

**CRIMES (SUMMARY OFFENCES) AMENDMENT  
ACT, 1979, No. 72**

**New South Wales**



ANNO VICESIMO OCTAVO

**ELIZABETHÆ II REGINÆ**

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**Act No. 72, 1979.**

An Act to amend the Crimes Act, 1900, consequentially upon the enactment of the Summary offences (Repeal) Act, 1979. [Assented to, 11th May, 1979.]

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*Crimes (Summary Offences) Amendment.*

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**BE** it enacted by the Queen'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 :—

**Short title.**      **1.** This Act may be cited as the "Crimes (Summary Offences) Amendment Act, 1979".

**Commence-  
ment.**            **2.** (1) This section and section 1 shall commence on the date of assent to this Act.

(2) Except as provided in subsection (1), this Act shall commence on such day as may be appointed by the Governor in respect thereof and as may be notified by proclamation published in the Gazette.

**Schedules.**      **3.** This Act contains the following Schedules :—

SCHEDULE 1.—AMENDMENTS TO PART I OF THE CRIMES ACT, 1900.

SCHEDULE 2.—AMENDMENTS TO PART III OF THE CRIMES ACT, 1900.

SCHEDULE 3.—AMENDMENTS TO PART IV OF THE CRIMES ACT, 1900.

SCHEDULE 4.—AMENDMENTS TO PART X OF THE CRIMES ACT, 1900.

SCHEDULE 5.—AMENDMENTS TO PART XIV OF THE CRIMES ACT, 1900.

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*Crimes (Summary Offences) Amendment.*

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4. The Crimes Act, 1900, is amended in the manner set forth in Schedules 1–5. Amendment  
of Act No.  
40, 1900.

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SCHEDULE 1.

Sec. 4.

AMENDMENTS TO PART I OF THE CRIMES ACT, 1900.

- (1) Section 1, matter relating to Part III—  
Omit “91D”, insert instead “91B”.
- (2) (a) Section 1, matter relating to Part X—  
Omit “357A”, insert instead “357E”.
- (b) Section 1, matter relating to Part X—  
After “358.”, insert :—
- (4) *Disposal of property in the custody of the police.—s. 358A.*
- (3) (a) Section 1, matter relating to Part XIV, Chapter III—  
After “*animals*”, insert “, &c”.
- (b) Section 1, matter relating to Part XIV, Chapter III—  
After “527.”, insert :—
- (5A) *Obtaining money, &c., by false representation.—s. 527A.*
- (5B) *Framing a false invoice.—s. 527B.*
- (5C) *Persons unlawfully in possession of property.—s. 527C.*

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*Crimes (Summary Offences) Amendment.*


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SCHEDULE 1—*continued.*AMENDMENTS TO PART I OF THE CRIMES ACT, 1900—*continued.*

## (c) Section 1, matter relating to Part XIV, Chapter III—

After “546.”, insert :—

(E1) CONSORTING.—*s.* 546A.(E2) INTENT TO REPEAT INDICTABLE OFFENCE.  
—*s.* 546B.(E3) RESISTING, &C., POLICE.—*s.* 546C.

## (d) Section 1, matter relating to Part XIV, Chapter III—

After “547B.”, insert :—

(1) PRYING.—*s.* 547C.

## Sec. 4.

## SCHEDULE 2.

## AMENDMENTS TO PART III OF THE CRIMES ACT, 1900.

## (1) Section 91A—

After “any person”, insert “(not being a prostitute)”.

## (2) Section 91D—

Omit the section.

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*Crimes (Summary Offences) Amendment.*

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SCHEDULE 3.

Sec. 4.

AMENDMENTS TO PART IV OF THE CRIMES ACT, 1900.

(1) Section 114 (1) (a)—

After “intent to”, insert “commit an indictable offence or to”.

(2) Section 114 (1) (a)—

Omit “felony or”.

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SCHEDULE 4.

Sec. 4.

AMENDMENTS TO PART X OF THE CRIMES ACT, 1900.

(1) (a) Section 354 (1) (b)—

Omit “or”.

