SECOND SCHEDULE.

Enactments Repealed.

<table>
<thead>
<tr>
<th>Session and Chapter</th>
<th>Short Title</th>
<th>Extent of Repeal</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 Geo. 2, c. 13</td>
<td>The Engraving Copyright Act, 1794</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>7 Geo. 3, c. 38</td>
<td>The Engraving Copyright Act, 1767</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>15 Geo. 3, c. 33</td>
<td>The Copyright Act, 1775</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>17 Geo. 3, c. 57</td>
<td>The Prints Copyright Act, 1777</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>54 Geo. 3, c. 56</td>
<td>The Sculpture Copyright Act, 1814</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>3 &amp; 4 Will. 4, c. 12</td>
<td>The Dramatic Copyright Act, 1833</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>5 &amp; 6 Will. 4, c. 63</td>
<td>The Lectures Copyright Act, 1835</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>6 &amp; 7 Will. 4, c. 59</td>
<td>The Prints and Engraving Copyright (Ireland) Act, 1836</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>6 &amp; 7 Will. 4, c. 110</td>
<td>The Copyright Act, 1836</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>5 &amp; 6 Vict. c. 45</td>
<td>The Copyright Act, 1842</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>7 &amp; 8 Vict. c. 12</td>
<td>The International Copyright Act, 1844</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>10 &amp; 11 Vict. c. 95</td>
<td>The Colonial Copyright Act, 1847</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>15 &amp; 16 Vict. c. 12</td>
<td>The International Copyright Act, 1822</td>
<td>Sections one to six. In section eight the words &quot;and pursuant to any Act for the protection of copyright engravings,&quot; and &quot;and in any such Act as aforesaid,&quot; Sections nine to twelve. The whole Act.</td>
</tr>
<tr>
<td>25 and 26 Vict. c. 68</td>
<td>The Fine Arts Copyright Act, 1862</td>
<td>Section forty-two, from &quot;Books wherein to such copyright will expire,&quot; Sections forty-four, forty-five, and one hundred and fifty-two. The whole Act.</td>
</tr>
<tr>
<td>38 &amp; 39 Vict. c. 12</td>
<td>The International Copyright Act, 1875</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>39 &amp; 40 Vict. c. 36</td>
<td>The Customs Consolidation Act, 1876</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>45 &amp; 46 Vict. c. 40</td>
<td>The Copyright (Musical Compositions) Act, 1882</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>49 &amp; 50 Vict. c. 33</td>
<td>The International Copyright Act, 1886</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>51 &amp; 52 Vict. c. 17</td>
<td>The Copyright (Musical Compositions) Act, 1888</td>
<td>The whole Act.</td>
</tr>
<tr>
<td>52 &amp; 53 Vict. c. 42</td>
<td>The Revenue Act, 1889</td>
<td>Section one, from &quot;Books first published&quot; to &quot;as provided in that section.&quot; In section three the words &quot;and which has been registered in accordance with the provisions of the Copyright Act, 1843,&quot; or of the International Copyright Act, 1844, which registration may be affected notwithstanding anything in the International Copyright Act, 1886.&quot;</td>
</tr>
<tr>
<td>6 Edw. 7, c. 36</td>
<td>The Musical Copyright Act, 1906</td>
<td></td>
</tr>
</tbody>
</table>

CRIMES ACT 1914-1950.\(^{(a)}\)

An Act relating to Offences against the Commonwealth.

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

PART I.—PRELIMINARY.

1. This Act may be cited as the Crimes Act 1914-1950.\(^{(a)}\)

PART II.—Offences against the Government.

PART III.—Protection of the Constitution and of Public and other Services.

PART IV.—Offences relating to the Administration of Justice.

PART V.—Forcement.

PART VI.—Offences by or against Public Officers.

PART VII.—Breach of Official Secrecy.

PART VIII.—Miscellaneous.

3. In this Act, unless the contrary intention appears—

"Commonwealth officer" means any person holding office under the Commonwealth, and includes any person permanently or temporarily employed in the Public Service of the Commonwealth, or in or in connexion with the Naval, Military, or Air Forces of the Commonwealth, or in the service of any public authority under the Commonwealth and includes an officer of the Commonwealth Bank.

\(^{(a)}\) The Crimes Act 1914-1959 comprises the Crimes Act 1914 as amended. Particulars of the Principal Acts and of the amending Acts are set out in the following table:—

<table>
<thead>
<tr>
<th>Act</th>
<th>Year and Number</th>
<th>Date of Amend.</th>
<th>Date of Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Crimes Act 1914</td>
<td>1914, No. 12</td>
<td>20th October, 1914</td>
<td>20th October, 1914</td>
</tr>
<tr>
<td>Crimes Act 1915</td>
<td>1915, No. 6</td>
<td>7th May, 1915</td>
<td>2nd December, 1915</td>
</tr>
<tr>
<td>War Preventions Act 1920</td>
<td>1920, No. 54</td>
<td>2nd December, 1920</td>
<td></td>
</tr>
<tr>
<td>Crimes Act 1920</td>
<td>1920, No. 56</td>
<td>10th March, 1926</td>
<td></td>
</tr>
<tr>
<td>Crimes Act 1922</td>
<td>1922, No. 12</td>
<td>22nd June, 1922</td>
<td></td>
</tr>
<tr>
<td>Crimes Act 1923</td>
<td>1923, No. 9</td>
<td>30th May, 1923</td>
<td></td>
</tr>
<tr>
<td>Crimes Act 1924</td>
<td>1924, No. 5</td>
<td>3rd July, 1924</td>
<td></td>
</tr>
<tr>
<td>Defence (Temporary Provision) Act 1944</td>
<td>1944, No. 7</td>
<td>4th April, 1944</td>
<td></td>
</tr>
<tr>
<td>Defence (Temporary Provision) Act 1946</td>
<td>1946, No. 7</td>
<td>14th December, 1946</td>
<td></td>
</tr>
<tr>
<td>Senate Law Election Act 1950</td>
<td>1950, No. 80</td>
<td>16th December, 1950</td>
<td>31st December, 1950</td>
</tr>
</tbody>
</table>
"Constable" includes any member of the police force of the Commonwealth or of a State or of a Territory being part of the Commonwealth and any Peace Officer appointed in pursuance of the Peace Officers Act 1925;

"Have in possession" includes having under control in any place whatever, whether for the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing in question;

"Property" includes money and every thing, animate or inanimate, capable of being the subject of ownership;

"Public authority under the Commonwealth" means any authority or body constituted by or under any Act and includes the Commonwealth Bank of Australia;

"Territory" means a Territory of, or under the control of, the Commonwealth.

4. The principles of the common law with respect to criminal liability shall, subject to this Act, apply in relation to offences against this Act.

5. Any person who aids, abets, counsels, or procures, or by act or omission is in any way directly or indirectly knowingly concerned in, or party to, the commission of any offence against any law of the Commonwealth, whether passed before or after the commencement of this Act, shall be deemed to have committed that offence and shall be punishable accordingly.

6. Any person who receives or assists another person, who is, by reason of his knowledge, guilty of an offence, in order to enable him to escape punishment or to dispose of the proceeds of the offence shall be guilty of an offence.

Penalty: Imprisonment for two years.

7. Any person who attempts to commit any offence against any law of the Commonwealth, whether passed before or after the commencement of this Act, shall be guilty of an offence and shall be punishable as if the attempted offence had been committed.

7a.—(1) If any person—

(a) incites to, urges, aids or encourages;

(b) prints or publishes any writing which incites to, urges, aids or encourages,

the commission of offences against any law of the Commonwealth or the carrying on of any operations for or by the commission of such offences, he shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for twelve months, or both.

8. The powers of arrest without warrant possessed by a constable, or by any person, under the common law, with respect to breaches of the peace, may be exercised by any constable, or by any person, as the case may be, with respect to offences against this Act which involve any breach of the peace.

8a. Any constable may, without warrant, arrest any person, if the constable has reasonable grounds to believe—

(a) that the person has committed an offence against any law of the Commonwealth; and

(b) that proceedings against the person by summons would not be effective.

(2) Any constable may, without warrant, seize any articles which are forfeited or which he has reasonable grounds to believe are required for or incidental to the commission of any offence.

Per Latham C.J.: A person may be a principal in a conspiracy if he either acts as a principal in the act or as an auxiliary to the principal in the commission of the offence.

9. (1) Any constable may, without warrant, search any premises which are required for or incidental to the commission of any offence.
are forfeited under any law of the Commonwealth, and take them before a Court of Summary Jurisdiction.

(2.) A Court of Summary Jurisdiction may, after such notice as the Court thinks fit to give, order that any articles so brought before it be condemned or be returned to the person from whom they were taken.

(3.) Where any prosecution is pending, an order for the condemnation or return of any articles relating thereto shall not be made until the prosecution is determined.

(4.) All articles which are condemned as forfeited shall be dealt with as directed by the Attorney-General, and pending his direction may be detained in such custody as the Court directs.

