Enactments Repealed.

Session and Chapter.	Short Title.	Extent of Repeal.
8 Geo. 2. c. 13	The *Engraving Copyright Act*, 1734	The whole Act.
7 Geo. 3. c. 38	The *Engraving Copyright Act*, 1767	The whole Act.
15 Geo. 3. c. 53	The *Copyright Act*, 1775	The whole Act.
17 Geo. 3. c. 57	The *Prints Copyright Act*, 1777 ..	The whole Act.
54 Geo. 3. c. 56	The *Sculpture Copyright Act*, 1814	The whole Act.
3 & 4 Will. 4. c. 15	The *Dramatic Copyright Act*, 1833	The whole Act.
5 & 6 Will. 4. c. 65	The *Lectures Copyright Act*, 1835	The whole Act.
6 & 7 Will. 4. c. 59	The *Prints and Engraving Copyright (Ireland) Act*, 1836	The whole Act.
6 & 7 Will. 4. c. 110	The *Copyright Act*, 1836	The whole Act.
5 & 6 Vict. c. 45	The *Copyright Act*, 1842	The whole Act.
7 & 8 Vict. c. 12	The *International Copyright Act*, 1844	The whole Act.
10 & 11 Vict. c. 95	The *Colonial Copyright Act*, 1847	The whole Act.
15 & 16 Vict. c. 12	The *International Copyright Act*, 1852	The whole Act.
25 and 26 Vict. c. 68	The *Fine Arts Copyright Act*, 1862	Sections one to six. In section eight the words "and pursuant to any Act for the protection of copyright engravings," and "and in any such Act as aforesaid." Sections nine to twelve.
38 & 39 Vict. c. 12	The *International Copyright Act*, 1875	The whole Act.
39 & 40 Vict. c. 36	The *Customs Consolidation Act*, 1876	Section forty-two, from "Books wherein" to "such copyright will expire." Sections forty-four, forty-five, and one hundred and fifty-two.
45 & 46 Vict. c. 40	The *Copyright (Musical Compositions) Act*, 1882	The whole Act.
49 & 50 Vict. c. 33	The *International Copyright Act*, 1886	The whole Act.
51 & 52 Vict. c. 17	The *Copyright (Musical Compositions) Act*, 1888	The whole Act.
52 & 53 Vict. c. 42	The *Revenue Act*, 1889	Section one, from "Books first published" to "as provided in that section."
6 Edw. 7. c. 36	The *Musical Copyright Act*, 1906	In section three the words "and which has been registered in accordance with the provisions of the *Copyright Act*, 1842, or of the *International Copyright Act*, 1844, which registration may be effected notwithstanding anything in the *International Copyright Act*, 1886."

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.

Short title.
Amended No. 32, 1918, s. 2.

1. This Act may be cited as the *Crimes Act* 1914-1950.[a]

Parts.
Amended by No. 9, 1926, s. 3.

2. This Act is divided into Parts, as follows :—

Part I.—Preliminary.
Part II.—Offences against the Government.
Part IIA.—Protection of the Constitution and of Public and other Services.
Part III.—Offences relating to the Administration of Justice.
Part IV.—Offences relating to the Coinage.
Part V.—Forgery.
Part VI.—Offences by and against Public Officers.
Part VII.—Breach of Official Secrecy.
Part VIII.—Miscellaneous.

Definitions.
Amended by No. 9, 1926, s. 4, and by No. 30, 1932, s. 2.

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* 1914-1950 comprises the *Crimes Act* 1914 as amended. Particulars of the Principal Act and of the amending Acts are set out in the following table :—

Act	Year and Number.	Date of Assent.	Date of Commencement.
Crimes Act 1914	1914, No. 12 ..	29th October, 1914	29th October, 1914
Crimes Act 1915	1915, No. 6 ..	7th May, 1915 ..	29th October, 1914
War Precautions Act Repeal Act 1920	1920, No. 54 ..	2nd December, 1920	2nd December, 1920
Crimes Act 1926	1926, No. 9 ..	16th March, 1926 ..	29th March, 1926 (*See Gazette*, 1926, p. 437).
Crimes Act 1928	1928, No. 13 ..	22nd June, 1928 ..	22nd June, 1928
Crimes Act 1932	1932, No. 30 ..	30th May, 1932 ..	30th May, 1932
Judiciary Act 1937	1937, No. 5 ..	3rd July, 1937 ..	3rd July, 1937
Crimes Act 1941	1941, No. 6 ..	4th April, 1941 ..	3rd September, 1939
Defence (Transitional Provisions) Act 1946	1946, No. 77 ..	14th December, 1946	1st January, 1947
Statute Law Revision Act 1950	1950, No. 80 ..	16th December, 1950	31st December, 1950

" 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.

Application of common law.

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.

Aiders and abettors.
Cf. Act No. 26, 1910, s. 14.
Amended by No. 9, 1926, s. 5.

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.(a)

(a) Held, by the Supreme Court of Victoria, that the general power of the Federal Parliament includes a right to make laws with a criminal sanction for the protection of the property of the Commonwealth, even though that property might be more or less effectively protected by State law, and s. 5 of the *Crimes Act* 1914, which makes it an offence against the Commonwealth to aid, abet, counsel or procure or be knowingly concerned in the commission of any offence, is a valid exercise of that power. *R.* v. *Dolan* ; *R.* v. *Schiffman*, 1919 V.L.R. 55 ; 40 A.L.T. 126 ; 24 A.L.R. 442.

Section 5 of the *Crimes Act* 1914-1915 creates no new offence and does not operate unless and until the " offence " has been committed.—*Per* Isaacs *J.*, in the course of a dissenting judgment, in *Walsh* v. *Sainsbury*, (1925) 36 C.L.R. 464, at 476-7 ; 31 A.L.R. 343, at 347.

