



Western Australia

Criminal Code Act Compilation Act 1913

**Incorporating the amendments proposed by
the *Criminal Law Amendment (Intimate
Images) Bill 2018 Pt. 2 (Bill No. 76-1)***

Note:

Chapters II-XXIV, XXVI-XXXIII, XXXIII B-LXXIV and Sch. 1 of this Act have been omitted as they are not amended by Bill No. 76-1.

Criminal Code Act Compilation Act 1913

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Defined terms



Western Australia

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Criminal Code Act Compilation Act 1913

An Act to enact a compilation of the *Criminal Code Act 1902*, with its amendments and portion of the *Secret Commissions Act 1905*, and for other related purposes.

Criminal Code Act Compilation Act 1913

Preamble

Preamble

Whereas the Legislative Council and Legislative Assembly on 22 December 1911, directed the compilation with its amendments of the *Criminal Code Act 1902*; and a compilation of the said Act and the Acts amending the same was duly made in accordance with the *Statutes Compilation Act* (as amended): And whereas it is desirable to repeal the Acts so compiled: And whereas in order to carry out the purposes of the *Criminal Code Amendment Act 1913*, it is desirable to include in the compilation the further amendments authorised to be so included by that Act, and also the provisions of the *Secret Commissions Act 1905* (except section 19 thereof), and to repeal the last-mentioned Act and the portions of the *Criminal Code Amendment Act 1913*, containing the said further amendments: And whereas the Acts and the parts of an Act which it is desirable to repeal are set out in the Appendix A; and the compiled Act set out in Appendix B is a true compilation of the Acts and parts of Acts so directed to be compiled or authorised to be included in the compilation as aforesaid, and it is desirable to give such compilation the force of law. Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:

1. Short title and commencement

This Act may be cited as the *Criminal Code Act Compilation Act 1913*¹, and shall come into operation on 1 January 1914.

2. Acts repealed

The Acts and parts of an Act set out in Appendix A are hereby repealed, and the compiled Act set forth in Appendix B is hereby enacted under the title of the *Criminal Code Act 1913*.

3. Savings for things done under repealed Acts

- (1) All offices, appointments, regulations, rules, convictions, sentences, judgments, orders, registers, records, certificates, and instruments, and generally all acts of authority, which originated or were operative or subsisting under any enactment repealed by this Act and hereby re-enacted with or without modification, and which are subsisting or in force on or immediately prior to the commencement of the compiled Act shall, subject to that Act, enure for the purposes thereof as fully and effectually as if they had originated under the corresponding provisions of that Act, and accordingly shall, where necessary, be deemed to have so originated.
- (2) All offences committed against and all pending matters and proceedings commenced under any such enactment may be prosecuted, continued, and completed under and subject to the provisions of the compiled Act.

Appendix A
Acts and Parts of Act Repealed.

1 and 2 Edw. VII No. 14 — *The Criminal Code Act 1902*

2 Edw. VII No. 29 — *The Criminal Code Amendment Act 1902*

No. 13 of 1905 — *The Secret Commissions Act 1905*

No. 31 of 1906 — *The Criminal Code Amendment Act 1906*

No. 28 of 1911 — *The Criminal Code Amendment Act 1911*

No. 52 of 1911 — *The Criminal Code Amendment Act 1911*

Sections 2 to 29 (both inclusive) of Act No. 15 of 1913 —
The Criminal Code Amendment Act 1913

Appendix B

An Act to establish a Code of Criminal Law.

Preamble

Whereas it is desirable to declare and consolidate the Criminal Law: Be it enacted and declared by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:

1. Short title

This Act may be cited as the *Criminal Code Act 1913*¹.

2. The Criminal Code established

The provisions contained in the Code of Criminal Law set forth in the Schedule to this Act, and hereinafter called the *Code*, shall be the law of Western Australia with respect to the several matters therein dealt with.

The said Code may be cited as "*The Criminal Code*".

3. Construction of statutes, statutory rules, and other instruments

The following rules shall, unless the context otherwise indicates, apply with respect to the construction of statutes, statutory rules, local laws, by-laws, and other instruments, that is to say —

- (1) When in any statute, statutory rule, local law, by-law, or other instrument, public or private, the term *felony* is used, or reference is made to an offence by the name of felony, it shall be taken that reference is intended to an offence which is a crime under the provisions of the Code:
- (2) When in any statute, statutory rule, local law, by-law, or other instrument, public or private, the term *murder* is used, it shall be taken that reference is intended to include the crime that was called wilful murder under the Code as it was before the commencement of the *Criminal Law Amendment (Homicide) Act 2008*:

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- (3) When in any statute, statutory rule, local law, by-law, or other instrument, public or private, the term *larceny* is used, it shall be taken that reference is intended to the crime of stealing:
- (4) When in any statute, statutory rule, local law, by-law, or other instrument, public or private, reference is made to any offence by any specific name, it shall be taken that reference is intended to the offence which, under the provisions of the Code, is constituted by the act or omission that would heretofore have constituted the offence referred to:
- (5) When in any statute, statutory rule, local law, by-law, or other instrument, public or private, reference is made to any of the statutory provisions hereby repealed, it shall be taken that reference is intended to the corresponding provisions or substituted provisions of the Code.

[Section 3 amended by No. 14 of 1996 s. 4; No. 57 of 1997 s. 45; No. 29 of 2008 s. 27.]

4. Offences are only those in WA's statute law with some exceptions

No person shall be liable to be tried or punished in Western Australia as for an offence, except under the express provisions of the Code, or some other statute law of Western Australia, or under the express provisions of some statute of the Commonwealth of Australia, or of the United Kingdom which is expressly applied to Western Australia, or which is in force in all parts of His Majesty's dominions not expressly excepted from its operation, or which authorises the trial and punishment in Western Australia of offenders who have, at places not in Western Australia, committed offences against the laws of the Commonwealth of Australia or of the United Kingdom.

[Section 4 amended by No. 4 of 2004 s. 58.]

5. No civil action for lawful acts; saving

When, by the Code, any act is declared to be lawful, no action can be brought in respect thereof.

Except as aforesaid, the provisions of this Act shall not affect any right of action which any person would have had against another if this Act had not been passed; nor shall the omission from the Code of any penal provision in respect of any act or omission, which before the time of the coming into operation of

the Code constituted an actionable wrong, affect any right of action in respect thereof.

[6. *Deleted by No. 78 of 1995 s. 22.*]

7. Contempt of court powers not affected

Nothing in this Act or in the Code shall affect the authority of courts of record to punish a person summarily for the offence commonly known as “contempt of court”; but so that a person cannot be so punished, and also punished under the provisions of the Code for the same act or omission.

[8. *Deleted by No. 13 of 1984 s. 9.*]

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Criminal Code

Part I — Introductory

Interpretation: Application: General principles

Chapter I — Interpretation

1. Terms used

(1) In this Code, unless the context otherwise indicates —

The term ***adult offender*** means, with respect to a person convicted of an offence, a person who had reached 18 years of age when the offence was committed;

The term ***aggravated home burglary*** means a home burglary committed in circumstances of aggravation (within the meaning given in section 400(1));

The term ***aircraft*** includes any machine that can derive support in the atmosphere from the reactions of the air;

The term ***assault*** has the definition provided in section 222;

The term ***Attorney General*** includes where there is a vacancy in the office of Attorney General the person appointed by the Governor to be Minister for Justice;

The term ***bodily harm*** means any bodily injury which interferes with health or comfort;

The term ***bribe*** means any property or benefit of any kind, whether pecuniary or otherwise, sought, offered, promised, agreed upon, given or obtained for the person being or to be bribed or any other person, in respect of any act done or to be done, or any omission made or to be made, or any favour or disfavour shown or to be shown, in relation to the performance or discharge of the functions of any office or employment, or the affairs or business of a principal;

The term ***child*** means —

- (a) any boy or girl under the age of 18 years; and
- (b) in the absence of positive evidence as to age, any boy or girl apparently under the age of 18 years;

The term ***circumstances of racial aggravation*** has the meaning given to it in section 80I;

The terms *clerk* and *servant* include any person employed for any purpose as or in the capacity of a clerk or servant, or as a collector of money, although temporarily only, or although employed also by other persons than the person alleged to be his employer, or although employed to pay as well as receive money, and any person employed as or in the capacity of a commission agent for the collection or disbursement of money, or in any similar capacity, although he has no authority from his employer to receive money or other property on his account;

The term *company* means an incorporated company;

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 *court of summary jurisdiction* means the Children's Court when constituted so as not to consist of or include a judge of that court, the Magistrates Court, or any other court or any person that another written law says is a court of summary jurisdiction;

The term *criminally responsible* means liable to punishment as for an offence; and the term *criminal responsibility* means liability to punishment as for an offence;

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 *District Court* means The District Court of Western Australia established under the *District Court of Western Australia Act 1969*;

The term *dwelling* means any building, structure, tent, vehicle or vessel, or part of any building, structure, tent, vehicle or vessel, that is ordinarily used for human habitation, and it is immaterial that it is from time to time uninhabited;

The term *explosive substance* includes a gaseous substance in such a state of compression as to be capable of explosion;

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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; or
- (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 **grievous bodily harm** means any bodily injury of such a nature as to endanger, or be likely to endanger life, or to cause, or be likely to cause, permanent injury to health;

The term **home burglary** means an offence against any provision of Chapter XXXIX (as enacted at any time) other than section 407 committed in respect of a place (within the meaning given in section 400(1)) ordinarily used for human habitation;

The term **incites** includes solicits and endeavours to persuade;

The term **indictment** means a written charge of an indictable offence presented to the Supreme Court or District Court in order that the accused person be tried by that court;

The term **juvenile offender** means, with respect to a person convicted of an offence, a person who had reached 16 but not 18 years of age when the offence was committed;

The term **liable**, used alone, means liable on conviction upon indictment;

The term **member of the crew** in relation to an aircraft means a person having duties or functions on board the aircraft;

The term **mental illness** means an underlying pathological infirmity of the mind, whether of short or long duration and whether permanent or temporary, but does not include a condition that results from the reaction of a healthy mind to extraordinary stimuli;

The term **mental impairment** means intellectual disability, mental illness, brain damage or senility;

The term **money** includes bank notes, bank drafts, cheques, and any other orders, warrants, authorities, or requests for the payment of money;

The term **motor vehicle** has the same meaning as it has in the *Road Traffic (Administration) Act 2008* section 4;

The term **night** or **night-time** means the interval between 9 p.m. and 6 a.m.;

The term **obtains** includes obtains possession and, in relation to land, includes occupies or acquires the capacity to occupy;

The term **person** and **owner** and other like terms, when used with reference to property, include corporations of all kinds, and any other associations of persons capable of owning property: They also, when so used, include Her Majesty;

