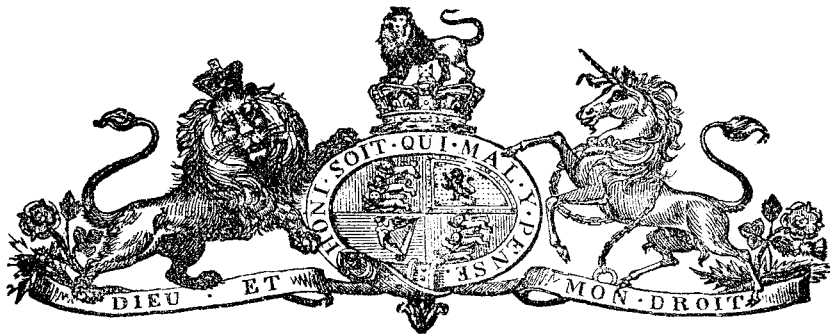


T A S M A N I A.



1885.

ANNO QUADRAGESIMO-NONO

VICTORIÆ REGINÆ,

No. 23.

AN ACT to amend the Law relating to Offences A.D. 1885.
against the Person. [5 December, 1885.] —

WHEREAS it is expedient to amend the Law relating to Offences PREAMBLE.
against the Person :

Be it therefore enacted by His Excellency the Governor of *Tasmania*,
by and with the advice and consent of the Legislative Council and
House of Assembly, in Parliament assembled, as follows :

1 This Act may be cited as “The Offences against the Person Act, Short title.
1885.”

2 Sections Forty-five, Forty-seven, and Forty-eight of the Act of the Repeal.
Parliament of *Tasmania* of the 27th *Victoria*, No. 5, and Sections Thirty- 27 Vict. No. 5.
seven and Forty-nine of “The Criminal Law Procedure Act, 1873,” are 37 Vict. No. 6.
hereby repealed, except as to anything heretofore duly done there-
under, and except as far as may be necessary for the purpose of sup-
porting and continuing any proceeding taken, or of prosecuting or
punishing any person for any offence committed before the passing
of this Act.

3 Whosoever shall be convicted of the crime of Rape shall be guilty Rape.
of Felony, and being convicted thereof shall be liable to be imprisoned
for life.

4 Whosoever shall unlawfully and carnally know and abuse any Abusing a girl
girl under the age of Thirteen years shall be guilty of Felony, and being under Thirteen
convicted thereof shall be liable, at the discretion of the Court, to be years of age.
imprisoned for life.

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Abusing a girl
between the ages
of Thirteen and
Fourteen.

Abusing or
attempting to
abuse a girl
between the ages
of Fourteen and
Fifteen.

Punishment of
persons convicted
of assault with
intent to commit
rape, &c.

Householder, &c.
permitting defile-
ment of young
girl on his
premises.

Householders, &c.
permitting youths
to resort to
premises for
immoral purposes.

Procuration.

5 Whosoever shall unlawfully and carnally know and abuse any girl being above the age of Thirteen years and under the age of Fourteen years shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for Seven years.

6 Any person who unlawfully and carnally knows, or attempts to have unlawful carnal knowledge of any female being of or above the age of Fourteen years and under the age of Fifteen years, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for Two years: Provided that it shall be a sufficient defence to any charge under this Section if it shall be made to appear to the Court before whom the charge shall be brought that the person so charged had reasonable cause to believe that the female was of or above the age of Fifteen years: Provided also that no prosecution shall be commenced for an offence under this Section more than Fifteen days after the commission of the offence.

7 Whosoever is convicted of any assault with intent to commit rape, or of any attempt to unlawfully and carnally know and abuse any girl under the age of Thirteen years, shall be liable to be imprisoned for Ten years; and whosoever is convicted of any attempt to have carnal knowledge of any girl being above the age of Thirteen years and under the age of Fourteen years, shall be liable to be imprisoned for Four years.

8 Any person who, being the owner or occupier of any premises, or having, or acting or assisting in, the management or control thereof, induces or knowingly suffers any girl of such age as is in this Section mentioned to resort to or be in or upon such premises for the purpose of being unlawfully and carnally known by any male, whether such carnal knowledge is intended to be with any particular male, or generally,—

i. Shall, if such girl is under the age of Thirteen years, be guilty of Felony, and being convicted thereof shall be liable to be imprisoned for life; and

ii. If such girl is of or above the age of Thirteen, and under the age of Fifteen years, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for Seven years.

Provided, that it shall be a sufficient defence to any charge under this Section if it shall be made to appear to the Court or Jury before whom the charge shall be brought that the person so charged had reasonable cause to believe that the girl was of or above the age of Fifteen years.

9 Any person who, being the owner or occupier of any premises, or having, or acting or assisting in the management or control thereof, induces or knowingly suffers any boy under the age of Sixteen years to resort to or be in or upon such premises for the purpose of carnally knowing any female, whether such carnal knowledge is intended to be with any particular female, or generally, shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for Two years.

