

No. , 1917.

A BILL

To amend the Crimes Act, 1900, the Habitual Criminals Act, 1905, and the Criminal Appeal Act of 1912; and to repeal the Crimes (Girls' Protection) Act, 1910, and the Crimes (Girls' Protection) Amendment Act, 1911; and for other purposes consequent thereon or incidental thereto.

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as the "Crimes (Amendment) Act, 1917," and shall be read with the Crimes Act, 1900, hereinafter called the Principal Act.

2. In amendments inserted by this Act in the Principal Act, the expression "this Act" means the Principal Act as amended by this Act.

3. The enactments mentioned in the Schedule to this Act are hereby repealed.

4. Part I of the Principal Act is amended as follows:—

(a) Section four: After the definition of "Governor" insert the following definition:—

"Grievous bodily harm" includes any permanent or serious disfiguring of the person.

(b) Section four: After the definition of "justice" insert the following definition:—

"Loaded arms" means any gun, pistol, or other arms, loaded in the barrel or chamber with gunpowder or other explosive substance, and with ball, shot, slug, or other destructive material, although the attempt to discharge may fail from want of proper priming, or from any other cause; and every gun, pistol, or other arms, unlawfully presented at any person, shall be deemed to be loaded unless the contrary is shown.

(c) Section four: Add at end of definition of "dwelling-house": "Any building or other place which if occupied would be a dwelling-house shall be deemed to be a dwelling-house notwithstanding that it is temporarily unoccupied."

(d) Section eight: Insert after the words "Where, by this or any other Act," the words "or by any rule, regulation or by-law, duly made under or by virtue of the provisions of any Act".

(e)

(e) Section nine is repealed, and the following is substituted :—

9. (1) Whenever by this or any Act an offence is punishable by death or by imprisonment with or without hard labour for a term exceeding two years, such offence is hereby declared to be and shall be dealt with as a felony, and whenever in this or any Act the term "felony" is used, the same shall be taken to mean an offence punishable as aforesaid.

(2) Every offence not so punishable shall be, and shall be dealt with, as a misdemeanour only.

(f) Section ten is repealed.

5. Parts II, III, IV, V, VI, VII, VIII, and IX of the Principal Act are amended by the substitution of the word "imprisonment" for the words "penal servitude" wheresoever occurring.

6. Parts III and IV of the Principal Act are amended as follows :—

Sections twenty-seven, twenty-eight, one hundred and ten, one hundred and ninety-six, two hundred and thirty-five, and two hundred and forty : Omit the words "suffer death", and substitute therefor the words "imprisonment for life".

7. Part III of the Principal Act is further amended as follows :—

(a) Section eighteen, subsection one, is repealed and the following substituted therefor :—

18. (1) (a) Murder of the first degree shall be taken to have been committed where the act of the accused, or thing by him omitted to be done, causing the death charged was done or omitted with intent to kill some person.

(b) Murder not of the first degree shall be taken to have been committed where the act of the accused, or thing by him omitted to be done, causing the death charged was done or omitted without intent to kill but with reckless indifference to human life or with intent to inflict grievous bodily harm upon some

some person, or done in an attempt to commit or during or immediately after the commission by the accused, or some accomplice with him of an act obviously dangerous to life or of a crime punishable by imprisonment for life.

(c) Every other punishable homicide shall be taken to be manslaughter.

- (b) Section nineteen is repealed, and the following is substituted therefor:—

19. (1) Whosoever commits the crime of murder shall be liable—

(a) if it be of the first degree—to suffer death;

(b) if it be not of the first degree—to imprisonment for life.

(2) On the trial of any person for murder the jury shall, if they convict the accused, say in and by their verdict whether they find the murder to have been of the first degree or not.

- (c) Section thirty-six is repealed.

- (d) Sections sixty-three and sixty-seven: Omit the words “suffer death” and insert in lieu thereof the words “imprisonment for life.”