The term **person employed in the Public Service** includes members of the defence force and police officers, and persons employed to execute any process of a court of justice, and persons employed by the Commissioner of Railways;

The term **possession** includes having under control in any manner whatever, whether for the use or benefit of the person of whom the term is used or of another person, and although another person has the actual possession or custody of the thing or property in question;

The term **property** includes real and personal property and everything, animate or inanimate, capable of being the subject of ownership;

The term **public officer** means any of the following —

- (a) a police officer;
- (aa) a Minister of the Crown;
- (ab) a Parliamentary Secretary appointed under section 44A of the *Constitution Acts Amendment Act 1899*;
- (ac) a member of either House of Parliament;
- (ad) a person exercising authority under a written law;
 - (b) a person authorised under a written law to execute or serve any process of a court or tribunal;
- (c) a public service officer or employee within the meaning of the *Public Sector Management Act 1994*;
- (ca) a person who holds a permit to do high-level security work as defined in the *Court Security and Custodial Services Act 1999*;
- (cb) a person who holds a permit to do high-level security work as defined in the *Prisons Act 1981*;
- (d) a member, officer or employee of any authority, board, corporation, commission, local government, council of a local government, council or committee or similar body established under a written law;
- (e) any other person holding office under, or employed by, the State of Western Australia, whether for remuneration or not;

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The term **public place** includes —

- (a) a place to which the public, or any section of the public, has or is permitted to have access, whether on payment or otherwise; and
- (b) a privately owned place to which the public has access with the express or implied approval of, or without interference from, the owner, occupier or person who has the control or management of the place; and
- (c) a school, university or other place of education, other than a part of it to which neither students nor the public usually have access;

The term **railway** includes every kind of way on which vehicles are borne upon a rail or rails, whatever may be the means of propulsion;

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 terms **registered brand** and **registered mark** mean respectively a brand or mark which is registered under the authority of the laws relating to brands;

The term **serious disease** means a disease of such a nature as to —

- (a) endanger, or be likely to endanger, life; or
- (b) cause, or be likely to cause, permanent injury to health;

The term **ship** includes every kind of vessel used in navigation not propelled by oars;

The term **summarily** has the meaning given by subsection (5);

The term **summary conviction** means conviction otherwise than on indictment;

The term **thing sent by post** includes any letter, newspaper, packet, parcel, or other thing, authorised by law to be transmitted by post, which has been posted or received at a post office for delivery or transmission by post, and which is in course of transmission by post, and any movable receptacle

which contains any such thing, and which is in course of transmission by post;

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

The term *valuable security* includes any document which is the property of any person, and which is evidence of the ownership of any property or of the right to recover or receive any property;

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

The term *vessel* includes a ship, a boat, and every other kind of vessel used in navigation.

- (2) For the purposes of this Code —
- (a) a flight of an aircraft shall be taken to commence —
 - (i) at the time of the closing of the external door of the aircraft last to be closed before the aircraft first moves for the purpose of taking off from any place; or
 - (ii) if subparagraph (i) is not applicable, at the time at which the aircraft first moves for the purpose of taking off from any place;

and

 - (b) a flight of an aircraft shall be taken to end —
 - (i) at the time of the opening of the external door of the aircraft first to be opened after the aircraft comes to rest after its next landing after the commencement of the flight; or
 - (ii) if subparagraph (i) is not applicable, at the time at which the aircraft comes to rest after its next landing after the commencement of the flight,

or, if the aircraft is destroyed, or the flight is abandoned, before either subparagraph (i) or subparagraph (ii) becomes applicable, at the time at which the aircraft is destroyed or the flight is abandoned, as the case may be.
- (3) Nothing in this Code empowering the detention in, or committal to, custody of any person (however the power may be expressed) shall be read as limiting the operation of section 4 of the *Bail Act 1982*.

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(4) In this Code, unless the context otherwise indicates —

- (a) a reference to causing or doing bodily harm to a person includes a reference to causing a person to have a disease which interferes with health or comfort; and
- (b) a reference to intending to cause or intending to do bodily harm to a person includes a reference to intending to cause a person to have a disease which interferes with health or comfort; and
- (c) a reference to causing or doing grievous bodily harm to a person includes a reference to causing a person to have a serious disease; and
- (d) a reference to intending to cause or intending to do grievous bodily harm to a person includes a reference to intending to cause a person to have a serious disease.

(4A) In this Code, unless the context otherwise indicates —

- (a) a reference to causing or doing bodily harm to a person includes, if the person is a pregnant woman, a reference to causing or doing bodily harm to the woman's unborn child; and
- (b) a reference to intending to cause or intending to do bodily harm to a person includes, if the person is a pregnant woman, a reference to intending to cause or intending to do bodily harm to the woman's unborn child; and
- (c) a reference to causing or doing grievous bodily harm to a person includes, if the person is a pregnant woman —
 - (i) a reference to causing or doing grievous bodily harm to the woman's unborn child; and
 - (ii) a reference to causing the loss of the woman's pregnancy;and
- (d) a reference to intending to cause or intending to do grievous bodily harm to a person includes, if the person is a pregnant woman —
 - (i) a reference to intending to cause or intending to do grievous bodily harm to the woman's unborn child; and
 - (ii) a reference to intending to cause the loss of the woman's pregnancy.

- (5) In this Code, unless the context otherwise indicates, a reference to a charge being dealt with summarily is a reference to the charge being dealt with otherwise than on an indictment.
- (6) Nothing in this Code affects the operation of the *Children's Court of Western Australia Act 1988* and in particular the jurisdiction of the Children's Court to deal with indictable offences.

[Section 1 amended by No. 55 of 1953 s. 2; No. 53 of 1964 s. 2; No. 21 of 1972 s. 3; No. 38 of 1977 s. 3; No. 87 of 1982 s. 30; No. 119 of 1985 s. 4; No. 106 of 1987 s. 4; No. 70 of 1988 s. 4, 19(2) and 31; No. 101 of 1990 s. 4; No. 37 of 1991 s. 16; No. 14 of 1992 s. 4(1); No. 51 of 1992 s. 3; No. 32 of 1994 s. 10; No. 14 of 1996 s. 4; No. 34 of 1996 s. 4; No. 36 of 1996 s. 4; No. 69 of 1996 s. 6; No. 43 of 1999 s. 20; No. 47 of 1999 s. 10; No. 4 of 2004 s. 27; No. 59 of 2004 s. 80; No. 70 of 2004 s. 4; No. 80 of 2004 s. 4; No. 2 of 2008 s. 4; No. 8 of 2012 s. 183; No. 25 of 2015 s. 4; No. 49 of 2016 s. 98.]

2. Term used: offence

An act or omission which renders the person doing the act or making the omission liable to punishment is called an offence.

3. Indictable offences, general provisions as to

- (1) This section applies to offences in this Code and in any other written law.
- (2) An indictable offence is triable only on indictment, unless this Code or another written law expressly provides otherwise.
- (3) A prosecution for an indictable offence, whether or not it may be tried summarily, may be commenced at any time, unless this Code or another written law expressly provides otherwise.

[(4) deleted]

- (5) If a person is convicted by a court of summary jurisdiction of an indictable offence, the conviction is to be regarded as being a conviction of a simple offence only, unless the person is convicted of the offence by the Children's Court under section 19B(4) of the *Children's Court of Western Australia Act 1988* or another written law provides otherwise.

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- (6) A person may be convicted and punished for an offence on indictment notwithstanding that the person might have been convicted of and punished for that offence summarily.

[Section 3 inserted by No. 4 of 2004 s. 28; amended by No. 59 of 2004 s. 80; No. 70 of 2004 s. 36(1); No. 84 of 2004 s. 28.]

4. Term used: attempt to commit offence

When a person, intending to commit an offence, begins to put his intention into execution by doing an act that is more than merely preparatory to the commission of the offence but does not fulfil his intention to such an extent as to commit the offence, he is said to attempt to commit the offence.

It is immaterial, except so far as regards punishment, whether the offender does all that is necessary on his part for completing the commission of the offence, or whether the complete fulfilment of his intention is prevented by circumstances independent of his will, or whether he desists of his own motion from the further prosecution of his intention.

It is immaterial that by reason of circumstances not known to the offender, it is impossible in fact to commit the offence.

The same facts may constitute one offence and an attempt to commit another offence.

[Section 4 amended by No. 106 of 1987 s. 5.]

5. Summary conviction penalty, meaning and effect of

- (1) This section applies if —
- (a) a provision of this Code, or another written law, provides a summary conviction penalty for an indictable offence; and
 - (b) a person (the *accused*) is charged before a court of summary jurisdiction (the *court*) with committing the indictable offence in circumstances where the summary conviction penalty applies to the offence (the *charge*).
- (2) Despite section 3(2), the court is to try the charge summarily unless —
- (a) on an application made by the prosecutor or the accused before the accused pleads to the charge, the court decides under subsection (3) that the charge is to be tried on indictment; or

- (b) this Code or another written law expressly provides to the contrary.
- (3) The court may decide the charge is to be tried on indictment if and only if it considers —
 - (a) that the circumstances in which the offence was allegedly committed are so serious that, if the accused were convicted of the offence, the court would not be able to adequately punish the accused; or
 - (ba) that the circumstances in which the offence was allegedly committed are such that, if the accused were convicted of the offence, the *Sentencing Act 1995* Part 2 Division 2A would apply to the sentencing of the accused for that offence; or
 - (b) that the charge forms part of a course of conduct during which other offences were allegedly committed by the accused and the accused is to be tried on indictment for one or more of those other offences; or
 - (c) that a co-accused of the accused is to be tried on indictment; or
 - (d) that the charge forms part of a course of conduct during which other offences were allegedly committed by the accused and others and the accused or one of the others is to be tried on indictment for one or more of those other offences; or
 - (e) that the interests of justice require that the charge be dealt with on indictment.
- (4) For the purposes of making a decision under subsection (3) the court —
 - (a) may require the prosecutor to provide any information the court needs and may hear submissions from both the prosecutor and the accused; and
 - (b) may adjourn the proceedings.
- (5) If under subsection (3) the court decides that the charge is to be tried on indictment the court shall —
 - (a) give reasons for the decision; and
 - (b) deal with the accused in accordance with section 41 of the *Criminal Procedure Act 2004*.
- (6) A decision cannot be made under subsection (3) after the accused has pleaded to the charge.

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- (7) A decision made under subsection (3) is final and cannot be appealed.
- (8) If the court convicts the accused of the offence charged (whether after a plea of guilty or otherwise), the accused is liable to the summary conviction penalty provided for the offence, unless the court commits the accused for sentence.
- (9) If the court —
- (a) convicts the accused of the offence charged after a plea of guilty or otherwise; and
 - (b) considers that any sentence the court could impose on the accused for the offence would not be commensurate with the seriousness of the offence,
- the court may commit the accused to a court of competent jurisdiction for sentence.
- (10) An accused who is committed for sentence under subsection (9) is liable to the penalty with which the offence is punishable on indictment.
- (11) For the purposes of this section and of any summary trial of the charge, the court must be constituted by a magistrate alone.

[Section 5 inserted by No. 4 of 2004 s. 29; amended by No. 59 of 2004 s. 80; No. 84 of 2004 s. 28 and 82; No. 49 of 2012 s. 173(2).]

6. Terms used: carnal knowledge, carnal connection

When the term *carnal knowledge* or the term *carnal connection* is used in defining an offence, it is implied that the offence, so far as regards that element of it, is complete upon penetration.

Penetration includes penetration of the anus of a female or male person.

[Section 6 amended by No. 32 of 1989 s. 4.]

Part II — Offences against public order

Chapter XXV — Child exploitation material

[Heading⁵ inserted as Ch. XXIV by No. 21 of 2010 s. 4.]

217A. Terms used

In this Chapter —

child means a person under 16 years of age;

child exploitation material means —

- (a) child pornography; or
- (b) material that, in a way likely to offend a reasonable person, describes, depicts or represents a person, or part of a person, who is, or appears to be, a child —
 - (i) in an offensive or demeaning context; or
 - (ii) being subjected to abuse, cruelty or torture (whether or not in a sexual context);

child pornography means material that, in a way likely to offend a reasonable person, describes, depicts or represents a person, or part of a person, who is, or appears to be a child —

- (a) engaging in sexual activity; or
- (b) in a sexual context;

material includes —

- (a) any object, picture, film, written or printed matter, data or other thing; and
- (b) any thing from which text, pictures, sound or data can be produced or reproduced, with or without the aid of anything else;

picture has the meaning given in section 204B.

[Section 217A⁵ inserted as section 216 by No. 21 of 2010 s. 4.]

217. Involving child in child exploitation

- (1) For the purposes of this section, a person involves a child in child exploitation if the person —
 - (a) invites a child to be in any way involved in the production of child exploitation material; or
 - (b) causes a child to be in any way involved in the production of child exploitation material; or
 - (c) procures a child for the purpose of the production of child exploitation material; or

(d) offers a child for the purpose of the production of child exploitation material.

(2) A person who involves a child in child exploitation is guilty of a crime and is liable to imprisonment for 10 years.

[Section 217 inserted by No. 21 of 2010 s. 4.]

218. Producing child exploitation material

A person who produces child exploitation material is guilty of a crime and is liable to imprisonment for 10 years.

[Section 218 inserted by No. 21 of 2010 s. 4.]

219. Distributing child exploitation material

(1) In this section —

distribute child exploitation material, includes —

(a) communicate, exhibit, sell, send, supply, offer or transmit child exploitation material to another person, or enter into an agreement or arrangement to do so; or

(b) make child exploitation material available for access by electronic or other means by another person, or enter into an agreement or arrangement to do so.

(2) A person who distributes child exploitation material is guilty of a crime and is liable to imprisonment for 10 years.

(3) A person who has possession of child exploitation material with the intention of distributing the material is guilty of a crime and is liable to imprisonment for 10 years.

[Section 219 inserted by No. 21 of 2010 s. 4.]

220. Possession of child exploitation material

A person who has possession of child exploitation material is guilty of a crime and is liable to imprisonment for 7 years.

[Section 220 inserted by No. 21 of 2010 s. 4.]

221A. Defences and exclusions for s. 217, 218, 219 and 220

(1A) It is no defence to a charge of an offence under section 217, 218, 219 or 220 to prove that the accused person did not know the age of the child to whom the charge relates, or the age of the child described, depicted or represented in the material to which the charge relates, or believed that the child was of or over 16 years of age.

- (1) It is a defence to a charge of an offence under section 217, 218, 219 or 220 to prove that —
- (a) the material to which the charge relates was classified (whether before or after the commission of the alleged offence) under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth), other than as refused classification (RC); or
 - (b) the accused person did not know, and could not reasonably be expected to have known, that the material to which the charge relates describes, depicts or represents a person or part of a person in a way likely to offend a reasonable person; or
 - (c) the material to which the charge relates was —
 - (i) of recognised literary, artistic or scientific merit; or
 - (ii) of a genuine medical character,and that the act to which the charge relates is justified as being for the public good; or
 - (d) the accused person was acting for a genuine child protection or legal purpose, and that the person's conduct was reasonable for that purpose.
- (2) It is a defence to a charge of an offence under section 220 to prove that —
- (a) the material to which the charge relates came into the accused person's possession unsolicited; and
 - (b) as soon as the accused person became aware of the nature of the material the accused person took reasonable steps to get rid of it.
- (3) Nothing in section 219 or 220 makes it an offence —
- (a) for a member or officer of a law enforcement agency to possess or distribute child exploitation material when acting in the course of his or her official duties; or
 - (b) for a person to possess or distribute child exploitation material in the exercise of a function relating to the classification of such material conferred or imposed on the person under the *Classification (Publications, Films and Computer Games) Act 1995* (Commonwealth).
- (4) In subsection (3)(a) —
- law enforcement agency** means —
- (a) the Police Force of the State; or

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- (b) the Police Service of the State; or
- (c) the Office of the Director of Public Prosecutions of the State; or
- (d) the Corruption and Crime Commission; or
- (e) any entity of another State or a Territory, the Commonwealth or another country that has functions similar to functions of an entity referred to in paragraph (a), (b), (c) or (d).

[Section 221A inserted by No. 21 of 2010 s. 4.]

221B. Unlawful material, forfeiture of

- (1) If a person is charged with an offence against section 217, 218, 219 or 220, the court may order the material to which the charge relates be forfeited to the State.
- (2) The court may make an order under subsection (1) whether or not the person is convicted of the offence.
- (3) This section does not limit the court's powers under section 731 or under the *Criminal Property Confiscation Act 2000*.

[Section 221B inserted by No. 21 of 2010 s. 4.]

Chapter XXVA — Intimate images

[Heading inserted by the Criminal Law Amendment (Intimate Images) Bill 2018 cl. 4.]

221BA. Terms used

In this Chapter —

consent has the meaning given in section 221BB;

distributes an intimate image of a person includes the meaning given in section 221BC;

engaged in a private act means —

- (a) in a state of undress; or
- (b) using the toilet, showering or bathing; or
- (c) engaged in a sexual act;

intimate image, of a person —

- (a) means a still or moving image, in any form, that shows, in circumstances in which the person would reasonably expect to be afforded privacy —

- (i) the person's genital area or anal area, whether bare or covered by underwear; or

(ii) in the case of a female person, or transgender or intersex person identifying as female, the breasts of the person, whether bare or covered by underwear; or

(iii) the person engaged in a private act;
and

(b) includes an image, in any form, that has been created or altered to appear to show any of the things mentioned in paragraph (a);

law enforcement agency means —

(a) the Police Force of the State; or

(b) the Police Service of the State; or

(c) the Office of the Director of Public Prosecutions of the State; or

(d) the Corruption and Crime Commission; or

(e) any entity of another State or a Territory, the Commonwealth or another country that has functions similar to functions of an entity referred to in paragraph (a), (b), (c) or (d).

[Section 221BA inserted by the Criminal Law Amendment (Intimate Images) Bill 2018 cl. 4.]

221BB. Term used: consent

(1) In this Chapter a reference to **consent** is a reference to consent freely and voluntarily given.

(2) Without limiting the generality of subsection (1), consent is not freely and voluntarily given if it is obtained by force, threat, intimidation, deceit or any fraudulent means.

(3) A person who consents to the distribution of an intimate image of themselves on a particular occasion is not, only because of that fact, to be regarded as having consented to the distribution of the image or any other image on another occasion.

(4) A person who consents to the distribution of an intimate image of themselves to or by a particular person or in a particular way is not, only because of that fact, to be regarded as having consented to the distribution of the image or any other image to or by another person or in another way.

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(5) A person who distributes an intimate image of themselves is not only because of that fact, to be regarded as having consented to any other distribution of the image or any other image.

(6) A person under 16 years of age is incapable of consenting to the distribution of an intimate image.

(7) This section does not limit the grounds on which it may be established that a person does not consent to the distribution of an intimate image.

[Section 221BB inserted by the Criminal Law Amendment (Intimate Images) Bill 2018 cl. 4.]

221BC. Term used: distributes

In this Chapter a person *distributes* an intimate image of a person by —

- (a) communicating, exhibiting, selling, sending, supplying, offering or transmitting the image to a person other than themselves or the person depicted in the image; or
- (b) making the image available for access by electronic or other means by a person other than themselves or the person depicted in the image; or
- (c) entering into an agreement or arrangement to do anything referred to in paragraph (a) or (b).

[Section 221BC inserted by the Criminal Law Amendment (Intimate Images) Bill 2018 cl. 4.]

221BD. Distribution of intimate image

(1) In this section —

media activity purposes means the purposes of collecting, preparing for the distribution of, or distributing —

- (a) material having the character of news, current affairs or a documentary; or
- (b) material consisting of commentary or opinion on, or analysis of, news, current affairs, or a documentary.

(2) A person commits a crime if —

- (a) the person distributes an intimate image of another person (the *depicted person*); and
- (b) the depicted person does not consent to the distribution.

Penalty for this subsection: imprisonment for 3 years.

Summary conviction penalty for this subsection: imprisonment for 18 months and a fine of \$18 000.

(3) It is a defence to a charge under subsection (2) to prove that —

(a) the distribution of the image was for a genuine scientific, educational or medical purpose; or

(b) the distribution of the image was reasonably necessary for the purpose of legal proceedings; or

(c) the person who distributed the image —

(i) distributed the image for media activity purposes; and

(ii) did not intend the distribution to cause harm to the depicted person; and

(iii) reasonably believed the distribution to be in the public interest;

or

(d) a reasonable person would consider the distribution of the image to be acceptable, having regard to each of the following (to the extent relevant) —

(i) the nature and content of the image;

(ii) the circumstances in which the image was distributed;

(iii) the age, mental capacity, vulnerability or other relevant circumstances of the depicted person;

(iv) the degree to which the accused's actions affect the privacy of the depicted person;

(v) the relationship between the accused and the depicted person;

(vi) any other relevant matters.

(4) Nothing in subsection (2) makes it an offence —

(a) for a member or officer of a law enforcement agency or their agents to distribute an intimate image when acting in the course of their official duties; or

(b) for a person to distribute an intimate image in accordance with, or in the performance of the person's functions under, a written law or a law of the Commonwealth or another State or Territory; or

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(c) for a person to distribute an intimate image for the purposes of the administration of justice.

[Section 221BD inserted by the Criminal Law Amendment (Intimate Images) Bill 2018 cl. 4.]