Note.—Since decision of the above-mentioned cases section 5 has been amended by the *Crimes Act* 1926 (No. 9 of 1926), s. 5.

P. had assisted in the transportation of prohibited immigrants from place to place in the Commonwealth. Held by the High Court (Latham *C.J.*, Dixon and McTiernan *JJ.* ; Starke and Evatt *JJ.* dissenting), that in the absence of evidence showing that P. had something to do with the prohibited immigrants being within the Commonwealth, he was not guilty of aiding an offence against s. 7 of the *Immigration Act* 1901-1935. *R.* v. *Goldie* ; *Ex parte Picklum*, (1937) 59 C.L.R. 254 ; 44 A.L.R. 25 ; 11 A.L.J. 304.

Charges laid under s. 18 (1) of the *Re-establishment and Employment Act* 1945 and this section were dismissed by a magistrate on the ground that, since the Commonwealth could not be convicted of the principal offence, no offence of aiding and abetting could be proved against the defendant, its employee. On appeal the High Court (Williams *J.* dissenting) upheld the magistrate's decision, Latham *C.J.*, Rich and Dixon *JJ.* on the grounds that s. 18 (1) does not create an offence of which the Commonwealth may be guilty, therefore the defendant could not be convicted of aiding and abetting the Commonwealth. *Cain* v. *Doyle*, (1946) 72 C.L.R. 409 ; 52 A.L.R. 490 ; 20 A.L.J. 271.

Per Latham *C.J.* : A person who falls within the terms of this section is punishable in accordance with the law of the Commonwealth against which the offence has been committed. The law relating to prosecution for that offence is the law which is applicable. *Mallan* v. *Lee*, (1949) 80 C.L.R. 198 ; [1949] A.L.R. 992.

Per Dixon *J.* : The concluding words of this section mean that the accessory shall be liable to be tried, convicted and punished as a principal and therefore any limitation period for the principal offence would apply to the exclusion of s. 21. *Ibid.*

Accessory after the fact.
Cf. Qd. C.C., s. 10.

6. Any person who receives or assists another person, who is, to his knowledge, guilty of any 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.

Attempts.
Act No. 1, 1904, s. 8.
Amended by No. 9, 1926, s. 6.

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.(a)

Inciting or urging to the commission of an offence.
Inserted by No. 54, 1920, s. 11.

7A.—(1.) If any person—

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

(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.

Power of arrest without warrant.

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.

Arrest without warrant for any offence against law of Commonwealth.
Inserted by No. 9, 1926, s. 7.

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

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

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

Seizure and condemnation of forfeitable goods.
Cf. Act No. 6, 1901, s. 203.
Amended by No. 9, 1926, s. 8.

9.—(1.) Any constable may, without warrant, seize any articles which are forefeited or which he has reasonable ground to believe

(a) For the application of the provisions of this section in the case of attempted offences against the *Trading with the Enemy Act* 1914, *see Moss and Phillips* v. *Donohue*, (1915) 20 C.L.R. 580 ; *Moss* v. *Donohoe*, (1915) 20 C.L.R. 615 ; 21 A.L.R. 450. As to whether s. 7 has retrospective operation so far as regards attempts made before the passing of the Act creating the offence, *see Moss* v. *Donohue*, *supra*.

Note.—Since the decision of the above-mentioned cases section 7 has been amended by the *Crimes Act* 1926 (No. 9 of 1926), s. 6.

The *Defence Act* 1941, assented to on 4th April 1941, amended the *Defence Act* 1903-1939 and provided that certain amending sections should be deemed to have come into operation on 3rd September 1939. Held by the High Court that s. 7 applies to an attempt between the two dates abovementioned to commit what was only an offence by virtue of the retrospective operation of the amendments. *Millner* v. *Raith*, (1942) 66 C.L.R. 1 ; 48 A.L.R. 248 ; 16 A.L.J. 142.

Per Starke *J.* : A director or person concerned in the management of a body corporate will be a person who " attempts to commit an offence against a law of the Commonwealth " if he participates in acts which constitute an attempt to commit an offence. But this section does not make him responsible merely because of his relation to a body corporate as a director or person concerned in its managment. It requires something active, some participation in the act which constitutes the attempt. *Ibid.*

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 (if any) and to such person (if any) as it thinks fit to direct, 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.

Search warrant.
Qd. C.C., s. 679.
Amended by No. 9, 1926, s. 9.

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 ; or

(*c*) any thing 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 grant 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 thing which he may find in the house, vessel, or place.

Prosecution where act an offence under different laws.
Cf. Qd. C.C. Act 1889, s. 7.

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.

How offences punishable.
Amended by No. 80, 1950, s. 3, and First Schedule.

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.[a]

(*a*) Held by the High Court that the *Crimes Act* 1914-1926 by ss. 12 and 12A adopts a different scheme which involves a contrary intention with reference to ss. 4 and 5 of the *Acts Interpretation Act* 1904. *The King* v. *Archdall and Roskruge*; *Ex parte Carrigan and Brown*, (1928) 41 C.L.R. 128; 2 A.L.J. 178; 34 A.L.R. 297.

Offences may be dealt with summarily.
Inserted by No. 9, 1925, s. 10.

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

(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.[b]

Institution of proceedings in respect of offences.

13. Unless the contrary intention[c] 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.

Proof of exceptions, &c.
Cf. 42 and 43 Vict., c. 49, s. 39 ; 2.
Amended by No. 9, 1926, s. 11.