10. If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that there is in any house, vessel, or place—

(a) anything with respect to which any offence against any law of the Commonwealth has been, or is suspected on reasonable grounds to have been, committed;

(b) anything as to which there are reasonable grounds for believing that it will afford evidence as to the commission of any such offence;

(c) anything as to which there is reasonable ground for believing that it is intended to be used for the purpose of committing any such offence;

he may issue a search warrant authorizing any constable named therein, with such assistance as he thinks necessary, to enter at any time any house, vessel, or place named or described in the warrant, if necessary by force, and to seize any such article which he may find in the house, vessel, or place.

11.—(1.) Where the act or conduct of any person is an offence against this Act, and is also an offence against some other Act or law, the offender may be prosecuted and convicted either under this Act or such other Act or law.

(2.) Nothing in this Act shall render any person liable to be punished twice in respect of the same offence.

12.—(1.) Offences against this Act, other than offences expressed to be indictable offences, shall be punishable either on indictment or on summary conviction.

(2.) Where proceedings for an offence against this Act are brought in a Court of Summary Jurisdiction, the Court may either determine the proceedings, or commit the defendant for trial.

(3.) A Court of Summary Jurisdiction may not impose a longer period of imprisonment than one year in respect of any one offence against this Act.

12A.—(1.) Any proceeding in respect of an offence against this Act, although declared indictable, may, with the consent of the defendant, be tried and determined by a Court of Summary Jurisdiction.

(2.) A Court of Summary Jurisdiction may, if it thinks fit, upon the request of the prosecutor, hear and determine any proceeding in respect of an offence against this Act, although declared to be indictable, if the offence relates to property the value of which does not exceed Fifty pounds.

(3.) Where an offence is dealt with under this section the Court may impose a sentence of imprisonment not exceeding one year and, in its discretion, impose a pecuniary penalty not exceeding One hundred pounds in addition to or in lieu of a sentence of imprisonment.

13. Unless the contrary intention appears in the Act or regulation creating the offence, any person may—

(a) institute proceedings for the commitment for trial of any person in respect of any indictable offence against the law of the Commonwealth; or

(b) institute proceedings for the summary conviction of any person in respect of any offence against the law of the Commonwealth punishable on summary conviction.

14. Where any person is charged, before a Court of Summary Jurisdiction, with an offence against the law of the Commonwealth, any exception, proviso, excuse, or qualification, whether it is contained in the Act or does or does not accompany the description of the offence in the Act creating the offence, may be proved by the person charged, but need not be specified or negatived in the information, and, if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant.
18.—(1.) Where imprisonment is imposed in respect of any offence against any law of the Commonwealth it may (unless the contrary intention appears in the law) be imposed either with or without hard labour.

(2.) Where under the law of a State a convicted person may in particular cases be imprisoned in a particular kind or class of prison, a person convicted of an offence against the law of the Commonwealth may, in corresponding cases, be imprisoned in the kind or class of prison appropriate to the circumstances.

19.—(1.) Where a person convicted of any offence against the Cumulative law of the Commonwealth is at the time of his conviction serving a term of imprisonment for any offence (whether against the law of the Commonwealth or against any other law in force in the Commonwealth or any part of the Commonwealth) the Court before which the offender is convicted may direct that any sentence of imprisonment imposed in respect of the first-mentioned offence shall commence at the expiration of the term of imprisonment which the offender was serving at the time of his conviction.

(2.) Where a person is convicted of more offences (whether indictable or otherwise) than one before the same Court at the same sitting and is sentenced to more than one term of imprisonment, the Court may direct that the sentences shall be concurrent or cumulative.

(3.) Where two or more sentences are directed to be cumulative, they shall take effect one after the other in accordance with the order in which the convictions are recorded or as the Court directs.

20.—(1.) If the Court thinks fit to do so, it may release any person convicted of an offence against the law of the Commonwealth without passing any sentence upon him, upon his giving security, with or without sureties, by recognizance or otherwise, to the satisfaction of the Court that he will be of good behaviour for such period as the Court thinks fit to order and will during that period comply with such conditions as the Court thinks fit to impose, or may order his release on similar terms after he has served any portion of his sentence.

(2.) If any person who has been released in pursuance of this section fails to comply with the conditions upon which he was released, he shall be guilty of an offence.

Penalty: Imprisonment for the period provided by law in respect of the offence of which he was previously convicted.

(3.) The penalty provided by the last preceding sub-section may be imposed by the Court by which the offender was originally convicted.

(4.) For a discussion of questions arising from this section see Jones v. Mr. Kinzett (1930) 39 C.L.R. 502; 1930 A.L.J. 78; 23 A.L.J. 612 (noted to s. 217 (1) of the Insolvency Act 1951-1960, supra.
convicted or by any Court of Summary Jurisdiction before which he is brought.

(4) In addition, the recognizance of any such person and those of his sureties shall be estreated, and any other security shall be enforced.

21.-(1) A prosecution in respect of an offence against any law of the Commonwealth may be commenced as follows:

(a) where the maximum term of imprisonment in respect of the offence in the case of a first conviction exceeds six months—at any time after the commission of the offence;

(b) where the maximum term of imprisonment in respect of the offence in the case of a first conviction does not exceed six months—at any time within one year after the commission of the offence;

(c) where the punishment provided in respect of the offence is a pecuniary penalty and no term of imprisonment is mentioned—at any time within one year after the commission of the offence.

(2) Notwithstanding any provision in any law of the Commonwealth passed before the commencement of this Act and providing any shorter time for the commencement of the prosecution, any prosecution for an offence against the law may be commenced at any time within one year after the commission of the offence.

(3) Where by any law of the Commonwealth any longer time than the time provided by this section is provided for the commencement of a prosecution in respect of an offence against that law, a prosecution in respect of the offence may be commenced at any time within that longer time.

(4) Held, by the High Court, that an offence against the Bankruptcy Act 1921-1929, the maximum penalty for which is one year's imprisonment, does not, in virtue of its having been charged and tried summarily under s. 21 of that Act, become an offence "in respect of which the maximum term of imprisonment is six months or more" within the meaning of s. 21 (1) (6) of the Crimes Act 1914-1929; and, accordingly, the prosecution need not be commenced within six months from the commission of the offence. Re Baring (1922) 47 C.L.R. 83; 5 A.L.R. 86; 6 A.L.R. 56. A contention that, in subsections (a) and (b) to s. 21 (1), the legislature thereby intended to provide for a special class of crimes in which differentiation is made between the penalties for the first and the penalty for subsequent offences, that s. 21 (1) applies only where there is such differentiation, and that subsection (2) is the general limiting section, and consequently that, where there is no such differentiation in the penalty, the prosecution must be commenced within twelve months after the commission of the offence, was rejected by the Full Supreme Court of New South Wales. Per curiam—Sub-section (2) is merely a provision which is intended to standardize all the provisions limiting the time for commencing proceedings and to wipe out any shorter period, limited for the period of prosecution, that may have been contained in prior Acts. Re Poole v. Peel [1923] A.L.R. 40; Ex parte Hocking; Re Hocking and Anns. [1928] W.N. (S.A.W.) 26.

Held by the Supreme Court of South Australia that where, under the National Security Act 1914-1929, an offence might be prosecuted either summarily after the maximum penalty is a fine or imprisonment not exceeding six months or on indictment (when the penalty is a fine or imprisonment for an unlimited term) the prosecution may be brought at any time. Re Hocking (1924) A.L.R. 569; [1925] 1 A.L.R. 567. Held by the Full Supreme Court of New South Wales in Ex parte Sennett, Re Company. [1964] A.L.R. 622. Ex parte W.W. [1965] 2 C.A. 437. Held by the Supreme Court of Victoria in Re Victoria (in the matter of R.E. [1964]) in Re Le Lay [1965] V.L.R. 45; [1965] A.L.R. 270.


21a.—(1) If at the hearing of any indictment, information or summons any objection is taken for an alleged defect therein in substance or in form, or if objection is taken to any variance between the indictment, information or summons and the evidence adduced at the hearing in support thereof, the Court may make such amendment in the indictment, information or summons as appears to it to be desirable or to be necessary to enable the real question in dispute to be determined.

(2) If in any such case the Court considers that the defendant has been misled by the form in which the indictment, information or summons has been made out, it may adjourn the hearing of the case for such period as it thinks fit and may make such order as to the costs of the adjournment as it thinks proper.

(3) The power of the Court under sub-section (1) of this section shall not be exercised in cases where the Court considers that the required amendments cannot be made without injustice to the defendant.

21b. Whenever any person is convicted of an offence against any law of the Commonwealth the Court may, in addition to any penalty imposed upon him, order the offender to make reparation to the Commonwealth, whether by way of money payment or otherwise, in respect of any loss suffered by the Commonwealth by reason of the offence.

