

Ready Reckoner
Criminal Procedure Act 2009
to Previous Law

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Guide to Using the Ready Reckoner

This ready reckoner is one of several resources that provide information regarding the *Criminal Procedure Act 2009*. It supplements the **Ready Reckoner Previous Law to Criminal Procedure Act 2009** and the **Criminal Procedure Act 2009 Legislative Guide**. The Legislative Guide provides more detail and discussion of each provision in the Act, including the extent of change from previous legislation.

The first column of the ready reckoner contains section numbers of the *Criminal Procedure Act 2009*. The second column contains the section heading, and the third column contains information describing the legislative history of the section and a brief description of any differences between the old and the new section.

The final column of the ready reckoner indicates, in broad terms, the extent of the change made to the law by a section of the Act, taking into account, firstly, the extent of the change to the particular aspect of the relevant corresponding law, and secondly, the significance of the change to the law of evidence as a whole. In general:

- **No change** – means there has been no substantive change to the law.
- **Limited** – means that only technical changes to the provision have been made, usually related to organisation and terminology.
- **Moderate** – means that more significant changes to the law have been made, but still mostly related to organisation and terminology.
- **Significant** – means that a substantive change has been made to the law, e.g. not re-enacting a provision, completely re-organising a provision or differences which reflect a change in policy.

Disclaimer

In order to succinctly describe the main effect of the provisions of the *Criminal Procedure Act 2009*, it has been necessary to simplify, condense and omit references to some of the conditions, exceptions or qualifications which may apply under those provisions. The reader should not, therefore, rely on this document as an accurate guide to the detailed operation of the Act. The same is true in relation to the descriptions of the corresponding existing common law and legislative provisions.

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
1	Purposes	This section is new and has no direct relationship to any earlier provisions.	
2	Commencement	This section is new and has no direct relationship to any earlier provisions.	
3	Definitions	The definitions draw from terms in the <i>Crimes Act 1958</i> , <i>Crimes (Criminal Trials) Act 1999</i> and the <i>Magistrates' Court Act 1989</i> . There are also a large number of new definitions in section 3.	Mixed, as indicated below
		accused is based in part on the definition of "defendant" in section 3 of the <i>Magistrates' Court Act 1989</i> .	Limited
		appeal, appeal period, appellant are new and have no direct relationship to any earlier provisions.	Moderate
		appear, attend are new and have no direct relationship to any earlier provisions.	Significant
		appropriate registrar is based on the definition of "appropriate registrar" in section 3 of the <i>Magistrates' Court Act 1989</i> . The reference to "proper venue" in the definition has been amended to refer to section 11 - Place of hearing.	Limited
		arraignment is new and has no direct relationship to any earlier provisions.	Moderate
		cognitive impairment is based on the definition of "cognitive impairment" in the <i>Crimes (Criminal Trials) Act 1999</i> .	No change
		commencement of trial is based, in part, on the definition of "the day on which the trial is due to commence" in section 3 of the <i>Crimes (Criminal Trials) Act 1999</i> , which was defined in that Act as the day on which the accused is due to be put in the charge of the jury. This approach has been substantially changed.	Significant
		compulsory examination hearing is new; however, the compulsory examination procedure in section 106 is based on section 56A of the <i>Magistrates' Court Act 1989</i> .	Limited
		contest mention hearing is new; however, the contest mention provision in section 55 is based on clause 3A of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Limited
		conviction is new and has no direct relationship to any earlier provisions.	Limited
		corporate accused is new and has no direct relationship to any earlier provisions. Previously, "body corporate" was used to describe a corporate accused in both the <i>Magistrates' Court Act 1989</i> and the <i>Crimes Act 1958</i> .	Limited
		criminal record is new and has no direct relationship to any earlier provisions.	Significant
		Crown Prosecutor is new and has no direct relationship to any earlier provisions.	Limited
		depositions is based on the definition of "depositions" in section 3 of the <i>Magistrates' Court Act 1989</i> .	Limited
		direct indictment is new and has no direct relationship to any earlier provisions.	Significant
		DPP is based, in part, on the definition of "prosecutor" in the <i>Crimes (Criminal Trials) Act 1999</i> .	Limited
		filing hearing is new and has no direct relationship to any earlier statutory provisions. Previously, filing hearings were provided for in the <i>Magistrates' Court (Committal) Rules 1999</i> .	Moderate
		full brief is new and has no direct relationship to any earlier provisions.	Significant
		hand-up brief is new and is based on provisions in the <i>Magistrates' Court Act 1989</i> .	Limited
		in detention is based on section 361(4) of the <i>Crimes Act 1958</i> .	Limited
		indictable offence that may be heard and determined summarily is new and has no direct relationship to any earlier provisions. Section 28(1) identifies the different types of offences that may be heard and determined summarily and is based on section 53 of the <i>Magistrates' Court Act 1989</i> .	Limited
		informant is based on the definition of "informant" in section 3 of the <i>Magistrates' Court Act 1989</i> .	No change
		infringements registrar is based on the definition of "infringements registrar" in section 3 of the <i>Magistrates' Court Act 1989</i> .	No change
		interlocutory appeal, interlocutory decision are new and have no direct relationship to any earlier provisions.	Significant
		Juries Commissioner is new and has no direct relationship to any earlier provisions.	Limited

