

Queensland



ANNO TRICESIMO PRIMO

ELIZABETHAE SECUNDAE REGINAE

No. 59 of 1982

An Act to amend The Criminal Code in certain particulars

[ASSENTED TO 3RD DECEMBER, 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 (No. 2)*.

2. Amendment of s. 328A. Dangerous Driving of a Motor Vehicle. Section 328A of *The Criminal Code* is amended by—

(a) adding at the end of the fourth paragraph the words “and if in addition the offender has a concentration of alcohol in his blood equal to or exceeding 150 milligrams of alcohol per 100 millilitres of blood at the time, he is liable upon conviction upon indictment to imprisonment with hard labour for seven years”;

(b) adding at the end of the fifth paragraph the words “and the concentration of alcohol in the driver's blood at the time”.

3. Repeal of and new s. 628. *The Criminal Code* is amended by repealing section 628 and the heading immediately above that section and substituting the following heading and section:—

“*Incapacity and unavailability of Juror*”

628. If at any time during the trial a juror—

dies,

becomes in the opinion of the Court incapable of continuing to act as a juror, or

becomes for any reason that in the opinion of the Court is sufficient unavailable to continue to act as a juror,

the Court may, in its discretion, discharge the jury under the provisions hereinbefore contained, or may, if it thinks fit, direct that the trial shall proceed with the remaining jurors and discharge the juror so becoming incapable or unavailable.

In any such case the verdict of the remaining jurors, not being less than ten, shall have the same effect as if all the jurors had continued present.”

4. Amendment of index. *The Criminal Code* is amended by, in the index preceding Part I, omitting the words “628. Incapacity of juror” and substituting the words “628. Incapacity and unavailability of juror”.

5. Application of s. 628. Section 628 of *The Criminal Code* as enacted by section 3 applies in respect of jurors empanelled for any trial whether the trial has begun before or begins after the commencement of this Act.