

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(As read a first time)

CRIMES (CURRENCY) BILL 1981

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SCHEDULE

**INTERNATIONAL CONVENTION FOR THE SUPPRESSION
OF COUNTERFEITING CURRENCY**

1980-81

THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

THE SENATE

(Presented pursuant to leave granted and read 1^o, 11 June 1981)

(ATTORNEY-GENERAL, SENATOR DURACK)

No. 151

A BILL

FOR

**An Act to make provision with respect to offences connected with
the counterfeiting of money or of certain kinds of securities and
other activities injurious to Australian currency, 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:

PART I—PRELIMINARY

Short title

1. This Act may be cited as the *Crimes (Currency) Act* 1981.

Commencement

2. (1) Sections 1, 2 and 3 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 a
date to be fixed by Proclamation, being a date not earlier than the date on which
the Convention enters into force for Australia.

Interpretation

3. (1) In this Act, unless the contrary intention appears—

“Australia” includes the external Territories;

“Australian money” means a coin or paper money that is, by virtue of a law in force in Australia, lawfully current in Australia; 5

“authorized person” means the Treasurer or a person authorized, in writing, by the Treasurer for the purposes of the provision in which the expression occurs;

“Convention” means the International Convention for the Suppression of Counterfeiting Currency that was opened for signature at Geneva on 20 April 1929 and the protocol to that Convention, being the convention and protocol a copy of the English text of each of which is set out in the Schedule; 10

“counterfeit money” means—

(a) any article, not being a genuine coin or genuine paper money, that resembles, or is apparently intended to resemble, or pass for, a genuine coin or genuine paper money; or 15

(b) any article, being a genuine coin or genuine paper money, that has been altered in a material respect and in such a manner as to conceal, or to be apparently intended to conceal, the alteration, 20

and includes any such article whether it is or is not in a fit state to be uttered and whether the process of manufacture or alteration is or is not complete;

“counterfeit prescribed security” means— 25

(a) any article, not being a prescribed security, that resembles, or is apparently intended to resemble, or pass for, a prescribed security; or

(b) any article, being a prescribed security, that has been altered in a material respect and in such a manner as to conceal, or to be apparently intended to conceal, the alteration, 30

and includes any such article whether it is or is not in a fit state to be uttered and whether the process of manufacture or alteration is or is not complete;

“paper money” means money comprising a note written, printed or otherwise made on paper or any other material; 35

“possession” includes custody;

“prescribed security” means any bond, debenture, stock, stock certificate, treasury bill or other like security, or any coupon, warrant or other document for the payment of money in respect of such a security, issued 40

by the Commonwealth of Australia, by an authority of the Commonwealth of Australia or by, or with the authority of, the government of a country other than Australia.

5 (2) For the purposes of this Act, a coin or paper money shall be taken to be a current coin, or current paper money if it is lawfully current in Australia or in a country other than Australia by virtue of a law in force in Australia or in that country, as the case may be.

10 (3) For the purposes of this Act, a coin or paper money shall be taken to be a genuine coin or genuine paper money if it is, or has been, a current coin or current paper money in any country (whether or not the country concerned is still in existence).

(4) Without limiting the meaning of the expression "deface", a coin or paper money shall be taken to have been defaced for the purposes of this Act if some or all of its surfaces are coated with any material.

15 (5) For the purposes of this Act, a reference in section 17 or 18 to the defacement, disfigurement or mutilation of a coin or paper money that is lawfully current in Australia shall be taken not to include a reference to the defacement, disfigurement or mutilation of a coin or paper money that is lawfully so current, being a defacement, disfigurement or mutilation that was
20 authorized by the Commonwealth of Australia.

(6) Without limiting the meaning of "country", a reference to a country shall, for the purposes of this Act, be read as including a reference to a place that is a territory, dependency or colony (however so described) of another country.

25 (7) Where a person, with intent to defraud, splits, cuts, tears or otherwise tampers with the paper or other material on which genuine paper money or a prescribed security is printed, written or made, in such a manner as to sever from the paper money or prescribed security any material part thereof—

- 30 (a) he shall be deemed, for all purposes of this Act, to have made counterfeit money or a counterfeit prescribed security, as the case requires; and
- (b) the paper or other material from which a part has been severed and the part severed therefrom shall each be deemed, for all purposes of this Act, to be counterfeit money or a counterfeit prescribed security, as
35 the case requires.

(8) For the purposes of this Act, the references in sections 6, 9 and 11 to counterfeit money shall be construed as including references to such articles as would be counterfeit money if each reference in the definition of "counterfeit money" in sub-section (1) of this section to a genuine coin or genuine paper

money included a reference to a coin or paper money that was made at a place where the production of genuine coins or genuine paper money is or was carried on but was not itself a genuine coin or genuine paper money—

- (a) because it was made purely for experimental or design purposes and not for issue as a current coin or current paper money; or
- (b) because, although it was made for issue as a current coin or as current paper money, it has not been so issued.

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Extension of Act to Territories

- 4. This Act extends to every external Territory.

Extra-territorial operation of Act

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- 5. This Act extends, except so far as the contrary intention appears—

- (a) to acts, matters and things outside Australia, whether or not in a foreign country; and
- (b) to all persons, irrespective of their nationality or citizenship.

PART II—OFFENCES

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Making counterfeit money or counterfeit securities

6. A person shall not make, or begin to make, counterfeit money or a counterfeit prescribed security.

Penalty—

- (a) in the case of a person, not being a body corporate—imprisonment for 14 years; or
- (b) in the case of a person, being a body corporate—\$75,000.