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		legal practitioner is based, in part, on the definition of “legal practitioner” in the <i>Magistrates’ Court Act 1989</i> and the <i>Crimes (Criminal Trials) Act 1999</i> .	Moderate
		mention hearing is new and has no direct relationship to any earlier provisions.	Moderate
		ordinary service is new and has no direct relationship to any earlier provisions.	Significant
		originating court, original jurisdiction are new and have no direct relationship to any earlier provisions.	Significant
		personal service is new and has no direct relationship to any earlier provisions.	Significant
		plea brief is new and has no direct relationship to any earlier provisions. The definition refers to section 117 which is based, in part, on clause 5 of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> .	Limited
		police gaol is based on the definition of “police gaol” in section 3 of the <i>Magistrates’ Court Act 1989</i> which refers to the definition in the <i>Corrections Act 1986</i> .	No change
		preliminary brief is new, though the contents of a preliminary brief in section 37 draws from the contents of an “outline of evidence” in section 37A of the <i>Magistrates’ Court Act 1989</i> .	Significant
		previous conviction is based, in part, on the definition of “previous conviction” in section 376(4) of the <i>Crimes Act 1958</i> .	Limited
		prison is based on the definition of “prison” in section 3 of the <i>Magistrates’ Court Act 1989</i> , which refers to the <i>Corrections Act 1986</i> .	No change
		prison officer is based on the definition of “prison officer” in section 3 of the <i>Magistrates’ Court Act 1989</i> , which refers to the <i>Corrections Act 1986</i> .	No change
		proceeding is based on the definition of “proceeding” in section 3 of the <i>Magistrates’ Court Act 1989</i> , without change.	No change
		public official is based, in part on the definition of “public official” in section 30(1A) of the <i>Magistrates’ Court Act 1989</i> .	Limited
		related offences is based on section 4(4) and (5) of the <i>Crimes (Criminal Trials) Act 1999</i> which is consistent with clause 2 of the Sixth Schedule to the <i>Crimes Act 1958</i> .	Limited
		related summary offence is new and has no direct relationship with any earlier provisions.	Significant
		responsible person is new and draws from section 361(4) of the <i>Crimes Act 1958</i> .	Limited
		return date is based on the definition of “mention date” in section 3 of the <i>Magistrates’ Court Act 1989</i> .	Moderate
		sentence is based, in part, on the definition of “sentencing order” in section 3 of the <i>Magistrates’ Court Act 1989</i> and section 566 of the <i>Crimes Act 1958</i> .	Moderate
		sexual offence is based, in part, on the definition of “sexual offence” in section 3 of the <i>Magistrates’ Court Act 1989</i> and section 3 of the <i>Evidence Act 1958</i> .	Significant
		summary case conference is new and has no direct relationship to any earlier provisions, although the term was used in the <i>Crimes (Criminal Trials) Act 1999</i> .	Significant
		summary hearing is new and has no direct relationship to any earlier provisions.	Moderate
		trial judge is new and has no direct relationship to any earlier provisions.	Limited
		Victoria Legal Aid is new and has no direct relationship to any earlier provisions.	Limited
		youth justice centre is based on the definition of “youth justice centre” in section 3 of the <i>Magistrates’ Court Act 1989</i> .	Limited
4	References to Parts	This section is new and has no relationship to earlier provisions.	
5	How a criminal proceeding is commenced	This section is based, in part, on section 26 of the <i>Magistrates’ Court Act 1989</i> which provided that filing a charge-sheet with a registrar commenced a criminal proceeding. However, the rest of the section is new and is designed to bring greater clarity to the issue of when a criminal proceeding commences.	Significant
6	Commencement of a criminal proceeding in the Magistrates’ Court	This section is based on sections 26(1), (2), (2A) and 30(2)(a) of the <i>Magistrates’ Court Act 1989</i> .	Moderate
7	Time limits for filing a charge-sheet	This section is based on sections 26(4), (5) and 53(2) of the <i>Magistrates’ Court Act 1989</i> .	No change