- (e) Sections sixty-four, sixty-nine, seventy, seventy-one, seventy-two, seventy-three, seventy-four, seventy-five, seventy-six, seventy-seven, and seventy-eight are repealed, and the following are substituted therefor—

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

69. Where on the trial of a person for carnally knowing a girl under the age of ten years, the jury are satisfied that she was of or above that age, but under the age of sixteen years,

years, and that the accused had carnal knowledge of such girl, they may acquit him of the offence charged and find him guilty of an offence under section seventy-one of this Act, and he shall be liable to punishment accordingly.

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

71. Whosoever unlawfully and carnally knows any girl of or above the age of ten years, and under the age of sixteen years, shall be liable to imprisonment for ten years.

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

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

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

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

76. Whosoever assaults any female and, at the time of, or immediately before or after such assault, commits any act of indecency upon, shall be liable to imprisonment for three years, or, if the female be under the age of sixteen years, to imprisonment for five years.

77. The consent of the girl, pupil, or step-daughter shall be no defence to any charge under sections sixty-seven, sixty-eight, seventy-one, seventy-two, seventy-three, or seventy-four, or, if the female be under the age of sixteen years, to any charge under section seventy-six :

Provided that it shall be a sufficient defence to any charge which renders a person liable to be found guilty of an offence under sections seventy-one, or seventy-two, or under section seventy-six, where the female is under the age of sixteen years, if it be made to appear to the court or jury before whom the charge is brought—

- (a) that the girl was over the age of fourteen years at the time of the alleged offence ;
and
- (b) that she consented to the commission of the offence ; and
- (c) either—
 - (i) that she was at the said time a common prostitute or an associate of common prostitutes ; or
 - (ii) that the person so charged had at the said time reasonable cause to believe she was of or above the age of sixteen years.

78. No prosecution in respect of any offence under sections seventy-one, seventy-two, or seventy-six, shall, if the girl in question was at

at the time of the alleged offence over the age of fourteen years and under the age of sixteen years, be commenced after the expiration of twelve months from the time of the alleged offence.

(f) Section seventy-nine: Omit the words "penal servitude for life or any term not less than five years" and substitute therefor the words "imprisonment for fourteen years."

8. The following section is inserted next after section fifty-four of the Principal Act:—

54A. Whosoever unlawfully and knowingly communicates any contagious disease to any other person shall be liable to imprisonment for five years.

9. The following sections are inserted next after section seventy-eight of the Principal Act as amended by this Act:—

78A. Whosoever, being a male, has carnal knowledge of his grandmother, mother, grand aunt, aunt, sister, daughter, granddaughter, niece, or grand-niece, or being a female of or above the age of sixteen years, has carnal knowledge of her grandfather, father, grand-uncle, uncle, brother, son, grandson, nephew, or grand-nephew, whether in any such case the relationship is of half or full blood, or is or is not traced through lawful wedlock, shall be liable to imprisonment for fourteen years.

78B. Whosoever, being a male, or being a female of or above the age of sixteen years, attempts to commit any offence under the last-preceding section, shall be liable to imprisonment for seven years.

78c. (1) It shall be a sufficient defence to a charge under either of the last two preceding sections that the person charged did not know that the person with whom the offence is alleged to have been committed was related to him or her, as alleged.

(2) It shall be no defence to a charge under either of the last two preceding sections that the person with whom the offence is alleged to have been committed consented thereto. 78D.

78D. On the conviction of a male person of an offence under section seventy-eight A or under section seventy-eight B, the court may divest the offender of all authority over the female with whom the offence has been committed, and if the offender is the guardian of such female, may remove the offender from such guardianship, and in any such case may appoint any person or persons to be the guardian or guardians of such female during her minority, or for any greater or less period.

78E. If on the trial of any male person for an offence under section sixty-three or under section sixty-five the jury are not satisfied that he is guilty of the offence charged, but are satisfied that he is guilty of an offence under section seventy-eight A or under section seventy-eight B, they may acquit such person of the offence charged, and find him guilty of an offence under section seventy-eight A or under section seventy-eight B, and he shall be liable to punishment accordingly.