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Uttering counterfeit money or counterfeit securities

7. A person shall not—

- (a) utter counterfeit money, knowing it to be counterfeit money; or
- (b) utter a counterfeit prescribed security, knowing it to be a counterfeit prescribed security.

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Penalty—

- (a) in the case of a person, not being a body corporate—imprisonment for 12 years; or
- (b) in the case of a person, being a body corporate—\$60,000.

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Buying or selling counterfeit money or counterfeit securities

8. A person shall not, without reasonable excuse, buy, sell, receive or dispose of, or offer to buy, sell, procure or dispose of, counterfeit money or a counterfeit prescribed security.

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Penalty—

- (a) in the case of a person, not being a body corporate—imprisonment for 12 years; or
- (b) in the case of a person, being a body corporate—\$60,000.

Possessing counterfeit money or counterfeit securities

9. (1) A person shall not, without lawful authority or reasonable excuse—

(a) have in his possession counterfeit money, knowing it to be counterfeit money; or

(b) have in his possession a counterfeit prescribed security, knowing it to be a counterfeit prescribed security.

Penalty—

(a) in the case of a person, not being a body corporate—imprisonment for 10 years; or

(b) in the case of a person, being a body corporate—\$50,000.

(2) It is a defence to a prosecution of a person for an offence against subsection (1) in relation to the possession of counterfeit money or a counterfeit prescribed security if the person charged establishes to the satisfaction of the court—

(a) that he did not make the counterfeit money or counterfeit prescribed security; and

(b) that he did not, after the time when he first learned that the counterfeit money or counterfeit prescribed security was counterfeit money or a counterfeit prescribed security or the time when he acquired the counterfeit money or counterfeit prescribed security, whichever was the later time, have a reasonable opportunity to surrender it to a member of the Australian Federal Police or of the police force of a State or Territory or to any other person prescribed for the purposes of this section.

Import and export of counterfeit money or counterfeit securities

10. A person shall not—

(a) import into Australia or export from Australia counterfeit money, knowing it to be counterfeit money; or

(b) import into Australia or export from Australia a counterfeit prescribed security, knowing it to be a counterfeit prescribed security.

Penalty—

(a) in the case of a person, not being a body corporate—imprisonment for 12 years; or

(b) in the case of a person, being a body corporate—\$60,000.

Instruments and material used for counterfeiting

11. (1) A person shall not, without reasonable excuse—

(a) make or mend, or begin or prepare to make or mend;

(b) buy, sell, receive or dispose of, or offer to buy, sell, procure or dispose of; or

(c) have in his possession,

a machine, engine, tool, plate, die or other instrument that, to his knowledge, has been used, has been adapted for use, or is intended for use, in, or in connection with, the making of counterfeit money or counterfeit prescribed securities.

(2) A person shall not, without reasonable excuse—

(a) buy, sell, receive or dispose of, or offer to buy, sell, procure or dispose of; or

(b) have in his possession,

bullion, paper, metal, ink, dye or other material that, to his knowledge, has been used, or is intended for use, in, or in connection with, the making of counterfeit money or counterfeit prescribed securities. 5

Penalty—

(a) in the case of a person, not being a body corporate—imprisonment for 10 years; or 10

(b) in the case of a person, being a body corporate—\$50,000.

Persons shall not import or export instruments for counterfeiting, &c.

12. A person shall not import into Australia or export from Australia—

(a) a machine, engine, tool, plate, die or other instrument that, to his knowledge, has been used, has been adapted for use, or is intended for use, in, or in connection with, the making of counterfeit money or counterfeit prescribed securities; or 15

(b) bullion, paper, metal, ink, dye or other material that, to his knowledge, has been used, or is intended for use, in, or in connection with, the making of counterfeit money or counterfeit prescribed securities. 20

Penalty—

(a) in the case of a person, not being a body corporate—imprisonment for 10 years; or

(b) in the case of a person, being a body corporate—\$50,000.

Conveying instruments or materials from premises 25

13. A person shall not, without lawful authority or reasonable excuse, knowingly convey out of any premises at which the production of genuine coins, genuine paper money or prescribed securities is or was carried on—

(a) any machine, engine, tool, plate, die or other instrument used, or capable of use, in, or in connection with, the manufacture of genuine coins, genuine paper money or prescribed securities or any part of any such instrument; 30

(b) any bullion, paper, metal, ink, dye or other material used, or capable of use, in, or in connection with, the manufacture of genuine coins, genuine paper money or prescribed securities; 35

(c) any designs or drawings relating to the making of coins or paper money for issue as current coins or current paper money or for experimental or design purposes in connection with the issue of current coins or current paper money; 40

(d) any designs or drawings relating to the making of articles for issue as prescribed securities or for experimental or design purposes in connection with the issue of prescribed securities;

- (e) any coin or paper money that has been made for the purpose of issue as a current coin or current paper money but has not been so issued;
- (f) any coin or paper money that has been made for experimental or design purposes in connection with the issue of a current coin or current paper money; or
- (g) any article—
- (i) that has been made for the purpose of issue as a prescribed security but has not been so issued; or
- (ii) that has been made for experimental or design purposes in connection with the issue of a prescribed security.

Penalty—

- (a) in the case of a person, not being a body corporate—imprisonment for 10 years; or
- (b) in the case of a person, being a body corporate—\$50,000.

15 Information with respect to counterfeit money or counterfeit securities

14. A person shall not, without reasonable excuse, give, or offer to give, information with respect to the manner in which or the means by which counterfeit money or counterfeit prescribed securities may be made, bought, sold, procured or disposed of.

