

CRIMINAL CODE.

No. 91 of 1965.

AN ACT to amend sections eighteen, nineteen, three hundred and twenty-eight, six hundred and fifty-seven, six hundred and fifty-nine, six hundred and seventy-nine and seven hundred and five, and to repeal section seven hundred and six A and Chapters LXX and LXXI, of The Criminal Code and to repeal the Regulation of Whipping Act, 1884.

[Assented to 8th December, 1965.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Criminal Code Amendment Act, 1965.* Short title.

(2) In this Act—

“the Code” means The Criminal Code set out in the Schedule to the Criminal Code Act, 1913, appearing in Appendix B to the Criminal Code Act Compilation Act, 1913, as reprinted with amendments, to and including Act No. 73 of 1954, incorporated pursuant to the Amendments Incorporation Act, 1938, and further amended by Acts Nos. 11, 43 and 74 of 1956, 50 of 1957, 25 and 50 of 1960, 28 of 1961, 35 of 1962, 21, 55, 63 and 74 of 1963 and 53 of 1964.

S. 18
amended.

2. Section eighteen of the Code is amended by substituting for the passage, “Detention in an industrial or reformatory school;”, in lines six and seven, the passage, “Detention in strict custody until the Governor’s pleasure is known and, thereafter, in safe custody in such place or places as he may, from time to time, direct;” .

S. 19
amended.

3. Section nineteen of the Code is amended by repealing paragraph (6a) and re-enacting it with amendments, as follows—

(6a) A child or young person under the age of eighteen years convicted on indictment of an offence punishable with imprisonment may, instead of being sentenced to imprisonment,—

(a) be ordered to be detained in strict custody until the Governor’s pleasure is known and, thereafter, in safe custody in such place or places as the Governor may, from time to time, direct; or

(b) be committed to the care of the Child Welfare Department, until he is eighteen years of age or until the expiry of two years from the date of conviction, whichever period is the

longer, and the provisions of the Child Welfare Act, 1947, shall, by virtue of the order, apply to the child or young person, accordingly.

4. Section three hundred and twenty-eight of the Code is amended by substituting for the word, "two", in line four, the word, "four". S. 328
amended.

5. Section six hundred and fifty-seven of the Code is amended by substituting for the passage, commencing with the word, "be", in line three, and ending with the word, "dead", in line six, the words, "suffer death in the manner prescribed by law". S. 657
amended.

6. Section six hundred and fifty-nine of the Code is amended by substituting for the second paragraph, commencing with the words, "The instrument", the following— S. 659
amended.

The instrument shall be a cane or a leather strap. .

7. Section six hundred and seventy-nine of the Code is amended— S. 679
amended.

- (a) by substituting for the passage, "such term as the Governor may think fit", being the concluding passage of the first paragraph, the passage, "life or, in the case of a child or young person under the age of eighteen years, on condition of his being detained, during the Governor's pleasure, in safe custody in such place or places as the Governor may, from time to time, direct";
- (b) by inserting, immediately after the word, "labour", in line six of the second paragraph, the words, "or be detained in safe custody"; and

- (c) by adding, after the second paragraph the following paragraphs—

The Parole Board established under the Offenders Probation and Parole Act, 1963, shall, as the Governor may from time to time require, report to him as to the place in which a child or young person detained in safe custody pursuant to an order made under this section should be so detained.

The Governor may order that a child or young person detained in safe custody pursuant to an order made under this section be released from the place in which he is then detained, on parole, for any period not exceeding five years, and the child or young person shall thereupon be so released under, and be subject to, the provisions of the Offenders Probation and Parole Act, 1963 as if he were released from prison on parole under that Act and sections forty-two and forty-four of that Act shall apply, with such adaptations as may be necessary. .

S. 705
amended.

8. Section seven hundred and five of the Code is amended—

- (a) by inserting, immediately after the word, “period”, in line nine, the passage, “or upon condition of the offender submitting to his release on parole, under the Offenders Probation and Parole Act, 1963, for any period not exceeding five years”; and
- (b) by adding, at the end of the section, the following paragraph—

The provisions of the Offenders Probation and Parole Act, 1963, apply to every person released on parole pursuant to this section, as if he were released from prison on parole under that Act. .

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9. Section seven hundred and six A of the Code is repealed. S. 706A
repealed.

10. Chapters LXX and LXXI of the Code are repealed. Chaps. LXX
and LXXI
repealed.

11. The Regulation of Whipping Act, 1884, is repealed. Act 48 Vic.
No. 5
repealed.

