

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA
THE SENATE

(Presented pursuant to leave granted and read ^{1o}, 15 October 1981)

(ATTORNEY-GENERAL, SENATOR DURACK)

No. 212

A BILL

FOR

An Act to amend the *Crimes Act 1914*, and for related purposes

BE IT ENACTED by the Queen, and the Senate and the House of Representatives of the Commonwealth of Australia, as follows:

Short title, &c.

1. (1) This Act may be cited as the *Crimes Amendment Act 1981*.
- (2) The *Crimes Act 1914*¹ is in this Act referred to as the Principal Act.

Commencement

2. (1) Sections 1, 2 and 15 shall come into operation on the day on which this Act receives the Royal Assent.

(2) The remaining provisions of this Act shall come into operation on such date as is, or on such respective dates as are, fixed by Proclamation.

3. After section 3A of the Principal Act the following section is inserted in Part I:

Arrangements with States, Northern Territory and Norfolk Island

“3B. The Governor-General may make arrangements with the Governor of a State, the Administrator of the Northern Territory or the Administrator of

Norfolk Island for the exercise of powers and the performance of functions by officers of the State or Territory, and for the making available of facilities of the State or Territory, for and in relation to the carrying out of sentences passed, and orders made, under this Act.”.

Maximum penalties

4. (1) Section 16 of the Principal Act is amended—

- (a) by omitting from sub-section (1) “sufficient to meet the case” and substituting “appropriate in all the circumstances of the case”; and
- (b) by omitting sub-section (2) and substituting the following sub-sections:

“(2) Unless the contrary intention appears, the maximum fine for an offence against this Act shall, subject to sub-section (3), be as follows:

(a) if the offender is a natural person—

- (i) where the offence is punishable by imprisonment for a period not exceeding 6 months—\$1,000;
- (ii) where the offence is punishable by imprisonment for a period exceeding 6 months but not exceeding 12 months—\$2,000;
- (iii) where the offence is punishable by imprisonment for a period exceeding 12 months but not exceeding 2 years—\$5,000;
- (iv) where the offence is punishable by imprisonment for a period exceeding 2 years but not exceeding 5 years—\$10,000; and
- (v) where the offence is punishable by imprisonment for a period exceeding 5 years—\$20,000; or

(b) if the offender is a body corporate—

- (i) where the offence is punishable by imprisonment for a period not exceeding 6 months—\$5,000;
- (ii) where the offence is punishable by imprisonment for a period exceeding 6 months but not exceeding 12 months—\$10,000;
- (iii) where the offence is punishable by imprisonment for a period exceeding 12 months but not exceeding 2 years—\$25,000;
- (iv) where the offence is punishable by imprisonment for a period exceeding 2 years but not exceeding 5 years—\$50,000; and
- (v) where the offence is punishable by imprisonment for a period exceeding 5 years—\$100,000.

“(3) Where a court of summary jurisdiction convicts a person of an offence against this Act, the maximum fine that the court may impose is—

- (a) if the offender is a natural person—\$2,000; or
- (b) if the offender is a body corporate—\$10,000.”.

(2) Notwithstanding the amendments of section 16 of the Principal Act made by sub-section (1), the provisions of section 16 of the Principal Act continue to apply, after the commencement of this section, to and in relation to offences committed before the commencement of this section as if those amendments had not been made.

5. (1) After section 17 of the Principal Act the following section is inserted:

Restriction on imposing sentences of imprisonment

“17A. (1) A court shall not pass a sentence of imprisonment on any person for an offence against the law of the Commonwealth, or of the Australian Capital Territory or an external Territory that is prescribed for the purposes of this section, unless the court, after having considered all other available sentences, is satisfied that no other sentence is appropriate in all the circumstances of the case.

“(2) Where a court passes a sentence of imprisonment on a person for an offence against the law of the Commonwealth, or of the Australian Capital Territory or an external Territory that is prescribed for the purposes of this section, the court—

- (a) shall state the reasons for its decision that no other sentence is appropriate; and
- (b) shall cause those reasons to be entered in the records of the court.

“(3) The failure of a court to comply with the provisions of this section does not invalidate any sentence.

“(4) This section does not apply in relation to—

- (a) an offence against this Act that is punishable by imprisonment for life or for a period of, or exceeding, 7 years; or
- (b) any other offence against the law of the Commonwealth, or any offence against the law of the Australian Capital Territory or an external Territory that is prescribed for the purposes of this section, that is punishable only by imprisonment.

“(5) For the purposes of paragraph (4) (b), an offence shall be regarded as punishable only by imprisonment if the court is empowered to pass a sentence of imprisonment for the offence, but is not empowered to impose a fine or other pecuniary penalty on a natural person for the offence or is empowered to impose a fine or other pecuniary penalty on a natural person for the offence only as a condition of an order discharging or releasing the person.”.

(2) Section 17A of the Principal Act as amended by sub-section (1) applies to and in relation to a person who—

- (a) is convicted of an offence after the commencement of this section; or
- (b) was convicted of an offence before the commencement of this section but had not, before the commencement of this section, been sentenced for the offence.

Enforcement and recovery of fines, &c.

6. (1) Section 18A of the Principal Act is amended—

- (a) by inserting in sub-section (1) “and recovery” after “the enforcement”;
- (b) by omitting paragraph (1) (a) and substituting the following paragraph:

“(a) the awarding of imprisonment, or the passing or making of any other sentence or order (including a sentence or order known as a community service order, a work order or a sentence of weekend detention, or a similar sentence or order), in default of the payment of fines;” and

- (c) by inserting in paragraph (1) (b) “, or further time,” after “time”.

(2) Section 18A of the Principal Act as amended by sub-section (1) applies to and in relation to a person who—

- (a) is convicted of an offence after the commencement of this section; or
- (b) was convicted of an offence before the commencement of this section but had not, before the commencement of this section, been sentenced for the offence.

7. (1) After section 18A of the Principal Act the following section is inserted:

Application for time, or further time, to pay fine

“18B. (1) Where a court has imposed a fine on a person for an offence against the law of the Commonwealth, the person may apply to the court for time, or further time, within which to pay the fine or any part of the fine.

“(2) An application under sub-section (1) may be made—

- (a) without notice to the informant or complainant, as the case may be; and
- (b) either within or outside the time within which the fine or the relevant part of the fine, as the case may be, is or was required to be paid.

“(3) Where an application is made by a person under sub-section (1) for time, or further time, within which to pay a fine or a part of a fine, the court (whether or not constituted by the judge or magistrate who imposed the fine), after hearing evidence as to the person’s financial circumstances and ability to comply with the terms of the conviction or order by which the fine was imposed (in this section referred to as ‘the original conviction or order’), may, by order,

direct that the person be given such time, or such further time, as is specified in the order within which to pay the fine, or any part of the fine, and—

- (a) if under the terms of the original conviction or order the fine was directed or ordered to be paid by instalments—that the instalments by which the fine is to be paid be altered in such manner as is specified in the order; or
- (b) in any other case—that the fine be paid by such instalments as are specified in the order.