21c. Where under any law of the Commonwealth any act, if done without lawful authority, or without lawful authority or excuse, or without permission, is an offence against that law, the burden of proving that the act was done with lawful authority, or with lawful authority or excuse, or with permission (as the case may be), shall be on the person accused.

22. Nothing in this Act shall derogate from any power or privilege of either House of Parliament or of the Members or of Committees of either House of Parliament as existing at the commencement of this Act.

23. Nothing in this Act shall affect the right of any person who is aggrieved by any act or omission which is punishable as an offence against this Act to institute civil proceedings in any Federal or State Court in respect of such act or omission.

[1] Per Mayor J. (for the Supreme Court of South Australia): "Lawful authority" is to be interpreted here (as in a prosecution under s. 39) for taking certain property out of the possession of the Commonwealth) as meaning a taking by the person accused of the elected person in a right, or power in him recognized as effective in law. The accused must show that he had specific authority to take the actual goods that he did take. See McAllister v. Palme, 1947 S.A.R. 146.
PART II.—OFFENCES AGAINST THE GOVERNMENT.

24.—(1.) Any person who within the Commonwealth or any Territory—

(a) instigates any foreigner to make an armed invasion of the Commonwealth or any part of the King's Dominions, or

(b) assists by any means whatever any public enemy, shall be guilty of an indictable offence and shall be liable to the punishment of death.

(2.) Any sentence of death passed on an offender in pursuance of this section shall be carried into execution in accordance with the law of the State or Territory in which the offender is convicted.

24A.—(1.) Subject to sub-section (2.) of this section an intention to effect any of the following purposes, that is to say—

(a) to bring the Sovereign into hatred or contempt;

(b) to excite disaffection against the Sovereign or the Government or Constitution of the United Kingdom or against either House of the Parliament of the United Kingdom;

(c) to excite disaffection against the Government or Constitution of any of the King's Dominions;

(d) to excite disaffection against the Government or Constitution of the Commonwealth or against either House of the Parliament of the Commonwealth;

(e) to excite disaffection against the connexion of the King's Dominions under the Crown;

(f) to excite His Majesty's subjects to attempt to procure the alteration, otherwise than by lawful means, of any matter in the Commonwealth established by law of the Commonwealth; or

(g) to promote feelings of ill-will and hostility between different classes of His Majesty's subjects so as to endanger the peace, order or good government of the Commonwealth,

is a seditious intention,

Q.C.C.s. 45.

(2.) It shall be lawful for any person—

(a) to endeavour in good faith to show that the Sovereign has been mistaken in any of his counsels;

(b) to point out in good faith errors or defects in the Government or Constitution of the United Kingdom or of any of the King's Dominions or of the Commonwealth as by law established, or in legislation, or in the administration of justice, with a view to the remodelling of such errors or defects;

(c) to excite in good faith His Majesty's subjects to attempt to procure by lawful means the alteration of any matter in the Commonwealth as by law established; or

(d) to point out in good faith in order to their removal any matters which are producing or have a tendency to produce feelings of ill-will and hostility between different classes of His Majesty's subjects.

24B.—(1.) A seditious enterprise is an enterprise undertaken in order to carry out a seditious intention.

(2.) Seditious words are words expressive of a seditious intention.

24C. Any person who—

(a) engages in or agrees or undertakes to engage in, a seditious enterprise;

(b) conspires with any person to carry out a seditious enterprise;

(c) counsels, advises or attempts to procure the carrying out of a seditious enterprise,

shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

24D.—(1.) Any person who writes, prints, utters or publishes seditious words shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

(2.) A person cannot be convicted of any of the offences defined in this or the preceding section upon the uncorroborated testimony of one witness.

24E.—(1.) An offence under either of the last two preceding sections shall be punishable either on indictment or summarily, but shall not be prosecuted summarily without the consent of the Attorney-General.

(2.) If any person who is prosecuted summarily in respect of an offence against either of the last two preceding sections, elects, immediately after pleading, to be tried upon indictment, the Court or Magistrate shall not proceed to summarily convict that person but may commit him for trial.

(3.) The penalty for an offence under either of the last two preceding sections shall, where the offence is prosecuted upon
indictment, be imprisoned for any period not exceeding three years, and, where the offence is prosecuted summarily, shall be imprisoned for a period not exceeding twelve months or a fine not exceeding One hundred pounds or both.

25.—(1.) Any person who knowingly attempts—

(a) to seduce any person serving in the King’s Forces from his duty and allegiance; or
(b) to incite any person serving in the King’s Forces to commit an act of mutiny, or any traitorous or mutinous act; or
(c) to incite any person serving in the King’s Forces to make or endeavour to make a mutinous assembly,

shall be guilty of an indictable offence.

Penalty : Imprisonment for life.

(2.) In this section the expression “person serving in the King’s Forces” includes any person serving in any Naval, Military or Air Forces of the United Kingdom, the Commonwealth, or any British Possession.

Amended by No. 50, 1955, s. 3 and First Schedule.

26. Any person who-

(a) knowingly aids an alien enemy being a prisoner of war to escape from any prison or place of confinement, or from Australia; or
(b) being a person who owes allegiance to the King, knowingly, upon the high seas in territorial waters or waters within the jurisdiction of the Commonwealth, or on any ship on which the law of the Commonwealth is in force, aids an alien enemy being a prisoner of war in his escape from Australia,

shall be guilty of an indictable offence.

Penalty : Imprisonment for life.

27.—(1.) Any person who—

(a) in contravention of the directions of a proclamation by the Governor-General in that behalf, trains or drills any other person to the use of arms or the practice of military exercises, movements, or evolutions; or
(b) is present at any meeting or assembly of persons, held in contravention of the directions of a proclamation by the Governor-General, for the purpose of there training or drilling any other person to the use of arms or the practice of military exercises, movements, or evolutions,

shall be guilty of an indictable offence.

Penalty : Imprisonment for five years.

(2.) Any person who, at any meeting or assembly held in contravention of the directions of a proclamation by the Governor-General, is present or assists in the same,

shall be guilty of an indictable offence.

Penalty : Imprisonment for five years.

28. Any person who, by violence or by threats or intimidation interfering with any kind, hinders or interferes with the free exercise or performance of any political right or duty, shall be guilty of an offence.

Penalty : Imprisonment for three years.

29. Any person who wilfully and unlawfully destroys or damages any property, whether real or personal, belonging to the Commonwealth or to any public authority under the Commonwealth, shall be guilty of an offence.

Penalty : Imprisonment for two years.

29A.—(1.) Any person who, with intent to defraud, by any false pretences, false pretence obtains from the Commonwealth or from any public authority under the Commonwealth any chattel, money, valuable security or benefit, shall be guilty of an offence.

(2.) Any person who, with intent to defraud, by any false pretences, causes or procures any money to be paid, or any chattel, valuable security or benefit to be delivered or given, by the Commonwealth or by any public authority under the Commonwealth to any person, shall be guilty of an offence.

Penalty : Imprisonment for five years.

29B. Any person who imposes or endeavours to impose upon any person or any public authority under the Commonwealth any untrue representation, made in any manner whatever, with a view to obtain money or any other benefit or advantage, shall be guilty of an offence.

Penalty : Imprisonment for two years.

29C. Every person who, in any application to the Commonwealth, or to any officer or public authority under the Commonwealth, for any grant, payment or allotment of money or allowance, under any law of the Commonwealth, makes, either verbally or in writing, any untrue statement in or in connexion with or in support of the application, shall be guilty of an offence.

Penalty : Fifty pounds.

30. Any person who, without lawful authority, takes any goods out of the possession, custody, or control of the Commonwealth or out of the possession, custody, or control of any
officer of the Commonwealth who has the possession, custody, or control thereof by virtue of his office, shall be guilty of an offence.\textsuperscript{(3)}

\textbf{Penalty:} Imprisonment for one year.

\section*{PART IIIA.—PROTECTION OF THE CONSTITUTION AND OF PUBLIC AND OTHER SERVICES.}

\section*{30A.—(1.) The following are hereby declared to be unlawful associations, namely:—}

(a) Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages—

(i) the overthrow of the Constitution of the Commonwealth by revolution or sabotage;

(ii) the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government;

(iii) the destruction or injury of property of the Commonwealth or of property used in trade or commerce with other countries or among the States,

or which is, or purports to be, affiliated with any organization which advocates or encourages any of the doctrines or practices specified in this paragraph;

(b) Any body of persons, incorporated or unincorporated, which by its constitution or propaganda or otherwise advocates or encourages the doing of any act having or purporting to have as an object the carrying out of a seditious intention as defined in section twenty-four \textsuperscript{a} of this Act.

\section*{(1A.) Without limiting the effect of the provisions of the last preceding sub-section, any body of persons, incorporated or unincorporated, which is, in pursuance of the next succeeding section, declared by the High Court or the Supreme Court of a State to be an unlawful association, shall be deemed to be an unlawful association for the purposes of this Act.}

(2.) Any branch or committee of an unlawful association, and any institution or school conducted by or under the authority or apparent authority of an unlawful association, shall, for all the purposes of this Act, be deemed to be an unlawful association.

