

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE



No. 28 of 1984

An Act to amend The Criminal Code in certain particulars

[ASSENTED TO 5TH APRIL, 1984]

BE IT ENACTED by the Queen'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. Short title. This Act may be cited as *The Criminal Code Amendment Act 1984*.

2. Commencement. (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation.

3. Amendment of s. 663A. Section 663A of *The Criminal Code* is amended by omitting the meaning assigned to the term "prescribed amount" and substituting the following meaning:—

"(a) where injury in connexion with which an application is made was suffered before the commencement of *The Criminal Code Amendment Act 1984*, \$5 000;

(b) in all other cases save those that are the subject of particular reference in section 663AA, the amount for the time being specified in section 14 (1) (C) (a) of the *Workers' Compensation Act 1916-1983* as varied from time to time pursuant to section 14E of that Act."

4. New s. 663AA. *The Criminal Code* is amended by inserting after section 663A the following heading and section:—

"Particular prescribed amounts

663AA. (1) The prescribed amount for the purposes of this Chapter in the case of mental shock or nervous shock is \$20 000.

(2) Where injury in connexion with which an application is made in accordance with this Chapter is the same or substantially the same as an injury specified in the table set forth in section 14 (1) (C) of the *Workers' Compensation Act 1916-1983*, the prescribed amount for the purposes of this Chapter in respect of such injury is the maximum amount that may be paid as compensation under the said Act in respect of the injury so specified.

(3) Where injury in connexion with which an application is made in accordance with this Chapter consists of more injuries than one, the prescribed amount in respect thereof for the purposes of this Chapter is the amount for the time being specified in section 14 (1) (C) (a) of the *Workers' Compensation Act 1916-1983* as varied from time to time pursuant to section 14E of that Act.

(4) Subsections (1), (2) and (3) are subject to provision (a) of the meaning of the term "prescribed amount" in section 663A."

5. Amendment of s. 663B. Section 663B of *The Criminal Code* is amended by, in subsection (1)—

(a) inserting after the words "person of any person" the words "or of more than one indictable offence relating to the person of any

person (whether in respect of one indictment or more than one indictment) arising out of the one course of conduct or closely related courses of conduct of that person so convicted”;

(b) inserting after the words “the offence” where twice occurring the words “or offences” in each case;

(c) inserting after the first paragraph, being the paragraph concluding with the word “convicted.”, the following paragraphs:—

“For the purpose of determining whether courses of conduct are closely related, regard shall be had, in addition to any other relevant matter, to the acts or omissions constituting the courses of conduct and the times of the doing of the acts or the making of the omissions, one in relation to another.

Injury suffered by a person aggrieved by reason of the commission by the person convicted of more than one indictable offence as hereinbefore in this subsection described may, in respect of the person convicted, be the subject of one application only and one Court order for the payment of a compensatory sum only.”.

6. **New s. 663BA.** *The Criminal Code* is amended by inserting after section 663B the following heading and section:—

“*Further matters for consideration by Court in determining amount of order*

663BA. In determining the amount of an order under section 663B (1), the Court—

- (a) in the case of an injury suffered by an applicant that is not an injury described in subsection (1) or (2) of section 663AA;
- (b) without limiting the operation of section 663B (2);
- (c) without prejudice to any other consideration determined by it to be relevant in the circumstances; and
- (d) unless it determines it is not practical to do so,

shall consider the injury suffered in relation to and by comparison with the injuries specified in the table referred to in section 663AA (2) and the maximum amounts that may be paid as compensation under the *Workers' Compensation Act 1916-1983* in respect of the injuries so specified.”.