10 Any person who—

i. Procures or attempts to procure any girl or woman under Twenty-one years of age, not being a common prostitute or of known immoral character, to have unlawful carnal

Offences against the Person.

connection, either within or without *Tasmania*, with any other person or persons; or

- ii. Procures or attempts to procure any woman or girl to become, either within or without *Tasmania*, a common prostitute; or
- iii. Procures or attempts to procure any woman or girl to leave *Tasmania* with intent that she may become an inmate of a brothel elsewhere; or
- iv. Procures or attempts to procure any woman or girl to leave her usual place of abode in *Tasmania* (such place not being a brothel), with intent that she may, for the purposes of prostitution, become an inmate of a brothel within or without *Tasmania*;

shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for Two years: Provided, that no person shall be convicted of any offence under this Section upon the evidence of one witness, unless such witness be corroborated in some material particular by evidence implicating the accused.

11 Any person who detains any woman or girl against her will —

- i. In or upon any premises with intent that she may be unlawfully and carnally known by any man, whether any particular man, or generally; or
- ii. In any brothel;

shall be guilty of a Misdemeanor, and being convicted thereof shall be liable to be imprisoned for Two years.

Where a woman or girl is in or upon any premises for the purpose of having any unlawful carnal connection, or is in any brothel, a person shall be deemed to detain such woman or girl in or upon such premises or in such brothel, if, with intent to compel or induce her to remain in or upon such premises or in such brothel, such person withholds from such woman or girl any wearing apparel or other property belonging to her, or where wearing apparel has been lent or otherwise supplied to such woman or girl by or by the direction of such person, such person threatens such woman or girl with legal proceedings if she takes away with her the wearing apparel so lent or supplied.

No legal proceedings, whether civil or criminal, shall be taken against any such woman or girl for taking away or being found in possession of any such wearing apparel as was necessary to enable her to leave such premises or brothel.

12 If it appears to any Justice of the Peace, on information made before him on oath by any parent, relative, or guardian of any woman or girl, or any other person who, in the opinion of the Justice, is *bonâ fide* acting in the interest of any woman or girl, that there is reasonable cause to suspect that such woman or girl is unlawfully detained for immoral purposes by any person in any place within the jurisdiction of such Justice, such Justice may issue a warrant authorising any person named therein to search for, and, when found, to take to and detain in a place of safety such woman or girl until she can be brought before a Justice of the Peace; and the Justice of the Peace before whom such woman or girl is brought may cause her to be delivered up to her parents or guardians, or otherwise dealt with as circumstances may permit and require.

The Justice of the Peace issuing such warrant may, by the same or any other warrant, cause any person accused of so unlawfully detaining such woman or girl to be apprehended and brought before a Justice

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Unlawful detention with intent to have carnal knowledge.

Power of search.

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and proceedings to be taken for punishing such person according to law.

A woman or girl shall be deemed to be unlawfully detained for immoral purposes if she is so detained for the purpose of being unlawfully and carnally known by any man, whether any particular man or generally, and—

- (a) Either is under the age of Sixteen years ; or
- (b) If of or over the age of Sixteen years, and under the age of Eighteen years, is so detained against her will, or against the will of her father or mother, or of any other person having the lawful care or charge of her ; or
- (c) If of or above the age of Eighteen years, is so detained against her will.

Any person authorised by warrant under this Section to search for any woman or girl so detained as aforesaid may enter (if need be by force) any house, building, or other place specified in such warrant, and may remove such woman or girl therefrom.

Provided always, that every warrant issued under this Section shall be addressed to and executed by some Superintendent, Sub-Inspector, or Sergeant of Police, who shall be accompanied by the parent, relative, or guardian, or other person making the information, if such person so desire, unless the Justice shall otherwise direct.

Person tried for certain offences may be found guilty of an indecent assault.

13 If upon the trial of any person charged with any of the following offences :—

Rape :

Unlawfully and carnally knowing and abusing any girl under the age of Thirteen years :

Unlawfully and carnally knowing and abusing any girl being above the age of Thirteen years and under the age of Fourteen years :

Assault with intent to commit rape :

Sodomy :

Assault with intent to commit sodomy :

it appears to the jury upon the evidence that such person did not complete the offence charged, but was guilty of an indecent assault only, such person shall not by reason thereof be entitled to be acquitted ; but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the offence charged in the information, but is guilty of an indecent assault, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an information for an indecent assault ; and no person so tried as herein lastly mentioned shall be liable to be afterwards prosecuted for committing an indecent assault upon the person named in the information at the time therein specified.

Consent of young persons to be no defence.

14 It shall be no defence to an information for an indecent assault on a young person under the age of Fourteen years to prove that he or she consented to the act of indecency.

This Act to be read with 27 Vict. No. 5.

15 This Act shall be deemed to be incorporated with the said Act of the 27th *Victoria*, No. 5, and shall be construed as if the said Act (as altered or amended by this Act) and this Act were one Act.