10. The following section is inserted next after section eighty-seven of the Principal Act:—

87A. Whosoever procures, entices or leads away, or detains any female under the age of twenty-one years, whether with her consent or not, with intent that he, or some other person, may have carnal knowledge of such girl, either within or without New South Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to imprisonment for fourteen years.

11. The following section is inserted next after section eighty-nine of the Principal Act:—

89A. Whosoever by means of any fraud, violence, threat, or abuse of authority, or by the use of any drug or intoxicating liquor, procures, entices, or leads away or detains any woman of or above the age of twenty-one years with intent that he, or some other person, may have carnal knowledge of such woman, either within or without New South Wales,

Wales, shall, notwithstanding that some one or more of the various acts constituting the offence may have been committed outside New South Wales, be liable to imprisonment for seven years.

12. The following sections are inserted next after section ninety-one of the Principal Act:—

91A. Whosoever having been convicted under the provisions of the Vagrancy Act, 1902, as amended by the Police Offences (Amendment) Act, 1908, of being a male person knowingly living, wholly or in part, on the earnings of prostitution afterwards commits the said offence shall be liable to imprisonment for three years.

91B. Whosoever employs in, or under any circumstances whatever suffers to resort to, or be upon, any premises used as a brothel or house of ill-fame, any girl under the age of eighteen years, shall be liable to imprisonment for five years.

13. Part IV of the Principal Act is further amended as follows:—

(a) Section ninety-nine: Omit the words “with intent to steal the same” and substitute therefor the words “without reasonable cause and whether such person is thereby put in fear or not”.

(b) Section one hundred and twenty-four is repealed and the following is substituted therefor:—

124. Whosoever—

fraudulently appropriates to his own use, or that of another, any property belonging to another person, although not originally taken with any fraudulent intent, or

fraudulently retains any such property in order to secure a reward for its restoration,

shall be liable to imprisonment for two years or to a fine of fifty pounds.

(c) Section one hundred and thirty-one: After the word “whosoever” insert the words “takes, and

and uses or takes for the purpose of using any cart, waggon, carriage, motor-car, bicycle, or other vehicle, or any boat howsoever propelled, or any other means of locomotion, the property of another person, without the consent of the owner, or person in lawful possession thereof, or ”.

(d) Section two hundred and forty-four : Omit the words “ or to imprisonment for three years ”.

14. The following section is inserted next after section one hundred and eighty-nine of the Principal Act :—

189A. (1) Whosoever, without lawful excuse, receives, or has in his possession, any property stolen outside the State of New South Wales, knowing the same to have been stolen, shall be liable to imprisonment for ten years.

(2) For the purposes of this section property shall be deemed to have been stolen if it has been taken, extorted, obtained, embezzled, converted, or disposed of under such circumstances that if the Act had been committed in the State of New South Wales the person committing it would have been guilty of an indictable offence according to the law for the time being of the State of New South Wales.

15. Section two hundred and seventy-five is amended by omitting all the words after the words “ crossed with ” down to and including the word “ firm ”, and substituting the following words therefor—

- (a) the name of a banker ; or
- (b) the word “ bank ” or the words “ and company ” or any abbreviation of them respectively between two parallel transverse lines ; or
- (c) two parallel transverse lines simply ; or
- (d) the word “ credit ” followed by the name of any individual or firm ;

either with or without the words “ not negotiable ”.

16. Part VII of the Principal Act is further amended as follows :—

- (a) Section three hundred and forty : Omit the word “ or ” where it occurs between the words “ Circuit ”

“Circuit” and “District Court”, and insert after the words “District Court” the words “or Court of Petty Sessions”.

(b) The same section is further amended by inserting after the words “Chairman of Quarter Sessions” the words “or Stipendiary or Police Magistrate” and by inserting after the words “the Judge or Chairman” the words “or Magistrate”.

