
CRIMES ACT 1914 - SECT 44

Compounding offences

(1) A person (the *first person*) commits an [offence](#) if:

(a) the first person:

(i) asks for, receives or obtains any [property](#), or benefit, of any kind for himself or herself or another person; or

(ii) agrees to receive or to obtain any [property](#), or benefit, of any kind for himself or herself or another person; and

(b) the first person does so upon an agreement or understanding that the first person will:

(i) compound or conceal an [offence](#); or

(ii) abstain from, discontinue or delay a prosecution for an [offence](#); or

(iii) withhold [evidence](#) of an [offence](#); and

(c) the [offence](#) referred to in [paragraph](#) (b) is an [indictable offence](#) against a law of:

(i) the Commonwealth; or

(ii) a [Territory](#).

[Penalty](#): Imprisonment for 3 years.

(2) Absolute liability applies to the [paragraph](#) (1)(c) element of the [offence](#).

Note: For absolute liability, see section 6.2 of the *Criminal Code*.

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Attempting to pervert justice

(1) A person commits an [offence](#) if:

(a) the person attempts to obstruct, to prevent, to pervert or to defeat the course of justice in relation to a judicial power; and

(b) the judicial power is the judicial power of the Commonwealth.

Penalty: Imprisonment for 10 years.

(2) Absolute liability applies to the [paragraph](#) (1)(b) element of the [offence](#).

Note: For absolute liability, see section 6.2 of the *Criminal Code* .

(3) For the person to be guilty of an [offence](#) against [subsection](#) (1), the person's [conduct](#) must be more than merely preparatory to the commission of the [offence](#). The [question](#) whether [conduct](#) is more than merely preparatory to the commission of the [offence](#) is one of fact.

(4) A person may be found guilty of an [offence](#) against [subsection](#) (1) even if [doing](#) the [thing](#) attempted is impossible.

CRIMES ACT 1914 - SECT 42

Conspiracy to defeat justice

(1) A person commits an [offence](#) if:

(a) the person conspires with another person to obstruct, to prevent, to pervert or to defeat the course of justice in relation to a judicial power; and

(b) the judicial power is the judicial power of the Commonwealth.

Penalty: Imprisonment for 10 years.

(2) Absolute liability applies to the [paragraph](#) (1)(b) element of the [offence](#).

Note: For absolute liability, see section 6.2 of the *Criminal Code* .

(3) For a person to be guilty of an [offence](#) against [subsection](#) (1):

(a) the person must have entered into an agreement with one or more other persons; and

(b) the person and at least one other [party](#) to the agreement must have intended to obstruct, prevent, pervert or defeat the course of justice pursuant to the agreement; and

(c) the person or at least one other [party](#) to the agreement must have committed an overt act pursuant to the agreement.

(4) A person may be found guilty of an [offence](#) against [subsection](#) (1) even if:

(a) obstructing, preventing, perverting or defeating the course of justice pursuant to the agreement is impossible; or

(b) the only other [party](#) to the agreement is a body corporate; or

(c) each other [party](#) to the agreement is a person who is not criminally responsible; or

(d) subject to [subsection](#) (5), all other parties to the agreement have been acquitted of the [offence](#).

(5) A person cannot be found guilty of an [offence](#) against [subsection](#) (1) if:

(a) all other parties to the agreement have been acquitted of such an [offence](#);
and

(b) a finding of guilt would be inconsistent with their acquittal.

(6) A person cannot be found guilty of an [offence](#) against [subsection](#) (1) if, before the commission of an overt act pursuant to the agreement, the person:

(a) withdrew from the agreement; and

(b) took all reasonable steps to prevent the obstruction, prevention, perversion or defeat.

(7) A [court](#) may dismiss a charge of an [offence](#) against [subsection](#) (1) if the [court](#) thinks that the interests of justice require the [court](#) to do so.

(8) Section 11.1 of the *Criminal Code* does not apply to an [offence](#) against [subsection](#) (1).