

South Australia

Criminal Procedure (Miscellaneous) Amendment Act 2018

An Act to amend the *Criminal Procedure Act 1921*.

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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Criminal Procedure (Miscellaneous) Amendment Act 2018*.

2—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 *Criminal Procedure Act 1921*

3—Amendment of section 62B—Powers of Magistrates Court on written plea of guilty

Section 62B(5)—delete subsection (5) and substitute:

- (5) Nothing in this section prejudices an application by a defendant to withdraw a plea of guilty at any time prior to the hearing and determination of the information laid against the defendant, and the Magistrates Court before whom the defendant appears to answer the information may permit a withdrawal of the plea on such terms as may be just.

4—Amendment of section 123—Case statements

- (1) Section 123(2)(f)—after "*Evidence Act 1929*" insert:

that relies on a particular propensity or disposition of the defendant as circumstantial evidence of a fact in issue

- (2) Section 123(5)—delete ", in the presence of the defendant,"

5—Amendment of section 189B—Costs in pre-committal and committal proceedings

Section 189B—delete "committal proceedings for an indictable offence" and substitute:

proceedings for an indictable offence under Part 5 Divisions 2 and 3

Schedule 1—Transitional provision

1—Application of amendment

Section 189B of the *Criminal Procedure Act 1921*, as in force after the commencement of section 5, applies in relation to proceedings whether commenced before or after the commencement of section 5.