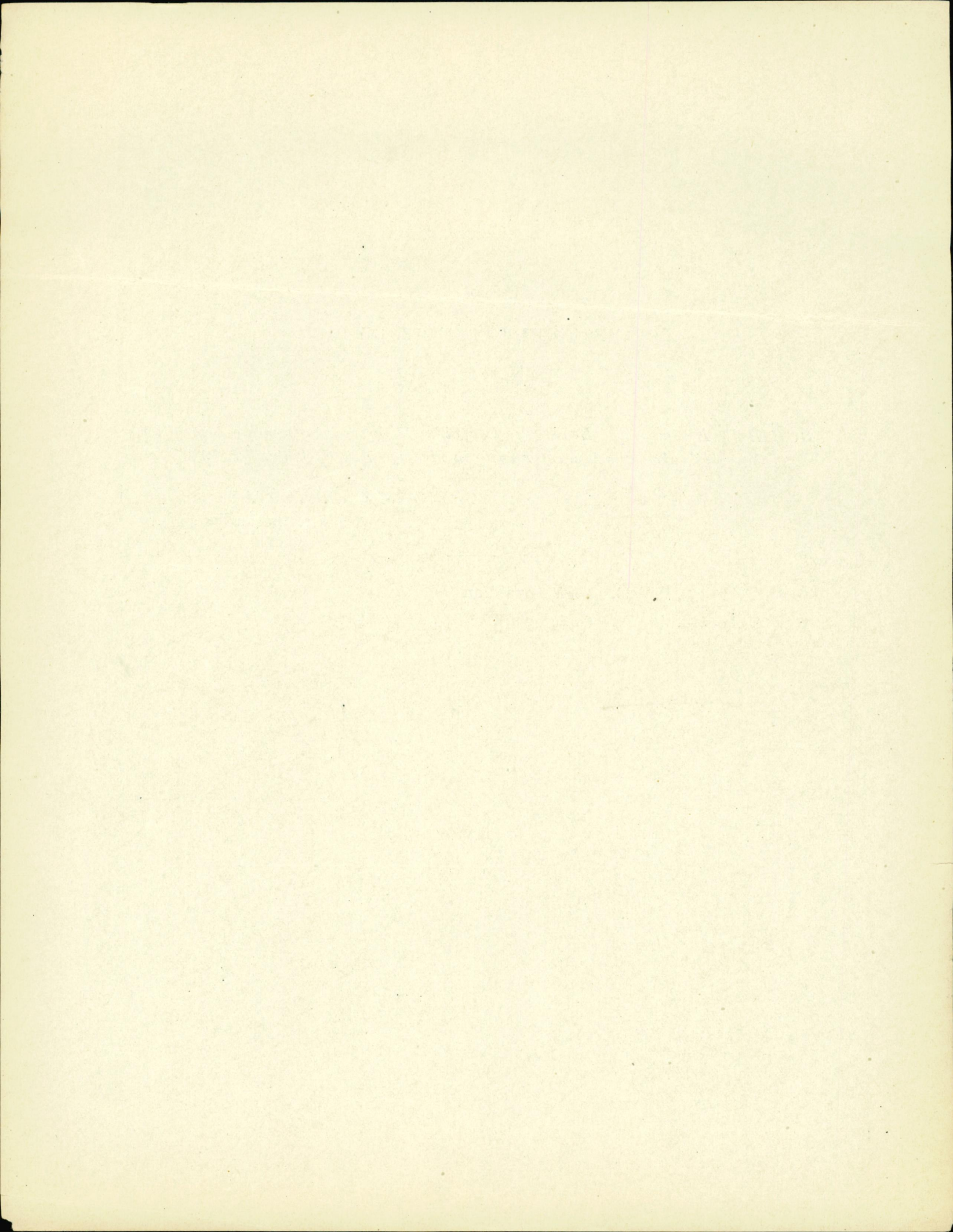
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Page 2, clause 3, line 23. *Omit "guardian"*

Page 2, clause 3, line 24. *Omit "ward"*

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CRIMES (GIRLS' PROTECTION) BILL.

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*SCHEDULE of the Amendments referred to in Message of 21 September, 1909.*

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- Page 1, clause 1, line 7. Omit "1908" insert "1909"
- Page 2, clause 2, line 8. Omit "brought under sections sixty-four, sixty-nine, seventy"  
insert "which renders a person liable to be found guilty of an offence  
"described in sections"
- Page 2, clause 2, line 17. Omit "seventeen" insert "sixteen"
- Page 2, clause 2, line 19. Omit "three" insert "six"
- Page 2, clause 3, line 23. After "words" insert "guardian"
- Page 2, clause 3, line 24. After "words" insert "ward"
-



THE PATENT OFFICE

SCHEDULE of the ...

... which is described in the ...

... class 3, line 11.

... class 3, line 12.

... class 3, line 13.

... class 3, line 14.

... class 3, line 15.



*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, 30th September, 1908. }*

JOHN J. CALVERT,  
*Clerk of the Parliaments.*

*The LEGISLATIVE ASSEMBLY has this day agreed to this Bill with Amendments.*

*Legislative Assembly Chamber,  
Sydney, 21 September, 1909. }*

RICHD. A. ARNOLD,  
*Clerk of the Legislative Assembly.*

## New South Wales.



ANNO NONO

# EDWARDI VII REGIS.

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Act No. , 1909.

An Act to extend to girls of and above the ages of fourteen and sixteen years respectively, and under the ages of sixteen and seventeen years respectively, 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; to bring step-fathers within certain of those provisions; to enable certain of those offences to be dealt with in a summary way; to exclude girls under the age of eighteen from brothels; and to amend the Crimes Act, 1900.

