

Queensland



ANNO TRICESIMO QUINTO

ELIZABETHAE SECUNDAE REGINAE

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**No. 1 of 1986**

**An Act to amend The Criminal Code in certain particulars;  
and to amend section 43 of the Vagrants, Gaming,  
and Other Offences Act 1931-1978**

[ASSENTED TO 6TH MARCH, 1986]

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.** This Act may be cited as *The Criminal Code Amendment Act 1986*.

**2. Commencement.** (1) This section and section 1 shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) Except as provided by subsection (1), this Act shall commence on a day appointed by Proclamation, save that different days may be appointed by Proclamation as days upon which different provisions of this Act shall respectively commence and, in that event, any such provision shall commence on the day appointed by Proclamation in relation to it.

**3. Amendment of s. 1.** Section 1 of *The Criminal Code* is amended by inserting after the definition of the term "aircraft" the following definition:—

"The term "animal" includes any living creature other than mankind;"

**4. Amendment of s. 18.** Section 18 of *The Criminal Code* is amended by—

- (a) omitting the words "Solitary confinement;"
- (b) omitting the word "Whipping;" and
- (c) omitting the words "The punishment of whipping cannot be inflicted upon a female."

**5. Amendment of s. 19.** Section 19 of *The Criminal Code* is amended by—

- (a) in subsection (3), omitting the words "one thousand pounds" and substituting the words "twenty-five thousand dollars";
- (b) omitting subsection (5).

**6. Amendment of s. 41.** Section 41 of *The Criminal Code* is amended by omitting the words ", with or without solitary confinement".

**7. Amendment of s. 47.** Section 47 of *The Criminal Code* is amended by omitting the words ", with or without solitary confinement".

**8. Amendment of s. 64.** Section 64 of *The Criminal Code* is amended by omitting the words ", with or without solitary confinement".

**9. Amendment of s. 65.** Section 65 of *The Criminal Code* is amended by omitting the words ", with or without solitary confinement".

**10. Amendment of s. 131.** Section 131 of *The Criminal Code* is amended by inserting after the last paragraph thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

**11. Amendment of s. 132.** Section 132 of *The Criminal Code* is amended by inserting after the last paragraph thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

**12. Amendment of s. 212.** Section 212 of *The Criminal Code* is amended by—

(a) omitting the words “, with or without whipping” where twice occurring;

(b) omitting the words “, in addition to the sentence of whipping, or without such sentence.”.

**13. Amendment of s. 213.** Section 213 of *The Criminal Code* is amended by omitting the words “, with or without whipping” where twice occurring.

**14. Amendment of s. 214.** Section 214 of *The Criminal Code* is amended by omitting the words “, with or without whipping”.

**15. Amendment of s. 216.** Section 216 of *The Criminal Code* is amended by omitting the words “, with or without whipping”.

**16. Amendment of s. 221.** Section 221 of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

**17. Amendment of s. 306.** Section 306 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**18. Amendment of s. 308.** Section 308 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**19. Amendment of s. 315.** Section 315 of *The Criminal Code* is amended by omitting the words “, with or without whipping, which may be inflicted once, twice, or thrice”.

**20. Amendment of s. 317.** Section 317 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**21. Amendment of s. 318.** Section 318 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

22. **Amendment of s. 319.** Section 319 of *The Criminal Code* is amended by omitting the words “, with or without whipping, which may be inflicted once, twice, or thrice”.

23. **Amendment of s. 321.** Section 321 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

24. **Amendment of s. 339.** Section 339 of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“If the offender is or pretends to be armed with any dangerous or offensive weapon or instrument or is in company with one or more other person or persons, he is liable to imprisonment with hard labour for seven years.”.

25. **Amendment of s. 354.** Section 354 of *The Criminal Code* is amended by inserting after the words “work for him” the words “or for any other person”.

26. **Amendment of s. 390.** Section 390 of *The Criminal Code* is amended by omitting the words “The term “animal” includes any living creature other than mankind.”.

27. **Amendment of s. 398.** Section 398 of *The Criminal Code* is amended by—

(a) inserting after the first paragraph and before the heading “PUNISHMENT IN SPECIAL CASES.” the following paragraph:—

“If the thing stolen is one of the following animals, that is to say, a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, boar, sow, barrow, deer, buffalo or goat, or the young of any such animal, and the offender is sentenced to pay a fine in addition to, or instead of, imprisonment, whether he is liable to imprisonment with hard labour for three years or for any longer period provided under this section, the fine shall be not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, not less than that value, whichever is the higher amount, for every animal stolen:

Provided that the fine imposed in respect of the offence shall not exceed twenty-five thousand dollars.”;

(b) omitting paragraph IX and substituting the following paragraph:—

“IX. **Stealing Property of Value exceeding \$5 000.** If the value of the thing stolen exceeds \$5 000, the offender is liable to imprisonment with hard labour for seven years.”.

28. **Amendment of s. 411.** Section 411 of *The Criminal Code* is amended by—

(a) inserting after the words “If the offender is” the words “or pretends to be”;

(b) omitting the words “, with or without solitary confinement”.

**29. Amendment of s. 412.** Section 412 of *The Criminal Code* is amended by—

(a) inserting after the words “If the offender is” where first occurring the words “or pretends to be”;

(b) omitting the words “, with or without solitary confinement” where twice occurring.

**30. Amendment of s. 416.** Section 416 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**31. Amendment of s. 427A.** Section 427A of *The Criminal Code* is amended by omitting subsection (1) and substituting the following subsection:—

“(1) Any person who—

(a) obtains from any other person any chattel, money, valuable security, credit, benefit or advantage by passing a cheque that is not paid on presentation for payment;

or

(b) passes a cheque in the discharge or attempted discharge of any debt, liability or obligation, which cheque is not paid on presentation for payment

is guilty of a misdemeanour and is liable to imprisonment with hard labour for two years.”.