20 Penalty—

- (a) in the case of a person, not being a body corporate—\$10,000 or imprisonment for 5 years, or both; or
- (b) in the case of a person, being a body corporate—\$20,000.

Possessing filings, clippings, &c.

25 15. A person shall not, without reasonable excuse, have in his possession any material that, to his knowledge, was obtained by dealing with genuine coin in such a manner as to diminish its weight, whether that material consists of filings, clippings, dust, bullion or diminished coin, is in solution or is in any other form.

30 Penalty—

- (a) in the case of a person, not being a body corporate—\$10,000 or imprisonment for 5 years, or both; or
- (b) in the case of a person, being a body corporate—\$20,000.

Defacing or destroying genuine coins or genuine paper money

35 16. A person shall not, without the consent, in writing, of an authorized person, wilfully deface, disfigure, mutilate or destroy any coin or paper money that is lawfully current in Australia.

Penalty—

- 40 (a)** in the case of a person, not being a body corporate—\$5,000 or imprisonment for 2 years, or both; or

- (b) in the case of a person, being a body corporate—\$10,000.

Selling defaced coins or paper money

17. A person shall not sell or offer to sell a coin or paper money that is lawfully current in Australia and that has been defaced, disfigured or mutilated, knowing it to have been defaced, disfigured or mutilated.

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Penalty—

- (a) in the case of a person, not being a body corporate—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a person, being a body corporate—\$10,000.

Possessing defaced coins or paper money

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18. A person shall not have in his possession for sale a coin or paper money that is lawfully current in Australia and that has been defaced, disfigured or mutilated, knowing it to have been defaced, disfigured or mutilated.

Penalty—

- (a) in the case of a person, not being a body corporate—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a person, being a body corporate—\$10,000.

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Persons not to design, make, print or distribute material of certain kinds

19. (1) A person shall not, without the consent, in writing, of an authorized person, design, make, print or distribute—

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- (a) a business or professional card, notice, placard, circular, hand-bill, poster or other material that so resembles current paper money or an Australian prescribed security as to be capable of misleading a person into believing it is that current paper money or that Australian prescribed security; or

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- (b) a newspaper, journal, magazine, notice, placard, circular, hand-bill, poster, business or professional card or other material that includes a representation of current paper money or an Australian prescribed security that is, when detached from the newspaper, journal, magazine, notice, placard, circular, hand-bill, poster, business or professional card or other material in which it is included, capable of misleading a person into believing that it is that current paper money or that Australian prescribed security.

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Penalty—

- (a) in the case of a person, not being a body corporate—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a person, being a body corporate—\$10,000.

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(2) Where an authorized person gives a consent for the purposes of subsection (1), he may give that consent either unconditionally or subject to such conditions as he thinks appropriate.

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(3) In this section, "Australian prescribed security" does not include a prescribed security, being a bond, debenture, stock, stock certificate, treasury bill or other like security, or a coupon, warrant or document for the payment of money in respect of such a security, issued by, or with the authority of, the government of a country other than Australia.

Import and export of certain material forbidden

20. A person shall not, without the consent, in writing, of an authorized person, import into Australia or export from Australia—

- (a) any business or professional card, notice, placard, circular, hand-bill, poster or other material of the kind referred to in paragraph 19 (1) (a); or
- (b) any newspaper, journal, magazine, notice, placard, circular, hand-bill, poster, business or professional card or other material of the kind referred to in paragraph 19 (1) (b).

Penalty—

- (a) in the case of a person, not being a body corporate—\$5,000 or imprisonment for 2 years, or both; or
- (b) in the case of a person, being a body corporate—\$10,000.

Machines, &c., operated by coins or paper money

21. (1) A person shall not, without reasonable excuse, make or sell an article with intent that the article be used (whether by himself or by another person), in substitution for a current coin or current paper money, for the purpose of operating a machine that is designed to receive current coins or current paper money.

Penalty—

- (a) in the case of a person, not being a body corporate—\$2,000 or imprisonment for 6 months, or both; or
- (b) in the case of a person, being a body corporate—\$5,000.

(2) A person shall not import into Australia or export from Australia an article that, to his knowledge, has been made for use in substitution for a current coin or current paper money, for the purpose of operating a machine that is designed to receive current coins or current paper money.

Penalty—

- (a) in the case of a person, not being a body corporate—\$2,000 or imprisonment for 6 months, or both; or
- (b) in the case of a person, being a body corporate—\$5,000.

(3) A person shall not, without reasonable excuse, have in his possession an article with intent that the article be used (whether by himself or by another person), in substitution for a current coin or current paper money, for the purpose of operating a machine that is designed to receive current coins or current paper money.

Penalty—

- (a) in the case of a person, not being a body corporate—\$2,000; or
- (b) in the case of a person, being a body corporate—\$5,000.

(4) A person shall not use an article, in substitution for a current coin or current paper money, for the purpose of operating a machine that is designed to receive current coins or current paper money.

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Penalty for an offence against this sub-section—

- (a) in the case of a person, not being a body corporate—\$2,000; or
- (b) in the case of a person, being a body corporate—\$5,000.

PART III—MISCELLANEOUS

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Interpretation

22. In this Part, a reference to an offence against a provision of this Act shall be taken to include a reference to an offence, in relation to an offence created by a provision of this Act, against section 6, 7 or 7A of the *Crimes Act* 1914.

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Liability to prosecution

23. (1) A person is not liable to be charged with an offence against a provision of this Act unless—

- (a) the offence is committed in Australia or on an Australian ship or Australian aircraft; or
- (b) the offence, not being an offence referred to in paragraph (a), relates to Australian money.

