

# CRIMINAL LAW AMENDMENT ACT

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No. 101 of 1990

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AN ACT to amend *The Criminal Code*, the *Bush Fires Act 1954*, the *Coroners Act 1920*, the *Justices Act 1902* and the *Child Welfare Act 1947*.

[Assented to 20 December 1990.]

The Parliament of Western Australia enacts as follows:

## PART 1—PRELIMINARY

### Short title

1. This Act may be cited as the *Criminal Law Amendment Act 1990*.

**Commencement**

2. (1) Subject to subsection (2) the provisions of this Act shall come into operation on the 56th day after the day on which the Act receives the Royal Assent.

(2) Section 51 shall come into operation on the day on which this Act receives the Royal Assent.

**PART 2—THE CRIMINAL CODE****The Code**

3. In this Part “the Code” means *The Criminal Code\**.

*[\*Reprinted as approved 13 December 1983 as the Schedule to the Criminal Code Act 1913 appearing in Appendix B to the Criminal Code Act Compilation Act 1913, and amended by Acts Nos. 87 of 1982, 13, 52 and 121 of 1984, 14, 74 and 119 of 1985, 89 of 1986 and 47, 74, 106 and 129 of 1987, 49 and 70 of 1988 and 32 of 1989.]*

**Section 1 amended**

4. Section 1 of the Code is amended in subsection (1)—

- (a) by deleting the definitions of the terms “utter” and “knowingly”;
- (b) by inserting, in the appropriate alphabetical positions, the following definitions—
  - “ The term “conveyance” means a vehicle, vessel or aircraft made, adapted, used, or intended to be used for the carriage of persons or goods; ”;
  - “ The term “damage”, in relation to animate property, includes injure; ”;

- “ The term “damage” in relation to a record means to deal with the record so that—
- (a) information recorded or stored upon the record is obliterated or rendered illegible or irrecoverable; or
  - (b) it can not convey a meaning in a visible or recoverable form; ”
- “ The term “destroy”, in relation to animate property, means kill; ”;
- “ The term “forge” in relation to a record means to make, alter or deal with the record so that the whole of it or a material part of it—
- (a) purports to be what in fact it is not;
  - (b) purports to be made by a person who did not make it; or
  - (c) purports to be made by authority of a person who did not give that authority; ”;
- “ The term “obtains” includes obtains possession and, in relation to land, includes occupies or acquires the capacity to occupy; ”;
- “ The term “receives” includes obtains possession and, in relation to land, includes occupies or acquires the capacity to occupy; ”;
- “ The term “record” means any thing or process—
- (a) upon or by which information is recorded or stored; or
  - (b) by means of which a meaning can be conveyed by any means in a visible or recoverable form, whether or not the use or assistance of some electronic, electrical, mechanical, chemical or other device or process is required to recover or convey the information or meaning; ”;

“ The term “utter” in relation to a forged record means use or deal with the record knowing that the record is forged; ”;

“ The term “vehicle” includes any thing made, adapted or intended to be propelled or drawn on wheels, tracks or rails by any means; ”;

and

(c) in the definition of the term “person employed in the Public Service”, by deleting “officers and men” and substituting the following—

“ members ”.

### **Section 14A repealed**

5. Section 14A of the Code is repealed.

### **Section 15 amended**

6. Section 15 of the Code is amended by deleting “Officers and men of the Naval and Military” and substituting the following—

“ Members of the ”.

### **Section 17 amended**

7. Section 17 of the Code is amended—

(a) by inserting after “upon an indictment” the following—

“ or complaint ”; and

(b) by deleting “acquitted upon indictment, or has already been convicted,” and substituting the following—

“ convicted or acquitted ”.

**Section 121 amended**

8. Section 121 of the Code is amended by repealing the last paragraph and substituting the following paragraph—

“ A prosecution for an offence under paragraph (1) can not be begun except—

(a) by a public officer acting in the course of his duties;  
or

(b) by or with the consent of the Attorney General. ”.

**Section 123 amended**

9. Section 123 of the Code is amended by deleting “three years” and substituting the following—

“ 5 years ”.