**32. Amendment of s. 430.** Section 430 of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

**33. Amendment of s. 436.** Section 436 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**34. Amendment of s. 437.** Section 437 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**35. Amendment of s. 438.** Section 438 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**36. Amendment of s. 443.** Section 443 of *The Criminal Code* is amended by—

(a) in subparagraph (1A)—

(i) omitting the words “goat or pig,” and substituting the words “boar, sow, barrow, deer, buffalo or goat,”;

(ii) omitting the word “one” and substituting the word “five”;

(b) inserting after subparagraph (1A) and the word “or” occurring after that subparagraph the following subparagraph:—

“(1B) In a case of killing, with intent to steal the skin or carcass or any part of the skin or carcass, any animal, the animal

is any of the following, that is to say, a horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, boar, sow, barrow, deer, buffalo or goat, or the young of any such animal, and the value thereof does not exceed five thousand dollars;”;

(c) inserting after subparagraph (1B) the word “or”;

(d) omitting the third proviso, being the proviso commencing with the words “Provided further that in a case of stealing”, and substituting the following proviso:—

“Provided further that—

(i) in a case of stealing, where the thing stolen is any of the things referred to in subparagraph (1A) of this section;

(ii) in a case of killing, with intent to steal the skin or carcass or any part of the skin or carcass, any animal, where the animal is any of those referred to in subparagraph (1B) of this section,

and the value thereof exceeds five thousand dollars, the justices shall not deal with the charge summarily notwithstanding the provisions of subparagraph (3) of this section.”;

(e) omitting the final paragraph and substituting the following paragraphs:—

“Save as is hereinafter in this section provided, the offender is liable on such summary conviction to imprisonment with hard labour for two years or to a fine of one thousand dollars.

The offender is liable on such summary conviction in a case referred to in subparagraph (1A) to—

(A) imprisonment with hard labour for two years; or

(B) a fine of not less than two hundred dollars or, where in respect of the animal in question the value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal stolen:

Provided that the fine imposed on such summary conviction shall not exceed five thousand dollars.

The offender is liable on such summary conviction in a case referred to in subparagraph (1B) to—

(A) imprisonment with hard labour for two years; or

(B) a fine of not less than two hundred dollars or, where in respect of the animal in question the value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal killed:

Provided that the fine imposed on such summary conviction shall not exceed five thousand dollars.”.

**37. Amendment of Chapter heading preceding s. 445 and insertion of additional heading.** *The Criminal Code* is amended by—

(a) in the Chapter XLIV heading preceding section 445, omitting the words “PUNISHABLE ON SUMMARY CONVICTION” and substituting the words “RELATING TO ANIMALS”;

(b) inserting after the Chapter XLIV heading as so amended the following heading:—

“CHAPTER DIVISION I—INDICTABLE OFFENCES”.

**38. Renumbering of s. 402 as s. 444A and amendment thereof.** *The Criminal Code* is amended by—

(a) renumbering section 402 as section 444A;

(b) omitting that section and the heading preceding it from Chapter XXXVII and inserting the section (with the heading preceding it) as the first section of Chapter Division I of Chapter XLIV;

(c) inserting at the end of that section, and as a part thereof, the following paragraph:—

“If the offender is sentenced to pay a fine in addition to, or instead of, imprisonment, the fine shall be not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, not less than that value, whichever is the higher amount, for every animal killed:

Provided that the fine imposed in respect of the offence shall not exceed twenty-five thousand dollars.”.

**39. Renumbering of s. 404 as s. 444B and amendment thereof.** *The Criminal Code* is amended by—

(a) renumbering section 404 as section 444B;

(b) omitting that section and the heading preceding it from Chapter XXXVII and inserting the section (with the heading preceding it) as the second section of Chapter Division 1 of Chapter XLIV;

(c) inserting at the end of that section, and as a part thereof, the following paragraph:—

“If the offender is sentenced to pay a fine in addition to, or instead of, imprisonment, the fine shall be not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, not less than that value, whichever is the higher amount, for every animal branded or marked:

Provided that the fine imposed in respect of the offence shall not exceed twenty-five thousand dollars.”.

**40. New Chapter Division heading after s. 444B.** *The Criminal Code* is amended by inserting after section 444B and before section 445 and the heading preceding that section the following heading:—

“CHAPTER DIVISION II—OFFENCES RELATING TO ANIMALS PUNISHABLE ON SUMMARY CONVICTION”.

**41. Amendment of s. 445.** Section 445 of *The Criminal Code* is amended by—

(a) omitting the words “goat, or pig” where three times occurring and substituting in each case the words “boar, sow, barrow, deer, buffalo or goat”;

(b) in the first paragraph—

(i) omitting the words “of the owner, or”;

(ii) omitting the words “one hundred pounds for every animal so used.” and substituting the words “not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal so used:

Provided that the fine imposed in respect of the offence shall not exceed five thousand dollars.”;

(c) in the second paragraph, omitting the words “owner or of the”;

(d) inserting at the end thereof the following paragraph:—

“It is a defence to a charge of an offence defined in this section to prove that the accused person had the lawful consent of the owner to the use or possession by him of the animal in question.”.

**42. Amendment of s. 446.** Section 446 of *The Criminal Code* is amended by—

(a) omitting the words “goat, or pig” and substituting the words “boar, sow, barrow, deer, buffalo or goat”;

(b) omitting all words in the first paragraph occurring after the words “to a fine of” and substituting the words “not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal or skin or carcass or part of skin or carcass so found, or to imprisonment with hard labour for one year, or to both such fine and imprisonment:

Provided that the fine imposed in respect of the offence shall not exceed five thousand dollars.”.