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
8	Order for amendment of charge-sheet	This section is based on section 50 of the <i>Magistrates' Court Act 1989</i> and section 372(1) of the <i>Crimes Act 1958</i> .	Significant
9	Errors etc. in charge-sheet	There was no previous equivalent provision in relation to summary proceedings. The equivalent section in relation to trial proceedings (section 166 of this Act) is based on section 375 of the <i>Crimes Act 1958</i> .	Moderate
10	Listing of matter for mention hearing or filing hearing in the Magistrates' Court	This section is new and has no relationship to any earlier provisions.	Moderate
11	Place of hearing	This section is based on the definition of "proper venue" in section 3 of the <i>Magistrates' Court Act 1989</i> . However, only paragraph (a) of the definition has been retained in this section.	Moderate
12	Court may issue summons or warrant to arrest	This section is based on section 28 of the <i>Magistrates' Court Act 1989</i> . However the section refers to "a registrar" rather than an "appropriate registrar" of the Magistrates' Court. This is less restrictive and allows an application for a summons or warrant to be made at any venue of the Magistrates' Court.	Limited
13	Summons or warrant to be accompanied by charge-sheet and notice when served	This section is based, in part, on clause 1A(9) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . However, that clause related only to a summary of the disclosure obligations. The extra obligations in this section (serving the charge-sheet and a notice related to legal representation) are new.	Moderate
14	Police or public official may issue summons	This section is based on section 30 of the <i>Magistrates' Court Act 1989</i> .	Limited
15	Contents of summons	This section is based on sections 33(1) and 33(1A) of the <i>Magistrates' Court Act 1989</i> .	Limited
16	Personal service of summons	This section is based on parts of section 34 of the <i>Magistrates' Court Act 1989</i> . However, it has been modified to reflect the new service regime in Part 8.2 of the Act.	Moderate
17	Summons for summary offence may be served by ordinary service	This section is based on section 36 of the <i>Magistrates' Court Act 1989</i> . However, it has been modified to reflect the new service regime in Part 8.2 of the Act. Most importantly, rather than referring to service by "post", the new section refers to "ordinary service" (which includes service by post).	Moderate
18	Informant must nominate address etc. for service of documents	This section is new and has no direct relationship to any earlier provisions.	Significant
19	Extension of return date if summons not served	This section is based on section 33(2) of the <i>Magistrates' Court Act 1989</i> with changes to terminology and to time limits (from "one month" to "28 days").	Limited
20	Adjournment of proceeding on application of accused	This section is based on clause 3 of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Limited
21	Police or public official may serve notice to appear	This section is new and has no relationship to earlier provisions	Significant
22	Notice to appear lapses unless charge-sheet filed within 14 days	This section is new and has no relationship to earlier provisions.	Significant
23	Notice to be given on lapsing	This section is new and has no relationship to earlier provisions.	Significant
24	Preliminary brief to be served if charge-sheet filed	This section is new and has no relationship to earlier provisions.	Significant
25	Non-appearance of accused served with notice to appear	This section is new and has no relationship to earlier provisions.	Significant
26	Notice to appear does not commence proceeding	This section is new and has no relationship to earlier provisions.	Significant

