



ANNO VICESIMO QUARTO

ELIZABETHAE II REGINAE

A.D. 1975

No. 66 of 1975

An Act to amend the Criminal Law Consolidation Act, 1935-1974, and the Police Offences Act, 1953-1974.

[Assented to 2nd October, 1975]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

Short title. 1. This Act may be cited as the "Criminal Law (Sexual Offences) Amendment Act, 1975".

PART I**PART I****AMENDMENT OF THE CRIMINAL LAW CONSOLIDATION ACT, 1935-1974**

Short titles. 2. (1) The Criminal Law Consolidation Act, 1935-1974, as amended by this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1975".

(2) The Criminal Law Consolidation Act, 1935-1974, is in this Part referred to as "the principal Act".

Amendment of principal Act, s. 3—
Arrangement of Act.

3. Section 3 of the principal Act is amended by striking out from the heading "*Rape, Defilement and Abduction of Women and Girls* (Sections 48-68)" the passage "*of Women and Girls*".

Amendment of principal Act, s. 5—
Interpretation.

4. Section 5 of the principal Act is amended by inserting in subsection (1) after the last definition contained therein the following definitions:—

"carnal knowledge" includes *penetratio per anum* of a male or female person:

"common prostitute" includes any male person who prostitutes his body for fee or reward:

"rape" includes *penetratio per anum* of a male or female person without his or her consent.

Amendment of heading preceding s. 48 of principal Act.

5. The heading "*Rape, Defilement and Abduction of Women and Girls*" immediately preceding section 48 of the principal Act is amended by striking out the passage "*of Women and Girls*".

6. Section 48 of the principal Act is amended by striking out the passage "convicted of" and inserting in lieu thereof the passage "who commits".
Amendment of principal Act, s. 48—
Rape.
7. Section 49 of the principal Act is amended by striking out the passage "convicted of any attempt to commit, or of an assault" and inserting in lieu thereof the passage "who attempts to commit rape, or assaults any person".
Amendment of principal Act, s. 49—
Attempt to commit rape.
8. Section 50 of the principal Act is amended by striking out the word "female" and inserting in lieu thereof the word "person".
Amendment of principal Act, s. 50—
Carnally knowing a person under 12.
9. Section 51 of the principal Act is amended by striking out the word "female" and inserting in lieu thereof the word "person".
Amendment of principal Act, s. 51—
Attempting to carnally know a person under 12 years.
10. Section 52 of the principal Act is amended by striking out the word "female" and inserting in lieu thereof the word "person".
Amendment of principal Act, s. 52—
Carnally knowing a person between 12 and 13 years.
11. Section 53 of the principal Act is amended—
(a) by striking out the passage "or schoolmaster" and inserting in lieu thereof the passage ", schoolmaster or schoolmistress";
and
(b) by striking out the word "female", twice occurring, and inserting in lieu thereof, in each case, the word "person".
Amendment of principal Act, s. 53—
Defilement of child by guardian.
12. Section 54 of the principal Act is amended by striking out the word "female" and inserting in lieu thereof the word "person".
Amendment of principal Act, s. 54—
Consent no defence.
13. Section 55 of the principal Act is amended—
(a) by striking out from paragraph (a) of subsection (1) the word "female" and inserting in lieu thereof the word "person";
(b) by striking out from paragraph (b) of subsection (1) the passage "any female idiot or imbecile woman or girl" and inserting in lieu thereof the passage "any person who is an idiot or imbecile";
(c) by striking out from paragraph (b) of subsection (1) the passage "woman or girl" and inserting in lieu thereof the word "person";
(d) by striking out from subsection (2) the word "female", wherever it occurs, and inserting in lieu thereof, in each case, the word "person";
and
(e) by inserting after the word "he", twice occurring, in subsection (2) the passage "or she".
Amendment of principal Act, s. 55—
Defilement of person between thirteen and sixteen years of age, and of idiot person or child.
14. Section 56 of the principal Act is amended by striking out the word "female" and inserting in lieu thereof the word "person".
Amendment of principal Act, s. 56—
Indecent assault.

PART I

Amendment of
principal Act,
s. 57—
Consent no
defence in
certain cases.

15. Section 57 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “female” and inserting in lieu thereof the word “person”;
 - (b) by inserting before the word “her” in subsection (1) the passage “his or”;
 - (c) by striking out from subsection (1) the passage “or schoolmaster” and inserting in lieu thereof the passage “, schoolmaster or schoolmistress”;
 - (d) by striking out from subsection (2) the word “female” and inserting in lieu thereof the word “person”;
 - (e) by striking out from subsection (3) the word “female”, wherever it occurs, and inserting in lieu thereof, in each case, the word “person”;
 - (f) by inserting before the word “her” in subsection (3) the passage “his or”;
- and
- (g) by inserting after the word “he”, twice occurring, in subsection (3) the passage “or she”.

