

# **Guardianship and Administration and Other Acts Amendment Bill 2008**

## **Explanatory Notes for amendments to be moved during consideration in detail by the Honourable Kerry Shine MP Attorney-General and Minister for Justice and Minister assisting the Premier in Western Queensland**

### **Title of the Bill**

Guardianship and Administration and Other Acts Amendment Bill 2008

### **Objective of the Amendments**

The objective of the amendments is to correct an unintended change to the existing section 53 of the *Jury Act 1995* in clause 26 of the Bill in relation to lunch and dinner adjournments.

Currently, section 53 of the *Jury Act 1995* entitles members of a jury to separate before retiring to consider their verdict for the purpose of obtaining meals unless the judge orders the jurors not to separate because it may prejudice a fair trial. However, clause 26 amends section 53 to provide that the judge must allow the jury to separate during a lunch or dinner adjournment to obtain meals and therefore unintentionally removes the judge's discretion to order that the jury not separate.

### **Alternative Ways of Achieving Policy Objectives**

There are no alternative ways of achieving the policy objectives.

### **Estimated Cost for Government Implementation**

There are no costs associated with the amendments.

## **Consistency with Fundamental Legislative Principles**

The amendments are consistent with Fundamental Legislative Principles.

## **Consultation**

Consultation has been undertaken with the Sheriff of Queensland on the amendments.

## **Notes on Provisions**

Clause 1 amends clause 26 of the Bill to omit the new subsections 53(3) and 53(4) of the *Jury Act 1995* and replaces them with a number of new subsections. The new subsections will ensure, consistent with the current operation of section 53 of the *Jury Act 1995*, that before a jury in a criminal trial retires to consider its verdict members of the jury are entitled to separate during a lunch or dinner adjournment to obtain meals but that the judge has discretion to order that the jury not separate if this may prejudice a fair trial.

Clauses 2 to 6 amend clause 26 of the Bill to renumber the remaining subsections of the new section 53 consequential to the amendment in clause 1.

Clause 7 amends the references to the new section 53 of the *Jury Act 1995* in the transitional provision in clause 27 of the Bill consequential to the re-numbering amendments in clauses 2 and 3.