“(4) Where—

- (a) an order is made under sub-section (3) on the application of a person; and
- (b) at the time when the order is made the person has already served a period of imprisonment in default of the payment of the fine in respect of which the order is made,

the court shall, by order, reduce the amount of the fine by such amount as it considers appropriate having regard to the period of imprisonment already served by the person in default of the payment of the fine.

“(5) Where—

- (a) an order is made under sub-section (3) on the application of a person; or
- (b) an order is made under sub-section (3) on the application of a person and an order is made under sub-section (4) in relation to the person,

the original conviction or order shall be deemed to be varied in accordance with the order or orders, as the case may be, and thereafter the laws of the Commonwealth, and of the States and the Territories, with respect to the enforcement and recovery of fines ordered to be paid by offenders apply, by force of this sub-section, to and in relation to the person as if the terms of the original conviction or order were those terms as so varied.

“(6) The several courts of the States are invested with federal jurisdiction, and jurisdiction is conferred on federal courts and the several courts of the Territories, to hear and determine matters arising under this section with respect to which applications may be made to those courts.

“(7) This section shall be read and construed as being in addition to, and not in derogation of or in substitution for, any other law of the Commonwealth or any law of a State or Territory.

“(8) A reference in this section to a fine shall be read as including a reference to a pecuniary penalty, an amount in respect of costs or any other amount ordered to be paid by an offender for or in respect of an offence.”.

(2) Section 18B of the Principal Act as amended by sub-section (1) applies to and in relation to a person in respect of whom a fine is imposed after, or was imposed before, the commencement of this section.

8. (1) Section 19 of the Principal Act is repealed and the following section is substituted:

Cumulative sentences of imprisonment

“19. (1) Where a person who is convicted of an offence against the law of the Commonwealth—

- (a) is at the time of his conviction serving a term of imprisonment for another offence (whether against the law of the Commonwealth or of a State or Territory); or
- (b) has been sentenced to serve a term of imprisonment (otherwise than in default of the payment of a fine) for another offence (whether against the law of the Commonwealth or of a State or Territory), but has not at the time of his conviction commenced to serve that term of imprisonment,

the court before which the person is convicted may, by order, direct that any term of imprisonment imposed for or in respect of the first-mentioned offence (including a term of imprisonment in default of the payment of a fine imposed for the offence) shall commence at the expiration of the term of imprisonment that the person is so serving or had been so sentenced to serve, as the case may be.

“(2) Where—

- (a) a person is convicted of 2 or more offences against the law of the Commonwealth before the same court at the same sitting; and
- (b) the person is sentenced to—
 - (i) 2 or more terms of imprisonment for the offences;
 - (ii) a term or terms of imprisonment for one or more of the offences and a term or terms of imprisonment in default of the payment of a fine or fines imposed for the other offence or offences; or
 - (iii) 2 or more terms of imprisonment in default of the payment of fines imposed for the offences,

the court may, by order, direct that all or some of the sentences shall be cumulative.

“(3) Where 2 or more sentences are, under sub-section (2), directed to be cumulative, they shall take effect one after the other in such order as the court directs or, in default of such a direction, in accordance with the order in which the convictions are recorded.

“(4) Where—

- (a) a person is convicted of an offence or offences against the law of the Commonwealth, and an offence or offences against the law of a State or Territory, before the same court at the same sitting; and
- (b) the person is sentenced to—
 - (i) 2 or more terms of imprisonment for the offences;

- (ii) a term or terms of imprisonment for one or more of the offences and a term or terms of imprisonment in default of the payment of a fine or fines imposed for the other offence or offences; or
- (iii) 2 or more terms of imprisonment in default of the payment of fines imposed for the offences,

the court may, by order, direct that the sentence passed for the offence, or all or any of the sentences passed for the offences, against the law of the Commonwealth shall take effect after the sentence passed for the offence, or all or any of the sentences passed for the offences, against the law of the State or Territory, but nothing in this sub-section shall be taken to prevent the court from directing that a sentence passed for an offence against the law of the State or Territory shall take effect after a sentence passed for an offence against the law of the Commonwealth.

“(5) Where—

- (a) a person is convicted of an offence against the law of the Commonwealth; and
- (b) the person is sentenced to a term of imprisonment for the offence and also to a term of imprisonment in default of the payment of a fine imposed for the offence,

the court may, by order, direct that the term of imprisonment in default of the payment of the fine shall take effect after the other term of imprisonment.

“(6) Nothing in this section shall be taken to prevent a court from directing that any sentences of imprisonment shall be served concurrently.

“(7) A reference in this section to a fine shall be read as including a reference to a pecuniary penalty, an amount in respect of costs or any other amount ordered to be paid by an offender for or in respect of an offence.”.

(2) Notwithstanding the repeal of section 19 of the Principal Act effected by sub-section (1), the provisions of section 19 of the Principal Act continue to apply, after the commencement of this section, to and in relation to offences committed before the commencement of this section as if that section had not been repealed.

9 (1) Sections 19B, 20 and 20A of the Principal Act are repealed and the following sections are substituted:

Discharge of offenders without proceeding to conviction

“19B. (1) Where—

- (a) a person is charged before a court with an offence against the law of the Commonwealth; and
- (b) the court is satisfied that the charge is proved, but is of the opinion, having regard to—
 - (i) the character, antecedents, age, health or mental condition of the person;
 - (ii) the extent (if any) to which the offence is of a trivial nature; or
 - (iii) the extent (if any) to which the offence was committed under extenuating circumstances,

that it is inexpedient to inflict any punishment, or to inflict any punishment other than a nominal punishment, or that it is expedient to release the offender on probation,

the court may, by order—

- (c) dismiss the charge; or 5
- (d) discharge the person, without proceeding to conviction, upon his giving security, with or without sureties, by recognizance or otherwise, to the satisfaction of the court, that he will comply with the following conditions:
 - (i) that he will be of good behaviour for such period, not exceeding 3 years, as the court specifies in the order; 10
 - (ii) that he will make such reparation or restitution, or pay such compensation, in respect of the offence (if any), or pay such costs in respect of his prosecution for the offence (if any), as the court specifies in the order (being reparation, restitution, compensation or costs that the court is empowered to require the person to make or pay)— 15
 - (A) on or before a date specified in the order; or
 - (B) in the case of reparation or restitution by way of money payment or in the case of the payment of compensation or an amount of costs—by specified instalments as provided in the order; and 20
 - (iii) that he will, during the period specified in the order in accordance with sub-paragraph (i), comply with such other conditions (if any) as the court thinks fit to specify in the order, which conditions may include the condition that the person will, during the period so specified, be subject to the supervision of a probation officer appointed in accordance with the order and obey all reasonable directions of a probation officer so appointed. 25

“(2) Where a court proposes to discharge a person in pursuance of an order made under sub-section (1), it shall, before making the order, explain or cause to be explained to the person, in language likely to be readily understood by him— 30

- (a) the purpose and effect of the proposed order;
- (b) the consequences that may follow if he fails, without reasonable cause or excuse, to comply with the conditions of the proposed order; and 35
- (c) that any recognizance given in accordance with the order may be discharged or varied under section 20AA.

