



CRIMINAL CODE AMENDMENT ACT 1982

No. 33 of 1982

TABLE OF PROVISIONS

- | | |
|---|---|
| <p>1. Short title.</p> <p>2. Principal Act, &c.</p> <p>3. Amendment of section 12A of Principal Act (Sittings of Court).</p> <p>4. Amendment of section 399 of Code (Interpretation: Chapter XLVI).</p> | <p>5. Amendment of section 400 of Code (Court of Criminal Appeal).</p> <p>6. Amendment of section 63 of <i>Justices Act 1959</i> (Defendant pleading guilty).</p> |
|---|---|

AN ACT to amend the Criminal Code Act 1924 and the Criminal Code for the purpose of making further provision with respect to the constitution and sittings of the Court of Criminal Appeal and for related purposes and to make a consequential amendment to the Justices Act 1959.

[Royal Assent 14 October 1982]

BE it 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 *Criminal Code Amendment Act* Short title. 1982.

Principal
Act, &c.

2—In this Act, the *Criminal Code Act 1924* is referred to as the Principal Act and the *Criminal Code** is referred to as the Code.

Amendment of
section 12A
of Principal
Act (Sittings
of Court).

3—(1) Section 12A (1) of the Principal Act is amended as follows:—

- (a) by omitting “ may fix ” and substituting “ may give directions fixing ”;
- (b) by omitting “ of Tasmania ”.

(2) Section 12A of the Principal Act is further amended by inserting the following subsections after subsection (2):—

(2A) Subject to this section and to any direction given under subsection (1), the Supreme Court and the judges of the Court may sit and act at any place and at any time, whether in term or vacation or not, for the purpose of exercising any part of the criminal jurisdiction and business of the Court.

(2B) The jurisdiction of the Court of Criminal Appeal may be exercised so that—

- (a) sittings in that jurisdiction can be held at the same time and in the same place, or in different places, as separate courts; and
- (b) sittings in that jurisdiction can be held at the same time as a sitting of the Full Court or of a judge or judges exercising the criminal or other jurisdiction of the Supreme Court (when not sitting as the Full Court or Court of Criminal Appeal).

(2C) Subject to this section and to any direction given under subsection (1), the criminal jurisdiction of the Supreme Court may be exercised so that—

- (a) any 2 or more judges can sit at the same time and in the same place as one court or as separate courts, or at the same time and in different places as separate courts; and
- (b) sittings in that jurisdiction can be held at the same time as a sitting of the Court of Criminal Appeal, the Full Court, or the Supreme Court exercising its civil jurisdiction.

* 14 Geo. V No. 69. For the Act and Code, as amended to 1st October 1977, see the continuing Reprint of Statutes. Subsequently amended by No. 124 of 1977 and No. 44 of 1979.

(3) Section 12A of the Principal Act is further amended by inserting the following subsection after subsection (3):—

(3A) For the purposes of this section, the criminal jurisdiction of the Supreme Court includes jurisdiction to deal with a person charged with an indictable offence who, in accordance with section 63 of the *Justices Act* 1959, is committed to the Supreme Court for sentence.

4—Section 399 of the Code is amended by omitting the definition of “ Full Court ”.

Amendment of section 399 of Code (Interpretation: Chapter XLVI).

5—Section 400 of the Code is amended by omitting subsection (1) and substituting the following subsection:—

Amendment of section 400 of Code (Court of Criminal Appeal).

(1) The Court of Criminal Appeal is duly constituted for the purpose of exercising any of its jurisdiction if it consists of 3 or more judges of the Supreme Court, but, in relation to any particular appeal, may be duly constituted by only 2 such judges if none of the parties to the appeal objects to the Court being so constituted for the purpose of hearing the appeal.

6—Section 63 (3) (a) of the *Justices Act* 1959* is amended by omitting “, in accordance with section 6 (3) of the *Supreme Court Act* 1959,”.

Amendment of section 63 of *Justices Act* 1959 (Defendant pleading guilty).

* No. 77 of 1959. For the Act, as amended to 31st December 1974, see Appendix C of “ The Acts of the Parliament of Tasmania ” (Volume LXXII). Subsequently amended by No. 66 of 1975, No. 73 of 1975, No. 15 of 1976, No. 96 of 1976, and No. 107 of 1976.