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27	Summary offences	This section is based on section 51 of the <i>Magistrates' Court Act 1989</i> . However, rather than referring to a Schedule, the section refers to Chapter 3 of the Act, where all of the key provisions dealing with summary procedure are now located.	Limited
28	Indictable offences that may be heard and determined summarily	This section is based on sections 53(1A), 53(1B) and 53(1C) of the <i>Magistrates' Court Act 1989</i> . The provisions have been slightly reworked.	Limited
29	When an indictable offence may be heard and determined summarily	Section 29 is based on various provisions of the <i>Magistrates' Court Act 1989</i> . The provisions have been reworked.	Mixed, as indicated below
29(1)		Section 29(1) is based on section 53(1) of the <i>Magistrates' Court Act 1989</i> .	Limited
29(2)		The factors to be applied in section 29(2) are based on sections 53(3)-(4) of the <i>Magistrates' Court Act 1989</i> . The factors have been incorporated into a single list but the substance remains the same.	Limited
29(3)		Section 29(3) is based on section 38(2)(a) of the <i>Magistrates' Court Act 1989</i> .	Limited
29(4)		Section 29(4) is based on section 53(5) of the <i>Magistrates' Court Act 1989</i> .	Moderate
29(5)		Section 29(5) is new and has no direct relationship to any earlier provisions.	Significant
30	Procedure for indictable offences that may be heard and determined summarily	This section is based on sections 54(1)-(8) of the <i>Magistrates' Court Act 1989</i> . Section 30(3) has been modified.	Limited
31	Court may change place of hearing	The power to change venue in the Magistrates' Court was previously covered by clause 1 of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . The Act takes a different approach to this issue. This section is more closely modelled on section 359 of the <i>Crimes Act 1958</i> , and has been simplified.	Significant
32	Accused entitled to copy of charge-sheet and particulars	This section is based on section 32 of the <i>Magistrates' Court Act 1989</i> .	No change
33	Unrepresented accused who requires legal advice	This section is based, in part, on section 39 of the <i>Magistrates' Court Act 1989</i> , with some amendments for consistency with the <i>Charter of Human Rights and Responsibilities Act 2006</i> .	Limited
34	Return of property	Section 34(1) is based on section 42 of the <i>Magistrates' Court Act 1989</i> . Section 34(2) is new.	Limited
35	When preliminary brief is to be served	This section is based on section 37A and 37A(1) of the <i>Magistrates' Court Act 1989</i> . The requirement to serve a preliminary brief on the accused is mandatory if a notice to appear has been used (see section 24). The accused may request that a preliminary brief be served, and the informant's discretion to serve a preliminary brief on the accused at any other time (where a notice to appear has not been used) has been retained.	Significant
36	How preliminary brief must be served	This section is based on section 37A(6) of the <i>Magistrates' Court Act 1989</i> . That section provided that the "outline of evidence and notice" must be served in accordance with section 34 or 36(1) (as the case requires) "as though they were a summons". However this section sets out the modes of service explicitly i.e. by personal service or, where appropriate in the circumstances, by ordinary service.	Moderate
37	Contents of preliminary brief	The contents of the preliminary brief are based, in part, on the contents of an "outline of evidence" in section 37A(2) of the <i>Magistrates' Court Act 1989</i> .	Significant
38(1)	Requirements for informant's statement in preliminary brief	This section is based on section 37A(3) of the <i>Magistrates' Court Act 1989</i> and updated to apply to a preliminary brief.	Moderate
38(2)		This section is based on section 37A(5) of the <i>Magistrates' Court Act 1989</i> .	No change
39	When full brief must be served	This section is mostly new, but the written request process is similar to that in clause 1A of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Moderate
40	How full brief must be served	This section is similar to section 37A(6) of the <i>Magistrates' Court Act 1989</i> , although it specifies that a full brief must be served personally unless the informant is satisfied that ordinary service is appropriate.	Moderate
41	Contents of full brief	This section draws on the contents of the brief of evidence in section 37(1), clause 1A(2) of Schedule 2 and the contents of the hand-up brief as part of the committal process in clause 6(1) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> .	Moderate