“(3) Where a charge against a person is dismissed, or a person is discharged, in pursuance of an order made under sub-section (1)— 40

- (a) the person shall have such rights of appeal on the ground that he was not guilty of the offence with which he was charged as he would have had if the court had convicted him of the offence; and

- (b) there shall be such rights of appeal in respect of the manner in which the person is dealt with for the offence as there would have been if—
- (i) the court had, immediately before so dealing with him, convicted him of the offence; and
 - (ii) the manner in which he is dealt with had been a sentence passed upon that conviction.

“(4) Where a person is discharged in pursuance of an order made under sub-section (1), the court shall, as soon as practicable, cause the order to be reduced to writing and a copy of the order to be given to, or served on, the person.

Conditional release of offenders after conviction

“20. (1) Where a person is convicted of an offence against the law of the Commonwealth, the court before which he is convicted may, if it thinks fit—

- (a) by order, release the person, without passing sentence on him, upon his giving security, with or without sureties, by recognizance or otherwise, to the satisfaction of the court, that he will comply with the following conditions:
- (i) that he will be of good behaviour for such period, not exceeding 5 years, as the court specifies in the order;
 - (ii) that he will make such reparation or restitution, or pay such compensation, in respect of the offence (if any), or pay such costs in respect of his prosecution for the offence (if any), as the court specifies in the order (being reparation, restitution, compensation or costs that the court is empowered to require the person to make or pay)—
 - (A) on or before a date specified in the order; or
 - (B) in the case of reparation or restitution by way of money payment or in the case of the payment of compensation or an amount of costs—by specified instalments as provided in the order;
 - (iii) that he will pay to the Commonwealth such pecuniary penalty (if any) as the court specifies in the order (being a penalty not exceeding the maximum amount of the penalty that, in accordance with sub-section (5), the court may specify in respect of the offence) on or before a date specified in the order or by specified instalments as provided in the order; and
 - (iv) that he will, during the period specified in the order in accordance with sub-paragraph (i), comply with such other conditions (if any) as the court thinks fit to specify in the order, which conditions may include the condition that the person will, during the period so specified, be subject to the supervision of a probation officer appointed in accordance with the order and obey all reasonable directions of a probation officer so appointed; or

- (b) sentence the person to a term of imprisonment but direct, by order, that the person be released, upon his giving security of the kind referred to in paragraph (a), either forthwith or after he has served a specified part of the term of imprisonment.

“(2) Where a court proposes to release a person, or direct that a person be released, in pursuance of an order made under sub-section (1), it shall, before making the order, explain or cause to be explained to the person, in language likely to be readily understood by him—

- (a) the purpose and effect of the proposed order;
- (b) the consequences that may follow if he fails, without reasonable cause or excuse, to comply with the conditions of the proposed order; and
- (c) that any recognizance given in accordance with the order may be discharged or varied under section 20AA.

“(3) Where a person is released in pursuance of an order made under sub-section (1) without sentence being passed on him, there shall be such rights of appeal in respect of the manner in which the person is dealt with for the offence in respect of which the order is made as there would have been if the manner in which he is dealt with had been a sentence passed upon his conviction for that offence.

“(4) Where an order is made under sub-section (1) in respect of a person, the court shall, as soon as practicable, cause the order to be reduced to writing and a copy of the order to be given to, or served on, the person.

“(5) The maximum amount of the penalty that a court may specify in respect of an offence in an order made under sub-section (1) in relation to a person is—

- (a) where the offence is punishable by a fine—the amount of the maximum fine that the court is empowered to impose on the person for the offence; or
- (b) where the offence is not punishable by a fine—
 - (i) if the court is not a court of summary jurisdiction—\$10,000; or
 - (ii) if the court is a court of summary jurisdiction—\$2,000.

Failure to comply with condition of discharge or release

“20A. (1) Where a person has been discharged in pursuance of an order made under sub-section 19B (1), or released in pursuance of an order made under sub-section 20 (1), and information is laid before a magistrate, whether before or after the expiration of the period specified in the order in accordance with sub-paragraph 19B (1) (d) (i) or 20 (1) (a) (i), alleging that the person has, without reasonable cause or excuse, failed to comply with a condition of the order, the magistrate may—

- (a) issue a summons directing the person to appear, on a date, at a time and at a place fixed in the summons, before the court by which the order was made; or

(b) if the information is laid on oath and the magistrate is of the opinion that proceedings against the person by summons might not be effective—issue a warrant for the apprehension of the person.

“(2) Where—

5 (a) a person who is served with a summons issued under sub-section (1) fails to attend before the court as required by the summons; or

(b) a person who has been admitted to bail under sub-section (4) fails to attend before the court as required by the condition of his bail,

10 the court may, on proof of the service of the summons or of the admission of the person to bail, as the case may be, issue a warrant for the apprehension of the person.

“(3) A warrant issued under sub-section (1) or (2) shall authorize the apprehension of the person, the bringing of the person before the court as soon as practicable after his apprehension and the detention of the person in custody until he is released by order of the court or in accordance with sub-section (4).

“(4) Where a person is apprehended in pursuance of a warrant issued under sub-section (1) or (2) and the court before which he is to be brought is not sitting at the time of his arrest, the person shall be brought before a magistrate, who may—

20 (a) admit the person to bail, on such recognizance (with or without sureties) as the magistrate thinks fit and on the condition that the person appears, on such date, at such time and at such place as the magistrate specifies, before that court; or

(b) direct that the person be kept in custody in accordance with the warrant.

25 “(5) Where, in accordance with this section, a person who has been discharged in pursuance of an order made under sub-section 19B (1), or released in pursuance of an order made under sub-section 20 (1), appears or is brought before the court by which the order was made, the court (whether or not constituted by the judge or magistrate who made the order), if it is satisfied that the person has, without reasonable cause or excuse, failed to comply with a condition of the order, may—

30 (a) in the case of a person who has been discharged in pursuance of an order made under sub-section 19B (1)—

35 (i) revoke the order, convict the person of the offence in respect of which the order was made and, subject to sub-section (6), deal with the person, for that offence, in any manner in which he could have been dealt with for that offence if the order had not been made; or

(ii) take no action; or

40 (b) in the case of a person who has been released in pursuance of an order made under sub-section 20 (1)—

(i) without prejudice to the continuance of the order, impose a pecuniary penalty not exceeding \$1,000 on the person;

45 (ii) revoke the order and, subject to sub-section (6), deal with the person, for the offence in respect of which the order was made,

in any manner in which he could have been dealt with for that offence if the order had not been made and he was before the court for sentence in respect of the offence; or

(iii) take no action.

