

# CRIMES.

## No. 12 of 1914.

An Act relating to Offences against the Commonwealth.

[Assented to 29th October, 1914.]

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

### PART I.—PRELIMINARY.

1. This Act may be cited as the *Crimes Act 1914*.<sup>(a)</sup>

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

PART I.—Preliminary.

PART II.—Offences against the Government.

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.

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 or Military Forces of the Commonwealth, or in the service of any public authority under the Commonwealth and includes an officer of the Commonwealth Bank ;

“Constable” includes any member of the police force of the Commonwealth or of a State or of a Territory being part of the Commonwealth ;

“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 ;

(a) This Act has since been amended by Act No. 6, 1915, s. 2 (*infra*, p. 99).

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

“Territory” means a Territory of, or under the control of, the Commonwealth.

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

Application of  
common law.

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 this Act or any other Act, whether passed before or after the commencement of this Act, shall be deemed to have committed that offence and shall be punishable accordingly.

Aiders and  
abettors.  
Cf. Act No. 26,  
1910, s. 14.

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.

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

Penalty : Imprisonment for two years.

7. Any person who attempts to commit any offence against this Act or any other Act, 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.

Attempts.  
Act No. 1,  
1904, s. 8.

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.

Power of  
arrest without  
warrant.

9.—(1.) Any constable may, without warrant, seize any articles which are forfeited or which he has reasonable ground to believe are forfeited under this Act, and take them before a Court of Summary Jurisdiction.

Seizure and  
condemnation  
of forfeitable  
goods.  
Of. Act No.  
1901, s. 203.

(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.O. s. 679.

**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 indictable offence against this Act 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) anything as to which there is reasonable ground for believing that it is intended to be used for the purpose of committing any such offence ;

he may 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.  
Ct. Qd. C.O. 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.

**12.—(1.)** Offences against this Act, other than 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.

Institution of  
proceedings in  
respect of  
offences

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

- (a) institute proceedings for the commitment for trial of any person in respect of any indictable offence against the law of the Commonwealth ; or
- (b) institute proceedings for the summary conviction of any person in respect of any offence against the law of the Commonwealth punishable on summary conviction.

Proof of  
exceptions, &c.  
Ct. 42 and 43  
Vic., c. 49,  
s. 39 ; 2.

**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 Act or regulation 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.

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—

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

- (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.

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.

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

(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.

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.

Indeterminate  
sentences.

(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.

18.—(1.) Where imprisonment is imposed in respect of any offence against this or any Act it may (unless the contrary intention appears in the Act) be imposed either with or without hard labour.

Sentence of  
imprisonment.

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

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

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

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

20.—(1.) If the Court thinks fit to do so, it may release any person convicted of an offence against the law of the Commonwealth, 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 the term of imprisonment passed upon him, and will during that term 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.) A person released in pursuance of this section who fails to comply with the conditions on which he has been released shall be liable to be arrested and taken back to prison for the remainder, if any, of his sentence, and shall in addition be guilty of an offence and shall be liable to be imprisoned for a term equivalent to the term of the sentence in respect of which he was released, and his recognizance and those of his sureties or any other security given may be estreated.

21.—(1.) A prosecution in respect of an offence against this or any other Act or any regulation under any Act may be commenced as follows :—

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

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

Conditional  
release of  
offenders.

Time for  
commencement  
of prosecutions.

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

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

(3.) Where by any Act or regulation under an Act 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 Act or regulation, a prosecution in respect of the offence may be commenced at any time within that longer time.

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.

Privilege of  
Parliament 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.

Civil rights not  
affected.

## PART II.—OFFENCES AGAINST THE GOVERNMENT.

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

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

- (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.

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

Inciting to  
mutiny.

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

Cf. lb. s. 41.  
37 Geo. 3, c. 70.

shall be guilty of an indictable offence.

Penalty: Imprisonment for life.

(2.) In this section the expression "person serving in the King's Forces" includes any person serving in any Military or Naval 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
- (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. Qd. C. C.,  
s. 42.

