

**CRIMINAL LAW.**

*Criminal Code Amendment Act of 1922* .. .. 13 *Geo. V. No. 2*

*Criminal Code Amendment Act of 1922, No. 2* .. 13 *Geo. V. No. 26*

13 Geo. V.  
No. 2.  
THE  
CRIMINAL  
CODE  
AMENDMENT  
ACT OF 1922.

**An Act to Abolish Capital Punishment and  
to Amend the Criminal Code and other  
enactments accordingly.**

[ASSENTED TO 31ST JULY, 1922.]

**B**E it enacted by the King's Most Excellent Majesty,  
by and with the advice and consent of the Legis-  
lative Assembly of Queensland in Parliament assembled,  
and by the authority of the same, as follows:—

Short title  
and  
construction  
of Act.

1. This Act may be cited as "*The Criminal Code  
Amendment Act of 1922*," and shall be read as one with  
\*"*The Criminal Code*."

31/10/22

Abolition  
of capital  
punishment.

2. The sentence of punishment by death shall no  
longer be pronounced or recorded, and the punishment of  
death shall no longer be inflicted.

Amendments  
of "*The  
Criminal  
Code*."

3. \*"*The Criminal Code*" is amended as follows:—  
(i.) In section eighteen the word "Death" is  
repealed.

Sp.

(ii.) In subsections seven and nine of section nineteen  
the words "not punishable with death" are respectively  
repealed.

(iii.) In subsection four of section thirty-one and in  
section thirty-two the words "an offence punishable with  
death" are repealed, and the words "the crime of treason  
or wilful murder or murder, or any of the crimes defined  
in the second paragraph of section eighty-one and in  
section eighty-two of this Code," are respectively inserted  
in lieu thereof.

(iv.) In section thirty-seven the words "the punish-  
ment of death" are repealed, and the words "imprisonment  
with hard labour for life, which cannot be mitigated or  
varied under section nineteen of this Code," are inserted  
in lieu thereof.

(v.) In the cross-heading above section forty-seven  
the words "*Capital Offences*" are repealed and the

\* 63 Vic. No. 9, Sch. I., *supra*, page 344.

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*Criminal Code Amendment Act.*

words "*Certain Crimes*" are inserted in lieu thereof. In subsection one of section forty-seven the words "any crime punishable with death" are repealed, and the words "the crime of treason or wilful murder or murder, or any of the crimes defined in the second paragraph of section eighty-one and in section eighty-two of this Code," are inserted in lieu thereof.

(vi.) In paragraph (b) of subsection one of section forty-eight, the words "not punishable with death" are repealed and the words "not being any of the crimes mentioned or referred to in paragraph (1) of the last preceding section" are inserted in lieu thereof.

(vii.) In sections eighty-one and eighty-two the words "the punishment of death" are repealed, and the words "imprisonment with hard labour for life, which cannot be mitigated or varied under section nineteen of this Code," are respectively inserted in lieu thereof.

(viii.) In section one hundred and twenty-four the words "with death or" are repealed.

(ix.) In the second paragraph of section one hundred and thirty-one the words "death or to" are repealed.

(x.) In the second paragraph of section one hundred and thirty-three the words "death or" are repealed.

(xi.) In section one hundred and forty-one the words "of death or a person committed to prison on a charge of a crime punishable with death" are repealed, and the words "for the crime of treason or wilful murder or murder, or any of the crimes defined in the second paragraph of section eighty-one and in section eighty-two of this Code, or a person committed to prison on a charge of any of the crimes mentioned or referred to in this section," are inserted in lieu thereof.

(xii.) Section one hundred and ninety-two is repealed.

(xiii.) In the second paragraph of section two hundred and fifty-six the words "death or" where they secondly occur are repealed.

(xiv.) In section three hundred and five the words "the punishment of death" are repealed, and the words "imprisonment with hard labour for life, which cannot be mitigated or varied under section nineteen of this Code," are inserted in lieu thereof.