\section*{30AA.—(1.) The Attorney-General may apply to the High Court or to the Supreme Court of a State for an order calling upon any body of persons, incorporated or unincorporated, to show cause why it should not be declared to be an unlawful association.}

(2.) An application under the last preceding sub-section—

(e) \textsuperscript{See footnote to s. 210, supra.}

\section*{30Ab.—(1.) If the Attorney-General believes that any person has in his possession any information or documents relating to an unlawful association, he may require the person, or, in the case of a corporation, any person holding a specified office in the corporation—}

(a) to answer questions;

(b) to furnish information; and
(c) allow the inspection of documents belonging to, or in the possession of, that person or that corporation, as the case may be,
relating to
(d) any money, property or funds belonging to or held by or on behalf of an unlawful association, or as to which there is reasonable cause to believe that they belong to or are held by or on behalf of an unlawful association;
(e) any payments made directly or indirectly by, to, or on behalf of, an unlawful association, or as to which there is reasonable cause to believe that they are so made; or
(f) any transactions to which an unlawful association is or is reasonably believed to be a party.

(2.) Any person failing or neglecting to answer questions, furnish information or produce documents as required in pursuance of this section, shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

30n. Any person over the age of eighteen years who is a member of an unlawful association, and any person who occupies or acts in any office or position in or of an unlawful association, or who acts as a representative of an unlawful association, or who acts as a teacher in any institution or school conducted by or under the authority or apparent authority of an unlawful association, shall be guilty of an offence.

Penalty: Imprisonment for one year.

30c. Any person who by speech or writing advocates or encourages—
(a) the overthrow of the Constitution of the Commonwealth by revolution or sabotage;
(b) the overthrow by force or violence of the established government of the Commonwealth or of a State or of any other civilized country or of organized government;
(c) the destruction or injury of property of the Commonwealth or of property used in trade or commerce with other countries or among the States,
shall be guilty of an offence and shall be liable on conviction to imprisonment for any period not exceeding two years, and in addition (if he was not born in Australia) to deportation by order of the Attorney-General as provided in this Act.

30d.—(1.) Any person who—
(a) gives or contributes money or goods to an unlawful association; or
(b) receives or solicits subscriptions or contributions of money or goods for an unlawful association,
shall be guilty of an offence.

Penalty: Imprisonment for six months.

30e.—(1.) No book, periodical, pamphlet, handbill, poster or newspaper issued by or on behalf or in the interests of any unlawful association shall—
(a) if posted in Australia, be transmitted through the post; or
(b) in the case of a newspaper, be registered as a newspaper under the provisions of the Post and Telegraph Act 1901-1923.

(2.) Any newspaper registered under that Act, which is issued by or on behalf or in the interests of any unlawful association, shall be removed from the register.

(3.) Any book, periodical, pamphlet, handbill, poster or newspaper posted in Australia, the transmission of which would be a contravention of this Act, shall be forwarded to the General Post Office of the State in which it was posted, and shall be forfeited to the King and shall be destroyed or disposed of as the Postmaster-General directs.

30f. Any person who knowingly prints, publishes, sells or exposes for sale or who circulates or distributes any book, periodical, pamphlet, handbill, poster or newspaper for or in the interests of any unlawful association or issued by any unlawful association shall be guilty of an offence.

Penalty: Imprisonment for six months.

30fa.—(1.) The imprint appearing upon any book, periodical, pamphlet, handbill, poster or newspaper shall, in any proceedings under this Part, be prima facie evidence that the book, periodical, pamphlet, handbill, poster or newspaper was printed or published by or on behalf of, or in the interests of, the person or body of persons specified in the imprint.

(2.) For the purposes of this section, “imprint” means a statement of the name and address of the printer or of the publisher of the book, periodical, pamphlet, handbill, poster or newspaper with or without a description of the place where it is printed.
30F.—(1.) The Postmaster-General may cancel any licence issued, under the Wireless Telegraphy Act 1905-1910 and the regulations thereunder, in respect of any broadcasting station from which is broadcast—

(a) any propaganda or advocacy in favour of any object specified in sub-paragraphs (i) to (iii) of paragraph (a) of sub-section (1.) of section thirty a of this Act; or

(b) any seditious matter,

and, where any licence so issued has expired, may refuse to renew the licence.

(2.) For the purposes of this section—

“broadcasting station” means a station for the purpose of broadcasting messages by means of wireless telegraphy;

“seditious matter” means any propaganda or matter disclosing a seditious intention as defined by section twenty-four a of this Act.

30RU. Any person who, being the owner, lessee, agent or superintendent of any building, room, premises or place, knowingly permits therein any meeting of an unlawful association or of any branch or committee thereof, shall be guilty of an offence.

Penalty: One hundred pounds or imprisonment for six months.

30FD. Any person who, at the date of any declaration made by the High Court or the Supreme Court of a State under this Part declaring any body of persons to be an unlawful association, is a member of the Committee or Executive of that association, shall not for a period of seven years from that date be entitled to have his name placed on or retained on any roll of electors for the Senate or House of Representatives, or to vote at any Senate election or House of Representatives election unless so entitled under section forty-one of the Constitution.

30G. All goods and chattels belonging to an unlawful association, or held by any person for or on behalf of an unlawful association, and all books, periodicals, pamphlets, handbills, posters or newspapers issued by or on behalf of, or in the interests of, an unlawful association shall be forfeited to the King.

30H. In any prosecution under this Act, proof that the defendant has, at any time since the commence ment of this section—

(a) been a member of an association;

(b) attended a meeting of an association;

(c) spoken publicly in advocacy of an association or its objects; or

(d) distributed literature of an association,

shall, in the absence of proof to the contrary, be evidence that at all times material to the case he was a member of the association.
offence under section thirty c, thirty r or thirty q of this Act shall be deported from the Commonwealth.

(3.) An order under sub-section (2.) of this section may be made either before, or within three months after, the expiration of any period of imprisonment to which the person to whom the order relates has been sentenced for the offence, or, if that person was not sentenced to imprisonment, within three months after his conviction for the offence.

30n. Where the Attorney-General has made an order under this Act for the deportation of any person, that person shall be deported accordingly, and may, pending deportation and in the course of deportation, be kept in such custody as the Attorney-General or any officer of the Commonwealth authorized by him directs.

30n.—(1.) The master, owner, agent or charterer of any vessel
shall, when required so to do in writing by the Attorney-General or any officer of the Commonwealth authorized by him—

(a) provide a passage for any person ordered to be deported under this Act, and shall receive that person on board for conveyance to a port to which the vessel is bound; and

(b) receive on board and provide with accommodation, for such time as is specified in the notice, any persons charged by the Attorney-General with the custody of the person ordered to be deported.

Penalty One hundred pounds.

(2.) For the services specified in the last preceding sub-section the Attorney-General shall pay to the master, owner, agent or charterer such passage money as the Attorney-General thinks reasonable.

30r. Where a person, ordered to be deported under this Act, is undergoing a sentence of imprisonment for an offence against this Act, the Attorney-General may cause to be served, upon the person in charge of the gaol or prison in which the sentence is being served, a notice requiring the person ordered to be deported to be handed over to such custody as is specified in the notice, and the person so in charge shall hand over accordingly the person ordered to be deported, and upon his being so handed over his sentence shall be deemed to have determined.

30o. Any person who has been deported under this Act who returns to the Commonwealth shall be guilty of an offence, and shall be liable on conviction to imprisonment for a period not exceeding one year, and in addition to deportation by order of the Attorney-General as provided in this Act.
30R.—(1) In any prosecution for an offence under this Part, or for an offence to which any provision of this Part is material, the averments of the prosecutor contained in the information or indictment shall be prima facie evidence of the matter or matters averred.

(2) The last preceding sub-section shall apply to any matter so averred although—

(a) evidence in support or rebuttal of the matter averred or of any other matter is given by witnesses; or

(b) the matter averred is a mixed question of law and fact, but in that case the averment shall be prima facie evidence of the fact only.

(3) Any evidence given by witnesses in support or rebuttal of a matter so averred shall be considered on its merits and the credibility and probative value of such evidence shall be neither increased nor diminished by reason of this section.

(4) This section shall not lessen or effect any onus of proof otherwise falling on the defendant.

(5) Any book, periodical, pamphlet, handbill, poster or newspaper purporting to be issued by or on behalf of, or in the interests of, an association shall, unless the contrary is proved, be deemed to be so issued.\(^{(a)}\)

---

**PART III.—OFFENCES RELATING TO THE ADMINISTRATION OF JUSTICE.**

31. In this Part, unless the contrary intention appears—

“holder of a judicial office” means the holder of a judicial office under the Commonwealth, or the holder of a judicial office acting in the exercise of Federal jurisdiction, and includes an arbitrator or umpire under any law of the Commonwealth or of a Territory being a part of the Commonwealth;

“judicial proceeding” means a proceeding in or before a Federal Court or Court exercising Federal jurisdiction, or Court of a Territory being a part of the Commonwealth, and includes a proceeding before a body or person acting under the law of the Commonwealth in which evidence may be taken on oath.