221BE. Court may order rectification

(1) In this section —

intimate image offence means —

(a) an offence under section 221BD; or

(b) an offence under section 338A or 338B, if the offence involves a threat to distribute an intimate image of a person; or

(c) an offence under section 338C, if any of the following relate to the distribution of an intimate image of a person —

(i) the threat referred to in section 338C(1)(a);

(ii) the intention, proposal, plan or conspiracy referred to in section 338C(1)(b); or

(iii) the belief, suspicion or fear referred to in section 338C(2)(a).

(2) If a person is charged with an intimate image offence, the court may order the person to take reasonable actions to remove, retract, recover, delete, destroy or forfeit to the State any intimate image to which the offence relates within a period specified by the court.

(3) The court may make an order under subsection (2) whether or not the person is convicted of the offence.

(4) In considering whether or not to make an order under subsection (2), and the content of that order, the court must have regard to any other similar obligations the person is under in relation to the image.

(5) This section does not limit the court's powers under section 731 or under the *Criminal Property Confiscation Act 2000*.

(6) A person who, without reasonable excuse, fails to comply with an order made under subsection (2) commits an offence.

Penalty for this subsection: imprisonment for 12 months and a fine of \$12 000.

[Section 221BE inserted by the Criminal Law Amendment (Intimate Images) Bill 2018 cl. 4.]

Chapter XXVIA — Facilitating activities of criminal organisations

[Heading inserted by No. 49 of 2012 s. 173(3).]

221C. Terms used

- (1) In this Chapter —
COC Act means the *Criminal Organisations Control Act 2012*;
criminal organisation has the meaning given in section 221D;
declared criminal organisation has the meaning given in the *Criminal Organisations Control Act 2012* section 3(1);
indictable offence includes conduct engaged in outside this State (including outside Australia) that, if it occurred in this State, would constitute an indictable offence.
- (2) A term used in this Chapter and also in the COC Act has the same meaning in this Chapter as it has in that Act, unless the term is defined in this Code or the context requires otherwise.

[Section 221C inserted by No. 49 of 2012 s. 173(3).]

221D. Term used: criminal organisation

- (1) For the purposes of this Chapter, an entity is a **criminal organisation** if —
 - (a) the entity is a declared criminal organisation; or
 - (b) all of the following apply to the entity —
 - (i) the entity is an organisation;
 - (ii) members of the organisation associate for the purpose of organising, planning, facilitating, supporting or engaging in serious criminal activity;
 - (iii) the organisation represents a risk to public safety and order in this State.
- (2) In determining whether an entity is a criminal organisation for the purposes of subsection (1)(b) —
 - (a) a court may have regard to any of the matters that a designated authority is entitled to have regard to under the COC Act section 13(2) (other than paragraph (e)) in considering whether or not to make a declaration under that Act; and

- (b) section 13(3) of that Act applies with all necessary changes for the purposes of the court satisfying itself that subsection (1)(b)(ii) of this section applies to the entity.

[Section 221D inserted by No. 49 of 2012 s. 173(3).]

221E. Participating in activities of criminal organisation

- (1) A person who, for the purpose of enhancing the ability of a criminal organisation to facilitate or commit an indictable offence, by act or omission, participates in or contributes to any activity of the criminal organisation is guilty of a crime, and is liable to imprisonment for 5 years.

Summary conviction penalty: imprisonment for 2 years.

- (2) For the purposes of subsection (1), facilitation of an offence does not require knowledge of a particular offence the commission of which is facilitated, or that an offence actually be committed.
- (3) In a prosecution for an offence under subsection (1), it is not necessary to prove that —
 - (a) the criminal organisation actually facilitated or committed an indictable offence; or
 - (b) the participation or contribution of the accused actually enhanced the ability of the criminal organisation to facilitate or commit an indictable offence; or
 - (c) the accused knew the specific nature of any indictable offence that may have been facilitated or committed by the criminal organisation; or
 - (d) the accused knew the identity of any of the persons who are members of the criminal organisation.
- (4) In determining whether an accused participates in or contributes to any activity of a criminal organisation, the court may consider, among other factors, whether the accused —
 - (a) uses a name, word, symbol or other representation that identifies, or is associated with, the criminal organisation; or
 - (b) frequently associates with members of the criminal organisation; or
 - (c) receives any benefit from the criminal organisation; or

- (d) repeatedly engages in activities at the instruction of any of the members of the criminal organisation.

[Section 221E inserted by No. 49 of 2012 s. 173(3).]

221F. Instructing commission of offence for benefit of criminal organisation

- (1) A person who is a member of a criminal organisation and who instructs, directly or indirectly, any person to commit an offence under this Code or any other written law, or an offence against a law of a jurisdiction other than Western Australia, for the benefit of, at the direction of, or in association with, the criminal organisation is guilty of a crime, and is liable to imprisonment for 20 years.
- (2) In a prosecution for an offence under subsection (1), it is not necessary to prove that —
 - (a) an offence other than the offence under subsection (1) was actually committed; or
 - (b) the accused instructed a particular person to commit an offence; or
 - (c) the accused knew the identity of all of the persons who are members of the criminal organisation.

[Section 221F inserted by No. 49 of 2012 s. 173(3).]

**Part V — Offences against the person and relating to
parental rights and duties and against the reputation
of individuals**

[Heading amended by No. 5 of 2008 s. 129(2).]

Chapter XXXIIIA — Threats

[Heading inserted by No. 101 of 1990 s. 17.]

338. Term used: threat

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; or
- (b) destroy, damage, endanger or harm any property, whether particular property or not; or
- (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; or~~
- (e) [distribute an intimate image \(within the meaning given to those terms in section 221BA\) of any person other than the distributor.](#)

[Section 338 inserted by No. 101 of 1990 s. 17; [amended by the Criminal Law Amendment \(Intimate Images\) Bill 2018 cl. 5.](#)]

338A. Threat with intent to gain etc.

Any person who makes a threat with intent to —

- (a) gain a benefit, pecuniary or otherwise, for any person; or
- (b) cause a detriment, pecuniary or otherwise, to any person; or
- (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.

Alternative offence: s. 338B.

[Section 338A inserted by No. 101 of 1990 s. 17; amended by No. 70 of 2004 s. 36(3).]

338B. Threats

Any person who makes a threat to unlawfully do anything mentioned in section 338(a), (b), [\(c\), \(d\) or \(e\)](#) ~~(e) or (d)~~ is guilty of a crime and is liable —

- (a) where the threat is to kill a person, to imprisonment for 7 years or, if the offence is committed in circumstances of racial aggravation, to imprisonment for 14 years;
- (b) in the case of any other threat, to imprisonment for 3 years or, if the offence is committed in circumstances of racial aggravation, to imprisonment for 6 years.

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

[Section 338B inserted by No. 101 of 1990 s. 17; amended by No. 70 of 2004 s. 35(5); No. 80 of 2004 s. 10; [Criminal Law Amendment \(Intimate Images\) Bill 2018 cl. 6.](#)]

338C. Statement or act creating false apprehension as to existence of threat or danger

- (1) 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), [\(c\), \(d\) or \(e\)](#) ~~(e) 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), [\(c\), \(d\) or \(e\)](#), ~~(e) or (d)~~;

is guilty of a crime.

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Chapter XXXIIIA Threats

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- (2) Any person who —
- (a) does any act with the intention of creating a belief, suspicion or fear that anything mentioned in section 338(a), (b), (c), (d) or (e) ~~(e) or (d)~~ is being, or has been, unlawfully done or attempted; and
 - (b) knows, at the time of doing that act, that the circumstance with respect to which the belief, suspicion or fear is intended to be created does not exist,
- is guilty of a crime.
- (3) A person who commits a crime under this section is liable to —
- (a) imprisonment for 10 years if the —
 - (i) threat referred to in subsection (1)(a); or
 - (ii) intention, proposal, plan or conspiracy referred to in subsection (1)(b); or
 - (iii) belief, suspicion or fear referred to in subsection (2)(a),relates to something mentioned in section 338(a), (b) or (c); or
 - (b) imprisonment for 3 years in any other case.
- Summary conviction penalty:
- (a) in a case to which subsection (3)(a) applies: imprisonment for 3 years and a fine of \$36 000; or
 - (b) in a case to which subsection (3)(b) applies: imprisonment for 18 months and a fine of \$18 000.
- (4) A court convicting a person of a crime under this section may, in addition to, or without, imposing any penalty, order that person to pay the amount of any wages attributable to, or expenses reasonably incurred with respect to, any investigation, inquiry or search made, whether by a member of the Police Force or otherwise, as a result of the statement, information or act by reason of which the person is convicted.
- (5) An order made under subsection (4) —
- (a) must specify to whom and in what manner the amount is to be paid; and

- (b) may be enforced as though the amount so ordered to be paid were a penalty imposed under this section.

[Section 338C inserted by No. 34 of 2001 s. 3; amended by No. 70 of 2004 s. 35(6); No. 2 of 2008 s. 11; [Criminal Law Amendment \(Intimate Images\) Bill 2018 cl. 7.](#)]

Notes

¹ This reprint is a compilation as at 22 September 2017 of the *Criminal Code Act Compilation Act 1913* and includes the amendments made by the other written laws referred to in the following table^{1a, 7}. The table also contains information about any reprint.