**43. Amendment of s. 447.** Section 447 of *The Criminal Code* is amended by omitting all words occurring after the words “to a fine of”

and substituting the words “not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal so branded or marked, or to imprisonment with hard labour for one year, or to both such fine and imprisonment:

Provided that the fine imposed in respect of the offence shall not exceed five thousand dollars.”.

**44. Amendment of s. 448.** Section 448 of *The Criminal Code* is amended by omitting all words occurring after the words “to a fine of” and substituting the words “not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal with respect to which the act is done or to imprisonment with hard labour for one year, or to both such fine and imprisonment:

Provided that the fine imposed in respect of the offence shall not exceed five thousand dollars.”.

**45. Amendment of s. 448A.** Section 448A of *The Criminal Code* is amended by omitting all words in the first paragraph occurring after the words “to a fine of” and substituting the words “not less than two hundred dollars or, where in respect of the animal in question a value is determined in accordance with the provisions of the regulations made pursuant to section 450F, of not less than that value, whichever is the higher amount, for every animal so found or to imprisonment with hard labour for one year, or to both such fine and imprisonment:

Provided that the fine imposed in respect of the offence shall not exceed five thousand dollars.”.

**46. New Chapter Division heading after s. 448A.** *The Criminal Code* is amended by inserting after section 448A and before section 449 and the heading preceding that section the following heading:—

“CHAPTER DIVISION III—PROCEDURAL AND AUXILIARY PROVISIONS”.

**47. Amendment of s. 449.** Section 449 of *The Criminal Code* is amended by omitting the words “one month” and substituting the words “six months”.

**48. Amendment of s. 450.** Section 450 of *The Criminal Code* is amended by omitting the words “hereinbefore in this Chapter defined” and substituting the words “defined in Chapter Division II”.

**49. New s. 450A.** *The Criminal Code* is amended by inserting after section 450 the following heading and section:—

“*Arrest without warrant*

**450A.** A person found committing any of the offences defined in Chapter Division II may be arrested without warrant by a

police officer or by the owner of the property in question or his servant or by any person authorized by such owner or servant.”.

50. **New s. 450B.** *The Criminal Code* is amended by inserting after section 450A as inserted by this Act the following heading and section:—

*“Warrant in first instance*

450B. A justice may issue a warrant in the first instance for the arrest of any person charged with any of the offences defined in Chapter Division II.”.

51. **New s. 450C.** *The Criminal Code* is amended by inserting after section 450B as inserted by this Act the following heading and section:—

*“Effect of civil proceedings*

450C. If civil proceedings have been taken against any person in respect of any act done by him which is an offence under any of the provisions of Chapter Division II, he cannot be prosecuted afterwards for the same cause, as for an offence, on the complaint of the person by whom the civil proceedings were taken.”.

52. **New Chapter heading after s. 450C.** *The Criminal Code* is amended by inserting after section 450C the following heading:—

“CHAPTER XLIVA

SPECIAL PROVISIONS IN RESPECT OF OFFENCES RELATING TO ANIMALS”.

53. **New s. 450D.** *The Criminal Code* is amended by inserting as the first section of Chapter XLIVA the following heading and section:—

*“Meaning of term “animal”*

450D. In this Chapter, the term “animal” means horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, boar, sow, barrow, deer, buffalo or goat, or the young of any such animal.”.

54. **New s. 450E.** *The Criminal Code* is amended by inserting after section 450D as inserted by this Act the following heading and section:—

*“Animals not tendered in certain cases*

450E. (1) Subject to subsection (6), where—

- (a) an animal connected with a charge is in the possession or under the control of a police officer;
- (b) the person charged does not claim ownership of the animal;
- (c) the owner of the animal is desirous of slaughtering the animal or selling or consigning it for slaughter

at a time prior to the tendering of it as an exhibit in connexion with the charge;

and

- (d) photographs or tapes, films or any other means of visual reproduction of the animal and of any brand or other mark of identification are available for tendering as exhibits in connexion with the charge and arrangements are made, between the police officer investigating the charge and the owner, for the hide or skin or any marked ear or any other part of the animal to be available for tendering as an exhibit in connexion with the charge,

it is not necessary for the animal to be further kept in the possession or under the control of a police officer to be tendered as an exhibit in connexion with the charge and, with the prior consent of a Crown Law Officer, it may be returned to the owner.

(2) The arrangements referred to in subsection (1) (d) shall include an undertaking from the owner that—

- (a) in a case of slaughter of the animal by the owner, the owner shall—

- (i) slaughter the animal within 14 days of it being returned to him;

- and

- (ii) within 14 days of slaughter, make available to the police officer investigating the charge the hide or skin or any marked ear or any other part of the animal that is to be available for tendering as an exhibit in connexion with the charge and in the meantime comply with any requirement of the police officer in relation to the security or preservation thereof;

- (b) in a case of sale or consignment by the owner of the animal for slaughter, the owner shall require of the purchaser as a condition of sale or of the consignee, as the case may be, that—

- (i) the animal shall be slaughtered within 14 days of it being sold or received by the consignee;

- and

- (ii) within 14 days of slaughter, the hide or skin or any marked ear or any other part of the animal that is to be available for tendering as an exhibit in connexion with the charge shall be made available to the police officer investigating the charge and that in the meantime any requirement of the police officer in relation to the security or preservation thereof shall be complied with.