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(2) For the purpose of sub-section (1)—

“Australian aircraft” means—

- (a) an aircraft registered or required to be registered in accordance with the Air Navigation Regulations as an Australian aircraft;
- (b) an aircraft that is owned by, or is in the possession or control of, the Commonwealth or an authority of the Commonwealth (including Qantas Airways Limited); or
- (c) an aircraft of any part of the Defence Force, including an aircraft that is being commanded or piloted by a member of that Force in the course of his duties as such a member;

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“Australian ship” means—

- (a) a ship registered in Australia or an external Territory under an Act or Imperial Act relating to the registration of ships that is applicable throughout the whole of Australia and the external Territories, not being an Act or Imperial Act relating to the registration of ships for a particular purpose or purposes only;

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- (b) any other ship (not being a ship registered in a foreign country) the operations of which are based in a place or places in Australia or an external Territory or which is wholly owned by a person who, or persons each of whom, is a natural person resident in, or a company incorporated in, Australia or an external Territory; or
- (c) a ship that belongs to an arm of the Defence Force.

Prosecution of offences against Act

24. (1) Subject to sub-section (2), an offence against this Act (other than an offence against sub-section 21 (1), (2), (3) or (4)) is an indictable offence.

(2) Notwithstanding that an offence against this Act (other than an offence against sub-section 21 (1), (2), (3) or (4)) is an indictable offence, a court of summary jurisdiction may hear and determine proceedings in respect of such an offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

(3) Where, in accordance with sub-section (2), a court of summary jurisdiction convicts a person of an offence against this Act, the penalty that the court may impose is—

- (a) in the case of a person, not being a body corporate—a fine not exceeding \$2,000 or imprisonment for a period not exceeding 1 year, or both; or
- (b) in the case of a person, being a body corporate— a fine not exceeding \$5,000.

Jurisdiction of courts

25. A provision of the *Judiciary Act* 1903 by which a court of a State is invested with jurisdiction with respect to offences against the laws of the Commonwealth has effect, in relation to offences against this Act, as if that jurisdiction were so invested without limitation as to locality other than the limitation imposed by section 80 of the Constitution.

Section 38 of Judiciary Act

26. A matter arising under this Act, including a question of interpretation of the Convention for the purposes of this Act, shall, for the purposes of section 38 of the *Judiciary Act* 1903, be deemed not to be a matter arising directly under a treaty.

Evidence of examiners of counterfeit foreign money or counterfeit foreign securities

27. (1) The Treasurer may, by instrument in writing, appoint appropriately qualified persons to be examiners of counterfeit foreign coin for the purposes of this Act.

(2) The Treasurer may, by instrument in writing, appoint appropriately qualified persons to be examiners of counterfeit foreign paper money for the purposes of this Act.

(3) The Treasurer may, by instrument in writing, appoint appropriately qualified persons to be examiners of counterfeit foreign prescribed securities for the purposes of this Act.

(4) Subject to sub-section (6), a certificate of—

(a) an examiner of counterfeit foreign coin appointed under sub-section (1);

(b) an examiner of counterfeit foreign paper money appointed under sub-section (2); or

(c) an examiner of counterfeit foreign prescribed securities appointed under sub-section (3),

stating that he has examined an article described in the certificate and stating the result of his examination is admissible in evidence in a proceeding for an offence against a provision of this Act and is *prima facie* evidence of the facts or matters stated in the certificate and of the correctness of the result of the examination.

(5) For the purpose of this section, a document purporting to be a certificate referred to in sub-section (4) shall, unless the contrary is established, be deemed to be such a certificate and to have been duly given.

(6) A certificate shall not be received in evidence in pursuance of sub-section (4) in a proceeding for an offence unless the person charged with the offence has been given a copy of the certificate together with reasonable notice of the intention to produce the certificate as evidence in the proceeding.

(7) Where, in pursuance of sub-section (4), a certificate of an examiner of counterfeit foreign coin, an examiner of counterfeit foreign paper money or an examiner of counterfeit foreign prescribed securities is admitted in evidence in a proceeding for an offence, the person charged with the offence may require the examiner to be called as a witness for the prosecution and the examiner may be cross-examined as if he had given evidence of the matters stated in the certificate.

(8) In this section—

“counterfeit foreign coin” means counterfeit foreign money consisting of coin;

“counterfeit foreign paper money” means counterfeit foreign money consisting of paper money.

(9) A reference in sub-section (8) to counterfeit foreign money shall be read as a reference to an article that would be counterfeit money if the reference in sub-section 3 (3) to any country were to be read as a reference to a country other than Australia.

(10) A reference in this section to counterfeit foreign prescribed securities shall be read as a reference to articles that would be counterfeit prescribed securities if the references in the definition of “prescribed security” in sub-section 3 (1) to the Commonwealth of Australia and the reference in that definition to an authority of the Commonwealth of Australia were disregarded.

Counterfeit money to be rendered incapable of use

28. (1) Where a person charged with the receipt or disbursement of public moneys or an officer of a bank (including an officer of the Reserve Bank Service or of the Commonwealth Banking Corporation Service) is presented with counterfeit money at his place of business, he shall—

(a) to the extent that the counterfeit money consists of paper money—stamp or write in plain letters the word “counterfeit” upon each face of each item of that paper money that is so presented to him; and

(b) to the extent that the counterfeit money consists of coins—cause each such coin that is so presented to him to be forwarded to the Royal Australian Mint as soon as practicable after it is received by him.

(2) Where the Royal Australian Mint receives a counterfeit coin forwarded to it, whether in pursuance of sub-section (1) or in any other manner, the officer in charge of the Mint shall cause the coin to be rendered incapable of use.

