

**CRIMINAL LAW.**

11 GEO. VI.  
NO. 6.  
THE  
CRIMINAL  
LAW  
AMENDMENT  
ACT OF  
1946.

**An Act to Amend "The Criminal Law Amendment Act of 1945," "The Justices Acts, 1886 to 1945," and "The Criminal Code," each in certain particulars.**

[ASSENTED TO 20TH DECEMBER, 1946.]

**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:—

Short title.

**1.** This Act may be cited as "*The Criminal Law Amendment Act of 1946.*"

New s. 2A inserted in "*The Criminal Law Amendment Act of 1945.*"

**2.** The following section is inserted after section two of \*"*The Criminal Law Amendment Act of 1945,*" namely:—

Meaning of terms "offence of a sexual nature" and "assault of a sexual nature."

"[2A.] The term "offence of a sexual nature" shall include any offence constituted wholly or partly by an act whereby the offender has exhibited a failure to exercise proper control over his sexual instincts and any offence in the circumstances associated with the committal whereof the offender has exhibited a failure to exercise such proper control over his sexual instincts."

The term "offence of a sexual nature" shall include an assault of a sexual nature.

This section shall be read as one with †"*The Criminal Code*" and ‡"*The Justices Acts, 1886 to 1946*"."

Amendment of s. 18 of "*The Criminal Law Amendment Act of 1945.*"

**3.** Section eighteen of \*"*The Criminal Law Amendment Act of 1945*" is amended as follows:—

(a) The following paragraph is added to subsection nine thereof, namely:—

"Moreover, the provisions of section fifty-two of §"*The Prisons Act, 1890,*" shall, subject to all necessary modifications, apply to and in respect of any such offender or prisoner."

\* 9 G. 6 No. 11.  
† 63 V. No. 9, Sch. I., and amending Acts.  
‡ 50 V. No. 17 and amending Acts.  
§ 54 V. No. 17 and amending Act.

1946.

*Criminal Law Amendment Act.*

(b) The following subsection is added thereto, namely :—

“(13.) For the purposes of Chapter LXVII. of \**“The Criminal Code”*—

(a) An offender or prisoner directed to be detained in an institution pursuant to this section shall be deemed to be a person convicted on indictment and such direction shall be deemed to be a sentence ; and

(b) A refusal by a Judge of the Supreme Court to direct any offender or prisoner to be detained in an institution pursuant to this section shall, as respects the right of appeal had by the Attorney-General under the said Chapter LXVII., be deemed to be a sentence.”

4. (1.) Subsection one of section 71A of †*“The Justices Acts, 1886 to 1945,”* is amended as follows :—

(i.) The words “ whilst any child hereinafter in this subsection mentioned is giving evidence in the case ” are inserted before the word “ exclude.”

(ii.) The words “ the Crown Law officer or person authorised or directed by him, officers of the court,” are inserted after the word “ except.”

(iii.) The words “ and any person who in any report of such case publishes the name, or address, or name and address of any such child or of any parent or guardian of any such child shall be liable to the penalty specified in subsection two of this section ” are added to the said subsection.

(2.) This section shall be read as one with †*“The Justices Acts, 1886 to 1945,”* and those Acts and this section may be collectively cited as †*“The Justices Acts, 1886 to 1946.”*

5. The following paragraph is added to section two hundred and forty-five of \**“The Criminal Code,”* namely :—

“ No male person under the age of seventeen years shall be deemed capable of consenting to any act by any other male person which but for such consent would be an indecent assault.”

\* 63 V. No. 9, Sch. I., and amending Acts.

† 50 V. No. 17 and amending Acts.

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Amendment  
of s. 344 of  
"The  
Criminal  
Code."

6. Section three hundred and forty-four of \**"The Criminal Code"* is amended by adding the following paragraphs thereto, namely:—

"Without prejudice to the generality of the foregoing provisions of this section, the following shall be circumstances of aggravation:—

- (a) That the unlawful assault is an offence of a sexual nature as defined by section 2A of †*"The Criminal Law Amendment Act of 1945"*;
- (b) That the person assaulted is a child under the age of seventeen years;
- (c) That the person assaulted is a female;
- (d) That the person assaulted is a male child under the age of fourteen years.

An offender shall not be punished as for an assault of an aggravated nature within the meaning of this section unless he has been charged therewith and the circumstance or circumstances of such aggravation have been stated in such charge.

If the justices find that the assault is an offence of a sexual nature and that the person assaulted is a child under the age of seventeen years, they may in addition to or before sentencing the person found guilty of such assault proceed to exercise the powers conferred on a court of petty sessions or justices in such circumstances by Part IV. of †*"The Criminal Law Amendment Act of 1945."*

This section shall be read as subject to the provisions of section three hundred and forty-two hereof."

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\* 63 V. No. 9, Sch. I., and amending Acts.

† 9 G. 6 No. 11.

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## DINGOES, DESTRUCTION OF.

*See* LAND.

## DISEASES IN STOCK.

*See* STOCK.

## ECONOMIC STABILITY.

*See* WAR LEGISLATION.