14. Where any person is charged, before a Court of Summary Jurisdiction, with an offence against the law of the Commonwealth, any exception, exemption, proviso, excuse, or qualification, whether it does or does not accompany the description of the offence in the section of the law 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.[d]

(*a*) Held by the High Court that the *Crimes Act* 1914-1926 does not conflict with s. 80 of the Constitution and Parliament can make an offence under s. 30K punishable summarily. *The King* v. *Archdall and Roskruge*; *Ex parte Carrigan and Brown* (1928) 41 C.L.R. 128 2 A.L.J. 178; 34 A.L.R. 297.

(*b*) *See* footnote (*a*) on previous page.

(*c*) Held by the High Court (Latham *C.J.*, Webb, Fullagar and Kitto *JJ.*, McTiernan *J.* dissenting) that no such contrary intention appears in the various provisions of the *Post and Telegraph Act* 1901-1949 and, consequently, prosecutions for offences created by that Act and regulations made thereunder may be instituted by any person. Decision of the Supreme Court of N.S.W. in *Ex parte Edwards*: *Re Norris and others*, (1932) 49 W.N. (N.S.W.) 5 overruled. *Brebner* v. *Bruce* (1950) 82 C.L.R. 161; [1950] A.L.R. 811.

(*d*) A clause in an award of the Commonwealth Court of Conciliation and Arbitration required employers to do a certain thing "as far as practicable". *Per* Henchman *J.*, of the Supreme Court of Queensland: The effect of this section is to throw on an employer charged with a breach of that clause the onus of proving that it was not practicable. *Waterside Workers Federation of Australia, Innisfail Branch* v. *Adelaide Steamship Co. Ltd.*; *Ex parte Adelaide Steamship Co. Ltd.* (1937) 30 St. R. Qd. 192; 31 Q.J.P.R. 52. For a discussion on the effect of this section *see per* Jordan *C.J.* of the Supreme Court of New South Wales in *Ex parte Ferguson*; *Re Alexander and Anor.* (1945) 45 S.R. (N.S.W.) 64, at p. 68; 62 W.N. (N.S.W.) 17, at p. 17.

An Order under The National Security (General) Regulations provided that "a person other than a manufacturer or distributor shall not acquire . . . a tyre or tube" except in certain circumstances. Held by the Supreme Court of Victoria (O'Bryan *J.*) that this section laid upon the person charged with contravening the Order the onus of proving himself to be "a distributor or manufacturer". *De La Rue* v. *Matthews*, (1945) V.L.R. 275; [1945] A.L.R. 279.

Remand of defendant.
Cf. Qd. 1886, No. 17, ss. 84, 87.

15. Where a person is charged, before a Court of Summary Jurisdiction, with an offence against the law of the Commonwealth, if, from the absence of witnesses or from any other reasonable cause, it becomes necessary or advisable to defer the hearing of the case, the court before whom the accused person appears or is brought, may—

(*a*) by warrant from time to time remand the defendant to some gaol, lock-up, or other place of custody for such period as the court shall deem necessary to be there kept until the time appointed for continuing the hearing, or

(*b*) order the discharge of the defendant upon his entering into a recognizance conditioned for his appearance at the time and place appointed for continuing the hearing.

Maximum penalties.
Cf. Act No. 1, 1904, s. 3.

16.—(1.) Subject to this Act, the penalty set out at the foot of any section or sub-section of this Act is the maximum penalty which may be imposed in respect of an offence against the section or sub-section, but the Court before which any offender is convicted may impose any lesser penalty and, if it thinks a pecuniary penalty sufficient to meet the case, may impose a fine in lieu of imprisonment.

(2.) The maximum fine for an offence against this Act shall, unless the contrary intention appears, be as follows :—

(*a*) on conviction on indictment, Two hundred pounds ; and

(*b*) on conviction before a Court of Summary Jurisdiction, One hundred pounds.

Indeterminate sentences.

17.—(1.) Where a person convicted of an indictable offence against the law of the Commonwealth has been previously convicted on at least two occasions of indictable offences against the law of the Commonwealth, or of a State, or of a Territory, the Court before which he is convicted may declare that he is a habitual criminal, and may direct, as part of his sentence, that on the expiration of the term of imprisonment then imposed upon him, he be detained during the Governor-General's pleasure in a reformatory prison.

(2.) The Court, before passing sentence, may, if it thinks fit, hear evidence to enable it to determine whether or not the person so convicted should be declared a habitual criminal.

(3.) In this section " reformatory prison " includes any prison or other suitable place set apart as a reformatory prison under the law of a State or Territory.

(4.) The law of the State or Territory, in which any reformatory prison is situated relating to indeterminate sentences, shall apply to any person detained in the reformatory prison in pursuance of this section, but subject to such modifications as the Governor-General thinks fit to direct.

Sentence of imprisonment.
Amended by No. 9, 1926, s. 12.

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.

Cumulative punishment.
Cf. W.A. 1902, s. 20.

19.—(1.) Where a person convicted of any offence against the 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.

Amended by No. 80, 1950, s. 3 and First Schedule.

(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.

Conditional release of offenders.
Amended by No. 9, 1926, s. 13.

20.[*a*]—(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

(*a*) For a discussion of questions arising from this section *see Isaacs* v. *Mc Kinnon*, (1950) 80 C.L.R. 502 ; [1950] A.L.R. 73 ; 23 A.L.J. 612 (noted to s. 217 (1) (*a*) of the *Bankruptcy Act* 1924-1950, *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.

Time for commencement of prosecutions.

Amended by No. 9, 1926, s. 14.

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 ;[a]

(*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 ;[a] and

(*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.[b]

(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.