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. ib. 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.

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. Seizing goods to Commonwealth custody.

Penalty : Imprisonment for one year.

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

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

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

Definitions.  
Ct. Qd. C. C.  
s. 120.

“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.

Ct. Ib. s. 119.

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

Judicial  
corruption.  
Ct. Ib. s. 120.

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

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

33. Any person who—

(a) being a judge or magistrate not acting judicially, or being a Commonwealth officer employed in a capacity not judicial for the prosecution or detention or punishment of offenders, corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person, on account of anything already done or omitted to be

Official  
corruption in  
relation to  
offences.  
Ct. Ib. s. 121.

done, or to be afterwards done or omitted to be done, by him, with a view to corrupt or improper interference with the due administration of justice under the law of the Commonwealth, or the procurement or facilitation of the commission of any offence against the law of the Commonwealth, or the protection of an offender or intending offender against the law of the Commonwealth from detection or punishment; or

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

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

#### 34. Any person who—

- (a) being a judge or magistrate and being required or authorized by law to admit any person accused of an offence against the law of the Commonwealth to bail, without reasonable excuse, and in abuse of his office, requires excessive and unreasonable bail, or
- (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.

Judge or  
magistrate  
acting  
oppressively or  
when interested.  
Cf. Qd. C. C.,  
s. 136.

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.

Giving false  
testimony.  
Cf. Ib. ss. 123,  
124.

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.

Fabricating  
evidence.  
Cf. Ib. s. 126.

**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,

Corruption of witnesses.

Cf. Qd. C.C., s. 127.

shall be guilty of an indictable offence.

Penalty : Imprisonment for five years.

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.

Deceiving witnesses.

Cf. ib. s. 128.

Penalty : Imprisonment for two years.

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.

Destroying evidence.

Cf. ib. s. 129.

Penalty : Imprisonment for two years.

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 subpoena or summons, shall be guilty of an offence.

Preventing witnesses from attending Court.

Cf. ib. s. 130.

Penalty : Imprisonment for one year.

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.

Conspiracy to bring false accusation.

Cf. ib. s. 131.

Penalty : Imprisonment for ten years.

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.

Conspiracy to defeat justice.

Cf. ib. s. 132.

Penalty : Imprisonment for five years.

Attempting to  
pervert justice.  
Cf. Qd. O. C.,  
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. Ib. 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.

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.

Obstructing  
officers of  
Courts.  
Cf. Qd. C. C.,  
s. 148.

Penalty : Imprisonment for one year.

#### PART IV.—OFFENCES RELATING TO THE COINAGE.

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

Definitions.  
Cf. ib., s. 149.

“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.

“copper” as applied to coin, means copper bronze, or any metal, other than silver or gold, of which coin is made ;

“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.

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. lb. 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. lb. 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. lb. 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. lb. 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.

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

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

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

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

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

shall be guilty of an indictable offence.

Penalty : Imprisonment for two years.

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

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

Penalty : Imprisonment for ten years.

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

Possession of  
clippings.  
Cf. ib. s. 153.

Penalty : Imprisonment for seven years.

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

Forfeiture of  
coining  
instruments.

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

Penalty : Imprisonment for one year.

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

Defacing coins.  
Cf. ib. s. 159.

Penalty : Imprisonment for one year.

#### PART V.—FORGERY.

63.—(1.) A person shall be deemed to forge a seal, signature, document, register, or record, as the case may be—

What amounts  
to forgery.  
Cf. ib. s. 486.

(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

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- (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 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.

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

65.—(1.) Any person who forges, or utters knowing it to be forged—

- (a) the Public Seal of the Commonwealth, or of any Territory being part of the Commonwealth; or
- (b) the Seal of the High Court or any Federal Court, or any Seal used by the High Court or any Federal Court; or
- (c) the Official Seal of any of the King's Ministers of State for the Commonwealth; or
- (d) any Official Seal used by any Department of the Commonwealth, or any public authority under the Commonwealth,

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

(2.) Any person who, without lawful authority (proof whereof shall lie upon him), makes, or has in possession, any die or stamp capable of making an impression in the form of any of the seals referred

What amounts  
to uttering:  
Cf. Qd. C. C.,  
s. 1.

