

South Australia

**Evidence (Propensity Evidence) Amendment  
Bill 2009**

A BILL FOR

An Act to amend the *Evidence Act 1929*.

---

## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

### Part 2—Amendment of *Evidence Act 1929*

- 4 Insertion of section 34CC  
34CC Admissibility of propensity evidence
- 

## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Evidence (Propensity Evidence) Amendment Act 2009*.

#### 2—Commencement

5 This Act will come into operation 3 months after the date of assent.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### Part 2—Amendment of *Evidence Act 1929*

#### 10 4—Insertion of section 34CC

After section 34CB insert:

#### 34CC—Admissibility of propensity evidence

- 15 (1) Propensity evidence relevant to facts in issue in proceedings relating to a major indictable offence is admissible if the court considers that in all the circumstances it is just to admit it despite any prejudicial effect it may have on the person charged with the offence.
- (2) The possibility of a reasonable explanation consistent with the innocence of the person charged with an offence is not relevant to the admissibility of evidence referred to in subsection (1).
- 20 (3) Nothing in this section prevents a court taking into account the possibility of a reasonable explanation consistent with the innocence of the person charged with an offence when considering the weight of the evidence or the credibility of a witness.
- (4) This section has effect despite any rule of law to the contrary.