**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:—

- 5      1. This Act shall be construed with the Crimes Act, 1900, Short title. hereinafter referred to as the Principal Act, and may be cited as the "Crimes (Girls' Protection) Act, 1908 1909."

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c 79—

2.

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



*Crimes (Girls' Protection).*

2. Sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-seven, and seventy-eight of the Principal Act are hereby amended by the substitution of the word "sixteen" for the word "fourteen" wherever it occurs in those sections, and sections seventy-five and seventy-four of that Act are hereby amended by the substitution of the word "seventeen" for the word "sixteen" wherever it occurs in those sections: Provided that it is a sufficient defence to any charge brought under sections ~~sixty four, sixty nine, seventy,~~ **which renders a person liable to be found guilty of an offence described in** sections seventy-one, seventy-two, seventy-seven, or seventy-eight of the Principal Act, 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, or that the person so charged had reasonable cause to believe that she was of or above the age of ~~seventeen~~ **sixteen** years; and provided also that no prosecution may be commenced for any such offence more than ~~three~~ **six** months after the commission of the offence.
3. Sections seventy-three, seventy-four, seventy-five, and seventy-six of the Principal Act are hereby amended by adding after the word "father," wherever it occurs in those sections, the words "guardian or step-father," and by adding after the word "daughter," wherever it occurs in those sections, the words "ward or step-daughter."
4. Where a person of the age of sixteen years and under the age of eighteen years is found guilty of an offence under sections seventy-one, seventy-two, or seventy-seven of the Principal Act, and the jury is satisfied that the girl upon whom the offence was committed was at the time of the commission of the offence of or above the age of fourteen years, and under the age of sixteen years, he may be dealt with in the same manner as a person under the age of sixteen years convicted of an indictable offence may be dealt with under the provisions of section four hundred and twenty-nine of the Principal Act, or under the provisions of sections thirty, thirty-one, thirty-two, and thirty-three of the Neglected Children and Juvenile Offenders Act, 1905.
5. Whoever employs in, or under any circumstances whatever suffers to resort to or be in or upon, any premises used as a brothel or house of ill fame, any girl under the age of eighteen years shall be liable to penal servitude for five years.

Amendment of Principal Act to protect girls between 14 and 16, and 14 and 17.

Extension of subsections 73, 74, 75, and 76 to guardians, step-fathers, wards and step-daughters.

Certain offences by youths of 16 may be dealt with under s. 429 of Crimes Act, or ss. 30, 31, 32, and 33 of the Neglected Children and Juvenile Offenders Act.

Employment of girls in brothels.



## 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.*

**75.** Nothing in the two last preceding sections shall prevent such schoolmaster, teacher, or father from being prosecuted under section seventy-one and seventy-two of this Act.

Alternative charge.  
*Ibid.*, s. 43.

**76.** The consent of the girl pupil or daughter shall be no defence to any charge under the nine last preceding sections.

Consent no defence.  
*Ibid.*, ss. 42, 43.

**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.*



18. The Commission shall have the right to publish information for the public.

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32. The Commission shall have the right to publish information for the public.

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(Signed, Director) Bill

Director of Child Welfare, Dept. of Social Services

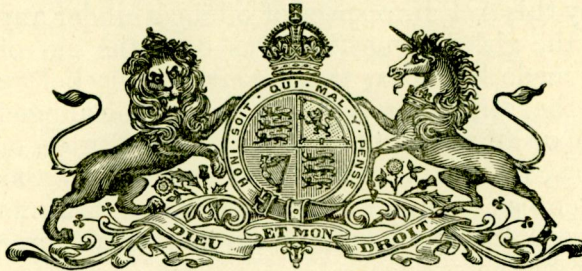


*This PUBLIC BILL originated in the LEGISLATIVE COUNCIL, and, having this day passed, is now ready for presentation to the LEGISLATIVE ASSEMBLY for its concurrence.*

*Legislative Council Chamber,  
Sydney, July, 1909.* }

*Clerk of the Parliaments.*

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3. Sections seventy-three, seventy-four, seventy-five, and seventy-six of the Principal Act are hereby amended by adding after the word "father," wherever it occurs in those sections, the words "or step-father," and by adding after the word "daughter," wherever it occurs in those sections, the words "or step-daughter."
4. Where a person of the age of sixteen years and under the age of eighteen years is found guilty of an offence under sections seventy-one, seventy-two, or seventy-seven of the Principal Act, and the jury is satisfied that the girl upon whom the offence was committed was at the time of the commission of the offence of or above the age of fourteen years, and under the age of sixteen years, he may be dealt with in the same manner as a person under the age of sixteen years convicted of an indictable offence may be dealt with under the provisions of section four hundred and twenty-nine of the Principal Act, or under the provisions of sections thirty, thirty-one, thirty-two, and thirty-three of the Neglected Children and Juvenile Offenders Act, 1905.
5. Whoever employs in, or under any circumstances whatever suffers to resort to or be in or upon, any premises used as a brothel or house of ill fame, any girl under the age of eighteen years shall be liable to penal servitude for five years.

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

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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  
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- 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  
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- 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  
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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  
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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.*
- 75.** Nothing in the two last preceding sections shall prevent such schoolmaster, teacher, or father from being prosecuted under section seventy-one and seventy-two of this Act. Alternative charge.  
*Ibid.*, s. 43.
- 76.** The consent of the girl pupil or daughter shall be no defence to any charge under the nine last preceding sections. Consent no defence.  
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- 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  
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female of or above 14.  
*Ibid.*