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
42	Continuing obligation of disclosure	This section is based, in part, on clause 1A(7) of Schedule 2 and clause 7(4) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> .	Moderate
43	Accused may make request for material etc. not provided	This section is new; however it draws on clauses 1A(2) and (5) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Moderate
44	Informant must comply with request or state grounds of refusal	This section is based on clause 1A(5) and (5A) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . However, it applies to applications to disclose more generally, rather than being limited to a Schedule 2 type request.	Significant
45	Grounds on which informant may refuse disclosure	This section is based on clauses 1A(3) and (4) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . However, it applies to applications to disclose more generally rather than being limited to a Schedule 2 type request.	Significant
46	Accused may apply for order requiring disclosure	This section is based on clause 1A(4) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . However, it applies to applications to disclose more generally rather than being limited to a Schedule 2 type request.	Significant
47	Rules with respect to statements	This section is based on section 37(2)-(5) and 37(8) of the <i>Magistrates' Court Act 1989</i> .	Limited
48	Disclosure of address or telephone number of witness	This section is based, in part, on clause 1A(4) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . However, it now applies to all disclosure in summary proceedings, rather than only to Schedule 2 type requests.	Significant
49	Informant may place material on database	This section is based on section 37A(4) and (9) and clause 1A(2A) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Moderate
50	Expert evidence	This section is based, in part, on clause 1B of Schedule 2 to the <i>Magistrates' Court Act 1989</i> and section 9(2) of the <i>Crimes (Criminal Trials) Act 1999</i> . However, the time limits have changed.	Moderate
51	Alibi evidence	This section is based on section 47 of the <i>Magistrates' Court Act 1989</i> and section 399A of the <i>Crimes Act 1958</i> . However, the time limits have changed.	Moderate
52	Offence to communicate with alibi witness	This section is based on section 47(4) of the <i>Magistrates' Court Act 1989</i> and section 399B of the <i>Crimes Act 1958</i> .	Moderate
53	Mention hearing	This section is new and has no relationship to any earlier provisions.	Limited
54	Summary case conference	This section is new and has no relationship to any earlier provisions.	Significant
55	Contest mention hearing	This section is based on clause 3A of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Limited
56	Multiple charges on single charge-sheet or multiple accused named on single charge-sheet	This section is based on section 31(1)-(2) of the <i>Magistrates' Court Act 1989</i> which dealt with multiple charges, but section 56 also applies where there is more than one accused named in a single charge-sheet. However, if there is more than one accused, a separate charge-sheet must be filed against each accused pursuant to section 56(3). This section is also consistent with the approach for hearing offences together in trial proceedings (see sections 170 and 193). The content of section 31(2) is now set out in clause 5 of Schedule 1 to this Act.	Moderate
57	Joint hearing of charges on separate charge-sheets	This section is based on section 31(4) of the <i>Magistrates' Court Act 1989</i> .	Limited
58	Order for separate hearing	This section is based on section 31(3) of the <i>Magistrates' Court Act 1989</i> . However, section 58 applies to multiple accused and provides greater detail as to the procedure to be applied by the Magistrates' Court.	Moderate
59	Adjournment to undertake diversion program	This section is based on section 128A of the <i>Magistrates' Court Act 1989</i> .	No change
60	Court may give sentence indication	This section is based on section 50A(1) which was inserted into the <i>Magistrates' Court Act 1989</i> by the <i>Criminal Procedure Legislation Amendment Act 2008</i> .	No change
61	Effect of sentence indication	This section is based on section 50A(2)-(7) of the <i>Magistrates' Court Act 1989</i> .	No change
62	Charge to be read or explained to accused before plea	This section is based on section 38A which was inserted into the <i>Magistrates' Court Act 1989</i> by the <i>Courts Legislation (Jurisdiction) Act 2006</i> .	No change