**Sections 193 and 194 repealed**

10. Sections 193 and 194 of the Code are repealed.

**Chapter XXV repealed**

11. Chapter XXV of the Code is repealed.

**Section 285 repealed**

12. Section 285 of the Code is repealed.

**Sections 329 and 330 repealed**

13. Sections 329 and 330 of the Code are repealed.

**Sections 332 and 333 repealed  
and sections substituted**

14. Sections 332 and 333 of the Code are repealed and the following sections are substituted—

**Kidnapping**

“ 332. (1) For the purposes of this section and section 333, a person who deprives another person of personal liberty—

(a) by taking the other person away or enticing the other person away;

(b) by confining or detaining the other person in any place;

or

(c) in any other manner,

is said to detain that other person.

(2) Any person who detains another person with intent to—

(a) gain a benefit, pecuniary or otherwise, for any person;

(b) cause a detriment, pecuniary or otherwise, to any person;

(c) prevent or hinder the doing of an act by a person who is lawfully entitled to do that act; or

(d) compel the doing of an act by a person who is lawfully entitled to abstain from doing that act,

by a threat, or by a demand, or by a threat and a demand, is guilty of a crime and is liable to imprisonment for 20 years.

(3) In proceedings for an offence against this section it is not necessary to allege or prove that a threat or demand was actually made.

(4) In this section “threat” means a threat to kill, injure, endanger or cause harm or detriment to any person.

### **Deprivation of liberty**

333. Any person who unlawfully detains another person is guilty of a crime and is liable to imprisonment for 10 years. ”.

### **Sections 334 and 335 repealed**

15. Sections 334 and 335 of the Code are repealed.

### **Section 337 amended**

16. Section 337 of the Code is amended by inserting after the section the following—

“ Summary conviction penalty: Imprisonment for one year or a fine of \$4 000. ”.

### **Section 338 repealed and Chapter XXXIIIA substituted**

17. Section 338 of the Code is repealed and the following chapter is substituted—

#### **“ CHAPTER XXXIIIA—THREATS**

#### **Meaning of “threat”**

338. In this chapter a reference to a threat is a reference to a statement or behaviour that expressly constitutes, or may reasonably be regarded as constituting, a threat to—

- (a) kill, injure, endanger or harm any person, whether a particular person or not;
- (b) destroy, damage, endanger or harm any property, whether particular property or not;

- (c) take or exercise control of a building, structure or conveyance by force or violence; or
- (d) cause a detriment of any kind to any person, whether a particular person or not.

### **Threats with intent to influence**

**338A.** Any person who makes a threat with intent to—

- (a) gain a benefit, pecuniary or otherwise, for any person;
- (b) cause a detriment, pecuniary or otherwise, to any person;
- (c) prevent or hinder the doing of an act by a person who is lawfully entitled to do that act; or
- (d) compel the doing of an act by a person who is lawfully entitled to abstain from doing that act,

is guilty of a crime and is liable—

- (e) where the threat is to kill a person, to imprisonment for 10 years;
- (f) in any other case, to imprisonment for 7 years.

### **Threats**

**338B.** Any person who makes a threat to unlawfully do anything mentioned in section 338 (a), (b), (c) or (d) is guilty of a crime and is liable—

- (a) where the threat is to kill a person, to imprisonment for 7 years;
- (b) in any other case, to imprisonment for 3 years.

Summary conviction penalty in a case to which paragraph (b) applies: Imprisonment for 18 months or a fine of \$6 000.



**False statements as to the  
existence of threats or plans  
to harm persons or property**

**338C.** Any person who makes a statement or conveys information which that person knows to be false and which expressly indicates, or may reasonably be construed as indicating—

- (a) that a threat to unlawfully do anything mentioned in section 338 (a), (b), (c) or (d) has been made; or
- (b) that there has been, is, or is to be an intention, proposal, plan or conspiracy to unlawfully do anything mentioned in section 338 (a), (b), (c) or (d),

is guilty of a crime and is liable to imprisonment for 3 years.

Summary conviction penalty: Imprisonment for 18 months or a fine of \$6 000. ”.

**Section 378 amended**

**18.** Section 378 of the Code is amended—

- (a) by deleting “three years” and substituting the following—

“ 7 years ”;

- (b) in item (1) by deleting “fourteen years” and substituting the following—

“ 10 years ”;

- (b) in items (6), (7), (8), (9) and (12) by deleting “seven years” and substituting, in each case, the following—

“ 10 years ”; and

- (c) by repealing items (2), (3), (4), (10) and (11).

**Section 378A repealed**

19. Section 378A of the Code is repealed.

**Section 390A amended**

20. Section 390A of the Code is amended by deleting “three years” and substituting the following—

“ 7 years ”.

**Section 394 amended**

21. Section 394 of the Code is amended by deleting “seven years” and substituting the following—

“ 10 years ”.