(3) In sub-section (1), “bank” has the same meaning as it has for the purposes of the *Reserve Bank Act* 1959.

Forfeiture and seizure

29. (1) The following articles are forfeited to the Commonwealth:

(a) all counterfeit money or counterfeit prescribed securities;
(b) all machines, engines, tools, plates, dies or other instruments (including all parts thereof), being instruments—

(i) that are known to have been used, to have been adapted for use, or to be intended for use, in, or in connection with, the making of counterfeit money or counterfeit prescribed securities; or

(ii) that are used or capable of use in, or in connection with, the making of genuine coins or genuine paper money and that have, without lawful authority or reasonable excuse, been knowingly conveyed from premises on which the production of those coins or that paper money is or was carried on;

(c) all bullion, paper, metal, ink, dye or other material—

(i) that is known to be intended for use in, or in connection with, the making of counterfeit money or counterfeit prescribed securities; or

(ii) that is used or capable of use in, or in connection with, the making of genuine coins or genuine paper money and that has,

without lawful authority or reasonable excuse, been knowingly conveyed from premises on which the production of those coins or that paper money is or was carried on;

- (d) all material obtained by dealing with a genuine coin so as to diminish its weight; 5
- (e) all genuine coins that have, and all genuine paper money that has, without lawful authority, been wilfully defaced, disfigured or mutilated and all material obtained by the wilful destruction, without lawful authority, of any such coins or paper money;
- (f) all articles that have been, or are intended to be, used in connection with the commission of an offence against this Act. 10

(2) A constable may, without warrant, seize any article that is forfeited to the Commonwealth, or that he has reasonable grounds to believe is forfeited to the Commonwealth, under sub-section (1).

(3) An Officer of Customs may, without warrant, seize any article that is forfeited to the Commonwealth, or that he has reasonable grounds to believe is forfeited to the Commonwealth, under sub-section (1), and shall forthwith deliver the article into the custody of a member of the Australian Federal Police. 15

(4) A constable who has seized an article under sub-section (2) or to whom an article has been delivered under sub-section (3) may retain the article until the expiration of a period of 90 days after the seizure or the delivery, as the case may be, or, if a prosecution for an offence against a provision of this Act in relation to the article is instituted before the expiration of that period, until the prosecution is determined. 20 25

(5) Where, on a prosecution referred to in sub-section (4), a court convicts a person of an offence against a provision of this Act in relation to an article that is seized under sub-section (2) or (3), the court—

- (a) if it is satisfied that the article is forfeited—shall order that the article be condemned; or 30
- (b) if it is not so satisfied—shall order that the article be delivered to such person as the court is satisfied is entitled to the article.

(6) Where a prosecution for an offence against a provision of this Act in relation to an article seized under sub-section (2) or (3) has not been instituted before the expiration of the period referred to in sub-section (4), a constable shall take the article before a court of summary jurisdiction, and sub-sections 9 (2), (2A) and (3) of the *Crimes Act* 1914 shall thereupon apply in relation to the article as if it had been taken before the court under sub-section 9 (1) of that Act. 35

(7) An article that is condemned as forfeited to the Commonwealth under sub-section (5) of this section or under sub-section 9 (2) of the *Crimes Act* 1914 in its application by virtue of sub-section (6) of this section shall be dealt with or disposed of in accordance with the directions of the Treasurer. 40

(8) In this section—

“constable” means a member or special member of the Australian Federal Police or of the Police Force of a State or Territory;

“Officer of Customs” has the same meaning as in the *Customs Act* 1901.

5 **Regulations**

30. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters that are required or permitted by this Act to be prescribed or are necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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PART IV—AMENDMENTS OF ACTS

Division 1—Amendments of the Crimes Act 1914

Principal Act

31. The *Crimes Act* 1914¹ is in this Division referred to as the Principal Act.

Repeal of Part IV of Principal Act

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32. Part IV of the Principal Act is repealed.

Tampering with notes or securities

33. Section 63A of the Principal Act is repealed.

Division 2—Amendments of the Commonwealth Inscribed Stock Act 1911

Principal Act

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34. The *Commonwealth Inscribed Stock Act* 1911² is in this Division referred to as the Principal Act.

Forging or uttering stock certificates, &c.

35. Section 48 of the Principal Act is amended—

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- (a) by omitting paragraph (1) (a);
- (b) by omitting paragraph (1) (c); and
- (c) by omitting sub-sections (2) and (3).

Forfeiture of forged documents

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36. Section 51 of the Principal Act is amended by omitting “, and all forms, instruments, and things made or had in possession in contravention of this Act,”.

Division 3—Amendments of the Reserve Bank Act 1959

Principal Act

37. The *Reserve Bank Act* 1959³ is in this Division referred to as the Principal Act.

Repeal of heading to Division 1 of Part V of Principal Act

38. The heading to Division 1 of Part V of the Principal Act is repealed.

Interpretation

39. Section 32 of the Principal Act is amended by omitting the definition of “constable”.

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Repeal of Division 2 of Part V of Principal Act

40. (1) Division 2 of Part V of the Principal Act is repealed.

(2) Notwithstanding the repeal effected by sub-section (1)—

(a) section 53 of the *Reserve Bank Act* 1959 continues in force in relation to any article seized before the day fixed by Proclamation for the purposes of sub-section 2 (2) of this Act as if that section had not been repealed; and

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(b) section 54 of that Act continues in force in relation to any search warrant issued before that day as if that section had not been repealed.

