

## CRIMINAL CODE (No. 2).

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No. 41 of 1972.

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AN ACT to repeal and re-enact section 322 and paragraph (f) of subsection (1) of section 426 of The Criminal Code, and to add thereto section 451B.

[Assented to 16th June, 1972.]

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 (No. 2), 1972.*

Short title  
and citation.

(2) In this Act—

“the Code” means The Criminal Code set out in the Criminal Code Act, 1913, appearing in Appendix B to the Criminal Code

Compilation Act, 1913 as reprinted with amendments to and including Act No. 1 of 1969.

Commence-  
ment.

2. (1) Subject to subsection (2) of this section, this Act shall come into operation on a date to be fixed by proclamation.

(2) It is not necessary that the whole of this Act shall come into operation on the one day; and the several sections may be proclaimed to come into operation on such respective days as are fixed by proclamation.

Repeal and  
re-enact-  
ment of  
section 322.

3. Section 322 of the Code is repealed and re-enacted as follows—

Aggravated  
assaults.

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

(2) Where a person is charged before a Court of Petty Sessions with an assault attended by a circumstance of aggravation he may, at his election, be prosecuted on indictment.

(3) Where a person is summarily convicted of assault attended by a circumstance of aggravation and the Court of Petty Sessions is of the opinion that he cannot be sufficiently punished under the provisions of section three hundred and twenty-one of this Code, he is liable to a fine of two hundred dollars or to imprisonment with hard labour for one year.

(4) A person shall not be punished under the provisions of subsection (3) of this section, unless the circumstance of the aggravation by which the assault is attended is stated in the complaint.

(5) 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; or
- (c) a police officer acting in the execution of his duty. .

4. Paragraph (f) of subsection (1) of section 426 of the Code is repealed and re-enacted as follows—

Repeal and re-enactment of paragraph (f) of subsection (1) of section 426.

- (f) Obtaining or procuring the delivery of anything by a false pretence or wilfully false promise, or partly by a false pretence and partly by a wilfully false promise, with intent to defraud, or obtaining credit by any false pretence or any wilfully false promise, or partly by a false pretence and partly by a wilfully false promise, or by any other fraud; .

5. The Code is amended by adding after section 451A a section as follows—

Addition of section 451B.

451B. Any person who unlawfully interferes with the mechanism or parts of any aircraft is guilty of a crime and is liable to imprisonment with hard labour for five years. .

Unlawful interference with mechanism of aircraft.

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