(3) Subject to subsection (6), where—

- (a) an animal connected with a charge is in the possession or under the control of a police officer;
  - (b) the ownership of the animal is disputed by two or more persons one of whom may be, but need not be, the person charged;
  - (c) the persons claiming ownership together with all persons claiming any interest in the animal of whom the police officer investigating the charge is aware agree in writing to the animal being slaughtered on their behalf or sold or consigned on their behalf for slaughter at a time prior to the tendering of it as an exhibit in connexion with the charge;
- and
- (d) photographs or tapes, films or any other means of visual reproduction of the animal and of any brand or other mark of identification are available for tendering as exhibits in connexion with the charge and arrangements are made, between the police officer investigating the charge and the persons referred to in paragraph (c) as claiming ownership or an interest, for the hide or skin or any marked ear or any other part of the animal to be available for tendering as an exhibit in connexion with the charge,

it is not necessary for the animal to be further kept in the possession or under the control of a police officer to be tendered as an exhibit in connexion with the charge and, with the prior consent of a Crown Law Officer, it may be handed over to a person nominated in the writing referred to in paragraph (c).

(4) The arrangements referred to in subsection (3) (d) shall include an undertaking from the persons referred to in subsection (3) (c) as claiming ownership of or an interest in the animal (hereinafter in this subsection referred to as “the said persons”) that—

- (a) in a case of the animal being slaughtered on behalf of the said persons, the said persons shall—
  - (i) cause the animal to be slaughtered within 14 days of it being handed over to the person nominated as referred to in subsection (3);

and

- (ii) within 14 days of slaughter, cause to be made available to the police officer investigating the charge the hide or skin or any marked ear or any other part of the animal that is to be available for tendering as an exhibit in connexion with the charge and in the meantime cause any requirement

of the police officer in relation to the security or preservation thereof to be complied with;

(b) in a case of the animal being sold or consigned on behalf of the said persons for slaughter, the said persons shall require of the purchaser as a condition of sale or of the consignee, as the case may be, that—

(i) the animal shall be slaughtered within 14 days of it being sold or received by the consignee;

and

(ii) within 14 days of slaughter, the hide or skin or any marked ear or any other part of the animal that is to be available for tendering as an exhibit in connexion with the charge shall be made available to the police officer investigating the charge and that in the meantime any requirement of the police officer in relation to the security or preservation thereof shall be complied with.

(5) Where in the circumstances referred to in subsection (1) or (3) the animal in question is not tendered as an exhibit in proceedings in connexion with the charge and—

(a) photographs or tapes, films or any other means of visual reproduction as aforesaid and any hide, skin, ear or any other part of the animal as aforesaid are tendered in such proceedings;

or

(b) photographs or tapes, films or any other means of visual reproduction as aforesaid are tendered in such proceedings and evidence is given therein showing that although arrangements were made as aforesaid for the tendering as an exhibit of the hide or skin or ear or any other part of the animal, the hide or skin or ear or other part is nevertheless no longer available for so tendering,

objection shall not be taken (or if taken shall not be allowed) to the receipt in evidence of any of them the photographs or tapes, films or any other means of visual reproduction, hide, skin, ear or other part of the animal as evidence of—

(i) the existence at the material time of the animal;

(ii) in the case of photographs or tapes, films or any other means of visual reproduction, the condition at the material time of the animal;

(iii) any brand or other mark or feature of identification at the material time on or with respect to the animal.

(6) An animal shall not be returned or handed over under this section in any case where a Crown Law Officer is of the opinion that its production for tender as an exhibit is or is likely to be necessary or that in the circumstances of the case it is desirable that it be produced for tender as an exhibit.”.

55. New s. 450F. *The Criminal Code* is amended by inserting after section 450E as inserted by this Act the following heading and section:—

*“Animal valuers and valuations*

450F. (1) This section is applicable in every case in which a provision of this Code relates the amount of a fine to the value of an animal determined in accordance with the provisions of the regulations made pursuant to this section.

(2) The Governor in Council may by Order in Council appoint animal valuers.

(3) The Governor in Council may make regulations, not inconsistent with the provisions of this Code, for or with respect to—

- (a) terms and conditions of appointment of animal valuers;
- (b) qualifications, eligibility and experience of persons to be animal valuers;
- (c) fees and allowances payable to animal valuers;
- (d) appointment of animal valuers according to districts;
- (e) constitution of districts in relation to the appointment of animal valuers;
- (f) valuation of animals by animal valuers in districts for which they are appointed and in other districts, and circumstances in which valuations in other districts shall or may be made;
- (g) the selection, constitution and operation of panels of animal valuers, including method of selection of panels in districts and by whom animal valuers to constitute panels selected;
- (h) the selection of tribunals of animal valuers from panels to make valuations of animals, including method of selection and by whom animal valuers to constitute tribunals selected;
- (i) the constitution and operation of tribunals, including the number of animal valuers constituting a tribunal;
- (j) functions and duties of animal valuers;
- (k) the keeping of a register of animal valuers;
- (l) method of determination of valuation of animals in cases where animals available for inspection and in cases where animals not available for inspection and, in the latter case, use of hides, skins, ears, photographs or tapes, films or any other means of visual

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- reproduction, books, records and comparable prices for comparable animals;
- (m) method of determination of valuation of animals where animal valuers constituting tribunal are not in agreement as to value;
  - (n) procedures in relation to meetings of tribunals and making of valuations of animals in conjunction with court proceedings and adjournments of proceedings;
  - (o) identification of animals by tribunals;
  - (p) issue and use of valuation certificates with respect to valuation of animals;
  - (q) form of valuation certificates;
  - (r) regulating matters and procedures relating to the initiation of the making of valuations of animals, times within which valuations are to be made in relation to any proceedings, adjournments of proceedings in connexion with the making of animal valuations, use of valuation certificates in proceedings and receipt of valuation certificates as evidence in proceedings;
  - (s) sufficiency of evidence of value of animals by tender of valuation certificates in proceedings until contrary value is proved, determination of value where contrary value is so proved, and application of such determined value;
  - (t) facilitation of proof of—
    - (i) appointments of animal valuers;
    - (ii) districts to which animal valuers are appointed or in which they may make animal valuations;
    - (iii) selection of animal valuers to panels and tribunals;  
and
    - (iv) signatures of animal valuers;
  - (u) such other matters as may be convenient for the operation of this section and its application in accordance with subsection (1) or that may be necessary or expedient to achieve the objects and purposes with respect to such operation and application.