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(xv.) In paragraph (a) of section four hundred and sixteen the words "death or" are repealed.

(xvi.) In section five hundred and thirty-six the words "of death or" are repealed and the words "imprisonment for life or" are inserted in lieu thereof.

(xvii.) In the third paragraph of section six hundred and twenty-one the words "a crime punishable with death" are repealed, and the words "the crime of treason or wilful murder or murder, or any of the crimes defined in the second paragraph of section eighty-one and in section eighty-two of this Code," are inserted in lieu thereof.

(xviii.) Sections six hundred and fifty-one, six hundred and fifty-two, and six hundred and fifty-three are repealed.

(xix.) Sections six hundred and sixty-four and six hundred and sixty-five are repealed.

(xx.) In subsection two of section six hundred and seventy-one the words "death or" are repealed.

In subsection three of the said section the words "Except in the case of conviction involving sentence of death" are repealed.

(xxi.) In section 672A the words "other than the sentence of death" are repealed.

Amendment  
of 31 Vic.  
No. 34, s. 34.

4. In section thirty-four of \*"*The Jury Act of 1867*" the words "any capital felony" are repealed, and the words "wilful murder or murder" are inserted in lieu thereof; also, the words "felony or piracy" are repealed, and the word "crime" is inserted in lieu thereof.

Repeal of  
48 Vic. No. 8,  
s. 55.

5. Section fifty-five of †"*The Insanity Act of 1884*" is repealed.

Amendment  
of 50 Vic.  
No. 17,  
ss. 114 to  
117.

6. In section one hundred and fourteen of ‡"*The Justices Act of 1886*" the words "a capital felony" are repealed, and the words "wilful murder or murder, or any of the crimes defined in the second paragraph of section eighty-one and in section eighty-two of the Criminal Code," are inserted in lieu thereof.

In section one hundred and fifteen of the said Act the words "felony other than a capital felony" are repealed, and the words "a crime other than treason,

\* 31 Vic. No. 34, *supra*, page 1110.

† 48 Vic. No. 8, *supra*, page 1003.

‡ 50 Vic. No. 17, *supra*, page 1132.

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wilful murder, or murder, or any of the crimes defined in the second paragraph of section eighty-one and in section eighty-two of the Criminal Code," are inserted in lieu thereof.

In the said section the word "felony" where it otherwise twice occurs is repealed and the words "a crime" are respectively inserted in lieu thereof.

In sections one hundred and sixteen and one hundred and seventeen of the said Act the word "felony" is repealed, and the word "crime" is respectively inserted in lieu thereof.

**An Act to Amend "The Criminal Code" in a certain particular.**

[ASSENTED TO 16TH OCTOBER, 1922.]

13 Geo. V.  
No. 26.  
THE  
CRIMINAL  
CODE  
AMENDMENT  
ACT OF 1922  
(No. 2).

**B**E it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. This Act may be cited as "*The Criminal Code Amendment Act of 1922 (No. 2)*," and shall be read as one with \*"The Criminal Code."

Short title  
and  
construction  
of Act.

2. The following paragraph is added to section sixty of \*"The Criminal Code":—

Amendment  
of s. 60 of  
"The  
Criminal  
Code."

"Where a person has been convicted (whether before or after the first day of July, one thousand nine hundred and twenty-two) of an offence under this section, all property which has been tendered or produced in evidence at the trial of the offender, as being the property or part of the property which the offender in the course of the commission of such offence gave, conferred or procured, or promised or offered to give, or confer or to procure, or attempt to procure, to, upon, or for a Member of the Legislative Assembly of Queensland, or to, upon, or for any other person, shall become and be deemed to have become forthwith upon such conviction and without any further judgment or order the absolute property of His Majesty, whether such property is the property of the offender or of any other person."

\* 63 Vic. No. 9, Sch. I., *supra*, page 344.