“(6) Where a person who has been discharged in pursuance of an order made under sub-section 19B (1), or released in pursuance of an order made under sub-section 20 (1), is dealt with under sub-section (5) for the offence in respect of which the order was made, the court shall, in so dealing with the person, take into account—

- (a) the fact that the order was made;
- (b) anything done under the order;
- (c) any other order made in respect of the offence; and
- (d) in the case of a person who has been released in pursuance of an order made under sub-section 20 (1)—any period of imprisonment served by him for the offence.

“(7) Where a person who has been discharged in pursuance of an order made under sub-section 19B (1), or released in pursuance of an order made under sub-section 20 (1), is dealt with under sub-section (5) for the offence in respect of which the order was made, the court may, in addition to dealing with him for that offence, order that any recognizance entered into by him, or by a surety for him, shall be estreated and any other security given by or in respect of him shall be enforced.

“(8) Where a person who has been discharged in pursuance of an order made under sub-section 19B (1), or released in pursuance of an order made under sub-section 20 (1), is dealt with under sub-section (5) for the offence in respect of which the order was made, there shall be such rights of appeal in respect of the manner in which the person is dealt with for that offence as there would have been if—

- (a) in the case of a person who has been discharged in pursuance of an order made under sub-section 19B (1)—the manner in which he is dealt with had been a sentence passed upon his conviction for the offence; or
- (b) in the case of a person who has been released in pursuance of an order made under sub-section 20 (1)—
 - (i) the court had, immediately before so dealing with him, convicted him of the offence; and
 - (ii) the manner in which he is dealt with had been a sentence passed upon that conviction.

“(9) A pecuniary penalty imposed on a person by virtue of sub-paragraph (5) (b) (i) shall, for the purposes of the laws of the Commonwealth, and of the States and Territories, with respect to the enforcement and recovery of fines ordered to be paid by offenders, be deemed to be a fine imposed on the person upon his conviction for an offence against the law of the Commonwealth.

Power to discharge or vary conditions of recognizance

5 “20AA. (1) Where a person has entered into a recognizance in pursuance of an order made under sub-section 19B (1) or 20 (1), an authorized person, the person who entered into the recognizance or a surety for the last-mentioned person may apply to the court by which the order was made for the discharge of the recognizance or for a variation of its terms.

10 “(2) Where an application is made under sub-section (1) for the discharge of a recognizance, the court (whether or not constituted by the judge or magistrate who made the order in pursuance of which the recognizance was entered into) may, if it is satisfied that notice as required by sub-section (5) or (6) has been given and that the conduct of the person who entered into the recognizance has been such as to make it unnecessary that he should remain bound by the recognizance, discharge the recognizance.

15 “(3) Where an application is made under sub-section (1) for a variation of the terms of a recognizance, the court (whether or not constituted by the judge or magistrate who made the order in pursuance of which the recognizance was entered into) may, if it is satisfied that notice as required by sub-section (5) or (6) has been given and it thinks fit to do so, vary the terms of the recognizance in all or any of the following ways:

- 20 (a) by extending or reducing the duration of the recognizance;
- (b) by altering the conditions of the recognizance;
- (c) by inserting additional conditions in the recognizance;
- (d) by reducing any liability to make reparation or restitution, by reducing any instalment of any reparation or restitution or by reducing the amount of, or of any instalment of, any costs, compensation or penalty;
- 15 or
- (e) by altering the manner in which any reparation, restitution, compensation, costs or penalty, or any instalment of any reparation, restitution, compensation, costs or penalty, is or are to be made or paid.

0 “(4) The court shall not extend the duration of a recognizance beyond—

- (a) in the case of a recognizance entered into in pursuance of an order made under sub-section 19B (1)—the period of 3 years from the date on which the recognizance was entered into; or
- 5 (b) in the case of a recognizance entered into in pursuance of an order made under sub-section 20 (1)—the period of 5 years from the date on which the recognizance was entered into.

) “(5) Where an application is made under sub-section (1) by an authorized person, the authorized person shall cause notice of the application, and of the date, time and place fixed for the hearing of the application, to be served on the person who entered into the recognizance in relation to which the application is made and, if that person has a surety in respect of the recognizance, on the surety.

“(6) Where an application is made under sub-section (1) by the person who entered into a recognizance or by a surety for that person, the person

making the application shall cause notice of the application, and of the date, time and place fixed for the hearing of the application, to be served on the Crown Solicitor, or the Deputy Crown Solicitor in the State or Territory in which the application is made, and—

- (a) if the application is made by a surety—on the person who entered into the recognizance; or
- (b) if the application is made by the person who entered into the recognizance and that person has a surety—on his surety.

“(7) Where notice of an application under sub-section (1) is served on a surety, the surety is entitled to appear on the hearing of the application and seek to be released from his liability as a surety in respect of the recognizance.

“(8) Subject to sub-sections (9) and (10), where under this section a court varies the terms of a recognizance, a person who is a surety in respect of the recognizance, and is not released by the court from his liability, continues to be liable as a surety in respect of the recognizance as so varied.

“(9) Where under this section a court varies the terms of a recognizance in respect of which a person is a surety—

- (a) if the recognizance is varied by extending its duration—the surety ceases to be liable after the expiration of the period for which he agreed to be liable when he became a surety;
- (b) if the recognizance is varied by altering a condition—the surety is not liable in respect of non-compliance with that condition as altered; and
- (c) if the recognizance is altered by the addition of a condition—the surety is not liable in respect of non-compliance with the additional condition,

unless he agrees to be liable in respect of the recognizance as so varied.

“(10) Where under this section a court varies the terms of a recognizance in respect of which a person is a surety by altering a condition, the court shall give directions as to the extent (if any) to which the surety is to continue to be liable in respect of the condition as it existed before the alteration, and the surety continues to be liable in respect of the condition to that extent but not otherwise.

“(11) Where under this section a court varies the terms of a recognizance—

- (a) corresponding variations shall, by force of this sub-section, be deemed to have been made to the conditions of the order in pursuance of which the recognizance was entered into; and
- (b) section 20A applies to and in relation to the order, in respect of acts or things done or omitted to be done after the variation, as if references in that section to the conditions of the order were references to the conditions of the order as so deemed to be varied.

“(12) In this section, ‘authorized person’ means the Attorney-General or a person appointed under section 69 of the *Judiciary Act* 1903 to prosecute indictable offences against the laws of the Commonwealth.

Additional sentencing alternatives

5 “20AB. (1) Where under the law of a State or Territory a court is empowered in particular cases to pass a sentence or make an order known as a community service order, a work order, a sentence of periodic detention, an attendance centre order, a sentence of weekend detention or an attendance order, or to pass or make a similar sentence or order or a sentence or order that is prescribed for the purposes of this section, in respect of a person convicted of an offence against the law of the State or Territory, such a sentence or order may in corresponding cases be passed or made by that court or any federal court in respect of a person convicted before that first-mentioned court, or before that 0 federal court in that State or Territory, of an offence against the law of the Commonwealth.

