

Queensland



ANNO TRICESIMO TERTIO

ELIZABETHAE SECUNDAE REGINAE

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No. 32 of 1984

**An Act to amend The Criminal Code in certain particulars  
and to amend the Bail Act 1980–1984 in a certain  
particular**

[ASSENTED TO 12TH 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:—

PART I—PRELIMINARY

**1. Short title.** This Act may be cited as *The Criminal Code and Bail Act Amendment Act 1984*.

**2. Arrangement.** This Act is arranged in Parts as follows:—

PART I—PRELIMINARY (ss. 1–2);

PART II—AMENDMENT OF THE CRIMINAL CODE (ss. 3–5);

PART III—AMENDMENT OF BAIL ACT (ss. 6–7).

PART II—AMENDMENT OF THE CRIMINAL CODE

**3. New s. 54A.** *The Criminal Code* is amended by, in Chapter VIII, inserting after section 54 the following heading and section:—

“ *Demands with menaces upon agencies of government.*

**54A.** Any person who demands that anything be done or omitted to be done or be procured by—

the Government of Queensland or a person in the employment of the Crown in right of Queensland, in performance of the duties of his employment or otherwise in his official capacity; the Governor, in his role of Governor;

a Minister of the Crown, in his office as Minister or as a member of the Executive Council of Queensland;

a government corporation, in discharge of its functions conferred by law, or a person in the employment of a government corporation, in performance of the duties of his employment or otherwise in his official capacity,

with threats of injury or detriment of any kind to be caused to any person aforesaid or any other person or to the public or any member or members of the public or to property, by the offender or by any other person, if the demand is not complied with is guilty of a crime and is liable to imprisonment with hard labour for 14 years.

A person is not criminally responsible for an act referred to in the preceding paragraph if the injury or detriment is threatened to himself only or to property of which he is the sole owner.

It is immaterial to the commission of an offence defined in this section that—

(a) the demand or threat is made by means of a medium ordinarily used for disseminating information to the public and not to a particular person; or

- (b) the threat does not specify the injury or detriment that is to be caused or the person or persons to whom or the property to which it is to be caused.

If the carrying out of the threat would be likely to cause—

- (a) loss of life or serious personal injury to any person; or
- (b) substantial economic loss—
  - to the Crown, or
  - to a government corporation; or
  - in any industrial or commercial activity whether conducted by a public authority or as a private enterprise,

the offender is liable to imprisonment with hard labour for life and if, in addition, the offender or another person on his behalf has carried out the threat and thereby caused a consequence specified in this paragraph or has by some overt act begun to prepare for the carrying out of the threat, the offender is liable to imprisonment with hard labour for life, which cannot be mitigated or varied under section 19 of this Code.

A prosecution for an offence defined in this section shall not be commenced without the consent of the Attorney-General.

For the purposes of this section—

“Governor” includes a person for the time being administering the Government of Queensland and a Deputy Governor;

“government corporation” means any body corporate or corporation sole constituted by or under an Act that represents the Crown or that is declared by Order in Council to be a government corporation for the purposes of this section;

“injury or detriment” includes destruction of or damage to—

- (a) flora or fauna protected by or under an Act;
- (b) any relic within the meaning of the *Aboriginal Relics Preservation Act 1967–1976*;
- (c) any place, thing or living creature or plant that by reason of its cultural, educational, environmental, historical, recreational, religious or scientific significance is of substantial public interest or concern,

and, in the absence of proof that any such item destroyed or damaged was or is the property of a particular person, shall be deemed to be injury or detriment to the Crown”.

**4. Repeal of and new s. 415.** *The Criminal Code* is amended by repealing section 415 and the heading immediately preceding that section and substituting the following heading and section:—

“ *Demanding property, benefit or performance of services with threats.*

**415.** Any person who with intent to extort or gain any property or benefit or the performance of services from any person—

(a) knowing the contents of the writing, causes a person to receive a writing demanding without reasonable or probable cause—

(i) any property or benefit or the performance of services from any person; or

(ii) that anything be done or omitted to be done or be procured by any person,

and containing threats of injury or detriment of any kind to be caused to that person or any other person or to the public or any member or members of the public or to property, by the offender or any other person, if the demand is not complied with; or

(b) orally demands without reasonable or probable cause—

(i) any property or benefit or the performance of services from any person; or

(ii) that anything be done or omitted to be done or be procured by any person,

with threats of injury or detriment of any kind to be caused to that person or any other person or to the public or any member or members of the public or to property, by the offender or any other person, if the demand is not complied with,

is guilty of a crime and is liable to imprisonment with hard labour for 14 years.

A person is not criminally responsible for an act referred to in the preceding paragraph if the injury or detriment is threatened to himself only or to property of which he is the sole owner.

It is immaterial to the commission of an offence defined in this section that the threat does not specify the injury or detriment that is to be caused or the person or persons to whom or the property to which injury or detriment is to be caused.

If the carrying out of the threat would be likely to cause—

(a) loss of life or serious personal injury to any person; or

(b) substantial economic loss in any industrial or commercial activity whether conducted by a public authority or as a private enterprise,

the offender is liable to imprisonment with hard labour for life.

A prosecution for an offence defined in this section in which it is intended to rely on a circumstance of aggravation referred to in the preceding paragraph shall not be commenced without the consent of the Attorney-General.

In this section the term “writing” includes any gramophone record, wire, tape or other thing by which words or sounds are capable of being reproduced.”.

**5. Amendment of index.** *The Criminal Code* is amended by, in the index preceding Part I—

(a) inserting after the words “54. Interference with Governors or Ministers” the words “54A. Demands with menaces upon agencies of government”;

(b) omitting the words “415. Demanding property by written or oral threats” and substituting the words “415. Demanding property, benefit or the performance of services with threats”.

#### PART III—AMENDMENT OF BAIL ACT

**6. Citation.** (1) In this Part the *Bail Act 1980–1982* as amended by the *Bail Act Amendment Act 1984* is referred to as the Principal Act.

(2) The Principal Act as amended by this Part may be cited as the *Bail Act 1980–1984*.

**7. Amendment of s. 13. Bail in cases of charges of serious offences.** Section 13 of the Principal Act is amended by, in subsection (1), adding at the end of provision (a) the words “or a crime defined in section 54A of *The Criminal Code* where the charge alleges both circumstances of aggravation referred to in that section”.