(4) Section 28A of the *Acts Interpretation Act 1954-1977* applies in respect of regulations made under this section as it does in respect of regulations made under any Act.”.

56. **New s. 450G.** *The Criminal Code* is amended by inserting after section 450F as inserted by this Act the following heading and section:—

*“Identification of animals and return to owners prior to tender  
in certain cases*

**450G.** Where—

- (a) an animal connected with a charge is in the possession or under the control of a police officer;
- (b) the ownership of the animal is not in dispute;
- (c) the owner of the animal is desirous of the animal being returned to him at a time prior to the tendering of it as an exhibit in connexion with the charge;
- (d) the owner gives an undertaking in writing to produce the animal for the purpose of its tender as an exhibit in connexion with the charge when required to so produce it; and
- (e) a Crown Law Officer is of the opinion that in the circumstances of the case the animal may be returned to the owner prior to the tendering of it as an exhibit,

the animal may be so returned to the owner provided it is first inspected by a tribunal of animal valuers and, in the presence of the tribunal and as an aid to identification—

- (i) there is branded or marked on the animal by the police officer in whose possession or under whose control it is or by some other person acting under his instructions a brand or mark identifying it as an animal held as an exhibit;  
and
- (ii) photographs or tapes, films or any other means of visual reproduction of the animal are taken or made.”.

57. **New s. 450H.** *The Criminal Code* is amended by inserting after section 450G as inserted by this Act the following heading and section:—

*“Licence disqualification where commission of offence  
facilitated by licence or use of vehicle*

**450H.** (1) Where a person is convicted of an offence under section 398 (where the offence relates to the stealing of an animal), section 444A, section 444B, section 445, section 446, section 447, section 448 or section 448A and the Court or stipendiary magistrate is satisfied that the commission of the offence by that person was facilitated by the holding by him of a driver’s licence or by the use by him of a motor vehicle, the Court or stipendiary magistrate may order and direct in addition to any sentence that may be passed or penalty that may be imposed that the offender shall, from the date of conviction, be disqualified absolutely from holding or obtaining a driver’s licence to operate a motor vehicle or be so disqualified for such period as the Court or stipendiary magistrate shall specify in the order.

(2) A copy of the order shall be transmitted to the Commissioner for Transport by the officer or clerk having custody of the records of the court wherein the conviction was recorded.

(3) In this section, "driver's licence" includes any driving licence or driving permit deemed to be equivalent in Queensland to and accepted in lieu of a driver's licence for the purpose of authorizing the holder thereof to drive in Queensland any vehicle of the type or class to the driving of which the driving licence or driving permit is applicable.

(4) Nothing contained in this section limits the operation of any other provision of any Act under which the Court or stipendiary magistrate is empowered to do any act or thing in respect of the driving, or the driver's licence, of any offender."

**58. New s. 450i.** *The Criminal Code* is amended by inserting after section 450H as inserted by this Act the following heading and section:—

*"Forfeiture in cases of conviction for offences under specified sections*

**450i.** (1) Where a person is convicted of an offence under section 398 (where the offence relates to the stealing of an animal), section 444A, section 444B, section 445, section 446, section 447, section 448 or section 448A, the Court or stipendiary magistrate may order to be forfeited to Her Majesty any vehicle, vessel, animal, equipment or other property or thing used in connexion with or to facilitate the commission of the offence of which the person has been convicted.

(2) Anything forfeited to Her Majesty pursuant to this section shall be dealt with or disposed of in such manner as the Attorney-General directs."

**59. New Chapter heading after s. 450i.** *The Criminal Code* is amended by inserting after section 450i and before section 451 and the heading preceding that section the following heading:—

#### "CHAPTER XLIVB

##### OTHER OFFENCES ANALOGOUS TO STEALING PUNISHABLE ON SUMMARY CONVICTION"

**60. Amendment of s. 457.** Section 457 of *The Criminal Code* is amended by omitting the words " , except those defined in the first four sections thereof,".

**61. Amendment of s. 463.** Section 463 of *The Criminal Code* is amended by omitting the words " , with or without solitary confinement" .

**62. Amendment of s. 464.** Section 464 of *The Criminal Code* is amended by omitting the words " , with or without solitary confinement" .

**63. Amendment of s. 465.** Section 465 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement, and with or without whipping”.

**64. Amendment of s. 466.** Section 466 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement, and with or without whipping”.

**65. Amendment of s. 467.** Section 467 of *The Criminal Code* is amended by omitting the words “, with or without whipping, which may be inflicted once, twice, or thrice”.

**66. Amendment of s. 468.** Section 468 of *The Criminal Code* is amended by—

(a) omitting the words “or wether,” and substituting the words “wether, boar, sow, barrow, deer, buffalo or goat,”;

(b) omitting the words “, with or without solitary confinement”.

**67. Amendment of s. 469.** Section 469 of *The Criminal Code* is amended by—

(a) omitting the words “, with or without solitary confinement, and with or without whipping” occurring in paragraph I;

(b) omitting the words “, with or without solitary confinement” occurring in paragraph II;

(c) omitting the words “, with or without solitary confinement” occurring in paragraph III;

(d) omitting the words “, with or without solitary confinement” occurring in paragraph IV;

(e) omitting the words “, with or without solitary confinement” occurring in paragraph VIII.