---

\(^{(a)}\) In cases in which the provisions of s. 30R are relied upon the facts and circumstances constituting the offence charged should be stated fully and with precision. It is not right to set out evidence supporting the allegation of the offence. Still less is it right to state irrelevant facts merely giving colour to the prosecution. It is not sufficient under the provisions of this section to state evidence from which the result or fact necessary to sustain the offence charged may be inferred, without any allegation of the fact or result itself. The averment should be so stated as to be sufficient in law to constitute the offence charged.—Per Gavan Duffy C.J. and Starke J. in *R. v. Flask*, Ex parte Derooy, (1932) 48 C.L.R. 487, at 497. When the question in dispute is the meaning of a written document in evidence, the Court must enlarge the document for itself, and s. 30R does not operate to establish a meaning contrary to that which the Court considers the document in fact bears.—Per Evatt J., *Bol.

---

32. Any person who—

(a) being the holder of a judicial office, corruptly asks, receives or obtains, or agrees or attempts to receive, or obtain, any property or benefit of any kind for himself, or any other person, on account of anything already done or omitted to be done or to be afterwards done or omitted to be done by him in his judicial capacity; or

(b) corruptly gives, confers, or procures, or promises or offers to give, confer, procure, or attempt to procure, to, upon, or for, any person holding a judicial office, any property or benefit of any kind on account of any such act or omission on the part of the person holding the judicial office, shall be guilty of an indictable offence.

**Penalty**: Imprisonment for ten years.

33. Any person who—

(a) being a judge or magistrate not acting judicially, or being a Commonwealth officer employed in a capacity not judicial for the prosecution or detention or punishment of offenders, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of anything already done or omitted to be done, or to be afterwards done or omitted to be done, by him, with a view to corrupt or improper interference with the due administration of justice under the law of the Commonwealth, or the procurement or facilitation of the commission of any offence against the law of the Commonwealth, or the protection of an offender or intending offender against the law of the Commonwealth from detection or punishment; or

(b) corruptly gives, confers, or procures, or promises or offers to give, confer, procure, or attempt to procure to, upon, or for, any such judge, magistrate, or Commonwealth officer, any property or benefit of any kind, on account of any such act or omission on the part of the judge, magistrate, or officer, shall be guilty of an indictable offence.

**Penalty**: Imprisonment for ten years.

34. Any person who—

(a) being a judge or magistrate and being required or authorized by law to admit any person accused of an offence against the law of the Commonwealth to bail, without reasonable excuse, and in abuse of his office, requires excessive and unreasonable bail, or
35.—(1.) Any person who in any judicial proceeding, or for the purpose of instituting any judicial proceeding, knowingly gives false testimony touching any matter, material in that proceeding, shall be guilty of an indictable offence.

Penalty: Imprisonment for five years.

(2.) For the purpose of this section it is immaterial whether the testimony was given on oath or not on oath, or was given orally or in writing, or whether the Court or tribunal to which it was given was properly constituted or was held in the proper place, or whether the person who gave the testimony was a competent witness or not, or whether the testimony was admissible or not.

36. Any person who, with intent to mislead any tribunal in any judicial proceeding—

(a) fabricates evidence, or

(b) knowingly makes use of fabricated evidence,

shall be guilty of an offence.

Penalty: Imprisonment for two years.

37. Any person who—

(a) gives, confers, or procures, or promises or offers to give, confer, procure, or attempt to procure, any property or benefit of any kind to, upon, or for, any person, upon any agreement or understanding that any person called or to be called as a witness in any judicial proceeding shall give false testimony or withhold true testimony, or

(b) attempts by any means to induce a person called or to be called as a witness in any judicial proceeding to give false testimony, or to withhold true testimony, or

(c) asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself, or any other person, upon any agreement or understanding that any person shall as a witness in any judicial proceeding give false testimony or withhold true testimony,

shall be guilty of an indictable offence.

Penalty: Imprisonment for five years.
45. Any person who, without authority, or knowing the advertisement to be false in any material particular, inserts in the Gazette or in any newspaper an advertisement purporting to be published under the authority of any Federal Court, or of any Court in the exercise of Federal jurisdiction, or of any Court of a Territory being part of the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for two years.

Aiding prisoner to escape.
Cl. 9b, s. 142.

46. Any person who—
(a) aids a person in escaping, or attempting to escape, from lawful custody in respect of any offence against the law of the Commonwealth, or
(b) conveys anything into a prison with intent to facilitate the escape therefrom of a prisoner who is in custody in respect of an offence against the law of the Commonwealth, shall be guilty of an indictable offence.

Penalty: Imprisonment for two years.

Escaping.
Cl. 9b, s. 143.

47. Any person who, being a person in lawful custody under sentence after conviction for any offence against the law of the Commonwealth, escapes from such custody, shall be guilty of an offence.

Penalty: Imprisonment for two years.

Permitting escape.
Cl. 9b, s. 144.

48. Any person who, being an officer of a prison or a police officer or a Commonwealth officer, and being charged for the time being with the custody of any person in respect of any offence against the law of the Commonwealth, wilfully permits him to escape from custody, shall be guilty of an offence.

Penalty: Imprisonment for two years.

Removing property under sentence.
Cl. 9b, s. 147.

49. Any person who, when any property has been attached or taken under the process or authority of any Federal Court, or Court acting in the exercise of Federal jurisdiction, or any Court of a Territory being part of the Commonwealth, knowingly and with intent to hinder or defeat the attachment or process, receives, removes, retains, conceals, or disposes of the property, shall be guilty of an offence.

Penalty: Imprisonment for two years.

Obstructing officers of Courts.
Cl. 9b, s. 148.

50. Any person who wilfully obstructs or resists any person lawfully charged with the execution of an order or warrant of any Federal Court, or Court acting in the exercise of Federal jurisdiction, or any Court of a Territory being part of the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for one year.

PART IV.—OFFENCES RELATING TO THE COINAGE. [a]

51. In this Part, unless the contrary intention appears—
“coin” includes the coin of any foreign country as well as the coin of any part of the King’s Dominions;
“coining instrument” includes any stamp, mould, press for coinage, tool, instrument, appliance, or machine—
(a) adapted to make the resemblance of both or either of the sides of any coin, or any part of either side thereof, or
(b) adapted or intended to be used for marking coin round the edges with marks or figures apparently resembling those on any genuine coin, or
(c) adapted for making blanks in the shape of any genuine coin.

“counterfeit” as applied to coin, means—
(a) coin not genuine but resembling or apparently intended to resemble or pass for genuine coin,
(b) genuine coin which has been prepared or altered so as to resemble or be apparently intended to resemble or pass for coin of a higher denomination, and
(c) genuine coin which has been clipped or filed or the size or weight of which has otherwise been diminished, and which has been prepared or altered so as to conceal the clipping, filing or diminution;
and includes any such coin whether it is or is not in a fit state to be uttered, and whether the process of preparation or alteration is or is not complete;
“current” as applied to coin, means coin of any of the kinds or denominations of coin which are coined in any of the King’s Mints, or are lawfully current in any part of the King’s Dominions;
“utter” includes using, dealing with, or acting upon, and attempting to use, deal with, or act upon, and attempting to induce any person to use, deal with, or act upon, the thing in question as if it were genuine.

[a] Held by the Full Court of the Supreme Court of Victoria that an offence against this Part of this Act is an offence against the King's prerogative within the meaning of s. 187 of the Justices Act 1926 (Victoria) and therefore not triable by a Court of Criminal Sessions. R. v. Bradley and Lee, 1956 V.L.R. 572.

Held by the High Court (reversing the decision of the Court of Criminal Appeal of Victoria (R. v. Bradley and Lee, 1956 V.L.R. 573) that coinage offences against Part IV. of the Crimes Act 1914-1950 are not offences against the King's prerogative or government within the meaning of s. 187 of the Justices Act 1926 (Victoria) and the Court of General Sessions therefore had jurisdiction. R. v. Bradley and Lee, (1956) 54 C.L.R. 42; 1956 V.L.R. 43; 9 A.L.J. 313.
52. Any person who—

(a) gilds or silvers any piece of metal of a fit size or figure to be coined, or colours any piece of metal of such a size so as to make it look like gold or silver, with intent that it shall be coined into counterfeit gold or silver coin, or

(b) makes any piece of metal into a fit size or figure to facilitate the coinage from it of any counterfeit gold or silver coin shall be made from it,

shall be guilty of an indictable offence.

Penalty: Imprisonment for ten years.

53. Any person who, without lawful authority or excuse (proof whereof shall lie upon him), makes or mends, or begins or prepares to make or mend, or has in possession, or receives, or disposes of, any coining instrument, shall be guilty of an indictable offence.