(*a*) Held, by the High Court, that an offence against the *Bankruptcy Act* 1924-1928, the maximum penalty for which is one year's imprisonment, does not, in virtue of its being charged and tried summarily under s. 217 of that Act, become an offence "the maximum term of imprisonment in respect of" which "does not exceed six months", within the meaning of s. 21 (1.) (*b*) of the *Crimes Act* 1914-1926 ; and, accordingly, the prosecution need not be commenced within twelve months from the commission of the offence. *In re Burley*, (1932) 47 C.L.R. 53 ; 5 A.B.C. 101 ; 39 A.L.R. 38 ; 6 A.L.J. 36. A contention that, in sub-clauses (*a*) and (*b*) of s. 21 (1.), the legislature thereby intended to provide for a special class of crimes in which differentiation is made between the penalty for the first offence and the penalty for subsequent offences, that s. 21 (1.) applies only where there is such differentiation, and that sub-section (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 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 prosecutions and to wipe out any shorter period, limited for the period of prosecution, that may have been contained in prior Acts. *Ex parte O'Regan* ; *Re Huntley and Anor.*, (1934) 51 W.N. (N.S.W.) 93.

Held by the Supreme Court of South Australia that where, under the *National Security Act* 1939-1940, an offence might be prosecuted either summarily (when 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. *Wachtel* v. *Messent*, 1943 S.A.S.R. 47. So held also by the Full Supreme Court of New South Wales in *Ex parte Nomarhas, Re Comans*, (1944) 44 S.R. (N.S.W.) 187 and by the Supreme Court of Victoria (O'Bryan *J.*) in *De La Rue* v. *Matthews*, (1945) V.L.R. 275 ; [1945] A.L.R. 279.

(*b*) As to the application of this section in the case of a continuing offence under the *Commonwealth Conciliation and Arbitration Act* 1904-1920, *see Jones* v. *Lorne Saw Mills Pty. Ltd.*, 1923 V.L.R. 58 ; 44 A.L.T. 111 ; 29 A.L.R. 8.

Form of indictments, information and summonses.

Inserted by No. 9, 1926, s. 15.

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.

Reparation for offences.

Inserted by No. 9, 1926, s. 15.

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.

Burden of proof of lawful authority.

Inserted by No. 9, 1926, s. 15.

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.[a]

Privilege of Parliament not affected.

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

Civil rights not affected.

23. Nothing in this Act shall affect the right of any person 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.

(*a*) *Per* Mayo *J.* (in the Supreme Court of South Australia) : "Lawful authority" is to be interpreted here (in a prosecution under s. 30 for taking certain property out of the possession of the Commonwealth) as sanctioning a taking by the person accused of the chattel pursuant to 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. *Satterley* v. *Palmer*, 1947 S.A.S.R. 346.

Treason.
Cf. Qd. C.C., s. 37.

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.

Definition of seditious intention.
Q.C.C. s. 44.
Inserted by No. 54, 1920, s. 12.

24A.[a]—(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 reformation 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.

(*a*) Held by the High Court (Latham *C.J.*, Rich, McTiernan, Williams and Webb *JJ.* ; Dixon *J.* deciding the case on narrower grounds) that ss. 24A, 24B and 24D are a valid exercise of powers conferred upon the Commonwealth Parliament by s. 51 (xxix) and (xxxix) of the Constitution. *R.* v. *Sharkey*, (1949) 79 C.L.R. 121 ; [1949] A.L.R. 828 ; 23 A.L.J. 435. *See* also *Burns* v. *Ransley*, (1949) 79 C.L.R. 101 ; [1949] A.L.R. 817 ; 23 A.L.J. 441.

Definition of seditious enterprise.
Q.C.C. s. 46.
Inserted by No. 54, 1920, s. 12.

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

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

Offences.
Inserted by No. 54, 1920, s. 12.

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.

Seditious words.
Inserted by No. 54, 1920, s. 12.

24D.[a]—(1.) Any person who writes, prints, utters or publishes any 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.

Punishment of offences.
Inserted by No. 54, 1920, s. 12.

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

(*a*) *See* note to s. 24A, *supra*.

indictment, be imprisonment for any period not exceeding three years, and, where the offence is prosecuted summarily, shall be imprisonment for a period not exceeding twelve months or a fine not exceeding One hundred pounds or both.

Inciting to mutiny.

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

Cf. Qd. C.C., s. 41. 37 Geo. 3, c. 70.

(*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.

Amended by No. 80, 1950, s. 3 and First Schedule.

(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.

Assisting prisoners of war to escape.

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

Cf. Qd. C.C. s. 42.

(*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 any alien enemy being a prisoner of war in his escape from Australia,

shall be guilty of an indictable offence.

Penalty : Imprisonment for life.

Unlawful drilling.

Cf. ib., s. 51.

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 in that behalf, is trained or drilled to the use of arms or the practice of military exercises, movements, or evolutions, shall be guilty of an indictable offence.

Penalty : Imprisonment for two years.

Interfering with political liberty. Cf. Qd. C.C., s. 78.

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

Penalty : Imprisonment for three years.

Destroying or damaging Commonwealth property.

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.

False pretences. Inserted by No. 9, 1926, s. 16.

29A.—(1.) Any person who, with intent to defraud, by any 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 pretence, 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.

False representation. Inserted by No. 9, 1926, s. 16. Amended by No. 6, 1941, s. 3.

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

Penalty : Imprisonment for two years.

Statements in applications for payments. Inserted by No. 9, 1926, s. 16.

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.

Seizing goods in Commonwealth custody.

30. Any person who, without lawful authority, takes any goods or property 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.[a]

Penalty : Imprisonment for one year.

Heading and Part inserted by No. 9, 1926, s. 17.

PART IIA.—PROTECTION OF THE CONSTITUTION AND OF PUBLIC AND OTHER SERVICES.

Unlawful associations.

Inserted by No. 9, 1926, s. 17.

Amended by No. 30, 1932, s. 3.

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 ; or

(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 A of this Act.

(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.

Application for declaration as to unlawful association.