**68. Amendment of s. 470.** Section 470 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**69. Amendment of s. 471.** Section 471 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**70. Amendment of s. 472.** Section 472 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**71. Amendment of s. 473.** Section 473 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**72. Amendment of s. 474.** Section 474 of *The Criminal Code* is amended by—

(a) inserting after the word “infectious” the words “or contagious”;

(b) omitting the words “seven years” and substituting the word “life”.

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**73. Amendment of s. 475.** Section 475 of *The Criminal Code* is amended by—

- (a) omitting the word “four-footed” where twice occurring;
- (b) inserting after the word “infectious” where twice occurring the words “or contagious” in each case;
- (c) omitting the word “misdemeanour” and substituting the word “crime”;
- (d) omitting the words “for two” and substituting the words “with hard labour for seven”.

**74. Amendment of s. 488.** Section 488 of *The Criminal Code* is amended by—

- (a) omitting the words “, with or without solitary confinement” occurring in paragraph II;
- (b) omitting the words “, with or without solitary confinement” occurring in paragraph III;
- (c) omitting the words “, with or without solitary confinement” occurring in paragraph IV.

**75. Amendment of s. 540.** Section 540 of *The Criminal Code* is amended by omitting the words “, with or without solitary confinement”.

**76. Amendment of s. 541.** Section 541 of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

**77. Amendment of s. 542.** Section 542 of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

**78. Amendment of s. 543.** Section 543 of *The Criminal Code* is amended by inserting at the end thereof the following paragraph:—

“A prosecution for an offence defined in this section shall not be instituted without the consent of the Attorney-General.”.

79. Amendment of s. 568. Section 568 of *The Criminal Code* is amended by—

(a) in subsection (1B), omitting the words “, and on the trial of the person so charged the prosecutor is not to be required to elect to proceed in respect of two or three acts of stealing only”;

(b) inserting after subsection (1C) the following subsection:—

“(2) In an indictment against a person for stealing property, being property of the same person, in respect of circumstances where—

(a) the property was stolen over a space of time;

and

(b) it is not possible to identify in all instances the occasions upon which particular acts of stealing took place,

he may be charged and proceeded against for stealing the property over the space of time in question notwithstanding that different acts of stealing took place at different times.”;

(c) omitting subsection (4) and substituting the following subsection:—

“(4) Charges of—

(a) breaking and entering a place and stealing therein any property;

(b) stealing the property;

and

(c) receiving the property, or any part thereof, knowing it to have been stolen

or any two of such charges may be joined in the same indictment, and the accused person may, according to the evidence, be convicted of the offence referred to in provision (a), the offence referred to in provision (b) or the offence referred to in provision (c).

Where such an indictment is preferred against two or more persons, all or any of them may, according to the evidence, be convicted of the offence referred to in provision (a), the offence referred to in provision (b) or the offence referred to in provision (c); or, according to the evidence, one or more of them may be convicted of one of the offences and the other or others of them

may be convicted of another of the offences or of one or the other of the other offences:

Provided that if the jury find specially that the accused person, or all or any of the accused persons where the indictment is preferred against two or more persons—

- (i) broke and entered the place and stole therein the property in question;  
or
- (ii) stole the property;  
or
- (iii) received the property, or any part thereof, knowing it to have been stolen;  
or
- (iv) committed one of any two of those offences

and that they are unable to say which of those offences was committed by such person or persons, as the case may be, such person or persons shall not by reason thereof be entitled to be acquitted, but the judge shall enter a conviction for the offence for which the least or the lesser punishment is provided.”.

**80. Amendment of s. 581.** Section 581 of *The Criminal Code* is amended by—

(a) omitting provisions (b), (c) and (d) and substituting the following provisions:—

“(b) any offence set out in section 427;

(c) obtaining from any other person any chattel, money or valuable security by passing a cheque that is not paid on presentation for payment;”;

(b) relettering provisions (e), (f) and (g) as provisions (d), (e) and (f) respectively.

**81. Amendment of s. 588.** Section 588 of *The Criminal Code* is amended by omitting the words “goat, or pig” and substituting the words “boar, sow, barrow, deer, buffalo or goat”.

**82. New s. 588A.** *The Criminal Code* is amended by inserting after section 588 the following heading and section:—

*“Charges of stealing certain animals and of killing certain animals with intent to steal*

**588A.** (1) In this section, the term “animal” means horse, mare, gelding, ass, mule, camel, bull, cow, ox, ram, ewe, wether, boar, sow, barrow, deer, buffalo or goat, or the young of any such animal.

(2) If on the trial of a person charged with stealing an animal the evidence establishes that he is not guilty of the offence charged but is

guilty of the offence of killing an animal with intent to steal the skin or carcass or any part of the skin or carcass, he may be convicted of the latter offence and is liable to the punishment prescribed in respect of that offence.

(3) If on the trial of a person charged with killing an animal with intent to steal the skin or carcass of any part of the skin or carcass the evidence establishes that he is not guilty of the offence charged but is guilty of the offence of stealing an animal, he may be convicted of the latter offence and is liable to the punishment prescribed in respect of that offence.

(4) A reference in this section to the offence of killing an animal with intent to steal the skin or carcass or any part of the skin or carcass is a reference to the offence of killing an animal with intent to steal the skin or, as the case may be, the carcass or, as the case may be, part of the skin or, as the case may be, part of the carcass.”.

**83. Amendment of s. 590A.** Section 590A of *The Criminal Code* is amended by omitting the words “Crown Solicitor” where three times occurring and substituting the words “Director of Prosecutions” in each case.