**Section 398 amended**

22. Section 398 of the Code is amended by deleting “seven years” and substituting the following—

“ 14 years ”.

**Section 404 amended**

23. Section 404 of the Code is amended by deleting “seven years” and substituting the following—

“ 10 years ”.

**Chapter XL repealed and a chapter substituted**

24. Chapter XL of the Code is repealed and the following chapter is substituted—

“

**CHAPTER XL—FRAUD****Fraud**

409. (1) Any person who, with intent to defraud, by deceit or any fraudulent means—

- (a) obtains property from any person;
- (b) induces any person to deliver property to another person;
- (c) gains a benefit, pecuniary or otherwise for any person;
- (d) causes a detriment, pecuniary or otherwise, to any person;
- (e) induces any person to do any act that the person is lawfully entitled to abstain from doing; or
- (f) induces any person to abstain from doing any act that the person is lawfully entitled to do,

is guilty of a crime and is liable to imprisonment for 7 years.

Summary conviction penalty (subject to subsection (2)):  
Imprisonment for 2 years or a fine of \$ 8 000.

(2) If the value of—

- (a) property obtained or delivered;

or

(b) a benefit gained or a detriment caused;

is more than \$4 000 the charge is not to be dealt with summarily.

(3) It is immaterial that the accused person intended to give value for the property obtained or delivered, or the benefit gained, or the detriment caused. ”.

### **Sections 417 and 423 repealed**

25. Sections 417 and 423 of the Code are repealed.

### **Section 421 amended**

26. Section 421 of the Code is amended by repealing the last paragraph.

### **Section 424 repealed and a section substituted**

27. Section 424 of the Code is repealed and the following section is substituted—

#### **Fraudulent falsification of records**

“ 424. Any person who with intent to defraud—

- (a) makes a false entry in any record;
- (b) omits to make an entry in any record;
- (c) gives any certificate or information which is false in a material particular;
- (d) by act or omission falsifies, destroys, alters or damages any record; or
- (e) knowingly produces or makes use of any record which is false in a material particular,

is guilty of a crime and is liable to imprisonment for 7 years.

Summary conviction penalty: Imprisonment for 2 years or a fine of \$8 000. ”.

### **Section 425 repealed**

28. Section 425 of the Code is repealed.

### **Section 426 amended**

29. Section 426 of the Code is amended—

(a) in subsection (1) (a) by deleting “3 years” and substituting the following—

“ 7 years ”;

(b) by deleting subsection (1) (c);

(c) in subsection (1) (d) by deleting “, (b), or (c)” and substituting the following—

“ or (b) ”;

(d) in subsection (1) (e) by deleting “section” and substituting the following—

“ Code ”;

(e) in subsection (2)—

(i) by deleting “subsections (3) and (4)” and substituting the following—

“ subsection (4) ”; and

(ii) by deleting “18 months, or to a fine of \$6 000” and substituting the following—

“ 2 years or to a fine of \$8 000 ”;

- (f) by repealing subsections (3) and (4) and substituting the following subsections—

“ (3) If—

- (a) a person is charged before a Court of Petty Sessions with an offence under section 378 or 414, or with attempting to commit, or inciting another person to commit, an offence under section 378 or 414; and
- (b) the value of the property in question does not exceed \$400,

the prosecutor may request the Court to deal with the charge summarily and, if that request is made, the Court shall deal with the charge.

(4) If—

- (a) a person is charged before a Court of Petty Sessions with an offence under section 378 or 414 or with attempting to commit, or inciting another person to commit, an offence under section 378 or 414; and
- (b) the value of the property in question does not exceed \$400; and
- (c) the charge is dealt with summarily under subsection (2) or (3),

the person charged is liable on summary conviction to imprisonment for 6 months or to a fine of \$2 000. ”.

**Section 426A amended**

30. Section 426A of the Code is amended—

- (a) in subsection (1) (b) by deleting “407, 410, or 413” and substituting the following—

“ or 407 ”; and

- (b) in subsections (1) and (2) by deleting “18 months, or to a fine of \$6 000” and substituting, in each case, the following—

“ 2 years, or to a fine of \$8 000 ”.

**Section 427 repealed and a section substituted**

31. Section 427 of the Code is repealed and the following section is substituted—

**Procedure**

- “ 427. (1) A Court of Petty Sessions shall abstain from dealing with a charge to which section 426 (2) (a) or 426A (2) (a) applies if it is of the opinion that, for any reason, the charge is a fit subject for prosecution by indictment.