Amendment of
principal Act,
s. 57a—
Power to take
plea of guilty
without
evidence.

16. Section 57a of the principal Act is amended by striking out from subsection (1) the word “girl” and inserting in lieu thereof the word “person”.

Amendment of
principal Act,
s. 57b—
Indecent
interference
with children
and others.

17. Section 57b of the principal Act is amended—

- (a) by striking out from paragraph (a) of subsection (1) the passage “child, male or female,” and inserting in lieu thereof the word “person”;
 - (b) by striking out from paragraph (a) of subsection (1) the passage “such child” and inserting in lieu thereof the passage “that person”;
 - (c) by striking out from paragraph (b) of subsection (1) the word “female” and inserting in lieu thereof the word “person”;
- and
- (d) by inserting before the word “her” in paragraph (b) of subsection (1) the passage “his or”.

Amendment of
principal Act,
s. 58—
Acts of gross
indecent with
children under
the age of 16.

18. Section 58 of the principal Act is amended—

- (a) by striking out from subsection (1) the word “male”;
- and
- (b) by striking out the word “female”, wherever it occurs in subsections (1) and (2), and inserting in lieu thereof, in each case, the word “person”.

Amendment of
principal Act,
s. 59—
Abduction.

19. Section 59 of the principal Act is amended—

- (a) by striking out the word “woman”, wherever it occurs in subsections (1) and (2), and inserting in lieu thereof, in each case, the word “person”;

- (b) by inserting in paragraph (a) of subsection (1) before the word “her” the passage “his or”;
- (c) by striking out the passage “heir or co-heir”, wherever it occurs in subsections (1) and (2), and inserting in lieu thereof, in each case, the passage “heir or heiress or co-heir or co-heiress”;
- (d) by striking out from paragraph (b) of subsection (1) the passage “her father or mother or of any person having the lawful care or charge of her” and inserting in lieu thereof the passage “his or her father or mother or of any person having the lawful care or charge of him or her”;
- (e) by inserting before the word “her”, penultimately and last occurring, in subsection (1) the passage “him or”;
- (f) by inserting before the word “she” in subsection (2) the passage “he or”;
- and
- (g) by inserting before the word “her” in subsection (2) the passage “him or”.

20. Section 60 of the principal Act is amended—

- (a) by striking out the word “woman” and inserting in lieu thereof the word “person”;
- (b) by inserting before the word “her”, first occurring, the passage “his or”;
- and
- (c) by inserting before the word “her”, penultimately and last occurring, the passage “him or”.

Amendment of
principal Act,
s. 60—
Forcible
abduction.

21. Section 61 of the principal Act is amended—

- (a) by striking out the word “female” and inserting in lieu thereof the word “person”;
- (b) by inserting before the word “her”, first occurring, the passage “his or”;
- and
- (c) by inserting before the word “her”, last occurring, the passage “him or”.

Amendment o
principal Act,
s. 61—
Abduction of a
child under
sixteen.

22. Section 62 of the principal Act is amended—

- (a) by striking out the word “female” and inserting in lieu thereof the word “person”;
- (b) by striking out the passage “under the age of twenty-one years”;
- and
- (c) by striking out the word “man” and inserting in lieu thereof the passage “other person”.

Amendment of
principal Act,
s. 62—
Procuring the
defilement of
person under
eighteen.

PART I

Amendment of
principal Act,
s. 63—
Procuring
persons to be
prostitutes.

23. Section 63 of the principal Act is amended—

(a) by striking out the word “female”, twice occurring, and inserting in lieu thereof, in each case, the word “person”;

and

(b) by inserting before the word “her” in paragraph (b) the passage “his or”.

Amendment of
principal Act,
s. 64—
Procuring
defilement of
persons by
threats or
fraud.

24. Section 64 of the principal Act is amended—

(a) by striking out the word “female”, wherever it occurs, and inserting in lieu thereof, in each case, the word “person”;

(b) by striking out the word “male”, wherever it occurs, and inserting in lieu thereof, in each case, the passage “other person”;

and

(c) by inserting before the word “she”, twice occurring, in paragraph (c) the passage “he or”.

Amendment of
principal Act,
s. 65—
Householder,
etc., permitting
defilement of
child under
seventeen on
his premises.

25. Section 65 of the principal Act is amended—

(a) by striking out the word “female” and inserting in lieu thereof the word “person”;

(b) by striking out the word “male” and inserting in lieu thereof the passage “other person”;

and

(c) by striking out the word “man” and inserting in lieu thereof the word “person”.