Inserted by No. 30, 1932, s. 4.

Amended by No. 5, 1937, s. 4 and Schedule.

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—

(*a*) *See* footnote to s. 21C, *supra*.

(*a*) shall be made on the ground that the body of persons to which it relates is one which is described in sub-section (1.) of the last preceding section ; and

(*b*) shall be by summons which may contain averments setting out the facts relied upon in support of the application.

(3.) The provisions of section thirty B of this Act shall apply in relation to averments contained in the summons as if they were averments of the prosecutor in a prosecution for an offence under this Part.

(4.) Service of a summons under this section upon the body of persons specified in the summons may be effected by publication of the summons in the *Gazette* and in a daily newspaper circulating in the city or town in which the head office in Australia of that body is stated in the summons to be situate, but the Court may order such further or other service as it thinks fit.

(5.) Any officer or member of the body of persons specified in any summons issued under this section may appear on behalf of that body to show cause.

(6.) The summons shall be heard by a single Justice of the High Court or of the Supreme Court of a State.

(7.) If cause to the contrary is not shown to the satisfaction of the Court, it may make an order declaring the respondent body of persons to be an unlawful association.

(8.) Any person who is an interested person in relation to any declaration made under this section may, within fourteen days after the making of any such declaration, apply to the High Court for the setting aside of the order.

(9.) Any application made under the last preceding sub-section shall be heard by a Full Court of the High Court consisting of not less than three Justices, and upon the hearing of the application the Court may affirm or annul the order.

* * * * * * * *

Sub-section (10) omitted by No. 5, 1937, s. 4 and Schedule.

Attorney-General may require information.

Inserted by No. 30, 1932, s. 4.

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.

Officers of unlawful associations.
Inserted by No. 9, 1926, s. 17.

30B. 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.

Advocating or inciting to crime.
Inserted by No. 9, 1926, s. 17.

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 ; or

(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.

Giving or soliciting contributions for unlawful associations.
Inserted by No. 9, 1926, s. 17.

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.

(2.) For the purposes of this section the printer and the publisher of a newspaper or periodical which contains any solicitation of subscriptions or contributions of money or goods for an unlawful association, or any notification or indication as to places where or persons to whom payment or delivery may be made of subscriptions or contributions of money or goods for an unlawful association, shall be deemed to solicit subscriptions or contributions of money or goods for an unlawful association.

Books, &c., issued by unlawful association not transmissible by post.
Inserted by No. 9, 1926, s. 17.

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.

Deregistration of newspapers.
Amended by No. 30, 1932, s. 5.

(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.

Prohibition of sale of books, &c., issued by unlawful association.
Inserted by No. 9, 1926, s. 17.
Amended by No. 30, 1932, s. 6.

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 or issued by any unlawful association shall be guilty of an offence.

Penalty : Imprisonment for six months.

Imprints on publications.
Inserted by No. 30, 1932, s. 7.

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.

Broadcasting stations.
Inserted by No. 30, 1932, s. 7.

30FB.—(1.) The Postmaster-General may cancel any licence issued, under the *Wireless Telegraphy Act* 1905-1919 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.

Owner, &c. of building knowingly permitting meeting of unlawful association.
Inserted by No. 30, 1932, s. 7.

30FC. 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.

Disqualification from voting of member of unlawful association.
Inserted by No. 30, 1932, s. 7.

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.

Forfeiture of property held by an unlawful association.
Inserted by No. 9, 1926, s. 17.

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.

Proof of membership of an association.
Inserted by No. 9, 1926, s. 17.

30H. In any prosecution under this Act, proof that the defendant has, at any time since the commencement 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.

Industrial disturbances, lock-outs and strikes.
Inserted by No. 9, 1926, s. 17.

30J.—(1.) If at any time the Governor-General is of opinion that there exists in Australia a serious industrial disturbance prejudicing or threatening trade or commerce with other countries or among the States, he may make a Proclamation to that effect, which Proclamation shall be and remain in operation for the purposes of this section until it is revoked.

(2.) Any person who, during the operation of such Proclamation, takes part in or continues, or incites to, urges, aids or encourages the taking part in, or continuance of, a lock-out or strike—

(*a*) in relation to employment in or in connexion with the transport of goods or the conveyance of passengers in trade or commerce with other countries or among the States ; or

(*b*) in relation to employment in, or in connexion with, the provision of any public service by the Commonwealth or by any Department or public authority under the Commonwealth,

shall be guilty of an offence, and shall be liable on conviction to imprisonment for any period not exceeding one year, and in addition (if he was not born in Australia) to deportation by order of the Attorney-General as provided in this Act.

(3.) For the purposes of this section—

" employee " includes any person whose usual occupation is as an employee ;

" employer " includes any person whose usual occupation is as an employer ;

" lock-out " includes the closing of a place or part of a place of employment, if the closing is unreasonable, and the total or partial refusal of employers, acting in combination, to give work, if the refusal is unreasonable, or the total or partial suspension of work by an employer, if the suspension is unreasonable, with a view to compel his employees, or to aid another employer in compelling his employees, to accept any term or condition of employment ;

" strike " includes the total or partial cessation of work by employees, acting in combination, if the cessation is unreasonable, as a means of enforcing compliance with demands made by them or by other employees on employers, and the total or partial refusal of employees, acting in combination, to accept work, if the refusal is unreasonable, and also includes job control.

Obstructing or hindering the performance of services.

Inserted by No. 9, 1926, s. 17.