(2) Where a Court of Petty Sessions convicts a person on a charge dealt with summarily under section 426 or 426A and it is of the opinion that, for any reason, the sentence that it is empowered by this chapter to pass on the convicted person is inadequate, the Court may, in lieu of passing sentence, commit the convicted person for sentence.

(3) This section does not apply if the prosecutor has requested the Court to deal with the charge summarily under section 426 (3). ”.

**Section 427A repealed**

32. Section 427A of the Code is repealed.

**Chapter XLIVA inserted**

**33.** After section 440 of the Code the following chapter is inserted—

“           **CHAPTER XLIVA—UNAUTHORIZED USE OF  
COMPUTER SYSTEMS**

**Unlawful operation of a computer system**

**440A.** (1) In this section—

- (a) “system” means a computer system or a part or application of a computer system;
- (b) a system is a restricted-access system if—
  - (i) the use of a particular code, or set of codes, of electronic impulses is necessary in order to obtain access to information stored in the system or operate the system in some other way; and
  - (ii) the person who is entitled to control the use of the system has withheld knowledge of the code, or set of codes, or the means of producing it, from all other persons, or has taken steps to restrict knowledge of the code or set of codes, or the means of producing it, to a particular authorized person or class of authorized persons.

(2) A person who without proper authorization—

- (a) gains access to information stored in a restricted-access system; or
- (b) operates a restricted-access system in some other way,



is guilty of an offence and is liable to imprisonment for one year or a fine of \$4 000.

(3) A prosecution for an offence under subsection (2) may be commenced at any time. ”.

### **Section 443 repealed and a section substituted**

**34.** Section 443 of the Code is repealed and the following section is substituted—

#### **Meaning of “wilfully destroy or damage”**

“ **443.** Where a person does an act or omits to do an act—

- (a) intending to destroy or damage property; or
- (b) knowing or believing that the act or omission is likely to result in the destruction of or damage to property,

and the act or omission results in the destruction of or damage to property, the person is regarded for the purposes of this division as having wilfully destroyed or damaged property. ”.

### **Sections 444 to 447 repealed and section 445 substituted**

**35.** Sections 444 to 447 in Chapter XLVI of the Code are repealed and the following section is substituted—

#### **Criminal damage**

“ **444.** (1) Any person who wilfully and unlawfully destroys or damages any property is guilty of a crime and is liable, if no other punishment is provided, to imprisonment for 10 years.

(2) If the property is destroyed or damaged by fire, the offender is liable to imprisonment for 14 years. ”.

### **Sections 452 and 453 repealed**

36. Sections 452 and 453 of the Code are repealed.

### **Sections 463, 463A and 463B repealed**

37. Sections 463, 463A and 463B of the Code are repealed.

### **Section 465 amended**

38. Section 465 of the Code is amended—

(a) by repealing subsection (1) and substituting the following subsection—

“ (1) This section applies to the indictable offence of wilfully and unlawfully destroying or damaging any property other than by fire. ”;

(b) in subsection (2) (b) by deleting “whatever the amount of the injury done,” and substituting the following—

“ the amount of the injury done does not exceed \$10 000 and ”; and

(c) in subsection (2) by deleting “18 months, or to a fine of \$6 000” and substituting the following—

“ 3 years, or to a fine of \$12 000 ”.

### **Section 466 amended**

39. Section 466 of the Code is amended by deleting “indictable offences” in the second place where it occurs and substituting the following—

“ an indictable offence ”.

**Chapter XLVIII repealed**

40. Chapter XLVIII of the Code is repealed.

**Chapter XLIX and L repealed and chapters substituted**

41. Chapters XLIX and L of the Code are repealed and the following chapters are substituted—

“ CHAPTER XLIX—FORGERY AND UTTERING

**Forgery and uttering**

473. (1) Any person who with intent to defraud—

- (a) forges a record; or
- (b) utters a forged record,

is guilty of a crime and is liable to imprisonment for 7 years.

Summary conviction penalty: Imprisonment for 2 years  
or a fine of \$8 000.

(2) It is immaterial that the record is incomplete or that it is not, or does not purport to be, binding in law. ”.