(c) Section three hundred and forty-one: In subsection one after the word “Chairman” insert the words “or Magistrate”, and omit the words “or Justice or Justices” in subsection two.

17. Part X of the Principal Act is amended as follows:—

(a) Section three hundred and fifty-two, subsection two (a): After the word “such” insert the words “offence or”.

(b) Section three hundred and fifty-two: The following subsection to be read after subsection three:—

(4) Any constable may apprehend any person for whose apprehension on any ground other than a charge of felony or misdemeanour or offence punishable as a misdemeanour a warrant has been lawfully issued, provided the issue of such warrant has been certified by telegraph by the Inspector-General of Police, or by the Justice who has signed such warrant.

18. The following section is inserted next after section three hundred and fifty-three of the Principal Act:—

353A (1) Where a person is in lawful custody upon a charge of committing any crime or offence, any constable may search his person and take from him anything found upon his person, and may use such force as is reasonably necessary for that purpose.

(2) When a person is in lawful custody upon a charge of committing any crime or offence which is of such a nature and is alleged to have been

been committed under such circumstances that there are reasonable grounds for believing that an examination of his person will afford evidence as to the commission of the crime or offence, any legally qualified medical practitioner acting at the request of any constable, and any person acting in good faith in his aid and under his direction, may make such an examination of the person so in custody as is reasonable in order to ascertain the facts which may afford such evidence, and may use such force as is reasonably necessary for that purpose.

(3) When a person is in lawful custody for any offence punishable on indictment or summary conviction under any Act, the officer-in-charge of police at the station where he is so in custody may take or cause to be taken all such particulars as may be deemed necessary for the identification of such person, including his photograph and finger-prints, and may use or cause to be used such reasonable force as may be necessary to secure the same.

19. Part XI of the Principal Act is amended as follows:—

- (a) Section three hundred and seventy: Omit the words “not capital”, and add at the end of the section the words “Provided further that nothing in this section shall affect the right of the Crown to insert alternative counts in any indictment describing the offence in different terms.”
- (b) Section three hundred and ninety-two: Add at the end of the section the words “and it shall be sufficient to state generally that the matter charged as having been falsely sworn was false in fact without negating each assignment specifically.”
- (c) Section four hundred and six: Insert after the words “for the murder”, the words “or manslaughter”.

(d)

- (d) Section four hundred and seven: Add the following subsection:—
- (3) Nothing herein contained shall apply to any person who but for this Act would be at common law or by any Act or Imperial Act compellable to give evidence in such proceedings.
- (e) Section four hundred and nine: Insert the words "or Coroner" after the word "Justice" wherever it occurs in the section.
- (f) Section four hundred and ten, subsection one: Insert after the word "statement" the words "by an accused person", and omit after the word "against" the words "an accused person" and substitute therefor the words "him if it has been made in answer to questions after his arrest unless he has been cautioned that he need not say anything, but that if he does whatever he says may be given in evidence for or against him, and it has been made in the presence of some person other than a constable, warder, or other officer of police or of a gaol under the rank of sergeant or senior warder who has taken it down in writing and read it over to the accused and he has been given an opportunity of correcting it if he wishes to do so, or if".
- (g) Section four hundred and eighteen: In subsection one omit the words "sixty-seven to eighty-one inclusive" and insert in lieu thereof the words "sixty-seven to seventy-eight E, inclusive, or under sections seventy-nine, eighty, or eighty-one."

20. The following sections are inserted next after section four hundred and fourteen of the Principal Act:—

414A. On the hearing of any charge under this or any Act before a justice or justices, it shall not be necessary for any person who has made a scientific examination of any article or body to give evidence of the result of such examination, but a certificate

certificate under the hand of such person setting out the facts and conclusions he has arrived at shall be prima facie evidence thereof.