30K. Whoever, by violence to the person or property of another person, or by spoken or written threat or intimidation of any kind to whomsoever directed, or, without reasonable cause or excuse, by boycott or threat of boycott[a] of person or property—

(a) obstructs or hinders the provision of any public service by the Commonwealth or by any Department or public authority under the Commonwealth ;

(b) compels or induces any person employed in or in connexion with the provision of any public service by the Commonwealth or by any Department or public authority under the Commonwealth to surrender or depart from his employment ;

(c) prevents any person from offering or accepting employment in or in connexion with the provision of any public service by the Commonwealth or by any Department or public authority under the Commonwealth ;

(d) obstructs or hinders the transport of goods or the conveyance of passengers in trade or commerce with other countries or among the States ;

(e) compels or induces any person employed in or in connexion with the transport of goods or the conveyance of passengers in trade or commerce with other countries or among the States to surrender or depart from his employment ; or

(f) prevents any person from offering or accepting employment in or in connexion with the transport of goods or the conveyance of passengers in trade or commerce with other countries or among the States,

shall be guilty of an offence.[b]

Penalty : Imprisonment for one year.

Deportation of members of unlawful associations and of offenders.

Inserted by No. 9, 1926, s. 17 and substituted by No. 30, 1932, s. 8.

30L.—(1.) Where, in consequence of an application made by the Attorney-General under section thirty AA of this Act, any body of persons has been declared by the High Court or the Supreme Court of a State to be an unlawful association, the Attorney-General may, by order under his hand, direct that any person, not born in Australia, who, at the date of the application, was a member of that body of persons, shall be deported from the Commonwealth.

(2.) The Attorney-General may, by order under his hand, direct that any person, not born in Australia, who is convicted of any offence under section thirty C, thirty J 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.

(a) Meaning of the word "boycott" discussed by the High Court. *The King* v. *Archdall and Roskruge*; *Ex parte Carrigan and Brown*, (1928) 41 C.L.R. 128 ; 2 A.L.J. 178 ; 34 A.L.R. 297.

(b) Held by the High Court that the offence created by s. 30K of the *Crimes Act* 1914-1926 is not an indictable offence, and can be tried in a Court of summary jurisdiction, the Crimes Act showing an intention contrary to s. 4 of the *Acts Interpretation Act* 1904. *The King* v. *Archdall and Roskruge, Ex parte Carrigan and Brown*, (1928) 41 C.L.R. 128 ; 2 A.L.J. 178 ; 34 A.L.R. 297. Held by the High Court that the *Crimes Act* 1914-1926 does not conflict with s. 80 of the Constitution and Parliament can make an offence under s. 30K punishable summarily. *Ibid.*

Custody pending deportation.

Inserted by No. 9, 1926, s. 17.

30M. 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 an officer of the Commonwealth authorized by him directs.

Shipowners to provide passages for deportation.

Inserted by No. 9, 1926, s. 17.

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

Imprisonment to cease for the purposes of deportation.

Inserted by No. 9, 1926, s. 17.

30P. 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.

Return of deportee.

Inserted by No. 9, 1926, s. 17.

30Q. 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.

Effect of averments of prosecutor.
Inserted by No. 9, 1926, s. 17.

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.

Definitions.
Cf. Qd. C.C., s. 120.

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 ;

Cf. ib. s. 119.

"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. But 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. *Hush* ; *Ex parte Devanny*, (1932) 48 C.L.R. 487, at 507. When the question in dispute is the meaning of a written document in evidence, the Court must construe 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.*, *Ibid.*

Judicial corruption.
Cf. Qd. C.C., s. 120.

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.

Official corruption in relation to offences.
Cf. ib. s. 121.

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.

Judge or magistrate acting oppressively or when interested.
Cf. ib. s. 136.

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

(*b*) being a judge or magistrate, wilfully and perversely exercises Federal jurisdiction in any matter in which he has a personal interest,

shall be guilty of an offence.

Penalty : Imprisonment for two years.

Giving false testimony. Cf. Qd. C.C., ss. 123, 124.

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.

Fabricating evidence. Cf. ib. s. 126.

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.

Corruption of witnesses. Cf. ib. s. 127.

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.

Deceiving witnesses. Cf. ib. s. 128.

38. Any person who practises any fraud or deceit, or knowingly makes or exhibits any false statement, representation, token, or writing, to any person called or to be called as a witness in any judicial proceeding, with intent to affect the testimony of that person as a witness, shall be guilty of an offence.

Penalty : Imprisonment for two years.

Destroying evidence. Cf. Qd. C.C., s. 129.

39. Any person who, knowing that any book, document, or other thing of any kind, is or may be required in evidence in a judicial proceeding, wilfully destroys it or renders it illegible or undecipherable or incapable of identification, with intent thereby to prevent it from being used in evidence, shall be guilty of an offence.

Penalty : Imprisonment for two years.

Preventing witnesses from attending Court. Cf. ib. s. 130.

40. Any person who wilfully prevents or wilfully endeavours to prevent any person who has been summoned to attend as a witness before any Federal Court or any Court exercising Federal jurisdiction, or any Court of a Territory which is part of the Commonwealth, or any Federal tribunal, from attending as a witness or from producing anything in evidence pursuant to the subpœna or summons, shall be guilty of an offence.

Penalty : Imprisonment for one year.

Conspiracy to bring false accusation. Cf. ib. s. 131.

41. Any person who conspires with another to charge any person falsely or cause any person to be falsely charged with any offence against the law of the Commonwealth, shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

Conspiracy to defeat justice. Cf. ib. s. 132.

42. Any person who conspires with another to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an indictable offence.

Penalty : Imprisonment for five years.

Attempting to pervert justice. Cf. ib. s. 140.

43. Any person who attempts, in any way not specially defined in this Act, to obstruct, prevent, pervert, or defeat, the course of justice in relation to the judicial power of the Commonwealth, shall be guilty of an offence.

Penalty : Imprisonment for two years.

Compounding offences. Cf. ib. s. 133.