**CHAPTER L—FALSE REPRESENTATIONS AS TO STATUS****Procuring or claiming unauthorized status**

“ 488. Any person who—

- (a) by any false representation procures any authority authorized by any written law to issue certificates testifying that the holders thereof are entitled to

any right or privilege, or to enjoy any rank or status, to issue to himself or any other person such a certificate;

- (b) falsely represents to any person that he has obtained such a certificate;
- (c) by any false representation procures himself or any other person to be registered on any register kept by lawful authority as a person entitled to such a certificate, or as a person entitled to any right or privilege, or to enjoy any rank or status; or
- (d) falsely advertises or publishes himself as having obtained such a certificate, or as having been so registered,

is guilty of a crime, and is liable to imprisonment for 3 years.

Summary conviction penalty: Imprisonment for one year or a fine of \$4 000. ”.

### **Chapters LI and LII repealed**

42. Chapters LI and LII of the Code are repealed.

### **Sections 529 and 530 and 532 to 538 amended**

43. Sections 529, 530, 532, 533, 534, 535, 536, 537 and 538 of the Code are amended by deleting the word “misdemeanour” wherever it occurs and substituting the following—

“ crime ”.

### **Section 538 amended**

44. Section 538 of the Code is amended by deleting paragraph (a) and substituting the following paragraph—

“ (a) be liable, in the case of a corporation, to a fine of \$250 000 and in any other case to imprisonment for 7 years; and ”.

**Section 544 repealed**

45. Section 544 of the Code is repealed.

**Section 545 repealed**

46. Section 545 of the Code is repealed.

**Section 555A inserted**

47. After section 555 of the Code the following section is inserted—

**Attempts and incitement to commit  
simple offences under this Code**

“ 555A. (1) Any person who attempts to commit a simple offence under this Code is guilty of a simple offence and is liable to the punishment to which a person convicted of the first-mentioned offence is liable.

(2) Any person who, intending that a simple offence under this Code be committed, incites another person to commit the offence, is guilty of a simple offence and is liable to the punishment to which a person convicted of the first-mentioned offence is liable.

(3) A prosecution for an offence under subsection (1) or (2) may be commenced at any time if the offence alleged to have been attempted or incited is one for which prosecutions may be commenced at any time. ”.

**Section 575 amended**

48. Section 575 of the Code is amended in subsection (5) by deleting “any false document or writing or” and “counterfeit”.

**Section 598 repealed and sections 598 and 598A substituted**

49. Section 598 of the Code is repealed and the following sections are substituted—

**Charge of kidnapping**

- “ 598. Upon an indictment charging a person with an offence under section 332 the person may be convicted of an offence under section 333.

**Charge of making threats with intent**

598A. Upon an indictment charging a person with an offence under section 338A the person may be convicted of an offence under section 338B. ”.

**Section 599 repealed and a section substituted**

50. Section 599 of the Code is repealed and the following section is substituted—

**Charge of stealing, fraud or receiving**

- “ 599. (1) Upon an indictment charging a person with an offence under section 378, 409 or 414 the person may be convicted of an offence under another of those sections if that other offence is established by the evidence.

(2) Where a charge of an offence under section 378, 409 or 414 is dealt with summarily the person charged may be convicted summarily of an offence under another of those sections if that other offence is established by the evidence. ”.

**Section 656A amended**

51. Section 656A of the Code is amended—

- (a) after subsection (2) by inserting the following subsection—

“ (2a) For the purpose of enabling the Supreme Court or the District Court to exercise the powers in subsection (1) in respect of a simple offence, an officer of

the Court may require a clerk of Petty Sessions or a clerk of the Children's Court to transmit to the officer any record of the offence that is filed in the Court of Petty Sessions concerned or the Children's Court, or is in the custody of that Court. ”;

- (b) in subsection (4) and in the definition of “prosecutor” in subsection (6), by deleting “a Children's Court” and substituting in each case the following—

“ the Children's Court ”;

- (c) after subsection (4) by inserting the following subsection—

“ (4a) If a record of a simple offence has been transmitted under subsection (2a) but the Supreme Court or the District Court, as the case may be, does not exercise the powers in subsection (1) in respect of the offence, an officer of the Court shall return the record to the clerk of the Court from which the record was transmitted and that Court may exercise its jurisdiction in respect of the offence. ”; and

- (d) in subsection (6) by inserting, in the appropriate alphabetical positions, the following definitions—

“ “officer” means—

(a) in relation to the Supreme Court, a Registrar or Deputy Registrar of the Court;

(b) in relation to the District Court, the Registrar of the Court or a Deputy Registrar of the Court;

“record”, in relation to an offence, means—

(a) any summons, warrant, complaint, or document of any sort, that relates to the offence; or

(b) any copy of a summons, warrant, complaint or document referred to in paragraph (a). ”.