Compilation table

Short title	Number and year	Assent	Commencement
<i>Criminal Code Act Compilation Act 1913</i> ⁸	28 of 1913 (4 Geo. V No. 28)	30 Dec 1913	1 Jan 1914 (see s. 1)
<i>Criminal Code Amendment Act 1918</i>	32 of 1918 (9 Geo. V No. 22)	24 Dec 1918	24 Dec 1918
<i>Criminal Code (Chapter XXXVII) Amendment Act 1932</i>	51 of 1932 (23 Geo. V No. 51)	30 Dec 1932	30 Dec 1932
<i>Criminal Code Amendment Act 1942</i>	15 of 1942 (6 Geo. VI No. 15)	26 Nov 1942	26 Nov 1942
<i>Criminal Code Amendment Act 1945</i>	40 of 1945 (9 & 10 Geo. VI No. 40)	30 Jan 1946	30 Jan 1946
<i>Criminal Code Amendment Act 1952</i>	27 of 1952 (1 Eliz. II No. 27)	28 Nov 1952	28 Nov 1952
<i>Criminal Code Amendment Act 1953</i>	55 of 1953 (2 Eliz. II No. 55)	9 Jan 1954	9 Jan 1954
<i>Criminal Code Amendment Act 1954</i>	20 of 1954 (3 Eliz. II No. 20)	28 Sep 1954	28 Sep 1954
<i>Betting Control Act 1954</i> s. 5	63 of 1954 (3 Eliz. II No. 63)	30 Dec 1954	1 Aug 1955 (see s. 2(1) and <i>Gazette</i> 29 Jul 1955 p. 1767)
<i>Limitation Act 1935</i> s. 48A(1)	35 of 1935 (26 Geo. V No. 35) (as amended by No. 73 of 1954 s. 8)	14 Jan 1955	Relevant amendments (see s. 48A and Second Sch. ⁹) took effect on 1 Mar 1955 (see No. 73 of 1954 s. 2 and <i>Gazette</i> 18 Feb 1955 p. 343)
Reprint of the <i>Criminal Code Act Compilation Act 1913</i> approved 29 Jun 1955 in Vol. 8 of Reprinted Acts (includes amendments listed above)			
<i>Criminal Code Amendment Act 1956</i>	11 of 1956 (5 Eliz. II No. 11)	11 Oct 1956	11 Oct 1956

Short title	Number and year	Assent	Commencement
<i>Criminal Code Amendment Act (No. 2) 1956</i>	43 of 1956 (5 Eliz. II No. 43)	18 Dec 1956	18 Dec 1956
<i>Traffic Act Amendment Act (No. 3) 1956 s. 25(2)</i>	74 of 1956 (5 Eliz. II No. 74)	14 Jan 1957	14 Jan 1957
<i>Juries Act 1957 s. 2</i>	50 of 1957 (6 Eliz. II No. 50)	9 Dec 1957	1 Jul 1960 (see s. 1(2) and <i>Gazette</i> 6 Mar 1959 p. 539)
<i>Criminal Code Amendment Act 1960</i>	25 of 1960 (9 Eliz. II No. 25)	21 Oct 1960	21 Oct 1960
<i>Criminal Code Amendment Act 1961</i>	28 of 1961 (10 Eliz. II No. 28)	23 May 1962	29 Jun 1962 (see <i>Interpretation Act 1918</i> s. 8 and <i>Gazette</i> 29 Jun 1962 p. 1657) Reserved for Royal Assent 31 Oct 1961
<i>Criminal Code Amendment Act 1962</i> ¹⁰	35 of 1962 (11 Eliz. II No. 35)	29 Oct 1962	1 Jul 1966 (see s. 2 and <i>Gazette</i> 11 Mar 1966 p. 701)
<i>Criminal Code Amendment Act 1963</i>	21 of 1963 (12 Eliz. II No. 21)	13 Nov 1963	1 Jan 1965 (see s. 2 and <i>Gazette</i> 11 Dec 1964 p. 3995)
<i>Criminal Code Amendment Act (No. 2) 1963</i>	55 of 1963 (12 Eliz. II No. 55)	17 Dec 1963	1 Jul 1964 (see s. 2 and <i>Gazette</i> 26 Jun 1964 p. 2525)
<i>Convicted Inebriates' Rehabilitation Act 1963 s. 17</i>	63 of 1963 (12 Eliz. II No. 63)	18 Dec 1963	1 Jul 1966 (see s. 2 and <i>Gazette</i> 11 Mar 1966 p. 702)
<i>Traffic Act Amendment Act (No. 3) 1963 s. 8</i>	74 of 1963 (12 Eliz. II No. 74)	19 Dec 1963	1 Mar 1964 (see s. 2 and <i>Gazette</i> 28 Feb 1964 p. 906)
<i>Criminal Code Amendment Act 1964</i>	53 of 1964 (13 Eliz. II No. 53)	30 Nov 1964	30 Nov 1964
<i>Criminal Code Amendment Act 1965</i>	91 of 1965	8 Dec 1965	8 Dec 1965
<i>Decimal Currency Act 1965</i>	113 of 1965	21 Dec 1965	Act other than s. 4-9: 21 Dec 1965 (see s. 2(1)); s. 4-9: 14 Feb 1966 (see s. 2(2))
<i>Criminal Code Amendment Act 1966</i>	89 of 1966	12 Dec 1966	12 Dec 1966
<i>Criminal Code Amendment Act 1969</i>	1 of 1969	21 Apr 1969	21 Apr 1969
Reprint of the Criminal Code Act Compilation Act 1913 approved 9 Jul 1969 (includes amendments listed above)			
<i>Criminal Code Amendment Act 1972</i>	21 of 1972	26 May 1972	1 Jul 1972 (see s. 2 and <i>Gazette</i> 30 Jun 1972 p. 2097)

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Short title	Number and year	Assent	Commencement
<i>Criminal Code Amendment Act (No. 2) 1972</i>	41 of 1972	16 Jun 1972	1 Jul 1972 (see s. 2 and <i>Gazette</i> 30 Jun 1972 p. 2098)
<i>Metric Conversion Act 1972</i>	94 of 1972 (as amended by No. 19 and 83 of 1973 and 42 of 1975)	4 Dec 1972	Relevant amendments (see Second Sch. ¹¹) took effect on 1 Jan 1974 (see s. 4(2) and <i>Gazette</i> 2 Nov 1973 p. 4109)
Reprint of the <i>Criminal Code Act Compilation Act 1913</i> approved 9 Jul 1974 (includes amendments listed above)			
<i>Acts Amendment (Road Traffic) Act 1974 Pt. I</i>	58 of 1974	3 Dec 1974	29 Aug 1975 (see s. 2 and <i>Gazette</i> 29 Aug 1975 p. 3085)
<i>Criminal Code Amendment Act 1975</i>	49 of 1975	18 Sep 1975	18 Sep 1975
<i>Criminal Code Amendment Act 1976</i>	35 of 1976	9 Jun 1976	3 Sep 1976 (see s. 2 and <i>Gazette</i> 3 Sep 1976 p. 3271)
<i>Criminal Code Amendment Act (No. 2) 1976</i> ¹²	62 of 1976	16 Sep 1976	16 Sep 1976
<i>Criminal Code Amendment Act (No. 3) 1976</i>	133 of 1976	9 Dec 1976	9 Dec 1976
<i>Criminal Code Amendment Act 1977</i>	38 of 1977	7 Nov 1977	7 Nov 1977
<i>Criminal Code Amendment Act (No. 3) 1977</i>	71 of 1977	28 Nov 1977	28 Nov 1977
Reprint of the <i>Criminal Code Act Compilation Act 1913</i> approved 8 Dec 1978 (includes amendments listed above)			
<i>Acts Amendment (Master, Supreme Court) Act 1979 Pt. XVIII</i>	67 of 1979	21 Nov 1979	11 Feb 1980 (see s. 2 and <i>Gazette</i> 8 Feb 1980 p. 383)
<i>Criminal Code Amendment Act 1979</i>	68 of 1979	21 Nov 1979	21 Nov 1979
<i>Criminal Code Amendment Act (No. 2) 1979</i>	107 of 1979	17 Dec 1979	17 Dec 1979
<i>Acts Amendment (Strict Security Life Imprisonment) Act 1980 Pt. I</i>	96 of 1980	9 Dec 1980	9 Dec 1980
<i>Acts Amendment (Lotto) Act 1981 Pt. II</i>	103 of 1981	2 Dec 1981	18 Dec 1981 (see s. 2 and <i>Gazette</i> 18 Dec 1981 p. 5163)
<i>Acts Amendment (Prisons) Act 1981 Pt. I</i>	116 of 1981	14 Dec 1981	1 Aug 1982 (see s. 2 and <i>Gazette</i> 23 Jul 1982 p. 2841)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Jurisdiction of Courts) Act 1981 Pt. I</i>	118 of 1981	14 Dec 1981	1 Feb 1982 (see s. 2 and <i>Gazette</i> 22 Jan 1982 p. 175)
<i>Companies (Consequential Amendments) Act 1982 s. 28</i>	10 of 1982	14 May 1982	1 Jul 1982 (see s. 2(1) and <i>Gazette</i> 25 Jun 1982 p. 2079)
<i>Acts Amendment (Criminal Penalties and Procedure) Act 1982 Pt. II</i>	20 of 1982	27 May 1982	27 May 1982
<i>Acts Amendment (Bail) Act 1982 Pt. III</i>	87 of 1982	17 Nov 1982	6 Feb 1989 (see s. 2 and <i>Gazette</i> 27 Jan 1989 p. 263)
<i>Acts Amendment (Betting and Gaming) Act 1982 Pt. III</i>	108 of 1982	7 Dec 1982	31 Dec 1982 (see s. 2 and <i>Gazette</i> 31 Dec 1982 p. 4968)
<i>Acts Amendment (Trade Promotion Lotteries) Act 1983 Pt. II</i>	21 of 1983	22 Nov 1983	22 Nov 1983
Reprint of the Criminal Code Act Compilation Act 1913 approved 13 Dec 1983 (includes amendments listed above except those in the <i>Acts Amendment (Bail) Act 1982</i>)			
<i>Criminal Code Amendment Act 1983</i>	77 of 1983	22 Dec 1983	22 Dec 1983
<i>Reprints Act 1984 s. 9(2)</i>	13 of 1984	31 May 1984	1 Feb 1985 (see s. 2 and <i>Gazette</i> 11 Jan 1985 p. 175)
<i>Acts Amendment (Abolition of Capital Punishment) Act 1984 Pt. I</i>	52 of 1984	5 Sep 1984	3 Oct 1984
<i>Acts Amendment (Department for Community Services) Act 1984 Pt. XI</i>	121 of 1984	19 Dec 1984	1 Jan 1985 (see s. 2 and <i>Gazette</i> 28 Dec 1984 p. 4197)
<i>Artificial Conception Act 1985 s. 8</i>	14 of 1985	12 Apr 1985	1 Jul 1985 (see s. 2 and <i>Gazette</i> 28 Jun 1985 p. 2291)
<i>Acts Amendment (Sexual Assaults) Act 1985 Pt. II</i>	74 of 1985	20 Nov 1985	1 Apr 1986 (see s. 2 and <i>Gazette</i> 28 Feb 1986 p. 605)
<i>Criminal Law Amendment Act 1985 Pt. II</i>	119 of 1985	17 Dec 1985	1 Sep 1986 (see s. 2 and <i>Gazette</i> 8 Aug 1986 p. 2815)
<i>Criminal Law Amendment Act 1986 Pt. II</i> ¹³	89 of 1986	10 Dec 1986	s. 3-9: 14 Mar 1988 (see s. 2 and <i>Gazette</i> 11 Mar 1988 p. 781); s. 11 and 12: 1 Jan 1989 (see s. 2 and <i>Gazette</i> 2 Dec 1988 p. 4781)
<i>Acts Amendment (Corrective Services) Act 1987 Pt. V</i>	47 of 1987	3 Oct 1987	11 Dec 1987 (see s. 2 and <i>Gazette</i> 11 Dec 1987 p. 4363)