(b) Section 354 (1) (c)—

Omit “offence,”, insert instead “offence; or”.

(c) Section 354 (1) (d)—

After section 354 (1) (c), insert :—

(d) anything stolen or otherwise unlawfully obtained,

(d) Section 354 (8), definition of “premises”—

After “vessel”, insert “(whether decked or undecked)”.

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*Crimes (Summary Offences) Amendment.*


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SCHEDULE 4—*continued.*AMENDMENTS TO PART X OF THE CRIMES ACT, 1900—  
*continued.*

## (2) Sections 357B–357E—

After section 357A, insert :—

Interpreta-  
tion.

357B. In sections 357C and 357D—

“police vessel” means a vessel ordinarily used by members of the police force in the execution of their duty;

“vessel” includes an undecked boat.

Police may  
board  
vessels.

357C. A member of the police force of or above the rank of sergeant or in charge of a police station or police vessel may at any time with as many members of the police force as he thinks necessary—

- (a) enter into any part of any vessel;
- (b) search and inspect the vessel;
- (c) take all necessary measures for preventing injury on the vessel to persons or damage to property by fire or otherwise; and
- (d) take all necessary measures for preserving peace and good order on the vessel or for preventing, detecting or investigating any offences that may be, or may have been, committed on the vessel.

Police may  
stop and  
detain  
vessels.

357D. A member of the police force of or above the rank of sergeant or in charge of a police station or police vessel, may, for the purposes of enabling any powers conferred on members of the police force by this Act or any other law to be exercised, stop and detain any vessel in which he reasonably suspects—

- (a) that an indictable offence has been or is about to be committed;

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*Crimes (Summary Offences) Amendment.*

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SCHEDULE 4—*continued.*

AMENDMENTS TO PART X OF THE CRIMES ACT, 1900—  
*continued.*

- (b) that there is a person who has committed an indictable offence or for whose arrest there is in force a warrant; or
- (c) that there is any thing stolen or otherwise unlawfully obtained or any thing that has been used or is intended to be used in the commission of an indictable offence.

357E. A member of the police force may stop, search and detain—

- (a) any person whom he reasonably suspects of having or conveying any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence; or
- (b) any vehicle in which he reasonably suspects there is any thing stolen or otherwise unlawfully obtained or any thing used or intended to be used in the commission of an indictable offence.

(3) Section 358A—

After section 358, insert :—

*Disposal of property in the custody of the police.*

358A. (1) A court may, on the application of any person, make an order that any property which is in the custody of a member of the police force in connection with any offence whether punishable on indictment or summarily, be delivered to the person who appears to it to be lawfully entitled thereto.

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*Crimes (Summary Offences) Amendment.*

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SCHEDULE 4—*continued.*AMENDMENTS TO PART X OF THE CRIMES ACT, 1900—  
*continued.*

(2) If any property referred to in subsection (1) has not been delivered to the person lawfully entitled thereto, whether pursuant to an order under subsection (1) or otherwise, within one month after the determination of proceedings against a person for an offence with respect to the property, the property, if money, shall be paid to the Treasurer for payment into the Consolidated Revenue Fund or, if not money, may be sold by public auction and the proceeds of the sale shall be paid to the Treasurer for payment into that Fund.

(3) A person who is lawfully entitled to any property which has been dealt with in accordance with subsection (2) may recover the money or the proceeds of the sale, as the case may be, from the Treasurer.

(4) In subsection (1), "court" means—

- (a) where the value of the property, if not money, does not exceed \$2,000 or the property, if money, does not amount to more than \$2,000—the court of petty sessions for the district in which the property or money is held;
  - (b) where the value of the property, if not money, exceeds \$2,000 but does not exceed \$20,000 or the property, if money, amounts to more than \$2,000 but does not amount to more than \$20,000—the District Court of New South Wales; or
  - (c) where the value of the property, if not money, exceeds \$20,000 or the property, if money, amounts to more than \$20,000—the Supreme Court of New South Wales.
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*Crimes (Summary Offences) Amendment.*

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SCHEDULE 5.