5 “(2) Where a court proposes to pass a sentence, or make an order, under sub-section (1), it shall, before passing the sentence or making the order, explain or cause to be explained to the person in respect of whom it is proposed to pass the sentence or make the order, in language likely to be readily understood by him—

- (a) the purpose and effect of the proposed sentence or order;
- 10 (b) the consequences that may follow if he fails, without reasonable cause or excuse, to comply with the proposed sentence or order or with any requirements made in relation to the proposed sentence or order by or under the provisions of the laws of the relevant State or Territory that will apply in relation to the proposed sentence or order by virtue of sub-section (3); and
- 15 (c) if the proposed sentence or order may be revoked or varied under those provisions—that the proposed sentence or order may be so revoked or varied.

10 “(3) Where a sentence or order referred to in sub-section (1) is passed or made under that sub-section in respect of a person convicted in a State or Territory of an offence against the law of the Commonwealth, the provisions of the laws of the State or Territory with respect to such a sentence or order that is passed or made under those laws shall, so far as those provisions are capable of application and are not inconsistent with the laws of the Commonwealth, apply, by virtue of this sub-section, to and in relation to the sentence or order passed or made under sub-section (1).

15 “(4) Where a court passes a sentence, or makes an order, under sub-section (1) in respect of a person convicted of an offence against the law of the Commonwealth, the court may also do all or any of the following—

- 0 (a) impose any fine or other pecuniary penalty that the court is empowered to impose on the person for the offence;
- (b) make any order requiring the person to make reparation or restitution, or pay compensation, in respect of the offence that the court is empowered to make;
- (c) make any other order that the court is empowered to make.

“(5) Where a court passes a sentence, or makes an order, under sub-section (1) in respect of a person, the court shall, as soon as practicable, cause the sentence or order to be reduced to writing and a copy of the sentence or order to be given to, or served on, the person.

Failure to comply with sentence passed, or order made, under sub-section 20AB (1)

“20AC. (1) In this section, ‘the applied provisions’, in relation to a sentence passed or an order made under sub-section 20AB (1), means the provisions of the laws of a State or Territory that apply to and in relation to the sentence or order by virtue of sub-section 20AB (3).

“(2) Where a sentence has been passed, or an order has been made, under sub-section 20AB (1) in respect of a person and information is laid before a magistrate, whether before or after the expiration of the period for which the sentence or order is to operate or operated, alleging that the person has, without reasonable cause or excuse, failed to comply with the sentence or order or with any requirements made in relation to the sentence or order by or under the applied provisions, the magistrate may—

- (a) issue a summons directing the person to appear, on a date, at a time and at a place fixed in the summons, before the court by which the sentence was passed or the order was made; or
- (b) if the information is laid on oath and the magistrate is of the opinion that proceedings against the person by summons might not be effective—issue a warrant for the apprehension of the person.

“(3) Where—

- (a) a person who is served with a summons issued under sub-section (2) fails to attend before the court as required by the summons; or
- (b) a person who has been admitted to bail under sub-section (5) fails to attend before the court as required by the condition of his bail,

the court may, on proof of the service of the summons or of the admission of the person to bail, as the case may be, issue a warrant for the apprehension of the person.

“(4) A warrant issued under sub-section (2) or (3) shall authorize the apprehension of the person, the bringing of the person before the court as soon as practicable after his apprehension and the detention of the person in custody until he is released by order of the court or in accordance with sub-section (5).

“(5) Where a person is apprehended in pursuance of a warrant issued under sub-section (2) or (3) and the court before which he is to be brought is not sitting at the time of his arrest, the person shall be brought before a magistrate, who may—

- (a) admit the person to bail, on such recognizance (with or without sureties) as the magistrate thinks fit, on the condition that the person appears, on such date, at such time and at such place as the magistrate specifies, before that court; or

(b) direct that the person be kept in custody in accordance with the warrant.

“(6) Where, in accordance with this section, a person in respect of whom a sentence has been passed, or an order has been made, under sub-section 20AB (1) appears or is brought before the court by which the sentence was passed or the order was made, the court (whether or not constituted by the judge or magistrate who passed the sentence or made the order), if it is satisfied that the person has, without reasonable cause or excuse, failed to comply with the sentence or order or with any requirements made in relation to the sentence or order by or under the applied provisions, may—

- (a) without prejudice to the continuance of the sentence or order, impose a pecuniary penalty not exceeding \$1,000 on the person;
- (b) revoke the sentence or order and, subject to sub-section (7), deal with the person, for the offence in respect of which the sentence was passed or the order was made, in any manner in which he could have been dealt with for that offence if the sentence had not been passed or the order had not been made and he was before the court for sentence in respect of the offence; or
- (c) take no action.

“(7) Where a person in respect of whom a sentence has been passed, or an order has been made, under sub-section 20AB (1) is dealt with under sub-section (6) for the offence in respect of which the sentence was passed or the order was made, the court shall, in so dealing with the person, take into account—

- (a) the fact that the sentence was passed or the order was made;
- (b) anything done under the sentence or order; and
- (c) any fine or other pecuniary penalty imposed, and any other order made, for or in respect of the offence.

“(8) Where a person in respect of whom a sentence has been passed, or an order has been made, under sub-section 20AB (1) is dealt with under sub-section (6) for the offence in respect of which the sentence was passed or the order was made, there shall be such rights of appeal in respect of the manner in which the person is dealt with for that offence as there would have been if—

- (a) the court had, immediately before so dealing with him, convicted him of the offence; and
- (b) the manner in which he is dealt with had been a sentence passed upon that conviction.

“(9) Nothing in this section shall be taken to prevent a sentence passed, or an order made, under sub-section 20AB (1) being revoked or varied under the applied provisions otherwise than for a failure to comply with the sentence or order or with any requirements made in relation to the sentence or order by or under the applied provisions.

“(10) A pecuniary penalty imposed on a person by virtue of paragraph (6) (a) shall, for the purposes of the laws of the Commonwealth, and of the

States and Territories, with respect to the enforcement and recovery of fines ordered to be paid by offenders, be deemed to be a fine imposed on the person upon his conviction for an offence against the law of the Commonwealth.”.

(2) Sections 19B to 20AC (inclusive) of the Principal Act as amended by sub-section (1) apply to and in relation to a person who—

- (a) is convicted of an offence after the commencement of this section; or
- (b) was convicted of an offence before the commencement of this section but had not, before the commencement of this section, been sentenced for the offence.