Amendment of
principal Act,
s. 66—
Detention of
unmarried
child and
restoration to
parents.

26. Section 66 of the principal Act is amended—

(a) by striking out the word “female” wherever it occurs in subsections (1) and (2) and inserting in lieu thereof, in each case, the word “person”;

(b) by inserting before the word “her”, first occurring, in subsection (1) the passage “his or”;

(c) by inserting before the word “her”, last occurring, in subsection (1) the passage “him or”;

(d) by inserting before the word “she”, twice occurring, the passage “he or”;

and

(e) by striking out the word “male”, twice occurring, in subsection (1) and inserting in lieu thereof, in each case, the word “person”.

Amendment of
principal Act,
s. 67—
Justice may
grant warrant.

27. Section 67 of the principal Act is amended—

(a) by striking out the word “female”, wherever it occurs in subsections (1) and (2), and inserting in lieu thereof, in each case, the word “person”;

- (b) by inserting before the word "she" in subsection (1) the passage "he or";
and
(c) by striking out from subsection (2) the passage "her to be delivered up to her" and inserting in lieu thereof the passage "him or her to be delivered up to his or her".

28. Section 68 of the principal Act is amended—

- (a) by striking out the word "boy" and inserting in lieu thereof the word "person";
(b) by striking out the word "female", first occurring, and inserting in lieu thereof the passage "other person";
and
(c) by striking out the word "female", last occurring, and inserting in lieu thereof the word "person".

Amendment of principal Act, s. 68—
Permitting children to resort to brothels.

29. Section 68a of the principal Act is repealed and the following section is enacted and inserted in its place:—

68a. The law relating to unnatural offences shall be as prescribed by this Act and any such offence created under any other enactment or at common law is abolished.

Repeal of s. 68a of principal Act and enactment of section in its place—

Abolition of crime of sodomy.

30. Section 69 of the principal Act is repealed and the following section is enacted and inserted in its place:—

69. (1) Any person who commits buggery with an animal shall be guilty of a misdemeanour and liable to be imprisoned for a term not exceeding ten years.

Repeal of s. 69 of principal Act and enactment of section in its place—

Offences against animals.

(2) Any person who attempts to commit buggery with an animal shall be guilty of a misdemeanour and liable to be imprisoned for a term not exceeding seven years.

31. Section 74 of the principal Act is amended—

- (a) by inserting before the word "offence" the word "sexual";
and
(b) by striking out the passage "relating to rape or other offences against females, or unnatural offences,".

Amendment of principal Act, s. 74—
Power to clear the Court.

32. Section 75 of the principal Act is amended by striking out the passage "upon a female".

Amendment of principal Act, s. 75—
Power on information for rape, etc., to convict of indecent assault or common assault.

PART I

Amendment of principal Act, s. 76a—
Limitation of time for laying information for certain offences.

33. Section 76a of the principal Act is amended by striking out from subsection (3) the passage “70, 71,”.

Amendment of principal Act, s. 77—
Indeterminate sentence where prisoner suffers from venereal disease.

34. Section 77 of the principal Act is amended by striking out from subsection (8) the passage “70, 71,”.

Amendment of principal Act, s. 77a—
Detention of persons incapable of controlling sexual instincts.

35. Section 77a of the principal Act is amended by striking out from subsection (9) the passage “70, 71,”.

PART II

PART II

AMENDMENT OF THE POLICE OFFENCES ACT, 1953-1974

Short titles.

36. (1) The Police Offences Act, 1953-1974, as amended by this Act, may be cited as the “Police Offences Act, 1953-1975”.

(2) The Police Offences Act, 1953-1974, is in this Part referred to as “the principal Act”.

Amendment of principal Act, s. 4—
Interpretation.

37. Section 4 of the principal Act is amended by inserting in subsection (1) after the definition of “the Commissioner” the following definition:—

“prostitute” includes any male person who prostitutes his body for fee or reward:.

Amendment of principal Act, s. 25—
Soliciting.

38. Section 25 of the principal Act is amended by striking out the word “female”.

Amendment of principal Act, s. 26—
Living on the earnings of prostitution.

39. Section 26 of the principal Act is amended—

(b) by inserting in paragraph (a) of subsection (1) after the word “prostitution” the passage “of another person”;

(c) by striking out paragraph (b) and the word “or” immediately preceding that paragraph from subsection (1);

40. Section 27 of the principal Act is amended—

(a) by striking out from paragraph (a) the passage “people of opposite sexes” and inserting in lieu thereof the word “persons”;

and

(b) by striking out from paragraph (b) the passage “woman or women” and inserting in lieu thereof the word “person”.

Amendment of
principal Act,
s. 27—
Definition
of brothel.

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

M. L. OLIPHANT, Governor