414B. An affidavit by the clerk of the peace or his clerk, or by the accused or his solicitor or his solicitor's clerk of the service of any notice to produce in respect of which notice to admit shall have been given and of the time when it was served, with a copy of such notice annexed to such affidavit, shall be sufficient evidence of the service of the original of such notice and of the time when it was served.

21. The following section is inserted next after section four hundred and nineteen of the Principal Act :—

419A. On the prosecution of any person for stealing or receiving any property knowing it to be stolen from any vessel, barge, or boat, or from any dock, wharf, or quay, evidence may given of any words, marks, or signs upon the said property or upon the packages containing the same without producing or giving notice to produce the originals thereof; and a document purporting to be the bill of lading or invoice relating to the said property shall be admissible in evidence on production and without further proof, and shall be evidence of the particulars contained therein, and that the ownership of the said property is in the consignee referred to therein or his assignee.

22. The following section is inserted next after section four hundred and twenty-three of the Principal Act :—

423A. Where any two or more persons are severally indicted for perjury or false swearing and the statements alleged to be false are alleged to have been made on the same occasion and before the same tribunal and in respect of the same subject matter and are in each case to the same effect, whether in identical terms or not, all such persons may be tried together at the same time and before the same jury, provided that each person shall have his full right of challenge.

23.

23. The following section is inserted next after section four hundred and twenty-four of the Principal Act:—

424A. Where on the trial of any person for any felony or misdemeanour, the jury have been unable to come to a unanimous decision after deliberating for twelve hours, the verdict of the majority, provided it be not less than three-fourths of the whole, shall be taken as the verdict of the jury, and shall to all intents and purposes be as effective as if it were the unanimous verdict of the whole jury.

24. Part XII of the Principal Act is amended as follows:—

(a) Section four hundred and twenty-nine: Omit the words “whether” and “penal servitude or”.

(b) The same section is further amended by the addition thereto of the following words:—

(2) Where a person of or above the age of sixteen years and under the age of eighteen years is convicted of an offence under sections seventy-one, seventy-two, or seventy-six of this Act, and the jury was satisfied that the girl in question was at the time of the offence of or above the age of fourteen years and under the age of sixteen years, he may be dealt with in the manner provided in subsection one of this section, or under the provisions of sections thirty, thirty-one, thirty-two, and thirty-three of the Neglected Children and Juvenile Offenders Act, 1905.

(c) Section four hundred and thirty: Omit the words “or rape” and substitute the words “of the first degree”, and omit all the words after the word “pronounced.”

(d) Section four hundred and thirty-one is repealed.

(e) Sections four hundred and thirty-two and four hundred and thirty-three are repealed, and the following section is inserted, and shall be read as section four hundred and thirty-two:—

432. (1) Where any offender is sentenced to imprisonment, whether for a misdemeanour at
common

common law, or under this or any other Act, or Imperial Act, he shall be kept, if a male, to hard labour, and if a female, to light labour, unless the court shall in and by the sentence otherwise direct.

(2) The Court may, in the sentence, also require the offender to enter into a recognizance, with or without sureties, for keeping the peace and being of good behaviour for a term not exceeding three years :

Provided that no person shall be imprisoned under this Act more than one year for not finding sureties.

- (f) Section four hundred and forty is further amended by omitting the words "penal servitude" and inserting in lieu thereof the word "imprisonment".
- (g) Section four hundred and forty-three : In subsection one (a) and (b) omit the words "penal servitude" and insert in lieu thereof the word "imprisonment."
- (h) Section four hundred and forty-four : Omit the words "whether of penal servitude, or imprisonment."

25. Section four hundred and forty-two is repealed, and the following is substituted therefor :—

442. (1) Where by any section of this Act an offender is made liable to imprisonment for life or for any other fixed term, the judge may nevertheless pass a sentence of imprisonment of less duration :

Provided that nothing in this subsection shall prevent the awarding of hard labour or solitary confinement, or whipping, where at present authorised by law, or the directing of the offender to enter into recognizances to keep the peace and be of good behaviour.