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Short title	Number and year	Assent	Commencement
<i>Acts Amendment and Repeal (Gaming) Act 1987 Pt. IX</i>	74 of 1987	26 Nov 1987	2 May 1988 (see s. 2 and <i>Gazette</i> 29 Apr 1988 p. 1292)
<i>Criminal Code Amendment Act (No. 2) 1987</i> ¹⁴	106 of 1987	16 Dec 1987	s. 1 and 2: 16 Dec 1987; Act other than s. 1 and 2: 14 Mar 1988 (see s. 2 and <i>Gazette</i> 11 Mar 1988 p. 781)
<i>Acts Amendment (Imprisonment and Parole) Act 1987 Pt. IV</i>	129 of 1987	21 Jan 1988	15 Jun 1988 (see s. 2 and <i>Gazette</i> 20 May 1988 p. 1664)
<i>Criminal Law Amendment Act 1988 Pt. 2 (s. 3-33)</i> ¹⁵	70 of 1988	15 Dec 1988	s. 3, 32 and 33: 15 Dec 1988 (see s. 2(3)); Pt. 2 other than s. 3, 32 and 33: 1 Feb 1989 (see s. 2(1) and <i>Gazette</i> 20 Jan 1989 p. 110)
<i>Acts Amendment (Children's Court) Act 1988 Pt. 4</i>	49 of 1988	22 Dec 1988	1 Dec 1989 (see s. 2 and <i>Gazette</i> 24 Nov 1989 p. 4327)
<i>Law Reform (Decriminalization of Sodomy) Act 1989 Pt. 1</i>	32 of 1989	19 Dec 1989	23 Mar 1990 (see s. 2 and <i>Gazette</i> 23 Mar 1990 p. 1469)
<i>Criminal Code Amendment (Racist harassment and incitement to racial hatred) Act 1990</i>	33 of 1990	9 Oct 1990	6 Nov 1990
<i>Criminal Law Amendment Act 1990 Pt. 2 (s. 3-55)</i>	101 of 1990	20 Dec 1990	s. 51: 20 Dec 1990 (see s. 2(2)); Pt. 2 other than s. 51: 14 Feb 1991 (see s. 2(1))
Reprint of the Criminal Code Act Compilation Act 1913 as at 31 May 1991 (includes amendments listed above)			
<i>Criminal Law Amendment Act 1991</i> ¹⁶	37 of 1991	12 Dec 1991	Act other than s. 4 and 7 and Pt. 4-5: 12 Dec 1991 (see s. 2(1)); s. 4 and 7 and Pt. 4-5: 10 Feb 1992 (see s. 2(2) and <i>Gazette</i> 31 Jan 1992 p. 477)
<i>Acts Amendment (Evidence) Act 1991 Pt. 3</i> ¹⁷	48 of 1991	17 Dec 1991	31 Mar 1992 (see s. 2 and <i>Gazette</i> 24 Mar 1992 p. 1317)
<i>Criminal Law Amendment Act 1992 Pt. 2</i>	1 of 1992	7 Feb 1992	9 Mar 1992 (see s. 2)
<i>Acts Amendment (Confiscation of Criminal Profits) Act 1992 Pt. 3</i>	15 of 1992	16 Jun 1992	16 Jun 1992 (see s. 2)
<i>Acts Amendment (Sexual Offences) Act 1992 Pt. 2</i> ¹⁸	14 of 1992	17 Jun 1992	1 Aug 1992 (see s. 2 and <i>Gazette</i> 28 Jul 1992 p. 3671)
<i>Criminal Law Amendment Act (No. 2) 1992</i>	51 of 1992	9 Dec 1992	6 Jan 1993

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Jurisdiction and Criminal Procedure) Act 1992 Pt. 2</i>	53 of 1992	9 Dec 1992	s. 3, 4, 6 and 7: 1 Mar 1993 (see s. 2(1) and <i>Gazette</i> 26 Jan 1993 p. 823); s. 5: 4 Nov 1996 (see s. 2(1) and <i>Gazette</i> 25 Oct 1996 p. 5631)
<i>Acts Amendment (Ministry of Justice) Act 1993 Pt. 6</i> ¹⁹	31 of 1993	15 Dec 1993	1 Jul 1993 (see s. 2)
Reprint of the Criminal Code Act Compilation Act 1913 as at 17 Dec 1993 (includes amendments listed above except those in the <i>Acts Amendment (Jurisdiction and Criminal Procedure) Act 1992 s. 5</i>)			
<i>Acts Amendment (Public Sector Management) Act 1994 s. 10</i>	32 of 1994	29 Jun 1994	1 Oct 1994 (see s. 2 and <i>Gazette</i> 30 Sep 1994 p. 4948)
<i>Statutes (Repeals and Minor Amendments) Act 1994 s. 4</i>	73 of 1994	9 Dec 1994	9 Dec 1994 (see s. 2)
<i>Criminal Law Amendment Act 1994 Pt. 2-4</i>	82 of 1994	23 Dec 1994	20 Jan 1995 (see s. 2(2))
<i>Acts Amendment (Fines, Penalties and Infringement Notices) Act 1994 Pt. 5</i>	92 of 1994	23 Dec 1994	1 Jan 1995 (see s. 2(1) and <i>Gazette</i> 30 Dec 1994 p. 7211)
<i>Sentencing (Consequential Provisions) Act 1995 Pt. 19, 20 and s. 147</i> ²⁰	78 of 1995	16 Jan 1996	4 Nov 1996 (see s. 2 and <i>Gazette</i> 25 Oct 1996 p. 5632)
<i>Local Government (Consequential Amendments) Act 1996 s. 4</i>	14 of 1996	28 Jun 1996	1 Jul 1996 (see s. 2)
<i>Criminal Code Amendment Act 1996</i>	34 of 1996	27 Sep 1996	27 Sep 1996 (see s. 2)
<i>Criminal Law Amendment Act 1996 Pt. 2</i> ^{2,3}	36 of 1996	10 Oct 1996	10 Oct 1996 (see s. 2)
<i>Censorship Act 1996 s. 152(1) and (2)</i>	40 of 1996	10 Oct 1996	5 Nov 1996 (see s. 2 and <i>Gazette</i> 5 Nov 1996 p. 5845)
<i>Criminal Code Amendment Act (No. 2) 1996</i> ⁶	60 of 1996	11 Nov 1996	s. 1 and 2: 11 Nov 1996; Act other than s. 1 and 2: 14 Nov 1996 (see s. 2 and <i>Gazette</i> 13 Nov 1996 p. 6439)
<i>Mental Health (Consequential Provisions) Act 1996 Pt. 4</i> ²¹	69 of 1996	13 Nov 1996	13 Nov 1997 (see s. 2)
Reprint of the Criminal Code Act Compilation Act 1913 as at 21 Apr 1997 (includes amendments listed above except those in the <i>Mental Health (Consequential Provisions) Act 1996</i>)			

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Short title	Number and year	Assent	Commencement
<i>Restraining Orders Act 1997 s. 83</i>	19 of 1997	28 Aug 1997	15 Sep 1997 (see s. 2 and <i>Gazette</i> 12 Sep 1997 p. 5149)
<i>Sunday Observance Laws Amendment and Repeal Act 1997 s. 5</i>	49 of 1997	10 Dec 1997	10 Dec 1997 (see s. 2)
<i>Statutes (Repeals and Minor Amendments) Act 1997 s. 45</i>	57 of 1997	15 Dec 1997	15 Dec 1997 (see s. 2(1))
<i>Acts Amendment (Abortion) Act 1998 Pt. 2</i>	15 of 1998	26 May 1998	26 May 1998 (see s. 2)
<i>Criminal Law Amendment Act (No. 2) 1998 Pt. 2</i>	29 of 1998	6 Jul 1998	3 Aug 1998
<i>Criminal Law Amendment Act (No. 1) 1998 Pt. 2</i>	38 of 1998	25 Sep 1998	23 Oct 1998
<i>Acts Repeal and Amendment (Births, Deaths and Marriages Registration) Act 1998 s. 10</i>	40 of 1998	30 Oct 1998	14 Apr 1999 (see s. 2 and <i>Gazette</i> 9 Apr 1999 p. 1433)
<i>Acts Amendment (Video and Audio Links) Act 1998 Pt. 2</i>	48 of 1998	19 Nov 1998	18 Jan 1999 (see s. 2 and <i>Gazette</i> 15 Jan 1999 p. 109)
<i>Acts Amendment (Criminal Procedure) Act 1999 Pt. 2</i>	10 of 1999	5 May 1999	1 Oct 1999 (see s. 2 and <i>Gazette</i> 17 Sep 1999 p. 4557)
Reprint of the Criminal Code Act Compilation Act 1913 as at 2 Oct 1999 (includes amendments listed above)			
<i>Criminal Code Amendment Act 1999</i>	35 of 1999	18 Oct 1999	15 Nov 1999
<i>Prisons Amendment Act 1999 s. 20</i>	43 of 1999	8 Dec 1999	18 Dec 1999 (see s. 2(2) and <i>Gazette</i> 17 Dec 1999 p. 6175)
<i>Court Security and Custodial Services (Consequential Provisions) Act 1999 Pt. 5</i>	47 of 1999	8 Dec 1999	18 Dec 1999 (see s. 2 and <i>Gazette</i> 17 Dec 1999 p. 6175-6)
<i>Prostitution Act 2000 s. 64</i>	17 of 2000	22 Jun 2000	29 Jul 2000 (see s. 2 and <i>Gazette</i> 28 Jul 2000 p. 3987)
<i>Criminal Code Amendment (Home Invasion) Act 2000</i>	45 of 2000	17 Nov 2000	17 Nov 2000 (see s. 2)
<i>Acts Amendment (Evidence) Act 2000 Pt. 5</i>	71 of 2000	6 Dec 2000	3 Jan 2001
Reprint of the Criminal Code Act Compilation Act 1913 as at 9 Feb 2001 (includes amendments listed above)			
<i>Criminal Law Amendment Act 2001 s. 2-9 and 11</i>	23 of 2001	26 Nov 2001	24 Dec 2001
<i>Criminal Code Amendment Act 2001</i>	34 of 2001	7 Jan 2002	7 Jan 2002 (see s. 2)