Division 4—Amendments of the Treasury Bills Act 1914

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Principal Act

41. The *Treasury Bills Act* 1914⁴ is in this Division referred to as the Principal Act.

Repeal of sections 13, 13A, 13B and 14 of Principal Act

42. Sections 13, 13A, 13B and 14 of the Principal Act are repealed.

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SCHEDULE

Section 3

INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF COUNTERFEITING CURRENCY

CONVENTION

(Here appears a list of the Heads of State on behalf of whom the Convention was signed)

Being desirous of making more and more effective the prevention and punishment of counterfeiting currency, have appointed as their Plenipotentiaries:

(Here follows a list of the Plenipotentiaries of the Heads of State on behalf of whom the Convention was signed)

who, having communicated their full powers, found in good and due form, have agreed on the following provisions:

PART I

Article 1

The High Contracting Parties recognise the rules laid down in Part I of this Convention as the most effective means in present circumstances for ensuring the prevention and punishment of the offence of counterfeiting currency.

Article 2

In the present Convention, the word "currency" is understood to mean paper money (including banknotes) and metallic money, the circulation of which is legally authorised.

Article 3

The following should be punishable as ordinary crimes:

- (1) Any fraudulent making or altering of currency, whatever means are employed;
- (2) The fraudulent uttering of counterfeit currency;
- (3) The introduction into a country of or the receiving or obtaining counterfeit currency with a view to uttering the same and with knowledge that it is counterfeit;
- (4) Attempts to commit, and any intentional participation in, the foregoing acts;
- (5) The fraudulent making, receiving or obtaining of instruments or other articles peculiarly adapted for the counterfeiting or altering of currency.

Article 4

Each of the acts mentioned in Article 3, if they are committed in different countries, should be considered as a distinct offence.

Article 5

No distinction should be made in the scale of punishments for offences referred to in Article 3 between acts relating to domestic currency on the one hand and to foreign currency on the other; this provision may not be made subject to any condition of reciprocal treatment by law or by treaty.

Article 6

In countries where the principle of the international recognition of previous convictions is recognised, foreign convictions for the offences referred to in Article 3 should, within the conditions prescribed by domestic law, be recognised for the purpose of establishing habitual criminality.

Article 7

In so far as "civil parties" are admitted under the domestic law, foreign "civil parties", including, if necessary, the High Contracting Party whose money has been counterfeited, should be entitled to all rights allowed to inhabitants by the laws of the country in which the case is tried.

Article 8

In countries where the principle of the extradition of nationals is not recognised, nationals who have returned to the territory of their own country after the commission abroad of an offence referred to in Article 3 should be punishable in the same manner as if the offence had been committed in their own territory, even in a case where the offender has acquired his nationality after the commission of the offence.

SCHEDULE—continued

This provision does not apply if, in a similar case, the extradition of a foreigner could not be granted.

Article 9

Foreigners who have committed abroad any offence referred to in Article 3, and who are in the territory of a country whose internal legislation recognises as a general rule the principle of the prosecution of offences committed abroad, should be punishable in the same way as if the offence had been committed in the territory of that country.

The obligation to take proceedings is subject to the condition that extradition has been requested and that the country to which application is made cannot hand over the person accused for some reason which has no connection with the offence.

Article 10

The offences referred to in Article 3 shall be deemed to be included as extradition crimes in any extradition treaty which has been or may hereafter be concluded between any of the High Contracting Parties.

The High Contracting Parties who do not make extradition conditional on the existence of a treaty or reciprocity, henceforward recognise the offences referred to in Article 3 as cases of extradition as between themselves.

Extradition shall be granted in conformity with the law of the country to which application is made.

Article 11

Counterfeit currency, as well as instruments or other articles referred to in Article 3 (5), should be seized and confiscated. Such currency, instruments or other articles should, after confiscation, be handed over on request either to the Government or bank of issue whose currency is in question, with the exception of exhibits whose preservation as a matter of record is required by the law of the country where the prosecution took place, and any specimens whose transmission to the Central Office mentioned in Article 12 may be deemed advisable. In any event, all such articles should be rendered incapable of use.

Article 12

In every country, within the framework of its domestic law, investigations on the subject of counterfeiting should be organised by a central office.

This central office should be in close contact:

- (a) With the institutions issuing currency;
- (b) With the police authorities within the country;
- (c) With the central offices of other countries.

It should centralise, in each country, all information of a nature to facilitate the investigation, prevention and punishment of counterfeiting currency.

Article 13

The central offices of the different countries should correspond directly with each other.

Article 14

Each central office should, so far as it considers expedient, forward to the central offices of the other countries a set of cancelled specimens of the actual currency of its own country.

It should, subject to the same limitation, regularly notify to the central offices in foreign countries, giving all necessary particulars:

- (a) New currency issues made in its country;
- (b) The withdrawal of currency from circulation, whether as out of date or otherwise.

Except in cases of purely local interest, each central office should, so far as it thinks expedient, notify to the central offices in foreign countries:

(1) Any discovery of counterfeit currency. Notification of the forgery of bank or currency notes shall be accompanied by a technical description of the forgeries, to be provided solely by the institution whose notes have been forged. A photographic reproduction or, if possible, a specimen

SCHEDULE—continued

forged note should be transmitted. In urgent cases, a notification and a brief description made by the police authorities may be discreetly communicated to the central offices interested, without prejudice to the notification and technical description mentioned above;

(2) Investigation and prosecutions in cases of counterfeiting, and arrests, convictions and expulsions of counterfeiters, and also, where possible, their movements, together with any details which may be of use, and in particular their descriptions, finger-prints and photographs;

(3) Details of discoveries of forgeries, stating whether it has been possible to seize all counterfeit currency put into circulation.