**Section 698 repealed**

52. Section 698 of the Code is repealed.

**Section 702 amended**

53. Section 702 of the Code is amended by deleting “to assign legal aid to an appellant,”.

**Section 714 amended**

54. Section 714 of the principal Act is amended in the fourth paragraph by deleting “or counterfeit”.

**Section 734 repealed**

55. Section 734 of the Code is repealed.

**PART 3—*BUSH FIRES ACT 1954***

**Section 32 amended**

56. Section 32 of the *Bush Fires Act 1954*\* is amended—

(a) by deleting “a misdemeanour” and substituting the following—

“ an indictable offence ”; and

(b) by deleting “\$4 000 or 5 years’ imprisonment” and substituting the following—

“ \$250 000 or 14 years’ imprisonment ”.

[\**Reprinted as approved 21 June 1978 and amended by Acts Nos. 51 of 1979, 95 of 1981, 112 of 1984 and 8 of 1987.*]



## PART 4—CORONERS ACT 1920

**Principal Act**

**57.** In this Part the *Coroners Act 1920*\* is referred to as the principal Act.

*[\*Reprinted as approved 2 December 1980 and amended by Acts Nos. 17 and 87 of 1982, 80 of 1983 and 81 and 89 of 1986.]*

**Section 6 amended**

**58.** Section 6 of the principal Act is amended by repealing subsection (2) and substituting the following subsections—

“ (2) Every coroner shall have jurisdiction to inquire into the cause and origin of any fire by which a person has been killed, or by which a person’s life has been endangered, or by which any property has been destroyed or damaged—

(a) if the coroner is of the opinion that an inquiry should be held; or

(b) if the Attorney General directs the coroner to hold an inquiry.

(3) In this section—

“property” includes real and personal property and everything, animate or inanimate, capable of being the subject of ownership. ”.

**Section 12A amended**

59. Section 12A of the principal Act is amended in subsection (1) (b) by deleting “arson or any other” and substituting the following—

“ any ”.

**Section 16 amended**

60. Section 16 of the principal Act is amended in subsection (2) by deleting paragraph (b) and substituting the following paragraph—

“ (b) wilfully and unlawfully destroying or damaging any property by fire, ”.

**Section 19 amended**

61. Section 19 of the principal Act is amended in subsection (1) by deleting paragraph (c) and substituting the following paragraph—

“ (c) wilfully and unlawfully destroying or damaging any property by fire, ”.

**Section 43 amended**

62. Section 43 of the principal Act is amended in paragraph (g) by deleting subparagraph (c) and substituting the following subparagraph—

“ (c) wilfully and unlawfully destroying or damaging any property by fire, ”.

**Section 44 amended**

63. Section 44 of the principal Act is amended in subsection (1) by deleting “having wilfully set fire to any property” and substituting the following—

“ wilfully and unlawfully destroying or damaging any property by fire ”.

PART 5—*JUSTICES ACT 1902***Section 101A amended**

64. Section 101A of the *Justices Act 1902*\* is amended—

(a) in subsection (2) (a) by deleting “four hundred and ninety-six or”; and

(b) by inserting after subsection (2) the following subsection—

“ (3) Where a person is charged before justices with an offence to which section 426(3) of *The Criminal Code* applies the justices shall not address the defendant under subsection (1) (a) (iii) unless—

(a) they have given the prosecutor the opportunity to request them to deal with the charge summarily;

and

(b) the prosecutor has not made such a request. ”.

[\*Reprinted as approved 9 November 1984 and amended by Acts Nos. 87 of 1982, 69 of 1984, 15 and 119 of 1985, 71 and 81 of 1986, 65 of 1987 and 27, 38, 49 and 70 of 1988.]

PART 6—*CHILD WELFARE ACT 1947***Fourth Schedule amended**

65. The Fourth Schedule to the *Child Welfare Act 1947*\* is amended in Division A of Part 1—

(a) by deleting the item relating to section 444 of *The Criminal Code* and substituting the following item—

“ 445 Criminal damage ”; and

- (b) by deleting the items relating to sections 453 and 473 of *The Criminal Code*.

*[\*Reprinted as approved 30 August 1984 and amended by Acts Nos 87 of 1982, 52, 61 and 121 of 1984, 74 and 98 of 1985, 89 of 1986, 105 and 127 of 1987, 49 and 70 of 1988 and 35 of 1989.] "*

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