44. Any person who 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 he will compound or conceal any indictable offence against the law of the Commonwealth, or will abstain from, discontinue, or delay any prosecution for any such offence, or will withhold any evidence thereof, shall be guilty of an offence.

Penalty : Imprisonment for three years.

Inserting advertisement without authority of a Court.
Cf. Qd. C.C., s. 139.

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.
Cf. ib. 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.
Cf. ib. 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.
Cf. ib. 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 seizure.
Cf. ib. 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.
Cf. ib. 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]

Definitions.
Cf. Qd. C.C., s. 149.
Amended by No. 80, 1950, s. 3, and First Schedule.

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* 1928 (Victoria) and therefore not triable by a Court of General Sessions. *R.* v. *Bradley and Lee*, 1935 V.L.R. 373.

Held by the High Court (reversing the decision of the Court of Criminal Appeal of Victoria (*R.* v. *Bradley and Lee*, 1935 V.L.R. 373) that coinage offences against Part IV. of the *Crimes Act* 1914-1932 are not offences against the King's prerogative or government within the meaning of s. 187 of the *Justices Act* 1928 (Victoria) and the Court of General Sessions therefore had jurisdiction. *R.* v. *Bradley and Lee*, (1935) 54 C.L.R. 12 ; 1936 V.L.R. 43 ; 9 A.L.J. 313.

Gilding, &c., metal with intent to make counterfeit coin.
Cf. Qd. C.C., s. 151.

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 coining from it of any counterfeit gold or silver coin with intent that any counterfeit gold or silver coin shall be made from it,

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

Making, &c., coining instruments.
Cf. ib. s. 151 (3).

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.

Making counterfeit coin.
Cf. ib. s. 150.

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.

Buying or selling counterfeit coin.
Cf. ib. s. 151 (3).

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.

Possession of counterfeit coin.
Cf. ib. s. 155 (3).

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.

Uttering counterfeit foreign coin.
Cf. Qd. C.C., s. 154.

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.

Uttering medals, &c., as coin.
Cf. ib. s. 160.

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.

Clipping or sweating coins.
Cf. ib. s. 152.

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.

Possession of clipping.
Cf. ib. s. 153.

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.

Forfeiture of coining instruments.

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.

Defacing coins.
Cf. ib. s. 159.

62. Any person who defaces any current coin by stamping 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.

What amounts to forgery.
Cf. Qd. C.C., s. 486.
Amended by No. 80, 1950, s. 3, and First Schedule.

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.

Tampering with notes or securities.
Inserted by No. 9, 1926, s. 18.

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.

What amounts to uttering.
Cf. ib. s. 1.

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.

Forgery of seals.
Cf. Qd. C.C., s. 488.

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.

Forgery of official signatures.
Cf. ib. s. 488.

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.

Forgery of Commonwealth documents.
Cf. ib. s. 488.

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

Substituted by No. 9, 1926, s. 19.

(*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

Substituted by No. 9, 1926, s. 19.

(*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.

Forging official marks. Cf. Qd. C.C., s. 488.

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.

Making special paper, &c., for. Cf. ib. s. 510.

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.

Disclosure of official secrets. Cf. Qd. C.C., s. 86.

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.

Stealing property of the Commonwealth. Substituted by No. 9, 1926, s. 20.

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.

Proof of general deficiency sufficient. Inserted by No. 9, 1926, s. 20.

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 on 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.

Falsification of books or record by officers. Cf. ib. ss. 441, 442. Amended by No. 9, 1926, s. 21.

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.

Official corruption.
Substituted by No. 9, 1926, s. 22.

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.

False returns or certificates by officers.
Cf. Qd. C.C., s. 91.

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.

Personating public officers.
Cf. ib. s. 97.

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.

Resisting or obstructing public officers.
Cf. ib. s. 199.
Amended by No. 9, 1926, s. 23.

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 any kind interferes with, hinders or obstructs any person performing any service or function for or on behalf of the Commonwealth in the performance of that service or function, shall be guilty of an offence.

Penalty : Imprisonment for two years.

(*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. *Carey*, (1921) 29 C.L.R. 243 ; 27 A.L.R. 225.

Part VII.—Breach of Official Secrecy.

Definitions.
Cf. 1 & 2 Geo. 5 c. 28, s. 12.
Amended by No. 9, 1926, s. 24.

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

The expression " the Commonwealth " includes the Government thereof, and includes any Territory under the control of the Commonwealth and the Government thereof ;

The expression " document " includes part of a document ;

The expression " model " includes design, pattern, and specimen ;

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.

Unlawful spying.
Cf. ib. s. 1.
Amended by No. 77, 1946, s. 10, and Third Schedule.

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, article, 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.

Unlawful communication of secret information.
Cf. 1 & 2 Geo. 5, c. 28, s. 2.
Amended by No. 77, 1946, s. 10, and Third Schedule.

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.

Unlawful receipt of secret information.

(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.

Prohibited places.
Amended by No. 77, 1946, s. 10, and Third Schedule.

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;

(*aa*) Any camp, barracks or place where prisoners of war, internees or members of the Defence Force are detained;

(*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.

Harboring spies.
Cf. 1 & 2 Geo. 5, c. 28, s. 7.

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 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 ; 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.

Search warrant. Cf. 1 & 2 Geo. 5, c. 28, s. 7.

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.

Unlawful soundings.

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

(e) communicates to any other person any record of or information concerning unlawful soundings with intent that the record or information may be communicated to any person outside the Commonwealth or any Territory,

shall be guilty of an indictable offence.

Penalty : Imprisonment for two years.

(2.) For the purposes of this section all soundings taken in the territorial waters of the Commonwealth or any Territory shall be deemed to be unlawful unless they were made under the authority of the King, the Commonwealth Government, or a State Government, or the Government of a Territory, or were reasonably necessary for the navigation of the vessel from which they were taken or for any purpose in which the vessel from which they were taken was lawfully engaged.