**84. Repeal of and new s. 632.** Section 632 of *The Criminal Code* is repealed and the following section is substituted:—

“632. A person may be convicted of an offence on the uncorroborated testimony of an accomplice or accomplices, but the Court shall warn the jury of the danger of acting on such testimony unless they find that it is corroborated in some material particular by other evidence implicating that person.”.

**85. Amendment of s. 638.** Section 638 of *The Criminal Code* is amended by omitting the words “a Crown Law Officer” and substituting the words “or with the consent of a Crown Law Officer, or with the consent of the Attorney-General”.

**86. Amendment of s. 644.** Section 644 of *The Criminal Code* is amended by inserting after the first paragraph the following paragraph:—

“The Crown may by its counsel admit on the trial of an accused any fact relevant to the trial where the accused is in agreement with this being done, and such admission is sufficient proof of the fact without other evidence.”.

**87. New s. 651.** *The Criminal Code* is amended by inserting after section 650 the following heading and section:—

“*Outstanding charges may be taken into account in passing sentence*”

**651.** (1) Where a person is found guilty of or pleads that he is guilty of an offence, not punishable with imprisonment for

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life, with which he has been charged on indictment and the Court is satisfied that—

- (a) there has been filed in court a document in or to the effect of a form as provided for in subsection (3), signed by a police officer and by the person so found or pleading guilty, showing on the back thereof a list of other indictable offences, not punishable with imprisonment for life, with which he has been charged (whether or not he has been committed for trial or for sentence in respect of those other offences);
  - (b) a copy of that document has been furnished to the person so found or pleading guilty;
- and
- (c) in all the circumstances of the case it is proper to proceed as hereinafter provided,

the Court, with the consent of counsel for the Crown and before passing sentence on the person for the offence of which he has been found or has pleaded guilty, may ask that person whether he admits his guilt in respect of all or any of the offences specified in the list and wishes them to be taken into account in passing sentence upon him.

(2) If the person so found or pleading guilty admits his guilt in respect of all or any of the offences specified in the list and wishes them to be taken into account by the Court in passing sentence for the offence of which he has been found or has pleaded guilty and is represented by counsel or a solicitor, the Court, if it thinks fit, may take all or any of the offences in respect of which he has so admitted guilt into account accordingly:

Provided that any sentence imposed in any such case upon the person so found or pleading guilty shall not exceed the maximum sentence that may be imposed in respect of the offence of which he has been found or has pleaded guilty.

(3) A form of document as referred to in subsection (1) (a) shall be included in The Criminal Practice Rules by Rule of Court made pursuant to the power to make Rules of Court conferred by *The Supreme Court Act of 1921* as amended.

(4) (a) The Court shall certify upon the document filed in court the offences specified in the list on the back thereof that have, in respect of the person concerned, been taken into account in passing sentence upon that person, and thereafter, subject to paragraph (b), proceedings or further proceedings upon those offences shall not be taken against that person.

(b) Proceedings or further proceedings referred to in paragraph (a) may be taken where the decision of the Court is quashed or set aside.

(5) An admission of guilt under and for the purposes of this section in respect of an offence shall not be admissible in evidence—

- (a) in any proceedings or further proceedings taken in circumstances referred to in subsection (4) (b);
- or
- (b) in any proceedings or further proceedings in respect of the offence if the offence was not taken into account under this section in passing sentence.

(6) An offence taken into account under and in accordance with this section in passing sentence upon any person for another offence shall not, by reason of its being so taken into account, be regarded for any purpose as an offence of which that person has been convicted.

(7) Where the Court before which a person was convicted of an indictable offence in passing sentence for that offence took into account under and in accordance with this section any other offence or offences, then, whenever in or in relation to any criminal proceeding—

- (a) reference may lawfully be made to the fact that that person was convicted of the indictable offence, reference may also be made to the fact that that other offence or those other offences was or were so taken into account;
- (b) evidence may lawfully be given of the fact that that person was convicted of the indictable offence, evidence may also be given of the fact that that other offence or those other offences was or were so taken into account.

The fact that that other offence or those other offences was or were so taken into account may be proved in the same manner as the conviction for the indictable offence may be proved.

Nothing in this subsection affects the operation of subsection (6).

(8) A reference in this section to “passing sentence” includes a reference to—

- (a) making a decision or an order to remand in custody or to remand and release upon conditions or otherwise;
- (b) making an order under section 657A;
- (c) deferring the passing of a sentence, suspending the execution of a sentence or discharging upon recognizance subject to conditions;
- and
- (d) making any other decision or order, whether final or conditional, that the Court may make for the purpose of the disposition of the case.”

**88. Repeal of ss. 654 and 655.** *The Criminal Code* is amended by repealing sections 654 and 655 and the headings immediately above those sections.

**89. Repeal of s. 666.** *The Criminal Code* is amended by repealing section 666 and the heading immediately above that section.

**90. Amendment of s. 668A.** Section 668A of *The Criminal Code* is amended by omitting subsection (2) and substituting the following subsection:—

“(2) The Registrar, each Senior Deputy Registrar and each Deputy Registrar of the Supreme Court at Brisbane shall be respectively—

(a) the registrar;

(b) a senior deputy registrar;

and

(c) a deputy registrar

of the Court.”.

**91. Amendment of s. 670.** Section 670 of *The Criminal Code* is amended by—

(a) inserting in paragraph (b), after the words “refusal of the application”, the words “or, where the appeal is by the Attorney-General against sentence within the time provided, until the determination of that appeal”;

(b) inserting the following paragraph at the end of the section:—

“Where any matter arises before the Court in relation to the operation or suspension of the operation of any such order as aforesaid or the operation or suspension of the operation of such provisions as aforesaid, the person in whose favour the order is made or the person benefiting from the operation of the said provisions, as the case may be, may by himself or his counsel or solicitor appear before the Court and there make submissions in connexion with such matter.”.