Penalty: Imprisonment for seven years.

54. Any person who makes or begins to make any counterfeit current coin shall be guilty of an indictable offence.

Penalty: Imprisonment for ten years.

55. Any person who, without lawful authority or excuse (proof whereof shall lie upon him)—

(a) buys, sells, receives, pays, or disposes of, any counterfeit coin at a lower rate than it imports or is apparently intended to import, or offers to do any such thing, or

(b) brings or receives into Australia any counterfeit coin, knowing it to be counterfeit,

shall be guilty of an indictable offence.

Penalty: Imprisonment for seven years.

56. Any person who has in possession—

(a) any counterfeit coin, knowing it to be counterfeit, with intent to utter it or with intent that it may be uttered by any other person; or

(b) any bullion or metal, with intent to use it in or in connexion with making counterfeit coin, or knowing that it is intended to be so used by some other person; or

(c) any substance, material, or article, intending to use it or knowing that it is intended to be used in or in connexion with making counterfeit coin,

shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

57. Any person who utters any counterfeit coin, knowing it to be counterfeit, shall be guilty of an indictable offence.

Penalty: Imprisonment for three years.

58. Any person who, with intent to defraud, utters as and for current gold or silver coin—

(a) any coin which is not a current coin, or

(b) any medal or piece of metal, whether a coin or not, which is of less value than the current coin as and for which it is uttered,

shall be guilty of an indictable offence.

Penalty: Imprisonment for two years.

59. Any person who deals with any current gold or silver coin in such a manner as to diminish its weight, with intent that when so dealt with it may pass as current gold or silver coin, shall be guilty of an indictable offence.

Penalty: Imprisonment for ten years.

60. Any person who unlawfully has in possession or disposes of any filings or clippings of gold or silver, or any gold or silver in bullion, dust, or solution, or in any other state, obtained by dealing with current gold or silver coin in such a manner as to diminish its weight, knowing the same to have been so obtained, shall be guilty of an indictable offence.

Penalty: Imprisonment for seven years.

61.—(1.) All coining instruments made by, or being in the possession of, any person without lawful authority, all metal intended to be made into counterfeit coins, all counterfeit coins, whether partly made or finished, and all articles and substances used or intended to be used in or in connexion with the making of counterfeit coins, shall be forfeited to the King.

(2.) Any person who, without lawful authority (proof whereof shall lie upon him), deals with or moves alters or interferes with anything which under this Part is forfeited to the King, shall be guilty of an offence.

Penalty: Imprisonment for one year.

62. Any person who defaces any current coin by stamping or defacing coin, thereon any name or word, whether the weight of the coin is or is not thereby diminished, shall be guilty of an offence.

Penalty: Imprisonment for one year.
PART V.—Forgery.

63.—(1.) A person shall be deemed to forge a seal, signature, document, register, or record, as the case may be—
   (a) if he makes a counterfeit of the seal, or of the impression of the seal; or
   (b) if he makes a counterfeit of the signature; or
   (c) if he makes a document, register, or record, which is false, knowing it to be false; or
   (d) if he, without authority, by any means whatever, alters a genuine document, register, or record, in any material particular
with intent that the counterfeit seal or impression of a seal or signature, or the false or altered document, register, or record, may be used, acted on, or accepted, as genuine, to the prejudice of the Commonwealth, or of any State or person, or with intent that the Commonwealth, or any State or person, may, in the belief that it is genuine, be induced to do or refrain from doing any act whether in Australia or elsewhere.

   (2.) A person shall be deemed to make a counterfeit of a seal, or of an impression of a seal, or of a signature, if he, without authority—
   (a) in the case of a seal, makes a seal in the form of the genuine seal, or in a form resembling or apparently intended to resemble or pass for the genuine seal, or
   (b) in the case of an impression of a seal, makes an impression of the genuine seal, or an impression resembling or apparently intended to resemble or pass for the impression of the genuine seal, or
   (c) in the case of a signature, makes a signature in the form of the genuine signature, or in a form resembling or apparently intended to resemble or pass for the genuine signature.

63A.—(1.) Any person who, with intent to defraud, splits or otherwise tampers with the paper on which any Australian note or other Commonwealth security is printed, written or made, in such a manner as to sever from the note or security any material part thereof, shall be deemed to have forged the note or security, and both the note or security and the part severed therefrom shall be deemed to be forgeries.

   (2.) In this section "paper" includes any substance on which a note or security is printed, written or made.

64. A person shall be deemed to utter a forged seal, signature, document, register, or record, if he tenders or puts it off, or attempts to tender or put it off, or uses or deals with it, or attempts to use or deal with it, or attempts to induce any person to use, deal with, act upon, or accept it.

65.—(1.) Any person who forges, or utters knowing it to be forged—
   (a) the Public Seal of the Commonwealth, or of any Territory being part of the Commonwealth; or
   (b) the Seal of the High Court or any Federal Court, or any Seal used by the High Court or any Federal Court; or
   (c) the Official Seal of any of the King's Ministers of State for the Commonwealth; or
   (d) any Official Seal used by any Department of the Commonwealth, or any public authority under the Commonwealth,
shall be guilty of an indictable offence.

   Penalty: Imprisonment for ten years.

   (2.) Any person who, without lawful authority (proof whereof shall lie upon him), makes, or has in possession, any die or stamp capable of making an impression in the form of any of the seals referred to in this section, or resembling or apparently intended to resemble or pass for any of those seals, shall be guilty of an offence.

   Penalty: Imprisonment for two years.

   (3.) Every die or stamp made or had in possession in contravention of this section shall be forfeited to the King.

66. Any person who forges, or utters knowing it to be forged, the signature of—
   (a) the Governor-General; or
   (b) any Justice of the High Court, or any Justice or Judge of any Federal Court; or
   (c) any of the King's Ministers of State for the Commonwealth; or
   (d) the President of the Senate, or the Speaker of the House of Representatives, or the Chairman of any Committee of either House; or
   (e) the holder of any office created by any Act, and of whose signature judicial notice is by law to be taken,
shall be guilty of an indictable offence.

   Penalty: Imprisonment for ten years.

67. Any person who forges, or utters knowing it to be forged—
   (a) any document issuable by, or deliverable to, the Senate or the House of Representatives, or any officer thereof; or
(b) any document issuable by, or deliverable to, any Department of the Commonwealth, or any public authority under the Commonwealth or any Commonwealth officer; or

c) any document issuable by, or deliverable to, the High Court, or any Federal Court, or any Justice or officer thereof; or

d) any register or record kept by the Senate or the House of Representatives, or any officer thereof; or

(e) any register, book, record or other document kept by any Department of the Commonwealth or any public authority under the Commonwealth or any Commonwealth officer; or

(f) any register or record kept by the High Court or any Federal Court, or any officer thereof,

shall be guilty of an indictable offence.

Penalty: Imprisonment for ten years.

68. Any person who, without lawful authority (proof whereof shall lie upon him) and with intent to deceive, makes any mark resembling, or apparently intended to resemble or pass for, any authorized official stamp or mark of any Department of the Commonwealth or of any public authority under the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for two years.

69.—(1.) Any person who, without lawful authority or excuse (proof whereof shall lie upon him)—

(a) knowingly makes, uses, has in possession, or disposes of, paper resembling, or apparently intended to resemble or pass for, paper which is specially provided by proper authority for the purposes of any Commonwealth document; or

(b) knowingly makes, uses, or has in possession or disposes of, any instrument or thing for making any mark resembling, or apparently intended to resemble or pass for, any distinctive mark used in or on any paper specially provided by proper authority for the purpose of any Commonwealth document,

shall be guilty of an indictable offence.

Penalty: Imprisonment for four years.

(2.) Any paper, instrument, or thing made or used in contravention of this section shall be forfeited to the King.

PART VI.—OFFENCES BY AND AGAINST PUBLIC OFFICERS.

70. Any person who, being a Commonwealth officer, publishes or communicates any fact which comes to his knowledge by virtue of his office, and which it is his duty to keep secret, or any document which comes to his possession by virtue of his office, and which it is his duty to keep secret, except to some person to whom he is authorized to publish or communicate it, shall be guilty of an offence.

Penalty: Imprisonment for two years.

71.—(1.) Any person who steals or fraudulently misappropriates or fraudulently converts to his own use any property belonging to the Commonwealth, or to any public authority under the Commonwealth, shall be guilty of an offence.

Penalty: Imprisonment for seven years.

(2.) Any property which comes into the possession of any Commonwealth officer by reason of the fact that he is a Commonwealth officer shall, for the purposes of this Act, be deemed to be the property of the Commonwealth notwithstanding that the officer was not authorized to receive it.

(3.) Any person who receives any property belonging to the Commonwealth or to any authority under the Commonwealth knowing it to have been stolen or unlawfully obtained from the Commonwealth shall be guilty of an offence.

Penalty: Imprisonment for seven years.