Forgery of  
seals.  
Cf. ib. s. 438.

to in this section, or resembling, or apparently intended to resemble or pass for any of those seals, shall be guilty of an offence.

Penalty : Imprisonment for two years.

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

66. Any person who forges, or utters knowing it to be forged, the signature of—

Forgery of  
official  
signatures.  
Cf. Qd. C. C.  
s. 488.

- (a) the Governor-General ; or
- (b) any Justice of the High Court, or any Justice or Judge of any Federal Court ; or
- (c) any of the King's Ministers of State for the Commonwealth ; or
- (d) the President of the Senate, or the Speaker of the House of Representatives, or the Chairman of any Committee of either House ; or
- (e) the holder of any office created by any Act, and of whose signature judicial notice is by law to be taken,

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

67. Any person who forges, or utters knowing it to be forged—

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

- (a) any document issuable by, or deliverable to, the Senate or the House of Representatives, or any officer thereof ; or
- (b) any document issuable by, or deliverable to, any Department of the Commonwealth, or any officer thereof ; or
- (c) any document issuable by, or deliverable to, the High Court, or any Federal Court, or any Justice or officer thereof ; or
- (d) any register or record kept by the Senate or the House of Representatives, or any officer thereof ; or
- (e) any register or record kept by any Department of the Commonwealth, or any officer thereof ; or
- (f) any register or record kept by the High Court or any Federal Court, or any officer thereof,

shall be guilty of an indictable offence.

Penalty : Imprisonment for ten years.

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

Forging official  
marks.  
Cf. ib. s. 488.

Penalty : Imprisonment for two years.

Making special  
paper, &c., for.  
Cf. Qd. C. C.,  
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. lb. 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 by  
public officer.  
Cf. lb. s. 398 (v.).

71. Any person who, being a Commonwealth officer, steals, or fraudulently misappropriates or converts to his own use, any property belonging to the Commonwealth or any public authority under the Commonwealth or any property which has come into his possession by virtue of his employment, shall be guilty of an indictable offence.

Penalty : Imprisonment for seven years.

Falsification of  
books or record  
by officers.  
Cf. lb. ss. 441.  
442.

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

- (a) makes any false entry in any book or record, or
- (b) omits to make any entry in any book or record, or
- (c) by act or omission falsifies any book or record, or
- (d) destroys or damages any book or record, or
- (e) furnishes any false return of any property, or
- (f) omits to furnish any return of any property,

shall be guilty of an indictable offence.

Penalty : Imprisonment for seven years.

## 73. Any person who—

- (a) being a Commonwealth officer, and being charged with any duty by virtue of his office or employment, 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 any thing already done or omitted to be done, or to be afterwards done or omitted to be done, by him in the discharge of the duties of his office or employment; or
- (b) corruptly gives, confers, or procures, or promises or offers to give, confer, procure, or attempt to procure to, upon, or for, any Commonwealth officer, any property or benefit of any kind on account of any such act or omission on the part of such officer,

Official  
corruption.  
Cf. Qd. C. C.,  
s. 87.

shall be guilty of an indictable offence.

Penalty : Imprisonment for seven years.

## 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—

False returns  
or certificates  
by officers.  
Cf. ib. s. 91.

- (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.

Penalty : Imprisonment for two years.

## 75. Any person who—

- (a) personates any Commonwealth officer on an occasion when the latter is required to do any act or attend in any place by virtue of his office or employment; or
- (b) falsely represents himself to be a Commonwealth officer, and assumes to do any act or attend in any place for the purpose of doing any act by virtue of his pretended office or employment,

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

shall be guilty of an offence.

Penalty : Imprisonment for two years.