(2) Where by any section of this Act an offender is made liable to a fine of any fixed amount, the judge may nevertheless inflict a fine of less amount.

26.

26. Part XIII of the Principal Act is amended as follows:—

- (a) Sections four hundred and fifty-three, and four hundred and fifty-four are repealed.
- (b) Sections four hundred and fifty-nine and four hundred and sixty are repealed.
- (c) Sections four hundred and sixty-one and four hundred and sixty-four: Omit the words “penal servitude, or” and the words “whether under the sentence of a court, or under any order made as last aforesaid”.
- (d) Section four hundred and sixty-three, subsection two, is repealed, and the following substituted therefor:—

(2) Any such license may be revoked by the Governor at his discretion, and shall be revoked by a justice on proof before him in a summary way that the licensee has been guilty of a breach of any condition of the license.

Where a license is revoked as aforesaid the person released on license may be taken by any member of the police force and returned to gaol, and may be detained there to undergo the remainder of his sentence.

27. Part XIV of the Principal Act is amended as follows:—

- (a) Section four hundred and seventy-six: Omit the words “one or more than one justice” and substitute therefor the words “two or more justices”, and omit the words “justice or” wherever occurring. Also omit the words “the next following section” and substitute therefor the words “the Eighth Schedule to this Act”, and omit the word “twenty” and substitute therefor the word “fifty”.
- (b) Section four hundred and seventy-seven is repealed.
- (c) Section five hundred: Insert the words “and determine” after the word “hear”; omit the words “affecting the same” and add at the end of the section the words “unless such determination

determination does not involve any determination as to the title to the land or to any interest therein or accruing therefrom ”.

- (d) Section five hundred and twenty-nine : Insert after the words “ punishable on summary conviction ” the words “ whether under the provisions of section four hundred and seventy-six of this Act, or otherwise ”.
- (e) Sections five hundred and three, five hundred and five, five hundred and seven, five hundred and eleven, five hundred and twelve, five hundred and thirteen, five hundred and fifteen, five hundred and seventeen, five hundred and eighteen, five hundred and twenty, five hundred and twenty-one, five hundred and twenty-two, five hundred and twenty-three, five hundred and thirty-two, five hundred and thirty-three, five hundred and thirty-five, five hundred and thirty-six, five hundred and thirty-seven, five hundred and thirty-eight, five hundred and thirty-nine, five hundred and forty-one, and five hundred and forty-two : Omit the word “ above ” before the words “ the value ” or “ the amount ” as the case may be, and insert the words “ in addition to ” before the words “ a fine ”.
- (f) Section five hundred and forty-seven : At the end of subsection one, omit the words “ as in any case of a like nature ”, and insert in lieu thereof the words “ for a term not exceeding six months, and, in default of its being entered into forthwith, the defendant may be imprisoned for three months, unless such recognizance is sooner entered into ”.
- (g) Section five hundred and forty-seven, subsection two, is amended by omitting the words “ six ” and “ three ”, and substituting therefor the words “ twelve ” and “ six ” respectively.

28. Section five hundred and one of the Principal Act is repealed, and the following is substituted therefor:—

501. Whosoever commits any offence mentioned in paragraph (A) of the Ninth Schedule of this Act, and the amount of money or the value of the property stolen, taken, embezzled, secreted, removed, appropriated, or obtained, or attempted to be stolen, taken, embezzled, secreted, removed, appropriated or obtained, or of the reward, does not exceed ten pounds, shall on conviction in a summary manner before two justices be liable to imprisonment for six months or to pay a fine of twenty pounds.

29. The following section is inserted next after section five hundred and thirty-one of the Principal Act:—

531A. Whosoever commits any offence mentioned in paragraph (B) of the Ninth Schedule of this Act, and the value of the property or the amount of injury done does not exceed ten pounds, shall on conviction in a summary manner before two justices be liable to imprisonment for six months or to pay a fine of twenty pounds.