71A. In any prosecution under the last preceding section, it shall not be necessary to prove the stealing, fraudulent misappropriation or conversion of any specific sum of money or other property if there is proof of a general deficiency in the examination of the books of account or entries kept or made by the defendant or otherwise and the Court or jury is satisfied that the accused stole, fraudulently misappropriated or converted to his own use the deficient money or other property or any part thereof.

72. Any person who, being a Commonwealth officer, fraudulently and in breach of his duty—

(a) makes any false entry in any book, record or document, or

(b) omits to make any entry in any book, record or document, or

(c) by act or omission falsifies any book, record or document, or

(d) destroys or damages any book, record or document, or

(e) furnishes any false return of any property, or

(f) omits to furnish any return of any property,

shall be guilty of an indictable offence.

Penalty: Imprisonment for seven years.
73.—(1.) Any Commonwealth officer who obtains or attempts to obtain any bribe shall be guilty of an offence.

Penalty: Imprisonment for two years.

(2.) Any person who bribes or attempts to bribe any Commonwealth officer shall be guilty of an offence.

Penalty: Imprisonment for two years.

(3.) In this section "bribe" includes the giving, conferring or procuring of any property or benefit of any kind in respect of any act done or to be done, or any forbearance observed or to be observed, or any favour or disfavour shown or to be shown, in relation to the affairs or business of the Commonwealth.

74. Any person who, being a Commonwealth officer, and employed in a capacity in which he is required or enabled to furnish returns or statements touching—

(a) any remuneration payable or claimed to be payable to himself or to any other person, or

(b) any other matter required by law to be certified for the purpose of any payment of money or delivery of goods to be made to any person,

makes a return or statement touching any such matter which is, to his knowledge, false in any material particular, shall be guilty of an offence. (a)

Penalty: Imprisonment for two years.

75. Any person who—

(a) personates any Commonwealth officer on an occasion when the latter is required to do any act or attend in any place by virtue of his office or employment; or

(b) falsely represents himself to be a Commonwealth officer, and assumes to do any act or attend in any place for the purpose of doing any act by virtue of his pretended office or employment,

shall be guilty of an offence.

Penalty: Imprisonment for two years.

76. Any person who wilfully obstructs or resists any Commonwealth officer while engaged in the discharge or attempted discharge of the duties of his office under any law of the Commonwealth, or wilfully obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on him by any law of the Commonwealth, or by violence or threats or intimidation of—

(a) Held. by the High Court, that an offence under this section is complete if the person charged makes a return which is false to his knowledge in a material particular under the circumstances mentioned in the section, whatever may be his intention. It is not necessary that there should be an intent on the part of the person charged to defraud the Commonwealth.

Lorenzo v. Craig, (1921) 29 C.L.R. 247; 27 A.L.R. 225.

(b) The expression "sketch" includes any photograph or any other mode of representing any place or thing;

Expressions referring to communicating or receiving include any communicating or receiving, whether in whole or in part, and whether the sketch, plan, model, article, note, document or information itself, or the substance, effect, or description thereof only, be communicated or received;

Expressions referring to obtaining or retaining any sketch, plan, model, article, note, or document, include the copying or causing to be copied the whole or any part of any sketch, plan, model, article, note, or document;

Expressions referring to the communication of any sketch, plan, model, article, note, or document, include the transfer or transmission of the sketch, plan, model, article, note, or document.

78.—(1.) If any person for any purpose prejudicial to the safety or interests of the Commonwealth or any part of the King's Dominions—

(a) approaches, or is in the neighbourhood of, or enters, any prohibited place; or

(b) makes any sketch, plan, photograph, model, or note, which is likely to be or might be or is intended to be directly or indirectly useful to an enemy; or

(c) obtains or communicates to any other person any sketch, plan, photograph, model, or note, or other document or information, which is likely to be or might be or is intended to be directly or indirectly useful to an enemy; he shall be guilty of an indictable offence.

Penalty: Imprisonment for seven years.
(2.) On a prosecution under this section it shall not be necessary to show that the accused person was guilty of any particular act tending to show a purpose prejudicial to the safety or interests of the Commonwealth or any part of the King’s Dominions, and, notwithstanding that no such act is proved against him, he may be convicted if, from the circumstances of the case, or his conduct, or his known character as proved, it appears that his purpose was a purpose prejudicial to the safety or interests of the Commonwealth or any part of the King’s Dominions; and if any sketch, plan, photograph, model, article, note, document, or information, relating to or used in any prohibited place within the meaning of this Part of this Act, or anything in such a place, is made, obtained, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, or communicated for a purpose prejudicial to the safety or interests of the Commonwealth or of some part of the King’s Dominions, unless the contrary is proved.

79.—(1.) If any person having in his possession or control any sketch, plan, photograph, model, article, note, document, or information, which relates to or is used in a prohibited place or anything in such a place, or which has been made or obtained in contravention of this Part of this Act, or which has been entrusted in confidence to him by any person holding office under the King or the Commonwealth, or which he has obtained owing to his position as a person who holds or has held office under the King or the Commonwealth, or as a person who holds or has held a contract made with or by or on behalf of the King or the Commonwealth, or as a person who is or has been employed under a person who holds or has held such an office or contract—

(a) communicates the sketch, plan, photograph, model, article, note, document, or information to any person, other than a person to whom he is authorized to communicate it, or a person to whom it is, in the interest of the Commonwealth or of some part of the King’s Dominions, his duty to communicate it, or

(b) retains the sketch, plan, photograph, model, article, note, or document in his possession or control when he has no right to retain it or when it is contrary to his duty to retain it,

he shall be guilty of an offence.

Penalty : Imprisonment for seven years.

(2.) If any person receives any sketch, plan, photograph, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the sketch, plan, photograph, model, article, note, document, or information is communicated to him in contravention of this Part of this Act, he shall be guilty of an offence unless he proves that the communication to him of the sketch, plan, photograph, model, article, note, document, or information was contrary to his desire.

Penalty : Imprisonment for seven years.

80. The following places shall be prohibited places—

(a) Any work of defence, arsenal, factory, dockyard, camp, ship, telegraph or signal station, or office, belonging to the King or the Commonwealth, and any other place belonging to the King or the Commonwealth used for the purpose of building, repairing, making, or storing any ship, arms, or materials or instruments of use in time of war, or any plans or documents relating thereto;

(b) Any place not belonging to the King or the Commonwealth where any ship, arms, or materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored, under contract with, or with any person on behalf of, the King or the Commonwealth;

(c) Any place belonging to the King or the Commonwealth which is for the time being declared by the Governor-General to be a prohibited place for the purposes of this Part of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy; and

(d) Any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, electricity works or other works for purposes of a public character, or any place where any ship, arms, or materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of the King or the Commonwealth, which is for the time being declared by the Governor-General by proclamation to be a prohibited place for the purposes of this Part of this Act, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

81.—(1.) Any person who—

(a) knowingly harbors any person whom he knows or has reasonable ground for supposing to be a spy; or

(b) knowingly permits any person, whom he knows or has reasonable ground for supposing to be spies, to meet or
assembly in any premises in his occupation or under his control; or

(c) having harbored any person whom he knows or has reasonable ground for supposing to be a spy, or having permitted any persons whom he knows or has reasonable ground for supposing to be spies to meet or assemble in any premises in his occupation or under his control, refuses to disclose to any authorized officer of police or of the Defence Force any information which it is in his power to give in relation to that person or those persons,

shall be guilty of an offence.

Penalty: Imprisonment for seven years.

(2.) For the purposes of this section any person who has committed any offence or is about to commit any offence against this Part of this Act (other than this section) shall be deemed to be a spy.

(3.) A principal officer of police in any town or locality, or the officer of the Defence Force in command or in charge of any prohibited place, shall be deemed an authorized officer.

82. If a Justice of the Peace is satisfied by information on oath that there is reasonable ground for suspecting that an offence against this Part of this Act has been or is about to be committed, he may grant a search warrant authorizing any constable named therein, with such assistance as he thinks necessary, to enter at any time any premises or place named or described in the warrant, if necessary by force, and to search the premises or place and every person found therein, and to seize any sketch, plan, model, article, note, or document, or anything of a like nature, or anything which is evidence of an offence against this Part of this Act having been or being about to be committed, which he may find on the premises or place or on any such person, and with regard to or in connexion with which he has reasonable ground for suspecting that an offence against this Part of this Act has been or is about to be committed.

83.—(1.) Any person who in the Commonwealth or in any Territory—

(a) takes any unlawful soundings; or
(b) makes any record of any unlawful soundings; or
(c) knowingly has in possession any record of unlawful soundings; or
(d) communicates to any person outside the Commonwealth or any Territory any record of or information concerning unlawful soundings; or
(6.) If no charge is laid against the suspected person within a reasonable time, he shall be released from detention.

(7.) If a charge is laid against the suspected person, he shall be handed over to the civil authorities to be dealt with in all respects as if he had been arrested on a civil warrant.

