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of a corporation or company or society who are the owners of it.

### **398 Punishment of stealing**

- (1) Any person who steals anything capable of being stolen is guilty of a crime, and is liable, if no other punishment is provided, to imprisonment for 5 years.
- (2) The *Penalties and Sentences Act 1992*, section 161Q states a circumstance of aggravation for an offence against this section.
- (3) An indictment charging an offence against this section with the circumstance of aggravation stated in the *Penalties and Sentences Act 1992*, section 161Q may not be presented without the consent of a Crown Law Officer.

### **Punishment in special cases**

#### **1 Stealing wills**

If the thing stolen is a testamentary instrument, whether the testator is living or dead, the offender is liable to 14 years imprisonment.

#### **2 Stealing stock**

- (1) If the thing stolen is 1 or more animals and the offender is sentenced to pay a fine, the fine must be at least the following amount for each animal—
  - (a) if the animal's value is determined under a regulation under section 450F—that value or 10 penalty units, whichever is higher;
  - (b) otherwise—10 penalty units.
- (2) Subclause (1) applies whether the person is sentenced to pay the fine in addition to, or instead of, imprisonment.

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- (3) Subclause (1) applies whether the person is liable to imprisonment for 5 years or a longer period under this section.
- (4) In this clause—  
*animal* means an animal that is stock.

**4 Stealing from the person—stealing goods in transit etc.**

If the offence is committed under any of the circumstances following, that is to say—

- (a) if the thing is stolen from the person of another;
- (b) if the thing is stolen in a dwelling, and its value exceeds \$1,000, or the offender at or immediately before or after the time of stealing uses or threatens to use violence to any person in the dwelling;
- (c) if the thing is stolen from any kind of vehicle or place of deposit used for the conveyance or custody of goods in transit from 1 place to another;
- (d) if the thing is stolen from a vehicle which is in distress or wrecked or stranded;
- (e) if the thing is stolen from a public office in which it is deposited or kept;
- (f) if the offender, in order to commit the offence, opens any locked room, box, or other receptacle, by means of a key or other instrument;

the offender is liable to imprisonment for 10 years.

**5 Stealing by persons in the public service**

If the offender is a person employed in the public service, and the thing stolen is the property of Her Majesty, or came into the possession of the offender by virtue of the offender's employment, the offender is liable to imprisonment for 10 years.

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**6 Stealing by clerks and servants**

If the offender is a clerk or servant, and the thing stolen is the property of the offender's employer, or came into the possession of the offender on account of the offender's employer, the offender is liable to imprisonment for 10 years.

**7 Stealing by directors or officers of companies**

If the offender is a director or officer of a corporation or company, and the thing stolen is the property of the corporation or company, the offender is liable to imprisonment for 10 years.

**8 Stealing by agents etc.**

If the thing stolen is any of the things following, that is to say—

- (a) property which has been received by the offender with a power of attorney for the disposition thereof;
- (b) money received by the offender with a direction that the same should be applied to any purpose or paid to any person specified in the direction;
- (c) the whole or part of the proceeds of any valuable security which has been received by the offender with a direction that the proceeds thereof should be applied to any purpose or paid to any person specified in the direction;
- (d) the whole or part of the proceeds arising from any disposition of any property which have been received by the offender by virtue of a power of attorney or other authority for the disposition of the property received by the offender with a direction that such proceeds should be applied to any purpose or paid to any person specified in the direction;

the offender is liable to imprisonment for 10 years.

**9 Stealing property valued at more than \$5,000**

If the thing stolen is property, including an animal that is stock, and its value is more than \$5,000, the offender is liable to imprisonment for 10 years.

**10 Stealing by tenants or lodgers**

If the thing stolen is a fixture or chattel let to the offender to be used by him or her with a house or lodging, and its value exceeds \$1,000, the offender is liable to imprisonment for 10 years.

**11 Stealing after previous conviction**

If the offender, before committing the offence, had been convicted upon indictment of any of the indictable offences defined in this division, or had been twice previously summarily convicted of an offence punishable on summary conviction under this division, whether each of the convictions was in respect of an offence of the same character or not, the offender is liable to imprisonment for 10 years.

**12 Stealing of a vehicle**

If the thing stolen is a vehicle the offender is liable to imprisonment for 14 years.

**13 Stealing by looting**

If—

- (a) the offence is committed during a natural disaster, civil unrest or an industrial dispute; or
- (b) the thing stolen is left unattended by the death or incapacity of the person in possession of the property; or
- (c) the offence is committed in an area that—

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- (i) is a declared area for a disaster situation under the *Disaster Management Act 2003*; or
- (ii) was, immediately before the offence was committed, a declared area for a disaster situation under the *Disaster Management Act 2003*;

the offender is liable to imprisonment for 10 years.

#### **14 Stealing firearm for use in another indictable offence**

If—

- (a) the thing stolen is a firearm; and
- (b) the offender steals the firearm intending that it be used by anyone to commit an indictable offence;

the offender is liable to imprisonment for 14 years.

#### **15 Stealing firearm or ammunition**

If the thing stolen is a firearm or ammunition, the offender is liable to imprisonment for 10 years.

## **Chapter 37 Offences analogous to stealing**

#### **399 Fraudulent concealment of particular documents**

A person who, with intent to defraud, conceals the whole or part of—

- (a) a register or record kept by lawful authority; or
- (b) a document recording title to property; or
- (c) a testamentary instrument (whether the testator is living or dead);

commits a crime.