(3) Notwithstanding the repeal of sections 19B, 20 and 20A of the Principal Act effected by sub-section (1), the provisions of those sections of the Principal Act continue to apply, after the commencement of this section, to and in relation to a person who was, before the commencement of this section, convicted of, and sentenced for, an offence as if those sections had not been repealed.

Offenders found to be insane

10. Section 20B of the Principal Act is amended by omitting sub-section (10).

11. (1) After section 21A of the Principal Act the following section is inserted:

Taking other offences into account

“21AA. (1) Where a person is convicted of an offence or offences against the law of the Commonwealth, and the court before which the person is convicted is satisfied that—

- (a) there has been filed in the court a document in, or to the effect of, the form prescribed for the purposes of this section;
- (b) the document contains a list of other offences against the law of the Commonwealth, or of the Australian Capital Territory or an external Territory that is prescribed for the purposes of this section, for which the person has been charged, presented for trial or committed for sentence;
- (c) the document has been signed by a person appointed under section 69 of the *Judiciary Act* 1903 to prosecute indictable offences against the laws of the Commonwealth and by the person convicted;
- (d) a copy of the document has been given to the person; and
- (e) in all the circumstances it is proper to do so,

the court may, with the consent of the prosecutor and before passing sentence on the person, ask him whether he admits his guilt in respect of all or any of the offences specified in the list and wishes them to be taken into account by the court in passing sentence on him for the offence or offences of which he has been convicted.

5 “(2) Subject to sub-section (3), if the person admits his guilt in respect of all or any of the offences specified in the list and wishes to have them taken into account by the court in passing sentence on him for the offence or offences of which he has been convicted, the court may, if it thinks fit, in passing sentence
10 on him for the offence or offences of which he has been convicted, take into account all or any of the offences in respect of which the person has admitted his guilt.

10 “(3) The court shall not take into account under this section any indictable offence that it would not have jurisdiction to try even if the defendant consented to the court hearing and determining proceedings for the offence or the prosecutor requested the court to hear and determine those proceedings.

15 “(4) Where the court takes into account under this section all or any of the offences in respect of which the person has admitted his guilt, the sentence passed on him for any of the offences of which he has been convicted shall not exceed the maximum penalty that the court would have been empowered to impose on him for the offence if no offence had been so taken into account.

20 “(5) Where an offence is taken into account under this section, the court may make such orders with respect to reparation, restitution, compensation, costs and forfeiture as it would have been empowered to make if the person had been convicted before the court of the offence, but shall not otherwise impose any separate punishment for the offence.

25 “(6) Where the court makes an order under sub-section (5) in respect of an offence taken into account under this section, there shall be such rights of appeal in respect of the order as there would have been if the order had been an order made upon the conviction of the person for that offence.

30 “(7) An order made under sub-section (5) in respect of an offence taken into account under this section lapses, by force of this sub-section, if the conviction or each conviction, as the case may be, in respect of which the offence was taken into account is quashed or set aside.

35 “(8) Where an offence is taken into account under this section, the court shall certify, upon the document filed in the court, the offence taken into account and the conviction or convictions in respect of which the offence was taken into account and thereafter no proceedings shall be taken or continued in respect of the offence unless the conviction or each conviction, as the case may be, in respect of which the offence has been taken into account has been quashed or set aside.

40 “(9) An admission of guilt made under and for the purposes of this section is not admissible in evidence in any proceedings taken or continued in respect of the offence in respect of which the admission was made or in respect of any other offence specified in the list contained in the document filed in the court.

“(10) An offence taken into account under this section shall not, by reason of its so being taken into account, be regarded for any purpose as an offence of which a person has been convicted.

“(11) In or in relation to any criminal proceeding, reference may lawfully be made to, or evidence may lawfully be given of, the fact that an offence was taken into account under this section in passing sentence for an offence for which a person was convicted if, in or in relation to that proceeding—

- (a) reference may lawfully be made to, or evidence may lawfully be given of, the fact that the person was convicted of the last-mentioned offence; and 5
- (b) had the person been convicted of the offence so taken into account, reference could lawfully have been made to, or evidence could lawfully have been given of, the fact that the person had been convicted of that offence. 10

“(12) The fact that an offence was taken into account under this section may be proved in the same manner as the conviction or any of the convictions, as the case may be, in relation to which it was taken into account may be proved.”. 15

(2) Section 21AA of the Principal Act as amended by sub-section (1) applies to and in relation to a person who—

- (a) is convicted of an offence after the commencement of this section; or
- (b) was convicted of an offence before the commencement of this section but had not, before the commencement of this section, been sentenced for the offence. 20

12. Section 73 of the Principal Act is repealed and the following sections are substituted:

Corruption and bribery of Commonwealth officers

“73. (1) In this section, ‘Commonwealth officer’ includes a person who performs services for or on behalf of the Commonwealth, a Territory or a public authority under the Commonwealth. 25

“(2) A Commonwealth officer who asks for or receives or obtains, or offers or agrees to ask for or receive or obtain, any property or benefit of any kind for himself or any other person, on an understanding that the exercise by him of his duty or authority as a Commonwealth officer will, in any manner, be influenced or affected, is guilty of an offence. 30

“(3) A person who, in order to influence or affect a Commonwealth officer in the exercise of his duty or authority as a Commonwealth officer, gives or confers, or promises or offers to give or confer, any property or benefit of any kind to or on the Commonwealth officer or any other person is guilty of an offence. 35

“Penalty: Imprisonment for 2 years.

Corruption and bribery of members of the Parliament

“73A. (1) A member of either House of the Parliament who asks for or receives or obtains, or offers or agrees to ask for or receive or obtain, any 40

property or benefit of any kind for himself or any other person, on an understanding that the exercise by him of his duty or authority as such a member will, in any manner, be influenced or affected, is guilty of an offence.

5 “(2) A person who, in order to influence or affect a member of either
House of the Parliament in the exercise of his duty or authority as such a
member or to induce him to absent himself from the House of which he is a
member, any committee of that House or from any committee of both Houses
of the Parliament, gives or confers, or promises or offers to give or confer, any
10 property or benefit of any kind to or on the member or any other person is
guilty of an offence.

“Penalty: Imprisonment for 2 years.”.

13. The Principal Act is amended by adding at the end thereof the following section:

Regulations

15 “91. The Governor-General may make regulations, not inconsistent with
this Act, prescribing all matters required or permitted by this Act to be pre-
scribed, or necessary or convenient to be prescribed, for carrying out or giving
effect to this Act.”.

Additional amendments relating to monetary amounts

20 14. (1) The Principal Act is amended as set out in Schedule 1.

 (2) Notwithstanding the amendments of the Principal Act made by sub-
section (1), the provisions of the Principal Act amended by that sub-section
continue to apply, after the commencement of this section, to and in relation
to offences committed before the commencement of this section as if those
25 amendments had not been made.