Short title	Number and year	Assent	Commencement
<i>Acts Amendment (Lesbian and Gay Law Reform) Act 2002 Pt. 7</i>	3 of 2002	17 Apr 2002	21 Sep 2002 (see s. 2 and <i>Gazette</i> 20 Sep 2002 p. 4693)
<i>Criminal Investigation (Identifying People) Act 2002 Sch. 2 cl. 3</i>	6 of 2002	4 Jun 2002	20 Nov 2002 (see s. 2 and <i>Gazette</i> 19 Nov 2002 p. 5505)
<i>Criminal Code Amendment (Corruption Penalties) Act 2002</i>	8 of 2002	28 Jun 2002	28 Jun 2002 (see s. 2)
<i>Criminal Law (Procedure) Amendment Act 2002 Pt. 3</i>	27 of 2002	25 Sep 2002	27 Sep 2002 (see s. 2 and <i>Gazette</i> 27 Sep 2002 p. 4875)
Reprint 10²²: The Criminal Code Act Compilation Act 1913 as at 7 Feb 2003 (includes amendments listed above)			
<i>Juries Amendment Act 2003 s. 24</i>	25 of 2003	16 May 2003	18 Jun 2003 (see s. 2 and <i>Gazette</i> 17 Jun 2003 p. 2201)
<i>Acts Amendment (Equality of Status) Act 2003 Pt. 12 and s. 118</i>	28 of 2003	22 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 30 Jun 2003 p. 2579)
<i>Censorship Amendment Act 2003 s. 42</i>	30 of 2003	26 May 2003	1 Jul 2003 (see s. 2 and <i>Gazette</i> 27 Jun 2003 p. 2383)
<i>Corruption and Crime Commission Act 2003 Sch. 4 cl. 3²³</i>	48 of 2003	3 Jul 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5723)
<i>Sentencing Legislation Amendment and Repeal Act 2003 s. 51</i>	50 of 2003	9 Jul 2003	15 May 2004 (see s. 2 and <i>Gazette</i> 14 May 2004 p. 1445)
<i>Acts Amendment and Repeal (Courts and Legal Practice) Act 2003 s. 26, 89, 123</i>	65 of 2003	4 Dec 2003	1 Jan 2004 (see s. 2 and <i>Gazette</i> 30 Dec 2003 p. 5722)
<i>Statutes (Repeals and Minor Amendments) Act 2003 s. 150(2)</i>	74 of 2003	15 Dec 2003	15 Dec 2003 (see s. 2)
<i>Corruption and Crime Commission Amendment and Repeal Act 2003 s. 74(2)</i>	78 of 2003	22 Dec 2003	7 Jul 2004 (see s. 2 and <i>Gazette</i> 6 Jul 2004 p. 2697)
<i>Criminal Code Amendment Act 2004</i>	4 of 2004	23 Apr 2004	21 May 2004 (see s. 2)
Reprint 11²²: The Criminal Code Act Compilation Act 1913 as at 3 Sep 2004 (includes amendments listed above)			
<i>Criminal Law Amendment (Criminal Property) Act 2004 Pt. 2</i>	26 of 2004	7 Oct 2004	7 Oct 2004 (see s. 2(1))
<i>Acts Amendment (Family and Domestic Violence) Act 2004 Pt. 4</i>	38 of 2004	9 Nov 2004	1 Dec 2004 (see s. 2 and <i>Gazette</i> 26 Nov 2004 p. 5309)
<i>Acts Amendment (Court of</i>	45 of 2004	9 Nov 2004	1 Feb 2005 (see s. 2 and

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Short title	Number and year	Assent	Commencement
<i>Appeal) Act 2004 s. 30</i>			<i>Gazette</i> 14 Jan 2005 p. 163)
<i>Criminal Law Amendment (Sexual Assault and Other Matters) Act 2004 Pt. 2</i>	46 of 2004	9 Nov 2004	1 Jan 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7130)
<i>Courts Legislation Amendment and Repeal Act 2004 Pt. 9</i>	59 of 2004	23 Nov 2004	1 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7128)
<i>Criminal Law Amendment (Simple Offences) Act 2004 Pt. 2 (s. 3-39)^{24, 25, 26}</i>	70 of 2004 (as amended by No. 24 of 2005 s. 63; No. 2 of 2008 s. 76(2))	8 Dec 2004	Pt. 2 other than s. 37 and 39: 31 May 2005 (see s. 2 and <i>Gazette</i> 14 Jan 2005 p. 163)
<i>Criminal Code Amendment (Racial Vilification) Act 2004²⁷</i>	80 of 2004 (as amended by No. 2 of 2008 s. 6(2), 7(2) and 8(2))	8 Dec 2004	8 Dec 2004 (see s. 2)
<i>Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004 Pt. 5, s. 80 and 82^{28, 29}</i>	84 of 2004 (as amended by No. 2 of 2008 s. 78(7))	16 Dec 2004	Pt. 5, s. 80 (Sch. 2 cl. 36 (the amendments to s. 17, 711 and 716)) and s. 82: 2 May 2005 (see s. 2 and <i>Gazette</i> 31 Dec 2004 p. 7129 (correction in <i>Gazette</i> 7 Jan 2005 p. 53))
Reprint 12²²: The Criminal Code Act Compilation Act 1913 as at 1 Jun 2005 (includes amendments listed above)			
<i>Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005 Pt. 11</i>	24 of 2005	2 Dec 2005	1 Jan 2006 (see s. 2(1) and <i>Gazette</i> 23 Dec 2005 p. 6244)
<i>Defamation Act 2005 s. 47</i>	44 of 2005	19 Dec 2005	1 Jan 2006 (see s. 2)
<i>Criminal Code Amendment (Cyber Predators) Act 2006 s. 3-6</i>	3 of 2006	30 Mar 2006	s. 3-5: 30 Mar 2006 (see s. 2(1)); s. 6: 7 Apr 2006 (see s. 2(2) and <i>Gazette</i> 7 Apr 2006 p. 1489)
<i>Censorship Amendment Act 2006 Sch. 1 cl. 2</i>	10 of 2006	8 May 2006	10 Jun 2006 (see s. 2 and <i>Gazette</i> 9 Jun 2006 p. 2029)
<i>Nurses and Midwives Act 2006 Sch. 3 cl. 6³⁰</i>	50 of 2006	6 Oct 2006	19 Sep 2007 (see s. 2 and <i>Gazette</i> 18 Sep 2007 p. 4711)
<i>Criminal Investigation (Consequential Provisions) Act 2006 Pt. 5³¹</i>	59 of 2006	16 Nov 2006	1 Jul 2007 (see s. 2 and <i>Gazette</i> 22 Jun 2007 p. 2838)
<i>Liquor and Gaming Legislation Amendment Act 2006 s. 114</i>	73 of 2006	13 Dec 2006	7 May 2007 (see s. 2(2) and <i>Gazette</i> 1 May 2007 p. 1893)
<i>Criminal Code Amendment (Drink and Food Spiking) Act 2007</i>	31 of 2007	21 Dec 2007	s. 1 and 2: 21 Dec 2007 (see s. 2(a)); Act other than s. 1 and 2:

Short title	Number and year	Assent	Commencement
			22 Dec 2007 (see s. 2(b))
Reprint 13²²: The Criminal Code Act Compilation Act 1913 as at 18 Jan 2008 (includes amendments listed above)			
<i>Criminal Law and Evidence Amendment Act 2008 Pt. 2</i>	2 of 2008	12 Mar 2008	27 Apr 2008 (see s. 2 and Gazette 24 Apr 2008 p. 1559)
<i>Acts Amendment (Justice) Act 2008 s. 129</i>	5 of 2008	31 Mar 2008	30 Sep 2008 (see s. 2(d) and Gazette 11 Jul 2008 p. 3253)
<i>Acts Amendment (Consent to Medical Treatment) Act 2008 Pt. 4</i>	25 of 2008	19 Jun 2008	27 Jun 2009 (see s. 2 and Gazette 26 Jun 2009 p. 2565)
<i>Criminal Law Amendment (Homicide) Act 2008 Pt. 2 and s. 27</i>	29 of 2008	27 Jun 2008	1 Aug 2008 (see s. 2(d) and Gazette 22 Jul 2008 p. 3353)
Reprint 14²²: The Criminal Code Act Compilation Act 1913 as at 3 Oct 2008 (includes amendments listed above except those in the <i>Acts Amendment (Consent to Medical Treatment) Act 2008</i>)			
<i>Acts Amendment (Bankruptcy) Act 2009 s. 26</i>	18 of 2009	16 Sep 2009	17 Sep 2009 (see s. 2(b))
<i>Criminal Code Amendment Act 2009</i>	21 of 2009	21 Sep 2009	s. 1 and 2: 21 Sep 2009 (see s. 2(a)); Act other than s. 1 and 2: 22 Sep 2009 (see s. 2(b))
<i>Criminal Code Amendment (Graffiti) Act 2009</i>	26 of 2009	17 Nov 2009	s. 1 and 2: 17 Nov 2009 (see s. 2(a)); Act other than s. 1 and 2: 1 Jan 2010 (see s. 2(b) and Gazette 31 Dec 2009 p. 5317)
<i>Acts Amendment (Weapons) Act 2009 Pt. 2</i>	34 of 2009	3 Dec 2009	4 Dec 2009 (see s. 2(c))
<i>Police Amendment Act 2009 s. 14</i>	42 of 2009	3 Dec 2009	13 Mar 2010 (see s. 2(b) and Gazette 12 Mar 2010 p. 941)
<i>Arson Legislation Amendment Act 2009 Pt. 3</i>	43 of 2009	3 Dec 2009	19 Dec 2009 (see s. 2(b) and Gazette 18 Dec 2009 p. 5167)
<i>Criminal Code Amendment Act (No. 2) 2009</i>	44 of 2009	3 Dec 2009	Pt. 1: 3 Dec 2009 (see s. 2(a)); Act other than Pt. 1: 4 Dec 2009 (see s. 2(b))
Reprint 15²²: The Criminal Code Act Compilation Act 1913 as at 19 Feb 2010 (includes amendments listed above except those in the <i>Police Amendment Act 2009</i>)			
<i>Criminal Code Amendment (Identity Crime) Act 2010</i>	16 of 2010	25 Jun 2010	s. 1 and 2: 25 Jun 2010 (see s. 2(a)); Act other than s. 1 and 2: 21 Apr 2012 (see s. 2(b) and Gazette 20 Apr 2012 p. 1695)
<i>Child Pornography and Exploitation Material and Classification Legislation Amendment Act 2010 Pt. 2 Div. 1</i>	21 of 2010	7 Jul 2010	28 Aug 2010 (see s. 2(b) and Gazette 27 Aug 2010 p. 4105)