**92. Amendment of s. 671.** Section 671 of *The Criminal Code* is amended by—

(a) in subsection (1), omitting the word “fourteen” and substituting the word “twenty-eight”;

(b) omitting subsection (2) and substituting the following subsection:—

“(2) An appeal to the Court by the Attorney-General against sentence shall be made within twenty-eight days of the date of such sentence.”;

(c) in subsection (3), inserting after the words “may be given” the words “or within which the Attorney-General may appeal against sentence”.

**93. Amendment of s. 671G.** Section 671G of *The Criminal Code* is amended by inserting after subsection (4) the following subsection:—

“(5) Where pursuant to an appeal to the Court by the Attorney-General against sentence the Court varies the sentence—

- (a) by imposing a term of imprisonment; or
- (b) in a case where the court of trial imposed a term of imprisonment, by increasing the term of imprisonment imposed,

then, subject to any order the Court may make or any direction it may give to the contrary in the circumstances—

- (i) the term of imprisonment referred to in provision (a) shall commence from the time the person in question is received into prison pursuant to the decision of the Court or, where that person is already in prison in respect of imprisonment arising out of another matter, from the date of the decision of the Court;
- (ii) in the service of the increased term of imprisonment referred to in provision (b) by the person in question, any part of the sentence already served by him shall be taken into account.”.

**94. Repeal of and new s. 671K.** Section 671K of *The Criminal Code* and the heading immediately preceding that section are repealed and the following heading and section are substituted:—

*“Recording of trial proceedings*

**671K.** (1) The proceedings at every trial of any person on indictment shall, if practicable, be recorded in shorthand or by a mechanical device (as referred to in *The Recording of Evidence Acts, 1962 to 1968*) or partly in shorthand and partly by such a mechanical device.

(2) On any notice of appeal or application for leave to appeal, a record of the proceedings or any part thereof shall, if directed by the registrar, be furnished to him for the use of the Court or any judge thereof.

(3) A copy of a record of proceedings or of any part thereof may be furnished to any party interested in accordance with provisions of *The Criminal Practice Rules* included by Rules of Court made pursuant to the power to make Rules of Court conferred by *The Supreme Court Act of 1921* as amended; and such Criminal Practice Rules, without limiting the generality of the foregoing, may prescribe, in respect of a trial or in respect of an appeal or in respect of both a trial and an appeal—

- (a) charges for the copy of the record or part thereof;
- (b) circumstances in which such charges may be varied

or waived and on whose or by what authority they may be varied or waived;

- (c) who is a "party interested" for the purpose of having furnished to him a copy of the record or part thereof;
- (d) the authorization of the furnishing of a copy of a record of proceedings or of any part thereof to any other person on the ground that such person has a sufficient interest therein, and by whom any such authorization may be made.

(4) In addition to the foregoing, the Attorney-General may cause a copy of a record of proceedings or of any part thereof to be furnished to any person in such circumstances and subject to such conditions as he thinks fit.

(5) The Crown is entitled to receive a copy of any record of proceedings or of any part thereof without payment of any charge.

(6) The furnishing in accordance with this section and, in an appropriate case, The Criminal Practice Rules of a copy of any record of proceedings or of any part thereof shall not render the Crown, a Crown Law Officer, the registrar or any shorthand reporter or recorder or other person responsible for or associated with that furnishing liable in any way in law in respect thereof."

**95. Amendment of s. 678.** Section 678 of *The Criminal Code* is amended by, in the proviso to the second paragraph of subsection (1)—

- (a) inserting the word "and" after subparagraph (a);
- (b) omitting the words "forty shillings; and" and substituting the words "four dollars.";
- (c) omitting subparagraph (c).

**96. Amendment of s. 679B.** Section 679B of *The Criminal Code* is amended by, in subsection (1), omitting the words "goat or pig" and substituting the words "boar, sow, barrow, deer, buffalo or goat".

**97. New s. 685B.** *The Criminal Code* is amended by inserting after section 685A the following heading and section:—

*"Orders for delivery of certain property*

**685B.** (1) Where any property has come into the custody or possession of a police officer or a Court or justices in connexion with any charge, the Court or justices, on the conclusion of the trial and on the application of the prosecutor, may make an order for the delivery of the property to the person appearing to the Court or justices to be the person lawfully entitled thereto or, if that person cannot be ascertained, may make such order with respect to the property as to the Court or justices seems just.

(2) An order so made shall not be a bar to the right of any person to recover the property by action from the person to whom it is delivered by virtue of the order.”

**98. Amendment of s. 43 of Act 22 Geo. V. No. 27 as amended. Finger prints.** (1) Section 43 of the *Vagrants, Gaming, and Other Offences Act 1931-1978* is amended by—

(a) making the existing provision subsection (1) by inserting the expression “(1)” before the words “Where a person”;

(b) inserting after the words “pursuant to *The Criminal Code,*” the words “or has been arrested for an offence against section 445, 446, 447, 448 or 448A of *The Criminal Code,*”;

(c) inserting after subsection (1) the following subsection:—

“(2) Where a person, appearing personally before a court of criminal jurisdiction or a magistrates court, is convicted of an offence against section 445, 446, 447, 448 or 448A of *The Criminal Code*, the court in question may in its discretion order that person into the custody of a police officer for the purpose of obtaining any particulars referred to in subsection (1), and that police officer and any police officer acting in aid of him shall take (using such force as is reasonably necessary for the purpose) that person to a place where those particulars can adequately be taken and take those particulars.”.

(2) The *Vagrants, Gaming, and Other Offences Act 1931-1978* as amended by this section may be cited as the *Vagrants, Gaming, and Other Offences Act 1931-1986*.