30. The following section is inserted next after section five hundred and forty-three of the Principal Act:—

(D) *Forgeries.*

543A. Whosoever commits any offence mentioned in paragraph (C) of the Ninth Schedule of this Act, and the amount purporting to be payable or of the credit to be procured or given or of the value involved does not exceed ten pounds, shall on conviction in a summary manner before two justices be liable to imprisonment for six months or to pay a fine for twenty pounds.

31. Part XV of the Principal Act is amended as follows:—

(a) Section five hundred and fifty-eight: Omit the words “penal servitude, or”.

In

In paragraph two insert after the words "for a period" the words "which shall not be less than twelve months" and omit all the words from and including the word "equal" down to and including the words "of twelve months", and omit the word "like" and substitute therefor the word "said", and insert at the end of the paragraph the following words: "Such recognizance may also contain additional conditions with respect to all or any of the following matters":—

- (i) The supervision of the offender by a probation officer during the period specified in the recognizance, and such other conditions for securing such supervision as may be specified therein.
 - (ii) For prohibiting the offender from associating with thieves and other undesirable persons, or from frequenting undesirable places.
 - (iii) As to the abstention of the offender from intoxicating liquor.
 - (iv) Generally for securing that the offender shall lead an honest and industrious life.
- (b) Section five hundred and fifty-nine: In subsection two, after the words "of any such order", insert the words "or may direct that the recognizance mentioned in section five hundred and fifty-eight, subsection two, shall be further conditioned that the offender shall perform any order made or any directions given under section five hundred and fifty-nine, subsection one, and may in the sentence passed upon the offender sentence him to such additional terms as to the court may seem fitting to be served by him in the event of his failure to give such security or to comply with such condition of the recognizance".
- (c) The same section is further amended by adding at the end of subsection two the words "or recognizance so conditioned being entered into".
- (d)

- (d) Section five hundred and sixty-one is repealed, and the following is substituted :—

561. (1) If during the period specified in the recognizance an offender so discharged

(a) is proved to any justice to have failed to report his address and occupation to the person at the times and in the manner prescribed by the last preceding section ; or

(b) is charged by an officer of police with getting his livelihood by dishonest means, and, being brought before any justice, it appears to such justice that there are reasonable grounds for believing that he is getting his livelihood by dishonest means ; or

(c) on being charged with an offence punishable on indictment, or summary conviction, and on being required by the justice or justices before whom he is charged to give his name and address, refuses to do so, or gives a false name or a false address ; or

(d) is convicted of any offence against the Vagrancy Act, 1902, or of any indictable offence, or of any offence punishable on summary conviction, and for which imprisonment for a period exceeding one month may be imposed ;

then, and in any of such cases, the court or judge or the justice or justices before whom such proof is given, or before whom the offender is so charged, or convicted, may, whether the period named in the recognizance has or has not expired, forfeit the recognizance, and may direct him to be committed to prison to perform his sentence as aforesaid or so much thereof as remains to be performed, under the provisions hereinbefore contained, and he shall be so committed accordingly, and the judge or justice or justices may grant any necessary warrant for his committal. (2)

(2) Upon the production of a certificate under the hand of the clerk of the peace stating that as the result of proceedings under the preceding subsection of this section the recognizance is liable to be forfeited or that the offender is liable to be committed to prison any court or judge or any justice or justices may exercise all or any of the powers vested by the said subsection in the judge or justice or justices therein mentioned.

32. The following section is inserted next after section five hundred and sixty of the Principal Act:—

560A. The Governor may appoint fit persons to be probation officers for the purposes of this Act, and may remove any person so appointed and may make regulations for the carrying out of the provisions of this Act relating to probation.

33. Part XVI of the Principal Act is amended as follows:—Section five hundred and seventy, subsection two: In the proviso omit all the words after the word “district” and insert in lieu thereof the words “such two or more chairmen may preside concurrently in two or more divisions of such courts at such trials or proceedings as aforesaid, but only one of such chairmen shall preside at any one such trial or proceeding.”

