

Criminal Procedure Amendment (Pre-trial Disclosure) Act 2018 No 47

[2018-47]



New South Wales

Status Information

Currency of version

Repealed version for 27 September 2018 to 2 November 2018 (accessed 24 November 2024 at 18:32)

Legislation on this site is usually updated within 3 working days after a change to the legislation.

Provisions in force

The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Note**

Amending Acts and amending provisions are subject to automatic repeal pursuant to sec 30C of the [Interpretation Act 1987 No 15](#) once the amendments have taken effect.

Authorisation

This version of the legislation is compiled and maintained in a database of legislation by the Parliamentary Counsel's Office and published on the NSW legislation website, and is certified as the form of that legislation that is correct under section 45C of the [Interpretation Act 1987](#).

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Contents

| | |
|-------------------------------------------------------------------------|---|
| Long title | 3 |
| 1 Name of Act | 3 |
| 2 Commencement | 3 |
| Schedule 1 Amendment of Criminal Procedure Act 1986 No 209 | 3 |

Criminal Procedure Amendment (Pre-trial Disclosure) Act 2018 No 47



New South Wales

An Act to amend the *Criminal Procedure Act 1986* to give effect to recommendations of the statutory review of the Act with respect to the mandatory pre-trial disclosure of certain evidence and other matters in proceedings for indictable offences; and for other purposes.

1 Name of Act

This Act is the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2018*.

2 Commencement

This Act commences on a day or days to be appointed by proclamation.

Schedule 1 Amendment of *Criminal Procedure Act 1986 No 209*

[1] Section 142 Prosecution's notice

Insert after section 142 (1) (c1):

(c2) if the prosecutor proposes to adduce at the trial the transcript of an audio or a visual recording, a copy of that transcript,

Note—

This paragraph does not require the prosecution's notice to contain copies of transcripts of recorded statements (within the meaning of section 289D) unless the prosecutor proposes to adduce such transcripts at the trial.

[2] Section 143 Defence response

Insert after section 143 (1) (g):

(h) if any expert witness is proposed to be called at the trial by the accused person, a copy of each report by that witness that is relevant to the case and on which the accused person intends to rely,

(i) notice as to whether the accused person proposes to raise any issue with respect to

the continuity of custody of any proposed exhibit disclosed by the prosecutor,

- (j) notice of any significant issue that the accused person proposes to raise regarding the form of the indictment, severability of the charges or separate trials for the charges,
- (k) if the prosecutor disclosed an intention to adduce at the trial any audio or visual recording or the transcript of any audio or visual recording:
 - (i) any request that the accused person has that the recording or transcript be edited (other than in circumstances to which subsection (2) (d) relates), and
 - (ii) particulars sufficient to clearly identify the edits that the accused person requests.

[3] Section 143 (2) (a), (c) and (f)

Omit the paragraphs.

[4] Section 144 Prosecution response to defence response

Insert after section 144 (d):

- (d1) if the accused person has requested any editing of any audio or visual recording, or the transcript of any audio or visual recording, that the prosecutor intends to adduce at the trial, notice as to:
 - (i) whether the prosecutor disputes any of the requested editing, and
 - (ii) which requested edits are disputed, if any,

[5] Schedule 2 Savings, transitional and other provisions

Insert at the end of the Schedule, with appropriate Part and clause numbering:

Part Provisions consequent on enactment of [Criminal Procedure Amendment \(Pre-trial Disclosure\) Act 2018](#)

Case management provisions

- (1) An amendment made by the amending Act applies only in respect of proceedings in which the indictment was presented or filed after the commencement of the relevant amendment.
- (2) Accordingly, a provision of Division 3 of Part 3 of Chapter 3, as in force before its amendment by the amending Act, continues to apply in respect of proceedings in which the indictment was presented or filed before the commencement of the

relevant amendment.

(3) In this clause:

amending Act means the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2018*.