Article 15

In order to ensure, improve and develop direct international co-operation in the prevention and punishment of counterfeiting currency, the representatives of the central offices of the High Contracting Parties should from time to time hold conferences with the participation of representatives of the banks of issue and of the central authorities concerned. The organisation and supervision of a central international information office may form the subject of one of these conferences.

Article 16

The transmission of letters of request¹ relating to offences referred to in Article 3 should be effected:

- (a) Preferably by direct communication between the judicial authorities, through the central offices where possible;
- (b) By direct correspondence between the Ministers of Justice of the two countries, or by direct communication from the authority of the country making the request to the Minister of Justice of the country to which the request is made;
- (c) Through the diplomatic or consular representative of the country making the request in the country to which the request is made; this representative shall send the letters of request direct to the competent judicial authority or to the authority appointed by the Government of the country to which the request is made, and shall receive direct from such authority the papers showing the execution of the letters of request.

In cases (a) and (c), a copy of the letters of request shall always be sent simultaneously to the superior authority of the country to which application is made.

Unless otherwise agreed, the letters of request shall be drawn up in the language of the authority making the request, provided always that the country to which the request is made may require a translation in its own language, certified correct by the authority making the request.

Each High Contracting Party shall notify to each of the other High Contracting Parties the method or methods of transmission mentioned above which it will recognise for the letters of request of the latter High Contracting Party.

Until such notification is made by a High Contracting Party, its existing procedure in regard to letters of request shall remain in force.

Execution of letters of request shall not be subject to payment of taxes or expenses of any nature whatever other than expenses of experts.

Nothing in the present article shall be construed as an undertaking on the part of the High Contracting Parties to adopt in criminal matters any form or methods of proof contrary to their laws.

Article 17

The participation of a High Contracting Party in the present Convention shall not be interpreted as affecting that Party's attitude on the general question of criminal jurisdiction as a question of international law.

Article 18

The present Convention does not affect the principle that the offences referred to in Article 3 should in each country, without ever being allowed impunity, be defined, prosecuted and punished in conformity with the general rules of its domestic law.

¹ This expression has the same meaning as "letters rogatory".

SCHEDULE—continued**PART II***Article 19*

The High Contracting Parties agree that any disputes which might arise between them relating to the interpretation or application of this Convention shall, if they cannot be settled by direct negotiation, be referred for decision to the Permanent Court of International Justice. In case any or all of the High Contracting Parties parties to such a dispute should not be Parties to the Protocol bearing the date of December 16th, 1920, relating to the Permanent Court of International Justice, the dispute shall be referred, at the choice of the parties and in accordance with the constitutional procedure of each party, either to the Permanent Court of International Justice or to a court of arbitration constituted in accordance with the Convention of October 18th, 1907, for the Pacific Settlement of International Disputes, or to some other court of arbitration.

Article 20

The present Convention, of which the French and English texts are both authentic, shall bear to-day's date. Until the 31st day of December 1929, it shall be open for signature on behalf of any Member of the League of Nations and on behalf of any non-member State which was represented at the Conference which elaborated the present Convention or to which a copy is communicated by the Council of the League of Nations.

It shall be ratified, and the instruments of ratification shall be transmitted to the Secretary-General of the League of Nations, who will notify their receipt to all the Members of the League and to the non-member States aforesaid.

Article 21

After the 1st day of January 1930, the present Convention shall be open to accession on behalf of any Member of the League of Nations and any of the non-member States referred to in Article 20 on whose behalf it has not been signed.

The instruments of accession shall be transmitted to the Secretary-General of the League of Nations, who will notify their receipt to all the Members of the League and to the non-member States referred to in Article 20.

Article 22

The countries which are ready to ratify the Convention under the second paragraph of Article 20 or to accede to the Convention under Article 21 but desire to be allowed to make any reservations with regard to the application of the Convention may inform the Secretary-General of the League of Nations to this effect, who shall forthwith communicate such reservations to the High Contracting Parties on whose behalf ratifications or accessions have been deposited and enquire whether they have any objection thereto. If within six months of the date of the communication of the Secretary-General no objections have been received, the participation in the Convention of the country making the reservation shall be deemed to have been accepted by the other High Contracting Parties subject to the said reservation.

Article 23

Ratification of or accession to the present Convention by any High Contracting Party implies that its legislation and its administrative organisation are in conformity with the rules contained in the Convention.

Article 24

In the absence of a contrary declaration by one of the High Contracting Parties at the time of signature, ratification or accession, the provisions of the present Convention shall not apply to colonies, overseas territories, protectorates or territories under suzerainty or mandate.

Nevertheless, the High Contracting Parties reserve the right to accede to the Convention, in accordance with the provisions of Articles 21 and 23, for their colonies, overseas territories, protectorates or territories under suzerainty or mandate. They also reserve the right to denounce it separately in accordance with the provisions of Article 27.

Article 25

The present Convention shall not come into force until five ratifications or accessions on behalf of Members of the League of Nations or non-member States have been deposited. The date of its coming into force shall be the ninetieth day after the receipt by the Secretary-General of the League of Nations of the fifth ratification or accession.

SCHEDULE—continued

Article 26

After the coming into force of the Convention in accordance with Article 25, each subsequent ratification or accession shall take effect on the ninetieth day from the date of its receipt by the Secretary-General of the League of Nations.