34. The Schedules of the Principal Act are amended by the addition thereto of the following Schedules:—

EIGHTH SCHEDULE.

Indictable offences punishable summarily by justices by consent of the accused under section 476 where the amount involved does not exceed £50.

Attempting to commit suicide.

Escape from lawful custody.

Simple larceny.

Stealing any chattel, money, or valuable security from the person of another.

Any offence mentioned in any of the following sections of this Act:—125, 126, 131, 132, 133, 134, 139, 140, 141, 142, 143, 144, 147, 148, 150, 151, 152, 154, 156, 157, 158, 159, 160, 165, 166, 168, 179, 186, 188, 189, 190, 192, 208, 216, 217, 218, 219, 220, 244, 245, 246, 247, 273, 274, 275.

Attempting to commit any offence hereinbefore mentioned.

NINTH

NINTH SCHEDULE.

Indictable offences punishable summarily by justices where the amount involved does not exceed £10.

- (A) Simple larceny.
Any offence mentioned in any of the following sections of this Act :—125, 126, 131, 133, 139, 140, 144, 147, 148, 150, 151, 152, 154, 156, 157, 158, 159, 160, 165, 166, 168, 179, 186, 188, 189, 190, 192.
- (B) Any offence mentioned in any of the following sections of this Act :—208, 220, 245, 246.
- (C) Any offence mentioned in any of the following sections of this Act :—273, 274, 275.

35. The Criminal Appeal Act of 1912 is amended by the insertion of the following section next after section five :—

5A. The judge before whom any person is tried and convicted may submit any question of law arising at or in reference to such trial or conviction to the Court of Criminal Appeal for determination, and such submission shall be dealt with as if it were an appeal under this Act.

36. The Habitual Criminals Act, 1905, is amended as follows :—

- (a) Section three, paragraph (a) : Insert after the word “classes” the numeral “1”, and omit the words “of the same class” and substitute therefor the words “within any of such classes; or has been previously so convicted on one occasion of an offence within any of such classes and on two occasions of an offence within Class (v)”.
- (b) In the same section, paragraph (b) : Omit the words “any other such class” and substitute therefor the words “Class (v) of the offence mentioned in the Schedule”, and insert after the words “within the same class” the words “or on at least two occasions of an offence within the same class and on one occasion of an offence within any other such class”.

(c)

- (c) Section six:—Omit the proviso and insert in lieu thereof the words “The part of such proceeds to be paid to the habitual criminal shall be fixed by regulation.”
- (d) Section seven is repealed and the following is substituted:—
7. If the Governor determines that an habitual criminal is sufficiently reformed, or that other good cause has been shown, he may direct his release on a license under the provisions of section four hundred and sixty-three of the Principal Act.
- (e) The whole of the Schedule after Class (iv) to be omitted and the following inserted in its place:—

Class (v) Sections 94 to 98 inclusive—Robbery.
 Sections 99 to 105 inclusive—Extortion.
 Sections 106 to 114 inclusive—Burglary, &c.
 Sections 117 to 131 inclusive, 134 to 139 inclusive, 148 to 153 inclusive—Larceny.
 Sections 155 to 178 inclusive—Embezzlement.
 Sections 179 to 193 inclusive—False pretences.
 Sections 196 to 204 inclusive, 209 to 217 inclusive, 221 to 226 inclusive, 228 to 243 inclusive—Arson and injuries to property.
 Under any of the sections in Part V of the Crimes Act, 1900—Forgery.
 Under any of the sections in Part VI of the Crimes Act, 1900—Coinage.

THE SCHEDULE.

Reference to Act.	Title or short title.
No. 2, 1910... ..	Crimes (Girls' Protection) Act, 1910.
No. 21, 1911... ..	Crimes (Girls' Protection) Amendment Act, 1911.