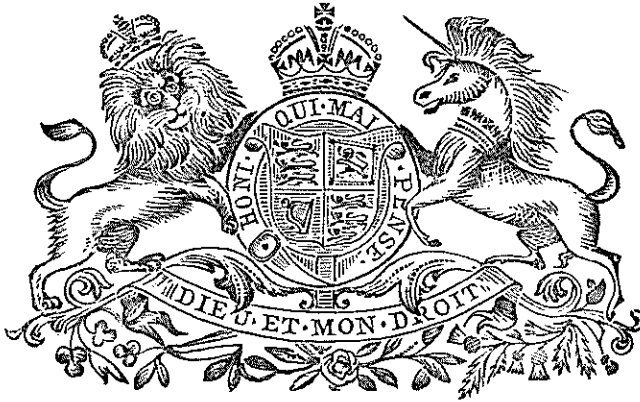


WESTERN AUSTRALIA.



ANNO PRIMO

GEORGII QUINTI REGIS,

XXXIX.

No. 28 of 1911.

AN ACT to amend the Criminal Code Act, 1902.

[Assented to 16th February, 1911.]

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

1. This Act may be cited as the *Criminal Code Amendment Act*, Short title. 1911.
2. The fourth paragraph of section one hundred and eighty-five of the Criminal Code (hereinafter referred to as the Code) is repealed. Amendment of Section 185.
3. In Chapter XXII. of the Code new sections are inserted after section two hundred and five as follows:— Punishment of whipping to be inflicted in certain cases.

205A. If any person, who has been at any time (either before or after the passing of this Act) convicted of an offence under section one hundred and eighty-eight, one hundred and eighty-nine, three hundred and twenty-four, three hundred and twenty-five, or three hundred and twenty-six of the Code committed against a female who is under the age of thirteen years or whom he knows to be an idiot or imbecile, shall subse-

quently (being of the age of sixteen years or over) commit an offence under any of the said sections against any such female as aforesaid, and be duly convicted thereof, he shall, in addition to any other punishment provided by law which the Court may see fit to impose, be sentenced to a whipping.

(205B.) Any person being of the age of sixteen years or over who shall be hereafter convicted of an offence under sections one hundred and eighty-five or one hundred and eighty-seven of the Code, shall, in addition to any other punishment provided by law which the Court may see fit to impose, be sentenced to a whipping.

Amendment of
Section 326.

4. Section three hundred and twenty-six of the Code is hereby amended by striking out the word "fourteen" and inserting the word "sixteen" in lieu thereof.

Amendment of
Section 696.

5. Section six hundred and ninety-six of the Code is amended by the deletion of the words "Supreme Court" and the insertion of the words "any court of criminal jurisdiction" in lieu thereof, and the following paragraph is added to the section, that is to say:

"When the information is filed in any court other than the Supreme Court, the foregoing provisions of this chapter shall be read and construed with reference thereto as if such court were mentioned in such provisions in lieu of the Supreme Court and as if in lieu of an officer of the Supreme Court the corresponding officer of such other court were mentioned. For the purposes of this section a Chairman of General or Quarter Sessions shall be deemed to correspond to a Judge of the Supreme Court and a Clerk of General or Quarter Sessions to the Registrar of the Supreme Court."

Amendment of
Section 676.

6. Section six hundred and seventy-six of the Code is hereby amended by the insertion—

(a.) of the words "in case the charge is one in respect of which the right to trial by jury exists" between the words "and if" and the word "the" in the seventh line of subsection (one);

(b.) of the words "if the case is one in which the right to trial by jury exists" between the word "then" and the words "to address" in subsection (three); and

(c.) of a new subsection as follows:—

"(6.) No right to trial by jury shall be deemed to exist in the case of a child to whom this chapter applies in respect of any charge of having committed or attempted to commit an offence which is of such a nature that a person of full age might be convicted thereof summarily before justices without any consent on his part."

7. Section six hundred and seventy-eight of the Code is hereby amended by the insertion of the words "of any offence of which he could not if of full age be summarily convicted without his consent" immediately after the word "convicted" in the second line of subsection (one), and by the deletion in subsection (two) of the words "If the accused young person does not object to the justices dealing with the charge summarily," and the insertion in lieu thereof of the words "In the case of every charge proposed to be dealt with summarily under this chapter."

Amendment of
Section 678.