



ELIZABETHAE SECUNDAE REGINAE

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No. 25 of 1976

An Act to amend The Criminal Code in certain particulars

[ASSENTED TO 22ND APRIL, 1976]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title, citation and construction.** (1) This Act may be cited as *The Criminal Code Amendment Act 1976*.

(2) This Act shall be read as one with *The Criminal Code*.

**2. Commencement.** This Act shall commence on 1st July, 1976.

**3. New s. 14A.** *The Criminal Code* is amended by inserting after section 14 the following heading and section:—

*“ Offences committed on the High Seas*

**14A.** (1) Any person connected with Queensland who, while in on under or over the high seas within two hundred miles of Queensland, does any act or makes any omission of such a

nature that if he had done the Act or made the omission in Queensland he would have been guilty of an offence against the Statute Law of Queensland is guilty of an offence and shall be liable to arrest, prosecution and punishment in all respects as if such act or omission had occurred in Queensland and the courts of Queensland shall have jurisdiction accordingly.

(2) For the purposes of this section, a person connected with Queensland includes a person who—

- (a) is or is normally resident or is domiciled in Queensland; or
- (b) is on or operating from a vessel, aircraft, rig or other structure or installation of any kind licensed or required to be licensed or operating or functioning pursuant to the authority of, or as regulated by, a law of Queensland.

(3) Any person who, while in on under or over the high seas within two hundred miles of Queensland, does any act or makes any omission affecting the person or property of a person connected with Queensland of such a nature that if he had done the act or made the omission in Queensland he would have been guilty of an offence against the Statute Law of Queensland and afterwards comes into Queensland, is by such coming into Queensland, guilty of an offence of the same kind and is liable to the same punishment as if he had done the act or made the omission in Queensland.”.

**4. Amendment of s. 343A.** Section 343A of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“A person charged before justices with an offence defined in this section may be convicted of an offence defined in section 343, if that offence is established by the evidence.”.

**5. New s. 408B.** *The Criminal Code* is amended by inserting after section 408A the following heading and section:—

*“Indictable Offences relating to User or Possession of Motor Vehicles, Aircraft or Vessels that may be dealt with Summarily*

**408B.** (1) Where a person is charged before two justices with any offence defined in section 408A then, if the age of the accused person at the time of the alleged commission of the offence was in the opinion of the justices greater than twelve years, and if—

- (i) the age of the accused person at the time of the alleged commission of the offence did not in the opinion of the justices exceed seventeen years; or
- (ii) the accused person admits that he is guilty of the offence and it appears to the justices that the nature of the offence is such that the offender may be adequately punished upon summary conviction,

the justices may deal with the charge summarily.

The offender is liable upon summary conviction to a penalty of one thousand dollars or imprisonment with hard labour for two years.

(2) A prosecution for an offence specified in subsection (1) in order to the summary conviction of the accused person may be brought notwithstanding that more than one year has elapsed since the offence was committed.

(3) A complaint for an offence specified in subsection (1) in order to the summary conviction of the accused person may with the consent of the accused person also be heard and determined at a place appointed for holding Magistrates Courts within the Magistrates Courts District in which the accused person was arrested or served with the summons.

(4) The summary jurisdiction conferred by this section shall be exercised in the manner and be subject to the conditions prescribed by section 444 with respect to the summary trial and punishment of offenders who may be summarily convicted of indictable offences under the provisions of that section."

**6. Amendment of s. 415.** Section 415 of *The Criminal Code* is amended by—

(a) in the heading immediately preceding the section, inserting after the word "*property*" the words "*, benefit or the performance of services*";

(b) omitting the word "anything" wherever it occurs and substituting in each case the words "any property or benefit or the performance of services".

**7. Amendment of s. 416.** Section 416 of *The Criminal Code* is amended by omitting the word "anything" and substituting the words "any property or benefit or the performance of services".

**8. Amendment of s. 419.** Section 419 of *The Criminal Code* is amended by omitting the words "a crime" wherever occurring in subparagraphs (1) and (2) and substituting in each case the words "an indictable offence".

**9. Amendment of s. 420.** Section 420 of *The Criminal Code* is amended by—

(a) omitting from the heading immediately preceding that section the word "*Crime*" and substituting the words "*an Indictable Offence*";

(b) omitting the words "a crime" where firstly occurring and substituting the words "an indictable offence".

**10. Amendment of s. 425.** Section 425 of *The Criminal Code* is amended by—

(a) omitting from the heading immediately preceding the section the word "*Crime*" and substituting the words "*an Indictable Offence*";

(b) omitting the words "a crime" where they occur in subparagraphs (a), (b), (d), (e) and (f) and substituting in each case the words "an indictable offence".

