

Criminal Code Act 1924, Tasmania

1924 – 1934

URL: http://www.austlii.edu.au/au/legis/tas/consol_act/cca1924115/

Details

The Criminal Code Act 1924 (Act No.69/1924) brought all the laws concerning criminal behaviour together into one piece of legislation. It contained a number of provisions that affected children.

The preamble to the *Criminal Code* stated that it was: 'an Act to declare, consolidate, and amend the criminal law, and to establish a code of criminal law'.

It made the following provisions for children:

- no 'act or omission' by a child under seven years old was an offence. If the child was under 14, he or she had to be capable of understanding the offence for it to be one.
- it was legal for a parent, guardian, or schoolmaster to use 'reasonable force' for discipline.
- gave the age of consent, which was 16 for girls. Girls or women who were diagnosed with insanity or intellectual disability (known as mental deficiency or defectiveness) were not considered able to give their consent. Householders could be prosecuted for allowing the age of consent to be breached on their property.
- indecent assault was illegal.
- abortion was illegal.
- the head of a household had to provide for children and servants under 16.
- defined a human being as a child who had 'completely proceeded in a living state from the body of its mother, whether it has breathed or not, and whether it has an independent circulation or not, and whether the naval string is severed or not'.
- it was a crime to conceal the death of a child before birth or to hide its body afterwards.

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- [Mental Deficiency Act, Tasmania \(1920 - 1963\)](#)

Resources

- Evans, Caroline, [Childhood](#), The companion to Tasmanian history, 2005

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