Sec. 4.

AMENDMENTS TO PART XIV OF THE CRIMES ACT, 1900.

(1) Section 501, short heading—

After “*animals*”, insert “, &c”.

(2) Sections 527A–527C—

After section 527, insert :—

*Obtaining money, &c., by false representation.*

527A. Any person who by any wilfully false representation obtains or attempts to obtain any money or valuable thing, or any benefit, from another person, shall be liable on conviction before a stipendiary magistrate to imprisonment for 6 months or to a fine of \$400.

Obtaining money, &c., by a wilfully false representation.

*Framing a false invoice.*

527B. Any person who fraudulently prepares, causes to be prepared or produces an invoice, receipt or document containing a false statement, with intent to induce the belief that any thing was not stolen or otherwise unlawfully obtained or to prevent any thing from being seized on suspicion of being stolen or otherwise unlawfully obtained or from being produced in evidence concerning an alleged offence, shall be liable on conviction before a stipendiary magistrate to imprisonment for 3 months, or to a fine of \$200.

Framing a false invoice.

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*Crimes (Summary Offences) Amendment.*


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 SCHEDULE 5—*continued.*

 AMENDMENTS TO PART XIV OF THE CRIMES ACT, 1900—  
*continued.*
*Persons unlawfully in possession of property.*

Persons  
unlawfully  
in posses-  
sion of  
property.

527c. (1) Any person who—

- (a) has any thing in his custody;
- (b) has any thing in the custody of another person;
- (c) has any thing in or on premises, whether belonging to or occupied by himself or not, or whether that thing is there for his own use or the use of another; or
- (d) gives custody of any thing to a person who is not lawfully entitled to possession of the thing,

which thing may be reasonably suspected of being stolen or otherwise unlawfully obtained, shall be liable on conviction before a stipendiary magistrate to imprisonment for 6 months, or to a fine of \$400.

(2) It is a sufficient defence to a prosecution for an offence under subsection (1) if the defendant satisfies the court that he had no reasonable grounds for suspecting that the thing referred to in the charge was stolen or otherwise unlawfully obtained.

(3) In this section, “premises” includes any structure, building, vehicle, vessel, whether decked or undecked, or place, whether built upon or not, and any part thereof.

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*Crimes (Summary Offences) Amendment.*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART XIV OF THE CRIMES ACT, 1900—  
*continued.*

(3) Sections 546A–546C—

After section 546, insert :—

(E1) CONSORTING.

546A. Any person who habitually consorts with persons who have been convicted of indictable offences, if he knows that the persons have been convicted of indictable offences, shall be liable on conviction before a stipendiary magistrate to imprisonment for 6 months, or to a fine of \$400.

Consorting  
with  
convicted  
persons.

(E2) INTENT TO REPEAT INDICTABLE OFFENCE.

546B. (1) Any person who, having been convicted of an indictable offence, is found in or near any premises or public place with intent to commit an indictable offence shall be liable on conviction before a stipendiary magistrate to imprisonment for 6 months, or to a fine of \$400.

Convicted  
persons  
found with  
intent to  
commit  
offence.

(2) In this section, “premises” includes any structure, building, vehicle, vessel, whether decked or undecked, or place, whether built upon or not, and any part thereof.

(E3) RESISTING, &C., POLICE.

546C. Any person who resists or hinders or incites any person to assault, resist or hinder a member of the police force in the execution of his duty shall be liable on conviction before a stipendiary magistrate to imprisonment for 3 months, or to a fine of \$200.

Resisting,  
&c., police.

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*Crimes (Summary Offences) Amendment.*

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SCHEDULE 5—*continued.*

AMENDMENTS TO PART XIV OF THE CRIMES ACT,  
1900—*continued.*

(4) Section 547C—

After section 547B, insert :—

(I) PRYING.

Peeping or  
prying.

547C. Any person who is in, on or near a building without reasonable cause with intent to peep or pry upon another person shall be liable on conviction before a stipendiary magistrate to imprisonment for 3 months, or to a fine of \$200.

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