Formal and other minor amendments

15. The Principal Act is amended as set out in Schedule 2.

SCHEDULE 1

Section 14

ADDITIONAL AMENDMENTS RELATING TO MONETARY AMOUNTS

Provision	Omit—	Substitute—
Section 7A	Two hundred dollars	\$2,000
Sub-section 12A (2)	One hundred dollars	\$500
Sub-section 12A (3)	Two hundred dollars	\$2,000
Sub-section 24E (3)	Two hundred dollars	\$2,000
Sub-section 30AB (2)	Two hundred dollars or imprisonment	Imprisonment
Section 30Fc	Two hundred dollars or imprisonment	Imprisonment
Sub-section 89 (1)	One hundred dollars	\$1,000
Sub-section 89 (2)	One hundred dollars	\$1,000
Section 90	Ten dollars	\$100
Section 90A	Two hundred dollars or imprisonment	Imprisonment

SCHEDULE 2

Section 15

FORMAL AND OTHER MINOR AMENDMENTS

1. The following provisions of the Principal Act are amended by omitting "Court of Summary Jurisdiction" (wherever occurring) and substituting "court of summary jurisdiction":

Sub-sections 9 (1), (2) and (2A), 12 (2) and (3) 12A (1) and (2) and sections 14 and 15.

2. The following provisions of the Principal Act are amended by omitting "the Court" (wherever occurring) and substituting "the court":

Sub-sections 9 (2), (2A) and (4), 12 (2), 12A (3), 16 (1), 17 (1) and (2), 20B (1) and 20c (2), sections 21A and 21B, sub-section 35 (2) and section 71A.

3. The Principal Act is amended as set out in the following table:

Provision	Amendment
Section 85B	Repeal

4. The Principal Act is amended as set out in the following table:

Provision	Omit—	Substitute—
Section 3 (definition of "Commonwealth Officer")	Public Service of the Commonwealth or	Australian Public Service or the public service
Section 3 (definition of "Constable")	Constable	constable
Section 3 (definition of "Have in possession")	Have	have
Section 3 (definition of "Property")	Property	property
Section 3 (definition of "Public authority under the Commonwealth")	Public	public
Section 3 (definition of "The Queen's dominions")	The Queen's dominions	Queen's dominions
Section 6	two	2
Section 7A	twelve	12
Sub-section 9 (2)	the last preceding sub-section	sub-section (1)
Sub-section 9 (2A)	the last preceding sub-section	sub-section (2)
Sub-section 12A (4)	(2) or (5) of section 79, of this Act	79 (2) or (5),
Sub-section 17 (1)	two	2
Sub-section 19A (1) (definition of "licence")	the next succeeding sub-section	sub-section (2)
Sub-section 19A (1) (paragraph (b) of definition of "the prescribed period")	three	3
Sub-section 19A (6)	the last preceding sub-section	sub-section (5)
Sub-section 19A (8)	the last preceding sub-section paragraph (b) of that sub-section	sub-section (7) paragraph (7) (b)
Sub-section 19A (9)	the last preceding sub-section	sub-section (8)
Sub-section 19A (11)	the next succeeding sub-section	sub-section (12)
Sub-section 19A (13)	the last preceding sub-section	sub-section (12)
Sub-section 19A (16)	the last preceding sub-section	sub-section (15)
Sub-section 20B (2)	Court	court
Sub-section 20B (3)	the last preceding sub-section	sub-section (1)
Sub-section 20B (8)	two	2
Sub-section 20C (2)	eighteen	18
Paragraph 21 (1) (a)	six	6
Paragraph 21 (1) (b)	six	6
Section 22	Members Committees	members committees
Section 23	Court	court
Paragraph 24 (1) (f)	paragraph of this sub-section	paragraph
Sub-section 24 (3)	(a), (b), (c), (d) or (e) of sub-section (1)	(1) (a), (b), (c), (d) or (e)

SCHEDULE 2—continued

Provision	Omit—	Substitute—
Sub-section 24AA (5) . . .	the last preceding sub-section twenty-one	sub-section (4) 21
Sub-section 24AB (1) (paragraph (a) of definition of "act of sabotage")	the last preceding section	section 24AA
Sub-section 24AB (2) . . .	fifteen	15
Sub-section 24AB (4) . . .	the last preceding sub-section Magistrate Judge	sub-section (3) magistrate judge
Paragraph 24AB (4) (b) . . .	the next succeeding sub-section	sub-section (5)
Sub-section 24AB (5) . . .	the last preceding sub-section Judge	sub-section (4) judge
Sub-section 24AC (1) . . .	any of the last three preceding sections	section 24, 24AA or 24AB
Sub-section 24AC (2) . . .	the last preceding sub-section	sub-section (1)
Section 24C . . .	three	3
Sub-section 24D (1) . . .	three	3
Sub-section 24D (2) . . .	this or the preceding section	section 24C or this section
Sub-section 24E (1) . . .	either of the last two preceding sections	section 24C or 24D
Sub-section 24E (2) . . .	either of the last two preceding sections Court or Magistrate	section 24C or 24D court or magistrate
Sub-section 24E (3) . . .	either of the last two preceding sections three twelve	section 24C or 24D 3 12
Sub-section 24F (2) . . .	the last preceding sub-section	sub-section (1)
Sub-paragraph 24F (2) (b) (ii) . . .	(d) of sub-section (1) of section 24	24 (1) (d)
Paragraph 24F (2) (c) . . .	(4) of section 24AA	24AA (4)
Paragraph 24F (2) (d) . . .	(a) and (b) of sub-section (2) of that section	24AA (2) (a) and (b)
Sub-section 25 (2) . . .	any Naval, Military or Air Forces of the United Kingdom, the Commonwealth, Possession	an arm of the Defence Force of Australia or in the armed forces of the United Kingdom possession
Sub-section 27 (1) . . .	five	5
Sub-section 27 (2) . . .	two	2
Section 28 . . .	three	3
Section 29 . . .	two	2
Section 29A . . .	five	5
Section 29B . . .	two	2
Section 29C . . .	two	2
Section 30 . . .	one	1
Paragraph 30A (1) (a) . . .	Any	any
Paragraph 30A (1) (b) . . .	Any	any
Sub-section 30A (1A) . . .	the last preceding sub-section the next succeeding section	sub-section (1) section 30AA
Sub-section 30AA (2) . . .	the last preceding sub-section	sub-section (1)
Paragraph 30AA (2) (a) . . .	(1) of the last preceding section	30A (1)
Sub-section 30AA (8) . . .	fourteen	14
Sub-section 30AA (9) . . .	the last preceding sub-section	sub-section (8)
Sub-section 30AB (2) . . .	six	6
Section 30B . . .	eighteen one	18 1
Section 30C . . .	two	2
Sub-section 30D (1) . . .	six	6
Sub-section 30E (3) . . .	to Australia	to the Commonwealth
Section 30F . . .	six	6
Sub-section 30FB (1) . . .	Postmaster-General 1905–1919	Minister for Communications 1905
Paragraph 30FB (1) (a) . . .	(i) to (iii) of paragraph (a) of sub-section (1) of section 30A	30A (1) (a) (i), (ii) and (iii)
Section 30FC . . .	six	6
Section 30FD . . .	seven	7
Section 30K . . .	one	1

