

CRIMINAL CODE.

No. 89 of 1966.

AN ACT to amend The Criminal Code.

[Assented to 12th December, 1966.]

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, 1966.* 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, 53 of 1964 and 91 of 1965.

S. 313
amended.

2. Section three hundred and thirteen of the Code is amended by substituting for the words, "one year", at the end of the section, the words, "two years".

S. 321
amended.

3. Section three hundred and twenty-one of the Code is amended by substituting for the first paragraph, commencing with the section number, "321" and ending with the passage, "instance.", the following paragraph—

321. Any person who unlawfully assaults another is liable, on summary conviction, to a fine of one hundred dollars or to imprisonment with hard labour for six months.

S. 322
repealed and
re-enacted.

4. Section three hundred and twenty-two of the Code is repealed and re-enacted with amendments, as follows—

Aggravated
assaults,
Code S. 322.

322. Where an assault is attended by a circumstance of aggravation and the justices are of the opinion that the offender cannot be sufficiently punished under the provisions of the last preceding section, the offender is liable, on summary conviction, to a fine of two hundred dollars or to imprisonment with hard labour for one year.

For the purposes of this section, an assault is attended by a circumstance of aggravation if the person assaulted is—

- (a) a female;
- (b) a male child under the age of seventeen years; or
- (c) a police officer acting in the execution of his duty.

A person shall not be punished under the provisions of this section, unless the circumstance of aggravation by which the assault is attended is stated in the complaint.

This section shall be read as being subject to the provisions of section three hundred and twenty of this Code. .

5. Section three hundred and ninety A of the Code is amended— S. 390A amended.

(a) by deleting the subsection designation, “(1)”, in line one; and

(b) by repealing subsection (2).

6. Section six hundred and sixty-nine of the Code is amended by adding, immediately after the word, “conviction”, in lines eleven and twelve of subsection (1), the passage, “, other than his conviction, as a child, by a children’s court,”. S. 689 amended.