Article 27

The present Convention may be denounced on behalf of any Member of the League of Nations or non-member State by a notification in writing addressed to the Secretary-General of the League of Nations, who will inform all the Members of the League and the non-member States referred to in Article 20. Such denunciation shall take effect one year after the date of its receipt by the Secretary-General of the League of Nations, and shall operate only in respect of the High Contracting Party on whose behalf it was notified.

Article 28

The present Convention shall be registered by the Secretariat of the League of Nations on the date of its coming into force.

IN FAITH WHEREOF the above-mentioned Plenipotentiaries have signed the present Convention.

DONE at Geneva, the twentieth day of April one thousand nine hundred and twenty-nine, in a single copy, which will remain deposited in the archives of the Secretariat of the League of Nations, and of which certified copies will be transmitted to all the Members of the League and to the non-member States referred to in Article 20.

(Here follow the signatures of the Plenipotentiaries of the Heads of State on behalf of whom the Convention was signed.)

PROTOCOL

I. INTERPRETATIONS

At the moment of signing the Convention of this day's date, the undersigned Plenipotentiaries declare that they accept the interpretations of the various provisions of the Convention set out hereunder.

It is understood:

(1) That the falsification of a stamp on a note, when the effect of such a stamp is to make that note valid in a given country, shall be regarded as a falsification of the note.

(2) That the Convention does not affect the right of the High Contracting Parties freely to regulate, according to their domestic law, the principles on which a lighter sentence or no sentence may be imposed, the prerogative of pardon or mercy and the right to amnesty.

(3) That the rule contained in Article 4 of the Convention in no way modifies internal regulations establishing penalties in the event of concurrent offences. It does not prevent the same individual, who is both forger and utterer, from being prosecuted as forger only.

(4) That High Contracting Parties are required to execute letters of request only within the limits provided for by their domestic law.

II. RESERVATIONS

The High Contracting Parties who make the reservations set forth hereunder make their acceptance of the Convention conditional on the said reservations; their participation, subject to the said reservations, is accepted by the other High Contracting Parties.

(1) The Government of INDIA make a reservation to the effect that Article 9 does not apply to India, where the power to legislate is not sufficiently extensive to admit of the legislation contemplated by this article.

(2) Pending the negotiation for the abolition of consular jurisdiction which is still enjoyed by nationals of some Powers, the CHINESE Government is unable to accept Article 10, which involves the general undertaking of a Government to grant extradition of a foreigner who is accused of counterfeiting currency by a third State.

(3) As regards the provisions of Article 20, the delegation of the UNION OF SOVIET SOCIALIST REPUBLICS reserves for its Government the right to address, if it so desires, the instrument of its ratification to another signatory State in order that the latter may transmit a copy thereof to the Secretary-General of the League of Nations for notification to all the signatory or acceding States.

SCHEDULE—continued

III. DECLARATIONS

SWITZERLAND

At the moment of signing the Convention, the representative of Switzerland made the following declaration:

“The Swiss Federal Council, being unable to assume any obligation as to the penal clauses of the Convention before the question of the introduction of a unified penal code in Switzerland is settled in the affirmative, draws attention to the fact that the ratification of the Convention cannot be accomplished in a fixed time.

“Nevertheless, the Federal Council is disposed to put into execution, to the extent of its authority, the administrative provisions of the Convention whenever these will come into force in accordance with Article 25.”

UNION OF SOVIET SOCIALIST REPUBLICS

At the moment of signing the Convention, the representative of the Union of Soviet Socialist Republics made the following declaration:

“The delegation of the Union of Soviet Socialist Republics, while accepting the provisions of Article 19, declares that the Government of the Union does not propose to have recourse, in so far as it is concerned, to the jurisdiction of the Permanent Court of International Justice.

“As regards the provision in the same Article by which disputes which it has not been possible to settle by direct negotiations would be submitted to any other arbitral procedure than that of the Permanent Court of International Justice, the delegation of the Union of Soviet Socialist Republics expressly declares that acceptance of this provision must not be interpreted as modifying the point of view of the Government of the Union on the general question of arbitration as a means of settling disputes between States.”

The present Protocol in so far as it creates obligations between the High Contracting Parties will have the same force, effect and duration as the Convention of to-day's date, of which it is to be considered as an integral part.

IN FAITH WHEREOF the undersigned have affixed their signatures to the present Protocol.

DONE at Geneva, this twentieth day of April, one thousand nine hundred and twenty-nine, in a single copy, which shall be deposited in the archives of the Secretariat of the League of Nations and of which authenticated copies shall be delivered to all Members of the League of Nations and non-member States represented at the Conference.

(Here follow the signatures of the Plenipotentiaries of the Heads of State on behalf of whom the Protocol was signed.)

NOTES

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; Nos. 33 and 216, 1973; No. 56, 1975; Nos. 19 and 155, 1979; and No. 70, 1980.
2. No. 20, 1911, as amended. For previous amendments, see No. 40, 1912; No. 16, 1913; No. 26, 1915; Nos. 6 and 7, 1918; No. 2, 1927; No. 25, 1932; No. 5, 1933; No. 25, 1940; No. 58, 1943; No. 26, 1945; No. 21, 1946; No. 18, 1963; No. 93, 1966; No. 216, 1973; No. 87, 1978; Nos. 19 and 95, 1979.
3. No. 4, 1959, as amended. For previous amendments, see No. 96, 1965; No. 93, 1966; No. 118, 1973; No. 216, 1973; No. 36, 1978; No. 155, 1979; and No. 70, 1980.
4. No. 33, 1914, as amended. For previous amendments, see No. 25, 1915; No. 93, 1940; No. 93, 1966; No. 216, 1973; Nos. 19 and 155, 1979; and No. 70, 1980.