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63	Legal practitioner may enter plea on behalf of accused	This section is based on section 38(2)(b) of the <i>Magistrates' Court Act 1989</i> .	No change
64	Refusal to plead	This section is new. It is consistent with section 221 of the Act which applies to arraignments in trial proceedings. Section 221 is based on section 392 of the <i>Crimes Act 1958</i> . The language has been reworked and modernised by removing the reference to a person standing "mute of malice or will".	Significant
65	Parties may give opening addresses	This section is based on clause 2(3) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . It has been modified so that it is similar to the approach taken in relation to trial proceedings (see sections 224 and 225) which is, in turn, loosely based on sections 8 and 13 of the <i>Crimes (Criminal Trials) Act 1999</i> .	Moderate
66	Accused entitled to respond after close of prosecution case	This section is similar in content to a combination of sections 397 and 398 of the <i>Crimes Act 1958</i> (made applicable to summary hearings by clause 2 of Schedule 2 to the <i>Magistrates' Court Act 1989</i>). However, each option is now set out in detail, the section includes the option to make a no-case submission and the language has been modernised.	Moderate
67	Election when accused is legally represented	This section is based on section 418(d) of the <i>Crimes Act 1958</i> (made applicable to summary hearings by clause 2 of Schedule 2 to the <i>Magistrates' Court Act 1989</i>). It has been simplified and the language has been modernised.	Moderate
68	Election when accused is not legally represented	This section is comparable to section 46 of the <i>Magistrates' Court Act 1989</i> except that the content of section 398 of the <i>Crimes Act 1958</i> is set out in full and the requirement for the advice to be given in writing has been removed.	Moderate
69	Procedure for joint hearings if no case submission made	This section is new and has no direct relationship to any earlier provisions. It mirrors a similar new provision in trial process (see section 229).	Significant
70	Questioning to determine proper course of proceeding	This section is based on section 17 of the <i>Crimes (Criminal Trials) Act 1999</i> with the prohibition on departing from the indication given to the trial judge in section 418(d) of the <i>Crimes Act 1958</i> (made applicable to summary hearings by clause 2 of Schedule 2 to the <i>Magistrates' Court Act 1989</i>).	Moderate
71	Opening address of accused at beginning of case for the accused	This section is based on section 418 of the <i>Crimes Act 1958</i> (made applicable to summary hearings by clause 2(2) of Schedule 2 to the <i>Magistrates' Court Act 1989</i>) and clause 2(3) of Schedule 2 concerning the requirement to obtain leave to give an opening address. The section has been substantially simplified and reworked.	Moderate
72	Evidential burden on accused for exceptions etc.	This section is based on section 130(1), (3) and (4) of the <i>Magistrates' Court Act 1989</i> , with minor changes to terminology.	No change
73	Prosecutor's closing address	This section is based on a combination of section 417(1) and (2) of the <i>Crimes Act 1958</i> (made applicable to summary hearings by clause 2 of Schedule 2 to the <i>Magistrates' Court Act 1989</i>) and clause 2(3) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . The section has been simplified and reworked.	Moderate
74	Closing address of the accused	This section is based on a combination of section 418(c)(ii)B of the <i>Crimes Act 1958</i> (made applicable to summary hearings by clause 2 of Schedule 2 to the <i>Magistrates' Court Act 1989</i>) and clause 2(3) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . The section has been simplified and reworked.	Moderate
75	Supplementary address by prosecutor	This section is based on section 417(3) of the <i>Crimes Act 1958</i> (made applicable to summary hearings by Schedule 2 to the <i>Magistrates' Court Act 1989</i>). The language has been simplified.	Moderate
76	Option of finding of attempt	This section is based on section 55 of the <i>Magistrates' Court Act 1989</i> , without change.	No change
77	Criminal record	This section is based on section 395 of the <i>Crimes Act 1958</i> (made applicable to summary hearings by Schedule 2 to the <i>Magistrates' Court Act 1989</i>) but provides for a simplified process.	Moderate
78	Proof of previous convictions by criminal record	This section is new for summary proceedings. It is based on section 395 of the <i>Crimes Act 1958</i> , made applicable to summary hearings by Schedule 2 to the <i>Magistrates' Court Act 1989</i> . However the process has been reworked and overhauled. Section 401 of the <i>Crimes Act 1958</i> related to proving previous convictions when they were in dispute. A simple certificate process is now provided in section 178 of the <i>Evidence Act 2008</i> and so section 401 has not been re-enacted.	Significant

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
79	Non-appearance of informant	This section is based on clause 4 of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Limited
80	Non-appearance of accused charged with summary offence	This section is based on section 41(2) and (3) of the <i>Magistrates' Court Act 1989</i> , but has been re-worked. This section and section 81 divide the issue of non-appearance into non-appearance for summary and indictable offences respectively. Sentencing limitations on the court where the court proceeds to hear and determine a charge in the absence of the accused are now located in section 87.	Limited
81	Non-appearance of accused charged with indictable offence	This section is based on section 41(1) of the <i>Magistrates' Court Act 1989</i> , but has been re-worked. This section and section 80 divide the issue of non-appearance into non-appearance for summary and indictable offences respectively.	Limited
82	Non-appearance of corporate accused charged with indictable offence	This section is based on section 54A of the <i>Magistrates' Court Act 1989</i> . Note that section 82(2) is new.	Limited
83	Admissibility of evidence in absence of accused where full brief served	This section is based on clause 5 of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . This section has been reworked and "full brief" replaces "brief of evidence". Section 83(3) is new.	Moderate
84	Admissibility of evidence in absence of accused where preliminary brief served	This section is based on clauses 6(1)-(3), (5) and (11) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . Note that "outline of evidence" is replaced by "preliminary brief" and there are other minor changes to terminology. Section 84(5) is new and provides that a criminal record is admissible in the accused's absence for the sole purpose of sentencing.	Moderate
85	Non-appearance of accused – <i>Infringements Act 2006</i>	This section is based on clause 7 of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	No change
86	Proof of criminal record in absence of accused	This section overturns a key part of clause 6(8) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . That clause provided that a criminal record could not be considered by a court in the accused's absence except as provided by the <i>Road Safety Act 1986</i> .	Significant
87	Limitations on sentencing in absence of accused	This section combines a number of related provisions previously located in the <i>Magistrates' Court Act 1989</i> . Section 87(1) is based on section 41(4) of the <i>Magistrates' Court Act 1989</i> . Section 87(2) is based on clause 6(6) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . Section 87(3) is based on clause 6(7) and on elements of clause 6(6) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> . Section 87(4) is based on clause 6(9) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Limited
88	Right to apply for rehearing	This section is based on section 93(1) of the <i>Magistrates' Court Act 1989</i> , and has been reworded.	Limited
89	Notice of intention to apply for rehearing	This section is based on section 94(1) of the <i>Magistrates' Court Act 1989</i> . Note that in section 89(b) "lodged" has been replaced by the word "filed", consistent with the terminology used throughout the Act.	Limited
90	Service of notice	This new section reworks aspects of section 94 of the <i>Magistrates' Court Act 1989</i> . The section now provides specific service requirements for the section 89 notice, rather than stating that it is to be served "as though it were a summons". Section 90(1) is based on section 94(2) of the <i>Magistrates' Court Act 1989</i> ; and section 90(2) is based on section 94(3) of the <i>Magistrates' Court Act 1989</i> .	No change
91	Stay of sentence etc.	This section is based on section 93(3)-(5) of the <i>Magistrates' Court Act 1989</i> . Section 91(3) is based on section 93(5) of the <i>Magistrates' Court Act 1989</i> . It has been modified slightly and the reference to "within a reasonable time" has been replaced by "7 days before the hearing of the application".	No change
92	Court may order rehearing	This section is based on section 93(2) of the <i>Magistrates' Court Act 1989</i> , and has been reworded.	Limited
93	Failure to appear on application	This section is based on section 93(6) of the <i>Magistrates' Court Act 1989</i> .	No change
94	Automatic rehearing in certain cases	Section 94(1) is based on section 95 of the <i>Magistrates' Court Act 1989</i> . Section 94(2) is based on clause 6(10) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	No change