(3.) In any prosecution under this section, proof that any soundings were not unlawfully taken shall lie upon the defendant.

(4.) Any figure or word or sign representing a figure (other than the printed figures appearing on any official or recognized map or chart) appearing on any map or sketch of any portion of the coast or territorial waters of Australia or of a Territory shall, in the absence of satisfactory proof to the contrary, be deemed to be a record of an unlawful sounding, but nothing in this sub-section shall affect proof of unlawful soundings in any other manner.

(5.) All records of unlawful soundings including all maps or charts having thereon any record of unlawful soundings shall be forfeited to the King.

Arrest and inquiry in suspected offences.

84.—(1.) Any person found in or near to a prohibited place being a fortress, arsenal, factory, dockyard, camp, ship, office, telegraph station, signal station or other place belonging to the King or the Commonwealth or relating to the naval or military affairs of the King or the Commonwealth, and suspected of any offence against this Part of this Act, may be arrested, without warrant, by any member of the Defence Force or of the King's naval or military forces.

(2.) Any person so arrested shall forthwith be brought before the officer in command or in charge of the fortress, arsenal, dockyard, camp, ship, office, telegraph station, signal station, or other place.

(3.) The officer may order the suspected person and his belongings to be searched, and he and they may be searched accordingly.

(4.) The officer may order the detention of the suspected person pending further investigation, and he may be detained accordingly in naval or military custody.

(5.) A report of the arrest and circumstances shall forthwith be made to the Attorney-General.

(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.

Institution of prosecution.

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 that 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.

Conspiracy.
Cf. Qd. C.C., ss. 541-543.
Amended by No. 6, 1915, s. 2 ; amendment continued in force by No. 54, 1920, s. 13.

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.

(*a*) Held by the High Court that the *Crimes Act* 1915, which, by s. 2, adds conspiracies to defraud the Commonwealth to the conspiracies which by s. 86 of the *Crimes Act* 1914 are declared to be indictable offences, and, by s. 3, provides that the Act is to be deemed to have been in force from the date of commencement of the *Crimes Act* 1914, is a valid exercise of the power of the Parliament of the Commonwealth. *The King* v. *Kidman and others*, (1915) 20 C.L.R. 425 ; 21 A.L.R. 405.

False certificates.
Cf. Qd. C.C., s. 94.

87. Any person who, being authorized or required by a law of the Commonwealth to give any certificate touching any matter by virtue whereof 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.

Buying or selling offices.
Cf. ib. s. 118.

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.

Trespass on naval or military lands.
Amended by No. 13, 1928, s. 2, and by No. 77, 1946, s. 10, and Third Schedule.

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 force purpose or any purpose incidental thereto, and as to which any notice is posted thereon prohibiting trespass, shall be guilty of an offence.

Penalty : Ten pounds.

(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. 13, 1928, s. 3.

89A.—(1.) 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 so to do 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.

Trespass by cattle or live stock.

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.

Arrest of persons ordered to be deported.

Added by No. 30, 1932, s. 9.

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.

Customs Act 1901-1950.[a]

An Act relating to the Customs.[b]

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.

Short title.

Short title amended. No. 32, 1918, s. 2.

1. This Act may be cited as the *Customs Act* 1901-1950.[a]

Commencement.

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

Parts.

Amended by No. 12, 1923, s. 2, and Schedule.

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 1.—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 :—

Act.	Year and Number.	Date of Assent.	Date of Commencement.
Customs Act 1901	1901, No. 6 ..	3rd October, 1901 ..	4th October, 1901 (see *Gazette*, 1901, p. 165)
Spirits Act 1906	1906, No. 21 ..	12th October, 1906	1st January, 1907 (See *Gazette*, 1907, p. 1)
Customs (Inter-State Accounts) Act 1910	1910, No. 9 ..	7th September, 1910	7th September, 1910
Customs Act 1910	1910, No. 36 ..	1st December, 1910	1st December, 1910
Customs Act 1914	1914, No. 19 ..	7th December, 1914	7th December, 1914
Customs Act 1916	1916, No. 10 ..	30th May, 1916 ..	30th May, 1916
Customs Act 1922	1922 No. 19 ..	9th October, 1922 ..	9th October, 1922
Customs Act 1923	1923, No. 12 ..	17th August, 1923 ..	17th August, 1923
Customs Act 1925	1925, No. 22 ..	26th September, 1925	26th September, 1925
Customs Act 1930	1930, No. 6 ..	29th March, 1930 ..	29th March, 1930
Customs Act 1934	1934, No. 7 ..	24th July, 1934 ..	24th July, 1934
Statute Law Revision Act 1934	1934, No. 45 ..	6th August, 1934 ..	6th August, 1934
Customs Act 1935	1935, No. 7 ..	5th April, 1935 ..	1st January, 1935
Customs Act 1936	1936, No. 85 ..	7th December, 1936	7th December, 1936
Customs Act 1947	1947, No. 54 ..	13th November, 1947	15th November, 1947 (See *Gazette*, 1947, p. 3377)
Customs Act 1949	1949, No. 45 ..	27th October, 1949	1st April, 1950 (See *Gazette*, 1950, p. 723)
Customs Act 1950	1950, No. 56 ..	14th December, 1950	30th November, 1950
Statute Law Revision Act 1950	1950, No. 80	16th December, 1950	31st December, 1950

(*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. *Sutton*, (1908) 5 C.L.R. 789 ; 14 A.L.R. 505 ; *Attorney-General of N.S.W.* v. *Collector of Customs for N.S.W.*, (1908) 5 C.L.R. 818 ; 14 A.L.R. 516.