



ANNO OCTAVO

# GEORGII V REGIS.

A.D. 1917.

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## No. 1303.

An Act to further amend the Criminal Law Consolidation Act, 1876, and to amend the Criminal Law Consolidation Amendment Act, 1885, and for other purposes.

*[Assented to, November 15th, 1917.]*

**B**E it Enacted by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Criminal Law Amendment Act, 1917." Short titles.

(2) The Criminal Law Consolidation Act, 1876, the Criminal Law Consolidation Amendment Act, 1885, the Criminal Law Amendment Act, 1902, and this Act, may be cited together as the "Criminal Law Consolidation Acts, 1876 to 1917."

2. This Act is incorporated with the other Acts mentioned in section 1 of this Act, and those Acts and this Act shall be read as one Act. Incorporation with other Acts.

3. Section 66 of the Criminal Law Consolidation Act, 1876, is amended so as to read as follows:— Amendment of Act 38, 1876, s. 66—

66. Any person guilty of any indecent assault upon any female shall, for a first offence, be liable to be imprisoned for any term not exceeding five years with hard labour and may be whipped, and for any subsequent offence shall be liable to be imprisoned for any term not exceeding seven years with hard labour and shall be whipped. Punishment for indecent assault.

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Amendment of *ibid.*,  
s. 315—  
Punishment for  
lewdness.

**4.** Section 315 of the Criminal Law Consolidation Act, 1876, is amended by substituting the words “two years” for the words “one year” in the fourth line thereof, and by substituting the words “four years” for the words “two years” in the seventh line thereof.

Amendment of  
Act 358, 1885, s. 12.

**5.** Section 12 of the Criminal Law Consolidation Amendment Act, 1885, is amended so as to read as follows:—

Power on information  
for rape, &c., to con-  
vict of indecent  
assault or common  
assault.

12. If upon the trial of any information for any such felony or misdemeanour as mentioned in section 60, 61, 63, 64, or 65 of the Criminal Law Consolidation Act, 1876, or in section 4 or 11 of this Act, the jury is satisfied that the accused is guilty of an indecent assault, or of a common assault, but are not satisfied that the accused is guilty of the felony or misdemeanour charged in such information, then and in every such case the jury may acquit the accused of such felony or misdemeanour and find him guilty of an indecent assault, or of a common assault, as the case may be, and thereupon the accused shall be liable to be punished in the same manner as if he had been convicted upon an information for an indecent assault upon a female, or for common assault, as the case may be.

Cf. U.K. 48 & 49  
Vict., ch. 69, s. 9.

Increase of punish-  
ment for various  
sexual offences under  
Act 358, 1885.

**6.** Notwithstanding anything contained in the Criminal Law Consolidation Amendment Act, 1885, any person who is guilty of any such misdemeanour as mentioned in section 2, 3, 4, 6, 7, 10, or 11 of the said Act shall be liable to be imprisoned with hard labor for any term not exceeding seven years.

Provision for  
indeterminate  
sentences where  
persons guilty of  
sexual offences are  
suffering from  
venereal disease.

**7.** (1) In every case where there is reason to suspect that a person guilty of any offence of a sexual nature (not being an offence punishable on summary conviction) is suffering from a venereal disease, the Court or Judge sitting for the trial of such offence shall direct that two or more legally qualified medical practitioners be sworn to inquire whether such person is so suffering, and if after due inquiry (which shall be made by personal examination of such person by the said practitioners themselves) they report that such person is so suffering, such Court or Judge shall, as part of the sentence of such person, declare that he is suffering from a venereal disease.

(2) Every person declared to be suffering from a venereal disease shall, at the expiration of his sentence, be detained during His Majesty's pleasure and subject to the regulations in some place of confinement set apart by the Governor by proclamation for that purpose.

(3) If the Governor, upon a report by two or more legally qualified medical practitioners, is satisfied that any person so detained is no longer suffering from any venereal disease, the Governor may, by his warrant, direct the release of such person.

(4) In this section “venereal disease” means syphilis or gonorrhœa.

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8. The provisions of section 7 of this Act shall apply, *mutatis mutandis*, in the case of a person guilty of such an offence as mentioned in that section where there is reason to suspect that the mental condition of such person is such that he is incapable of exercising proper control over his sexual instincts.

Similar provision  
in the case of sexual  
degenerates.

In the name of and on behalf of His Majesty, I hereby assent to  
this Bill.

H. L. GALWAY, Governor.