



ANNO TRICESIMO SECUNDO

ELIZABETHAE II REGINAE

A.D. 1983

No. 51 of 1983

An Act to amend the Criminal Law Consolidation Act, 1935-1981.

[Assented to 16 June 1983]

BE IT ENACTED by the Governor of the State of South Australia, with the advice and consent of the Parliament thereof, as follows:

1. (1) This Act may be cited as the "Criminal Law Consolidation Act Amendment Act (No. 2), 1983". Short titles.

(2) The Criminal Law Consolidation Act, 1935-1981, is in this Act referred to as "the principal Act".

(3) The principal Act, as amended by this Act, may be cited as the "Criminal Law Consolidation Act, 1935-1983".

2. Section 14 of the principal Act is amended by striking out from subsection (1) the passage "or to a fine not exceeding five hundred dollars, or to both such imprisonment and fine as aforesaid". Amendment of s. 14—
Causing death by negligent driving.

3. Section 14a of the principal Act is repealed and the following section is substituted: Repeal of s. 14a and substitution of new section.

14a. (1) If upon the trial of a person for manslaughter, or for an offence against section 14, the jury is not satisfied that the accused is guilty of the offence charged but is satisfied that he is guilty of the offence constituted by section 45 of the Road Traffic Act, 1961-1982, of driving a vehicle without due care or attention or without reasonable consideration for other persons using the road or that he is guilty of the offence constituted by section 46 of the Road Traffic Act, 1961-1982, of driving a vehicle recklessly or at a speed or in a manner which is dangerous to the public, the jury may bring in a verdict that he is guilty of the offence as to which it is so satisfied. Alternative verdict on charge of manslaughter, etc.

(2) A person found guilty of an offence against the Road Traffic Act, 1961-1982, pursuant to subsection (1) shall be dealt with by the court in the manner prescribed by that Act.

Amendment of
s. 24—
Verdict of
unlawful
wounding when
felony charged.

4. Section 24 of the principal Act is amended by striking out the passage “for any term not exceeding three years” and substituting the passage “for a term not exceeding five years, or, where the victim was at the time of the commission of the offence under the age of twelve years, for a term not exceeding eight years”.

Amendment of
s. 38—
Injuring persons
by dangerous or
negligent riding or
driving.

5. Section 38 of the principal Act is amended by striking out from subsection (1) the passage “, or to a fine not exceeding four hundred dollars, or to both such imprisonment and fine as aforesaid”.

Repeal of s. 38a
and substitution
of new section.

6. Section 38a of the principal Act is repealed and the following section is substituted:

Alternative
verdict on charge
under s. 38.

38a. (1) If upon the trial of a person for an offence against section 38 the jury is not satisfied that the accused is guilty of the offence charged but is satisfied that he is guilty of the offence constituted by section 45 of the Road Traffic Act, 1961-1982, of driving a vehicle without due care or attention or without reasonable consideration for other persons using the road or that he is guilty of the offence constituted by section 46 of the Road Traffic Act, 1961-1982, of driving a vehicle recklessly or at a speed or in a manner which is dangerous to the public, the jury may bring in a verdict that he is guilty of the offence as to which it is so satisfied.

(2) A person found guilty of an offence against the Road Traffic Act, 1961-1982, pursuant to subsection (1) shall be dealt with by the court in the manner prescribed by that Act.

Amendment of
s. 75—
Power on
information for
rape, etc., to
convict for
indecent assault
or common
assault.

7. Section 75 of the principal Act is amended by inserting after the passage “section 48 or 49 of this Act” the passage “or for an attempt to commit a felony under section 48, or a felony or misdemeanour under section 49”.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor