

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

---

No. 34 of 1982

An Act to amend The Criminal Code in a certain particular

[ASSENTED TO 1ST SEPTEMBER, 1982]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

**1. Short title.** This Act may be cited as the *Criminal Law Amendment Act 1982*.

**2. Amendment of Criminal Code.** *The Criminal Code* is amended by repealing section 617 and substituting the following section:—

“617. (1) Subject to this section the trial must take place in the presence of the accused person.

(2) If an accused person so conducts himself as to render the continuance of the proceedings in his presence impracticable, the Court may order him to be removed and may direct the trial to proceed in his absence.

(3) Where two or more accused persons are charged in the one indictment, if it is made to appear to the Court that any of them is unable to be present by reason of his illness or infirmity, the Court may permit him to be absent during the whole or any part of the trial if it is satisfied—

(a) that the interests of that accused person will not be prejudiced by the trial proceeding in his absence; and

(b) that the interests of justice require that the trial should proceed in his absence.

(4) The Court may in any case permit a person charged with a misdemeanour to be absent during the whole or any part of the trial on such conditions as it thinks fit.

(5) If an accused person absents himself during the trial without leave, the Court may direct a warrant to be issued to arrest him and bring him before the Court forthwith.”

**3. Application of this Act.** Section 617 of *The Criminal Code* as enacted by section 2 applies in respect of persons charged in any indictment whether their trial has begun before or begins after the commencement of this Act.