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
95	Definition	This section is based on the definition of “registrar”, previously located in clause 1(1) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , without change.	No change
96	When a committal proceeding must be held	Section 96(a) is based on section 56(1)(a) of the <i>Magistrates’ Court Act 1989</i> . The word “presentment” has been replaced by “direct indictment”. Section 96(b) is based on section 56(1)(c) of the <i>Magistrates’ Court Act 1989</i> .	No change
97	Purposes of a committal proceeding	This section is new. It is primarily based on clause 13(5A) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> and sets out the matters to which the court must have regard when deciding whether cross-examination of a witness is justified.	No change
98	When a committal proceeding commences	This section is new and has no direct relationship to any earlier provisions.	Limited
99	Time limit for determining certain committal proceedings for a sexual offence	This section is based on clause 10A of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . Section 99(3) has been extensively reworded.	Significant
100	Hearings in a committal proceeding and attendance of accused	This section is new and has no direct relationship to any earlier provisions.	Significant
101	Filing hearing	This section is new and has no direct relationship to any earlier provisions.	Limited
102	Time limit for filing hearing	This is based on rule 4.02 of the Magistrates’ Court (Committals) Rules 1999, with minor drafting changes.	Limited
103	Application for order	This section is based on section 56A(1), (1A), (1B), (1C), (2)(a) and (2)(c) of the <i>Magistrates’ Court Act 1989</i> . The provisions have been reworked; however there are no substantive changes.	Limited
104	Order for compulsory examination hearing	This section is based on section 56A(1) and (7) of the <i>Magistrates’ Court Act 1989</i> , with some changes.	Limited
105	Notice of compulsory examination order to be served	This section is based on section 56A(3) and (4) of the <i>Magistrates’ Court Act 1989</i> , without change.	No change
106	Compulsory examination hearing	This section is based on section 56A(2b), (2d), (4A), (5) and (6) of the <i>Magistrates’ Court Act 1989</i> , without change.	No change
107	Informant must serve hand-up brief	This section is based on clause 6 of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , with some changes.	Limited
108	How hand-up brief must be served	This section is based on clause 7(1) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , with some changes.	Limited
109	Copy hand-up brief to be filed and forwarded to DPP	This section is based on clause 7(3) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . The provision has been reworked and located in a separate clause.	Limited
110	Contents of hand-up brief	This section is based on clause 6(1) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . Some changes have been made to the information that must be included in a hand-up brief.	Significant
111	Continuing obligation of disclosure	This section is based on clause 7(4) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . The provision has been reworked, although the substance remains the same.	Moderate
112	Rules with respect to statements	Section 112(1) is based on clause 8(1) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , without change. Section 112(2)-(4) is based on clause 8(5)-(7) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , without change.	No change
113	Rules with respect to recordings	This section is based on clause 9 of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , without change.	No change
114	Disclosure of address or telephone number of witness	This section is based on clause 8(2)-(4) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . However the provision has been reworked and the test for disclosure amended to require the privacy interests of witnesses to be taken into account.	Moderate
115	Inspection of exhibits	This section is based on clause 10 of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> , without change.	No change
116	Informant may serve and file plea brief	This section is based on clause 5(1) and clause (6) of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . However the provisions have been substantially restructured and the time limit for filing has been extended to 7 days after service on the accused.	Moderate
117	Contents of plea brief	This section is based on clause 5 of Schedule 5 to the <i>Magistrates’ Court Act 1989</i> . The provisions have been reworked and restructured.	Moderate