SCHEDULE 2—continued

Provision	Omit—	Substitute—
Sub-section 30R (2)	The last preceding sub-section	Sub-section (1)
Section 31 (definition of "holder of a judicial office")	Federal	federal
Section 31 (definition of "judicial proceeding")	Federal Court or Court exercising Federal jurisdiction, or Court of a Territory	federal court, court exercising federal jurisdiction or court of a Territory
Section 32	ten	10
Section 33	ten	10
Paragraph 34 (b)	Federal	federal
Section 34	two	2
Sub-section 35 (1)	five	5
Section 36	two	2
Section 36A	five	5
Section 37	five	5
Section 38	two	2
Section 39	two	2
Section 40	one	1
Section 41	ten	10
Section 42	five	5
Section 43	two	2
Section 44	three	3
Section 45	Federal Court, or of any Court in the exercise of the Federal jurisdiction, or of any Court of a Territory	federal court, any court in the exercise of federal jurisdiction or any court of a Territory
	two	2
Section 46	two	2
Section 47	two	2
Section 48	two	2
Section 49	Federal Court, or Court acting in the exercise of Federal jurisdiction, or any Court of a Territory	federal court, court acting in the exercise of federal jurisdiction or any court of a Territory
	two	2
Section 50	Federal Court, or Court acting in the exercise of Federal jurisdiction, or any Court of a Territory	federal court, court acting in the exercise of federal jurisdiction or any court of a Territory
	one	1
Paragraph 63 (1) (a)	seal; or	seal;
Paragraph 63 (1) (b)	signature; or	signature;
Paragraph 63 (2) (a)	for the genuine seal, or	for the genuine seal;
Paragraph 63 (2) (b)	the impression of the genuine seal, or	the impression of the genuine seal; or
Paragraph 65 (1) (a)	Public Seal Territory; or	public seal Territory;
Paragraph 65 (1) (b)	the Seal any Federal Court, or any Seal	the seal any other federal court, or any seal
Paragraph 65 (1) (c)	any Federal Court; or Official Seal	any other federal court; official seal
Paragraph 65 (1) (d)	State; or	State;
Paragraph 65 (1) (e)	Official Seal	official seal
Sub-section 65 (1)	ten	10
Sub-section 65 (2)	two	2
Paragraph 66 (a)	Governor-General; or	Governor-General;
Paragraph 66 (b)	Federal Court; or	other federal court;
Paragraph 66 (c)	State; or	State;
Paragraph 66 (d)	Chairman Committee	chairman committee
Section 66	ten	10
Paragraph 67 (a)	thereof; or	thereof;
Paragraph 67 (b)	officer; or	officer;
Paragraph 67 (c)	Federal Court or officer thereof; or	other federal court , Judge or officer thereof;
Paragraph 67 (d)	thereof; or	thereof;
Paragraph 67 (f)	Federal Court	other federal court
Section 67	ten	10

SCHEDULE 2—continued

Provision	Omit—	Substitute—
Section 68	two	2
Sub-section 69 (1)	four	4
Sub-section 70 (2)	two	2
Sub-section 71 (1)	seven	7
Sub-section 71 (3)	seven	7
Section 71A	the last preceding section	section 71
Paragraph 72 (a)	document, or	document;
Paragraph 72 (b)	document, or	document;
Paragraph 72 (c)	document, or	document;
Paragraph 72 (d)	document, or	document;
Paragraph 72 (e)	property, or	property; or
Section 72	seven	7
Section 74	two	2
Section 75	two	2
Section 76	two	2
Sub-section 78 (1)	seven	7
Sub-section 78 (3)	(a) of the last preceding sub-section	(2) (a)
	Magistrate	magistrate
	Judge	judge
Paragraph 78 (3) (b)	the next succeeding sub-section	sub-section (4)
Sub-section 78 (4)	the last preceding sub-section	sub-section (3)
	Judge	judge
Sub-paragraph 79 (1) (b) (iv)	sub-paragraph of this paragraph	sub-paragraph
Sub-section 79 (2)	seven	7
Sub-section 79 (3)	two	2
Sub-section 79 (4)	six	6
Sub-section 79 (5)	seven	7
Sub-section 79 (6)	two	2
Sub-section 79 (8)	the last preceding sub-section	sub-section (7)
	Magistrate	magistrate
	Judge	judge
Paragraph 79 (8) (b)	the next succeeding sub-section	sub-section (9)
Sub-section 79 (9)	the last preceding sub-section	sub-section (8)
	Judge	judge
Paragraph 80 (a)	Any work	any work
Paragraph 80 (aa)	Any	any
Paragraph 80 (b)	Any place	any place
Paragraph 80 (c)	Any	any
Paragraph 80 (d)	Any railway	any railway
Sub-section 81 (1)	seven	7
Paragraph 81 (3) (c)	Police Force	police force
Paragraph 83 (1) (a)	soundings; or	soundings;
Paragraph 83 (1) (b)	soundings; or	soundings;
Paragraph 83 (1) (c)	soundings; or	soundings;
Sub-section 83 (1)	two	2
Sub-paragraph 83A (1) (d) (iv)	sub-paragraph of this paragraph	sub-paragraph
Sub-section 83A (1)	seven	7
Sub-section 83A (2)	seven	7
Sub-section 84 (2)	the last preceding sub-section	sub-section (1)
Paragraph 84 (4) (a)	twenty-four	24
Sub-section 85B (1)	Federal court	federal court
	Federal jurisdiction	federal jurisdiction
	Judge or Magistrate	judge or magistrate
Sub-section 85B (2)	five	5
Sub-section 86 (1)	three	3
Sub-section 86 (2)	the last preceding sub-section	sub-section (1)
Paragraph 86 (2) (b)	three	3
Section 87	two	2
Paragraph 88 (a)	Public Service of the Commonwealth or of a Territory, or with	Australian Public Service or the public service of a Territory, or with
	Public Service of the Commonwealth or of a Territory; or	Australian Public Service or the public service of a Territory; or
Section 88	two	2
Sub-section 89A (1)	six	6
Section 90A	one	1
Section 90B	two	2

NOTE

1. No. 12, 1914, as amended. For previous amendments, see No. 6, 1915; No. 54, 1920; No. 9, 1926; No. 13, 1928; No. 30, 1932; No. 5, 1937; No. 6, 1941; No. 77, 1946; No. 80, 1950; No. 10, 1955; No. 11, 1959; No. 84, 1960; No. 93, 1966; No. 33, 1973; No. 216, 1973 (as amended by No. 20, 1974); No. 56, 1975; Nos. 19 and 155, 1979; No. 70, 1980; and No. 122, 1981.