## 76. Any person who wilfully obstructs or resists any Commonwealth officer while engaged in the discharge or attempted discharge of the duties of his office under any Act, or wilfully obstructs or resists any person while engaged in the discharge or attempted discharge of any duty imposed on him by any Act, shall be guilty of an offence.

Resisting  
public officers.  
Cf. ib. s. 199.

Penalty : Imprisonment for two years.

## PART VII.—BREACH OF OFFICIAL SECRECY.

## Definitions.

Cf. 1 & 2 Geo. 5,  
c. 28, s. 12.

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, place, 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. 1b. c. 28, s. 1.

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, 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, 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, model, article, note, document, or information, relating to or used in any prohibited place within

the meaning of this Part of this Act, or anything in such a place, is made, obtained, or communicated by any person other than a person acting under lawful authority, it shall be deemed to have been made, obtained, or communicated for a purpose prejudicial to the safety or interests of the Commonwealth or of some part of the King's Dominions, unless the contrary is proved.

79.—(1.) If any person having in his possession or control any sketch, plan, 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—

Unlawful communication of secret information.  
Cf. 1 & 2 Geo. 5, c. 28, s. 2

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

he shall be guilty of an offence.

Penalty : Imprisonment for seven years.

(2.) If any person receives any sketch, plan, model, article, note, document, or information, knowing, or having reasonable ground to believe, at the time when he receives it, that the sketch, plan, 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, model, article, note, document, or information was contrary to his desire.

Unlawful receipt of secret information.

Penalty : Imprisonment for seven years.

80. The following places shall be prohibited places—

Prohibited places.

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

- (b) Any place not belonging to the King or the Commonwealth where any ship, arms, or materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored, under contract with, or with any person on behalf of, the King or the Commonwealth ;
- (c) Any place belonging to the King or the Commonwealth which is for the time being declared by the Governor-General to be a prohibited place for the purposes of this Part of this Act on the ground that information with respect thereto, or damage thereto, would be useful to an enemy ; and
- (d) Any railway, road, way, or channel, or other means of communication by land or water (including any works or structures being part thereof or connected therewith), or any place used for gas, water, electricity works or other works for purposes of a public character, or any place where any ship, arms, or materials or instruments of use in time of war, or any plans or documents relating thereto, are being made, repaired, or stored otherwise than on behalf of the King or the Commonwealth, which is for the time being declared by the Governor-General by proclamation to be a prohibited place for the purposes of this Part of this Act, on the ground that information with respect thereto, or the destruction or obstruction thereof, or interference therewith, would be useful to an enemy.

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.

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.

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

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

Unlawful soundings.

- (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 recognised 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 into  
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.

86. Any<sup>(a)</sup> person who conspires with any other person—

Conspiracy.  
Cf. Qd. C. C.,  
ss. 541-543.

- (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 un-  
lawful under the law of the Commonwealth,

shall be guilty of an indictable offence.

Penalty : Imprisonment for three years.

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

False  
certificates.  
Cf. ib. s. 94.

Penalty : Imprisonment for two years.

## 88. Any person who—

- (a) corruptly asks, receives, or obtains, or agrees or attempts to receive or obtain, any property or benefit of any kind for himself or any other person on account of anything done or omitted to be done or to be afterwards done or omitted to be done, by him or any other person, with regard to the appointment or contemplated appointment of any person to any office or employment in the Public Service of the Commonwealth or of a Territory, or with regard to any application by any person for employment in the Public Service of the Commonwealth or of a Territory ; or
- (b) corruptly gives, confers or procures, or promises or offers to give or confer, or to procure or attempt to procure, to upon or for any person any property or benefit of any kind on account of any such act or omission ;

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

shall be guilty of an offence.

Penalty : Imprisonment for two years.

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

Trespass on  
naval or  
military lands.

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, and given into the custody of any constable to be dealt with according to law.

(a) See footnote (a), *supra*, p. 16.

(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.

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.

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