

[CONFIDENTIAL.]

(Rough Draft for Consideration Only.)

No. , 1921.

A BILL

To provide for the protection of public stores ;
and for 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 Legis-
lative 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 "Public Stores Short title.
Act, 1921."

2. In this Act the term "stores" includes all goods and chattels. Definition.

3. This Act shall apply to all stores under the care, superintendence, or control of a Minister of the Crown, or any public department or office, or of any person in the service of His Majesty, and such stores are, in this Act referred to as His Majesty's stores. The Minister of the Crown, public department, office, or person having the care, superintendence, or control of such stores is hereinafter in this Act included in the expression "public department." Stores to which the Act applies. cf. 38 and 39 Vic., c. 25, s. 3.

4. The marks described in the First Schedule to this Act may be applied in or on stores therein described in order to denote His Majesty's property in stores so marked; and it shall be lawful for any public department, and the contractors, officers, and workmen of such department, to apply those marks, or any of them, in or on any such stores; and if any person without lawful authority (proof of which authority shall lie on the party accused) applies any of those marks in or on any such stores he shall be guilty of a misdemeanour, and shall on conviction thereof be liable to be imprisoned for any term not exceeding *two* years with or without hard labour. Marks in Schedule appropriated for public stores. cf. *Ibid.* s. 4.

5. If any person with intent to conceal His Majesty's property in any stores takes out, destroys, or obliterates, wholly or in part, or attempts to take out, destroy, or obliterate any such mark as aforesaid, or any mark whatsoever denoting the property of His Majesty in any stores he shall be guilty of felony, and shall on conviction thereof be liable, in the discretion of the court before which he is convicted, to be kept in penal servitude for any term not exceeding *five* years, or to be imprisoned for any term not exceeding *two* years with or without hard labour. Obliteration with intent to concealment. cf. *Ibid.* s. 5.

6. Any member of the police force may stop, search, and detain any vessel, boat, or vehicle in or on which there is reason to suspect that any of His Majesty's stores stolen or unlawfully obtained may be found, or any person reasonably suspected of having or conveying in any manner any of His Majesty's stores stolen or unlawfully obtained. Power to stop suspected boats, persons, &c. cf. *Ibid.* s. 6.

7.

7. If any person is brought before a court of summary jurisdiction charged with having in his possession, or keeping any of His Majesty's stores reasonably suspected of being stolen or unlawfully obtained, and does not give an account to the satisfaction of the court how he came by the same, he shall be liable to a penalty not exceeding *fifty* pounds, or, in the discretion of the court, to imprisonment for any term not exceeding *six* months, with or without hard labour.

Unlawful possession of His Majesty's stores.

cf. *Ibid.* s. 7.

8. It shall not be lawful for any person, without permission in writing from a public department, or from some person authorised by a public department in that behalf (proof of which permission shall lie on the party accused), to gather or search for stores, or to creep, sweep, or dredge in the sea or any tidal water, within one hundred yards from any vessel belonging to His Majesty, or in His Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any moorings belonging to His Majesty, or from any of His Majesty's wharves or dock, victualling, or factory yards.

Prohibition of sweeping, &c., near dockyards, artillery ranges, &c.

cf. *Ibid.* s. 8.

If any person acts in contravention of this section he shall be liable on summary conviction to a penalty not exceeding *twenty* pounds, or, in the discretion of the court, to imprisonment for any term not exceeding *two* months, with or without hard labour.

Penalty.

9. If stores are found in the possession or keeping of a person being in His Majesty's service, or in the service of a public department, or being a collector or dealer in old wares, or a pawnbroker (within the meaning of any enactments for the time being in force relating to such collectors, dealers, or pawnbrokers), and he is taken or summoned before a court of summary jurisdiction and the court sees reasonable grounds for believing the stores found to be, or to have been, His Majesty's property, then if such person does not satisfy the court that he came lawfully by the stores so found, he shall be liable on summary conviction to a penalty not exceeding *fifty* pounds.

Penalty on dealer, &c., found in possession of stores and not accounting for them.

cf. *Ibid.* s. 9.

10. For the purpose of this Act stores shall be deemed to be in the possession or keeping of any person if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field, or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

Possession or keeping explained.
cf. *Ibid.* s. 10.

11. If a licensed collector, second-hand dealer, or pawnbroker is convicted of a second or subsequent offence against section nine of this Act, the court before which he is convicted may, if it thinks fit, direct that his license shall cease to have effect, and the same shall be cancelled accordingly.

Cancellation of license of a collector, second-hand dealer, or pawnbroker.

12. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise to any other or higher penalty or punishment than is provided for any offence by this Act, but so that no person be punished twice for the same offence.

Not to prevent persons being indicted.
cf. *Ibid.* s. 16.

13. Whenever any public department sells or disposes of any stores which are marked with any of the marks set out in the First Schedule to this Act it shall mark such stores with the mark set out in the Second Schedule.

Sale of marked stores.

14. If any person without lawful authority (proof of which authority shall lie on the party accused) applies to any stores the mark set out in the Second Schedule or is found without lawful authority (proof of which authority shall lie on the party accused) in possession of any die or other thing capable of being used for the purpose of applying such mark to stores he shall be guilty of a misdemeanor, and on conviction thereof shall be liable to be imprisoned for any term not exceeding *two* years with or without hard labour.

Unlawful use of "sold" mark.

15. Section four hundred and thirty-eight of the Crimes Act, 1900, is hereby incorporated with this Act, and shall for the purposes of this Act be read as if it were here re-enacted, and for this purpose the expression "this Act," where used in the said section, shall be taken to include the present Act.

Incorporation of s. 438 of the Crimes Act, 1900.

SCHEDULES.

THE FIRST SCHEDULE.

Marks appropriated for use in or on His Majesty's Stores.

| Stores. | Marks. |
|---|--|
| Cordage or rope manufactured from hemp, flax, or cotton, or any combination of those materials. | A blue strand laid up with the yarns and the wire respectively. |
| Canvas, duck, calico, and other fabrics manufactured from cotton, flax, jute, or hemp. | A blue line in a serpentine form. |
| Timber, metal, and any stores not before enumerated whether similar to the above or not. | The name of His Majesty, his predecessors, his heirs or successors, or of any public department, or any branch thereof, or the broad arrow or a crown, or His Majesty's arms whether such broad arrow, crown, or arms be alone or be in combination with any such name as aforesaid, or with any letters denoting any such name. |

Provided that the letters N.S.W.G.R., with or without any addition, upon any stores whatever, shall indicate that the stores so marked are the property of the Railway Commissioners for New South Wales.

Provided also that water and sewerage fittings which, for the purpose of testing before sale to the public, have been marked by the Board of Water Supply and Sewerage or by the Hunter District Water Supply and Sewerage Board with a crown in association with the letters B.W.S.S. or the letters H.D.W.S.S.B. shall not be deemed to be His Majesty's stores within the meaning of this Act.

THE SECOND SCHEDULE.