**11. Amendment of s. 443.** Section 443 of *The Criminal Code* is amended by inserting after subparagraph (ea) the following subparagraphs:—

- “(eb) any offence defined in sections 419, 420, 421 and 422 where—
- (i) the indictable offence intended or, as the case may be, committed is stealing;
  - (ii) the offender was not, at the time the offence was committed, armed with a dangerous weapon nor equipped with an instrument of safebreaking nor in company with a person so armed or equipped;
  - (iii) the value of any property stolen does not exceed five hundred dollars;
- (ec) any offence defined in section 425;”.

**12. Amendment of s. 444.** Section 444 of *The Criminal Code* is amended by—

- (a) omitting the word “or” where it occurs immediately after subparagraph (2);
- (b) omitting subparagraph (2).

**13. Repeal of and new s. 567.** *The Criminal Code* is amended by repealing section 567 and the heading immediately preceding that section and substituting the following heading and section:—

*“ Joinder of Charges*

**567.** (1) Except as otherwise expressly provided, an indictment must charge one offence only and not two or more offences.

(2) Charges for more than one indictable offence may be joined in the same indictment against the same person if those charges are founded on the same facts or are, or form part of, a series of offences of the same or similar character or a series of offences committed in the prosecution of a single purpose.

Where more than one offence is charged in the same indictment, each offence charged shall be set out in the indictment in a separate paragraph called a count and the several statements of the offences may be made in the same form as in other cases without any allegation of connection between the offences.

Counts shall be numbered consecutively.”.

**14. Amendment of s. 568.** Section 568 of *The Criminal Code* is amended by omitting subsections (2) and (3.)

**15. Repeal of and new s. 576.** *The Criminal Code* is amended by repealing section 576 and the heading immediately preceding that section and substituting the following heading and section:—

*“ Indictment Containing Count of Murder or Manslaughter*

**576.** Upon an indictment against a person containing a count of the crime of murder, he may be convicted on that count of the crime of manslaughter if that crime is established by the evidence but not on that count of any other offence than that with which he is charged except as otherwise expressly provided.

Upon an indictment against a person containing a count of the crime of manslaughter he cannot on that count be convicted of any other offence except as otherwise expressly provided.”.

**16. New s. 597A.** *The Criminal Code* is amended by inserting after section 597 the following heading and section:—

*“ Separate Trials where two or more Charges against the same Person*

**597A.** (1) Where before a trial or at any time during a trial the Court is of opinion that the accused person may be prejudiced or embarrassed in his defence by reason of his being charged with more than one offence in the same indictment or that for any other reason it is desirable to direct that the person should be tried separately for any one or more than one offence charged in an indictment the Court may order a separate trial of any count or counts in the indictment.

The Court may discharge a jury sworn from giving a verdict on the count or counts directed to be tried separately.

(2) The procedure on the separate trial of a count shall be the same in all respects as if the count had been set out in a separate indictment.

(3) The Court may adjourn a separate trial, remand the accused person and make such orders as to admitting him to bail and as to the enlargement of recognizances and otherwise as the Court thinks fit.

(4) For the purposes of this section the term “ adjourn a separate trial ” includes postpone a separate trial in a case where the accused person has not been called upon to plead to a count in an indictment.”.

**17. Amendment of s. 598.** Section 598 of *The Criminal Code* is amended by inserting after the words “ quash the indictment ” the words “ or move for a separate trial of any count or counts of the indictment ”.

**18. Transitional provision.** Where a person is charged on indictment before the commencement of this Act and the trial on indictment is continued after that commencement, the propriety of a joinder of charges shall be judged as if this Act had not been passed.

**19. Amendments re ages and penalties.** Every provision of *The Criminal Code* the number of which is set forth in the first column of the schedule is amended by omitting from that provision the word or words in the second column of that schedule set forth opposite to the number of the provision and by substituting the word or words in the third column of that schedule set forth opposite the word or words in question so omitted from that provision.

SCHEDULE			[s. 19]
First Column	Second Column	Third Column	
Section 29 ..	(a) seven .. .. .	(a) ten	
Section 213 ..	(b) fourteen (where firstly occurring) ..	(b) fifteen	
	seventeen (wherever occurring) ..	sixteen (in	each case)
Section 215 ..	(a) Seventeen (where occurring in the heading immediately preceding the section)	(a) Sixteen	
	(b) seventeen (wherever occurring) ..	(b) sixteen (in	each case)
Section 216 ..	(a) Seventeen (where occurring in the heading immediately preceding the section)	(a) Sixteen	
	(b) seventeen (wherever occurring) ..	(b) sixteen (in	each case)
Section 229A (1) ..	(a) seventeen (where firstly occurring)	(a) sixteen	
	(b) seventeen (where secondly occurring)	(b) sixteen	
	(c) six months .. .. .	(c) two years	
Section 343A ..	six months (wherever occurring) ..	two years (in	each case)
Section 443 ..	six months .. .. .	two years	
Section 480 ..	six months .. .. .	two years	
Section 578 ..	seventeen .. .. .	sixteen	