(8.) No action shall lie against any member of the Defence Force or of the King's naval or military forces or against the Commonwealth in respect of any arrest or detention in pursuance of this section, but if the Governor-General is satisfied that any arrest or detention was made without any reasonable cause he may award reasonable compensation to the person arrested or detained.

(9.) This section shall not affect proceedings by ordinary process of law against any person for any offence against this Part of this Act.

85.—(1.) A prosecution under this Part of this Act shall be instituted only by or with the consent of the Attorney-General or of a person acting under his direction:

Provided that a person charged with any offence against this Part of this Act may be arrested, or a warrant for his arrest issued and executed, and he may be remanded in custody or on bail, notwithstanding that the consent of the Attorney-General or a person acting under his direction has not been obtained, but no further proceedings shall be taken until such consent has been obtained.

(2.) Nothing in this section shall prevent the discharging of the accused if proceedings are not continued within a reasonable time.

PART VIII.—MISCELLANEOUS.

86. Any person who conspires with any other person—

(a) to commit any offence against the law of the Commonwealth, or

(b) to prevent or defeat the execution or enforcement of any Commonwealth Act or any regulation thereunder, or

(c) to effect any purpose which is unlawful under the law of the Commonwealth, or

(d) to effect any lawful purpose by any means which are unlawful under the law of the Commonwealth, or

(e) to defraud the Commonwealth

shall be guilty of an indictable offence.(a)

Penalty: Imprisonment for three years.

87. Any person who, being authorized or required by a law of the Commonwealth to give any certificate touching any matter by virtue of which the rights of any person may be harmfully affected, gives a certificate which is, to his knowledge, false in any material particular, shall be guilty of an offence.

Penalty: Imprisonment for two years.

88. Any person who—

(a) corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything done or omitted to be done or to be afterwards done or omitted to be done, by him or any other person, with regard to the appointment or contemplated appointment of any person to any office or employment in the Public Service of the Commonwealth or of a Territory, or with regard to any application by any person for employment in the Public Service of the Commonwealth or of a Territory; or

(b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to upon or for any person any property or benefit of any kind on account of any such act or omission;

shall be guilty of an offence.

Penalty: Imprisonment for two years.

89.—(1.) Any person who, without lawful excuse (proof whereof shall lie upon him), trespasses or goes upon any land belonging to, or in the occupation of, the Commonwealth, and used for any naval, military or air service purpose or any purpose incidentally thereto, and as to which any notice is posted thereon prohibiting trespass, shall be guilty of an offence.

Penalty: Imprisonment for two years.

(2.) Any person found upon any land in contravention of this section may be apprehended by any member of the Defence Force, any person employed in the Department of Defence, any Peace Officer of the Commonwealth or any member of the Police Force of the Commonwealth or of a State or Territory, and given into the custody of any constable to be dealt with according to law.

(3.) Any person found upon any land in contravention of this section, who fails on demand to give his name and address to the person in charge of the land or to any officer or non-commissioned officer thereon, shall be guilty of an offence.

Penalty: Ten pounds.

Discharging firearm on or over Commonwealth land.

Inserted by No. 10, 1908, p. 8.

89. Any person who discharges any firearm upon or over any prohibited area shall be guilty of an offence and the firearm may be seized and shall be forfeited to His Majesty.

Penalty: One hundred pounds or imprisonment for six months.

(2.) In this section “prohibited area” means any land belonging to, or in the occupation of, the Commonwealth, upon which is a notice prohibiting shooting and purporting to be given by, or by the authority of, a Minister.

(3.) The provisions of this section shall not apply in the case of the discharge of any firearm by a person authorized to do so by the Commonwealth officer in whose control the land is placed.

(4.) Any person who commits an offence against this section may be apprehended by any member of the Defence Force, any person employed in the Department of Defence, any Peace Officer of the Commonwealth or any member of the Police Force of the Commonwealth or of a State or Territory, and detained in proper custody to be dealt with according to law.

90. Any person who, without lawful excuse (proof whereof shall lie upon him), suffers or permits any cattle or other live stock in his possession, custody, or control, to trespass or stray upon any land belonging to, or in the occupation of, the Commonwealth, shall be guilty of an offence.

Penalty: Five pounds.

91. Where an order for the deportation of any person from the Commonwealth has been made under this Act or under any other Act, any officer thereto authorized by a Minister, or any constable or officer of Police, may—

(a) stop and search any vehicle or vessel, if he has reason to suspect that the person is in the vehicle or vessel;

(b) at any reasonable hour in the day-time, with such assistance as he thinks necessary, enter and search any building, premises or place, if he has reasonable ground to suspect that the person is in the building, premises or place; and

(c) arrest, without warrant, any person reasonably supposed to be the person in respect of whom the order has been made, and deliver him into such custody as is directed under this Act.

An Act relating to the Customs.

BE it enacted by the King’s Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows:

PART I.—Introductory.

1. This Act may be cited as the Customs Act 1901-1950.

2. This Act shall commence on a day to be fixed by proclamation.

3. This Act is divided into parts as follows:

Part I.—Introductory.

Part II.—Administration.

Part III.—Customs Control, Examination, Entries, and Securities generally.

Part IV.—The Importation of Goods.

Division I.—Prohibited Imports.

(a) The Customs Act 1901-1950 comprises the Customs Act 1901 as amended. Particulars of the Principal Act and of the amending Acts are set out in the following table:

<table>
<thead>
<tr>
<th>Act</th>
<th>Year and Number</th>
<th>Date of Assent</th>
<th>Date of Commencement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customs Act 1901</td>
<td>1901, No. 6</td>
<td>3rd October, 1901</td>
<td>4th October, 1901 (see Gazette, 1901, p. 155)</td>
</tr>
<tr>
<td>Spirits Act 1906</td>
<td>1906, No. 21</td>
<td>12th October, 1906</td>
<td>1st January, 1907 (see Gazette, 1907, p. 1)</td>
</tr>
<tr>
<td>Customs Act 1910</td>
<td>1910, No. 9</td>
<td>7th September, 1910</td>
<td>7th September, 1910</td>
</tr>
<tr>
<td>Customs Act 1914</td>
<td>1914, No. 19</td>
<td>7th December, 1914</td>
<td>1st December, 1915</td>
</tr>
<tr>
<td>Customs Act 1916</td>
<td>1916, No. 10</td>
<td>7th December, 1916</td>
<td>8th May, 1916</td>
</tr>
<tr>
<td>Customs Act 1918</td>
<td>1918, No. 10</td>
<td>7th December, 1918</td>
<td>8th May, 1918</td>
</tr>
<tr>
<td>Customs Act 1922</td>
<td>1922, No. 10</td>
<td>8th October, 1922</td>
<td>8th October, 1923</td>
</tr>
<tr>
<td>Customs Act 1923</td>
<td>1923, No. 12</td>
<td>17th August, 1923</td>
<td>25th August, 1925</td>
</tr>
<tr>
<td>Customs Act 1925</td>
<td>1925, No. 23</td>
<td>25th September, 1925</td>
<td>24th March, 1926</td>
</tr>
<tr>
<td>Customs Act 1929</td>
<td>1929, No. 6</td>
<td>29th March, 1929</td>
<td>24th March, 1926</td>
</tr>
<tr>
<td>Customs Act 1934</td>
<td>1934, No. 24</td>
<td>24th July, 1934</td>
<td>24th July, 1934</td>
</tr>
<tr>
<td>Customs Act 1934</td>
<td>1934, No. 45</td>
<td>6th August, 1934</td>
<td>6th August, 1934</td>
</tr>
<tr>
<td>Customs Act 1935</td>
<td>1935, No. 7</td>
<td>5th April, 1935</td>
<td>1st January, 1935</td>
</tr>
<tr>
<td>Customs Act 1936</td>
<td>1936, No. 25</td>
<td>17th December, 1936</td>
<td>17th December, 1935</td>
</tr>
<tr>
<td>Customs Act 1937</td>
<td>1937, No. 24</td>
<td>17th December, 1937</td>
<td>15th November, 1937 (see Gazette, 1947, p. 2377)</td>
</tr>
<tr>
<td>Customs Act 1949</td>
<td>1949, No. 45</td>
<td>27th October, 1949</td>
<td>1st April, 1950 (see Gazette, 1950, p. 720)</td>
</tr>
<tr>
<td>Customs Act 1950</td>
<td>1950, No. 55</td>
<td>14th December, 1950</td>
<td>30th November, 1950</td>
</tr>
<tr>
<td>Customs Act 1950</td>
<td>1950, No. 80</td>
<td>16th December, 1950</td>
<td>31st December, 1950</td>
</tr>
</tbody>
</table>

(b) Held by the High Court that this Act applies to goods imported by the Government of a State as well as to those imported by private persons. R. v. Norton, (1900), 5 C.L.R. 762; 14 A.L.R. 365; Attorney-General of N.S.W. v. Collector of Customs for N.S.W., (1908), 10 C.L.R. 616; 14 A.L.R. 816.