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Short title	Number and year	Assent	Commencement
Reprint 16²²: The Criminal Code Act Compilation Act 1913 as at 15 Oct 2010 (includes amendments listed above except those in the <i>Criminal Code Amendment (Identity Crime) Act 2010</i>)			
<i>Criminal Code Amendment (Infringement Notices) Act 2011</i>	10 of 2011	2 May 2011	s. 1 and 2: 2 May 2011 (see s. 2(a)); Act other than s. 1 and 2: 4 Mar 2015 (see s. 2(b) and <i>Gazette</i> 3 Mar 2015 p. 783)
<i>Electronic Transactions Act 2011</i> s. 25 and 26	46 of 2011	25 Oct 2011	s. 25: 1 Aug 2012 (see s. 2(c) and <i>Gazette</i> 31 Jul 2012 p. 3683); s. 26: 1 Aug 2012 (see s. 2(b)(i) and <i>Gazette</i> 31 Jul 2012 p. 3683)
<i>Manslaughter Legislation Amendment Act 2011</i> Pt. 2	58 of 2011	30 Nov 2011	17 Mar 2012 (see s. 2(b) and <i>Gazette</i> 16 Mar 2012 p. 1245)
<i>Road Traffic Legislation Amendment Act 2012</i> Pt. 4 Div. 50	8 of 2012	21 May 2012	27 Apr 2015 (see s. 2(d) and <i>Gazette</i> 17 Apr 2015 p. 1371)
<i>Criminal Appeals Amendment (Double Jeopardy) Act 2012</i> s. 6	9 of 2012	21 May 2012	26 Sep 2012 (see s. 2(b) and <i>Gazette</i> 25 Sep 2012 p. 4499)
<i>Education and Care Services National Law (WA) Act 2012</i> Pt. 4 Div. 4	11 of 2012	20 Jun 2012	1 Aug 2012 (see s. 2(c) and <i>Gazette</i> 25 Jul 2012 p. 3411)
<i>Fire and Emergency Services Legislation Amendment Act 2012</i> Pt. 7 Div. 3	22 of 2012	29 Aug 2012	1 Nov 2012 (see s. 2(b) and <i>Gazette</i> 31 Oct 2012 p. 5255)
<i>Criminal Organisations Control Act 2012</i> s. 173	49 of 2012	29 Nov 2012	2 Nov 2013 (see s. 2(b) and <i>Gazette</i> 1 Nov 2013 p. 4891)
<i>Criminal Law Amendment (Out-of-Control Gatherings) Act 2012</i> Pt. 2	56 of 2012	6 Dec 2012	15 Dec 2012 (see s. 2(b) and <i>Gazette</i> 14 Dec 2012 p. 6196)
Reprint 17²²: The Criminal Code Act Compilation Act 1913 as at 1 Mar 2013 (includes amendments listed above except those in the <i>Criminal Organisations Control Act 2012</i> , <i>Criminal Code Amendment (Infringement Notices) Act 2011</i> and the <i>Road Traffic Legislation Amendment Act 2012</i> Pt. 4 Div. 50)			
<i>Criminal Code Amendment Act 2013</i>	12 of 2013	4 Oct 2013	s. 1 and 2: 4 Oct 2013 (see s. 2(a)); Act other than s. 1 and 2: 5 Oct 2013 (see s. 2(b))
<i>Criminal Code Amendment (Child Sex Offences) Act 2014</i>	5 of 2014	22 Apr 2014	s. 1 and 2: 22 Apr 2014 (see s. 2(a)); Act other than s. 1 and 2: 23 Apr 2014 (see s. 2(b))
<i>Criminal Code Amendment (Unlawful Possession) Act 2014</i> Pt. 2	11 of 2014	24 Jun 2014	13 Aug 2014 (see s. 2(b) and <i>Gazette</i> 12 Aug 2014 p. 2889)

Short title	Number and year	Assent	Commencement
<i>Mental Health Legislation Amendment Act 2014</i> Pt. 4 Div. 4 Subdiv. 7	25 of 2014	3 Nov 2014	30 Nov 2015 (see s. 2(b) and <i>Gazette</i> 13 Nov 2015 p. 4632)
<i>Criminal Law Amendment (Home Burglary and Other Offences) Act 2015</i> Pt. 2	25 of 2015	24 Sep 2015	31 Oct 2015 (see s. 2(b) and <i>Gazette</i> 30 Oct 2015 p. 4493)
Reprint 18²²: The Criminal Code Act Compilation Act 1913 as at 3 Jun 2016 (includes amendments listed above)			
<i>Graffiti Vandalism Act 2016</i> Pt. 6 Div. 1	16 of 2016	11 Jul 2016	12 Oct 2016 (see s. 2(b) and <i>Gazette</i> 11 Oct 2016 p. 4531)
<i>Public Health (Consequential Provisions) Act 2016</i> Pt. 3 Div. 10	19 of 2016	25 Jul 2016	24 Jan 2017 (see s. 2(1)(c) and <i>Gazette</i> 10 Jan 2017 p. 165)
<i>Road Traffic Amendment (Impounding and Confiscation of Vehicles) Act 2016</i> Pt. 3 Div. 1	51 of 2016	28 Nov 2016	14 Jan 2017 (see s. 2(1)(b) and <i>Gazette</i> 13 Jan 2017 p. 338)
<i>Restraining Orders and Related Legislation Amendment (Family Violence) Act 2016</i> Pt. 3 Div. 4 (s. 97-100)	49 of 2016	29 Nov 2016	s. 97, 98 and 100: 8 Feb 2017 (see s. 2(b) and <i>Gazette</i> 7 Feb 2017 p. 1157); s. 99: 1 Jul 2017 (see s. 2(b) and <i>Gazette</i> 7 Feb 2017 p. 1157)
<i>Sentencing Legislation Amendment Act 2016</i> Pt. 2 Div. 2	45 of 2016	7 Dec 2016	8 Dec 2016 (see s. 2(b))
Reprint 19²²: The Criminal Code Act Compilation Act 1913 as at 22 Sep 2017 (includes amendments listed above)			
Criminal Law Amendment (Intimate Images) Bill 2018 Pt. 2	Current Bill No. 76-1		

^{1a} On the date as at which this reprint was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this reprint. For the text of the provisions see the endnotes referred to in the table.

Provisions that have not come into operation

Short title	Number and year	Assent	Commencement
<i>Prostitution Amendment Act 2008</i> s. 30 ³²	13 of 2008	14 Apr 2008	To be proclaimed (see s. 2(b))

² The *Criminal Law Amendment Act 1996* s. 5(2) is a transitional provision.

³ The *Criminal Law Amendment Act 1996* s. 6(2) is a transitional provision.

⁴ See *Firearms Regulations 1974* r. 2B.

⁵ Renumbered under the *Reprints Act 1984* s. 7(5)(c)(ii).

⁶ The *Criminal Code Amendment Act (No. 2) 1996* s. 4(3) is a transitional provision.

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- 7 The *Acts Amendment (Mental Health) Act 1981* was repealed by the *Statute Law Revision Act 2006* s. 3(1) before it came into operation.
- 8 The *Criminal Code* is the Schedule to the *Criminal Code Act 1913* which is Appendix B to the *Criminal Code Act Compilation Act 1913*.
- 9 The *Limitation Act 1935* s. 48A and the Second Schedule were inserted by No. 73 of 1954 s. 8.
- 10 The *Criminal Code Amendment Act 1962* s. 8 was repealed by No. 63 of 1963 s. 17.
- 11 The *Metric Conversion Act 1972* Second Schedule was inserted by the *Metric Conversion Act Amendment Act 1973*.
- 12 The *Criminal Code Amendment Act (No. 2) 1976* s. 3 is a validation provision.
- 13 The *Criminal Law Amendment Act 1986* s. 10 was repealed by No. 106 of 1987 s. 14(7).
- 14 The *Criminal Code Amendment Act (No. 2) 1987* s. 25 is a savings provision.
- 15 The *Criminal Law Amendment Act 1988* s. 50 deletes Schedule 2 item 8 of the *Acts Amendment (Public Service) Act 1987* which had purported to amend *The Criminal Code* s. 384(1). Item 8 was ineffective and never took effect.
- 16 The *Criminal Law Amendment Act 1991* s. 6(3) and (4) are savings provisions.
- 17 The *Acts Amendment (Evidence) Act 1991* s. 3 is a transitional provision.
- 18 The *Acts Amendment (Sexual Offences) Act 1992* s. 6(7) and Sch. 1 are transitional and savings provisions.
- 19 The *Acts Amendment (Ministry of Justice) Act 1993* s. 68 and 69 are savings and transitional provisions respectively.
- 20 The *Sentencing (Consequential Provisions) Act 1995* s. 27 is a transitional provision.
- 21 The *Mental Health (Consequential Provisions) Act 1996* s. 20 is a transitional provision.
- 22 Reprints before Reprint 10 are not numbered. Reprint 10 and subsequent reprints are numbered consecutively but are out by one number.
- 23 The *Corruption and Crime Commission Act 2003* Sch. 3 was renumbered as Sch. 4 by the *Corruption and Crime Commission Amendment and Repeal Act 2003* s. 35(12).
- 24 The *Criminal Law Amendment (Simple Offences) Act 2004* s. 37 did not come into operation and was repealed by the *Criminal Law and Evidence Amendment Act 2008* s. 76(2).
- 25 The amendment in the *Criminal Law Amendment (Simple Offences) Act 2004* s. 35(4) to *The Criminal Code* s. 635A(5) is not included because s. 635A was deleted by the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 24 before s. 35(4) commenced.
- 26 The *Criminal Law Amendment (Simple Offences) Act 2004* s. 39 did not come into operation and was repealed by the *Oaths, Affidavits and Statutory Declarations (Consequential Provisions) Act 2005* Sch. 1 item 7.
- 27 The *Criminal Code Amendment (Racial Vilification) Act 2004* s. 7-9 did not have any effect as, before the Act received the Royal Assent, the provisions they would have amended were amended by the *Acts Amendment (Family and Domestic Violence) Act 2004* s. 67-69. They were repealed by the *Criminal Law and Evidence Amendment Act 2008* s. 6(2), 7(2) and 8(2).

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- ²⁸ The amendment in the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* s. 82 to *The Criminal Code* s. 5(11) is not included because s. 5(11) was amended by the *Courts Legislation Amendment and Repeal Act 2004* s. 80 before s. 82 commenced.
- ²⁹ The amendment in the *Criminal Procedure and Appeals (Consequential and Other Provisions) Act 2004* Sch. 2 cl. 36 to *The Criminal Code* s. 133A was deleted by the *Criminal Law and Evidence Amendment Act 2008* s. 78(7) before it came into operation.
- ³⁰ The amendment in the *Nurses and Midwives Act 2006* s. 114 is not included because the section it sought to amend had been deleted by the *Criminal Investigation (Consequential Provisions) Act 2006* s. 22 before the amendment came into operation.
- ³¹ The *Criminal Investigation (Consequential Provisions) Act 2006* s. 29 is a transitional provision about search warrants.
- ³² On the date as at which this reprint was prepared, the *Prostitution Amendment Act 2008* s. 30 had not come into operation. It reads as follows:

30. The Criminal Code amended

- (1) The amendments in this section are to *The Criminal Code*.
- (2) Section 190 is repealed.
- (3) Section 191 is repealed.
- (4) Section 557K(1) paragraph (h) of the definition of **child sex offender** is amended by deleting “*Prostitution Act 2000*” and inserting instead —
“ *Sexual Services Act 2000* ”.