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
118	Case direction notice	This section is based on clause 11AA of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provisions have been re-ordered.	No change
119	Contents of case direction notice	This section is based on clause 11AA(2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with some changes.	Limited
120	Late application for leave to cross-examine witness	This section is based on clause 11AA(4), (5) and (6) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , without change.	Limited
121	Adjournment without appearance of parties	This section is based on clause 11AB of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . However, section 121(2) is new and requires notice of the adjourned date to be given to the DPP and the accused.	Limited
122	Compliance with request to copy or inspect items or disclose previous convictions of witness	This section is based on clause 12(3) and (4) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with some reworking. Section 122(3) is new and is based on clause 1A(3) of Schedule 2 to the <i>Magistrates' Court Act 1989</i> .	Limited
123	No cross-examination of certain witnesses in sexual offence cases	This section is based on clause 11A of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , without change.	No change
124	Leave required to cross-examine other witnesses	This section is based on clause 13 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with some minor reworking.	Limited
125	Committal mention hearing	Section 125(1) is based on clause 4(1) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworded and a new general case management power added in paragraph (g). Subsection (2) is based on clause 4(7) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> .	Limited
126	Time for holding committal mention hearing	Section 126 is based on clause 4(2)-(5) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provisions have been reworked and simplified.	Limited
127	Committal case conference	This section is based on clause 4A(1) and (2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . However section 127(3) is new.	Limited
128	Committal hearing	This section is based on clause 16(3) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with some reworking.	Limited
129	Attendance of witnesses	This section is based on clause 14 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworked and section 129(2) is new.	Limited
130	Giving of evidence by witnesses	This section is based on clause 15 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been substantially restructured.	Moderate
131	Disclosure of address or telephone number of witness	This section is new.	Moderate
132	Cross-examination of witnesses	Section 132(1) is based on clause 13(5C) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . Section 132(2) and (3) is based on clause 16(1) and (2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with minor changes.	No change
133	Special rules applicable to sexual offences	This section is based on clause 17 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . There has been some reworking and some minor changes to the wording. The word "available" in section 133(3)(c) has replaced the words "reasonably available" and the word "assistant" in section 133(3)(d) has replaced the word "clerks" in the previous provision.	Limited
134	Failure of witness to attend committal hearing	Section 134 is based on clause 14(1) and (2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworked so that it is easier to follow.	Limited
135	Court may permit accused to be absent from committal hearing	This section is based on clause 20 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworked and is now contained in two separate sections (sections 135 and 136) so that it is easier to follow.	Limited
136	Accused who absconds etc. during a committal hearing	This section is based on clause 20 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworked and is now contained in two separate sections (sections 135 and 136) so that it is easier to follow.	Limited
137	Accused (natural person) absent at close of prosecution case	This section is based on clause 21 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . However the words "who is a natural person" (in section 137(a)) are new as a consequence of changes in relation to the corporate accused.	Limited

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
138	Procedure on accused's attendance after absence	This section is based on clause 22 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . There have been some minor changes. A reference to "shorthand notes" has been removed from paragraph (c) and a reference to section 124 has been added to paragraph (d).	Limited
139	Admissibility of non-oral evidence	This section is based on clause 18 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with minor changes. The contents of section 139(1)(a), (c) and (d) now specifically exclude a statement or recording inadmissible under section 134(2).	Moderate
140	Procedure if accused makes admission of relevant fact or matter	This section is based on clause 19 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , without change (other than the updated reference to the <i>Evidence Act 2008</i>).	No change
141	Determination of committal proceeding where hand-up brief used	This section is based on clause 23 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been restructured and simplified. It incorporates changes concerning the order and content of information to be given to the accused and the option for the prosecution to file an alternative charge.	Limited
142	Determination of committal proceeding where plea brief used	This section is based on clause 11(1)(a) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworked.	Limited
143	Determination of committal proceeding where accused elects to stand trial	This section is based on section 56(3)-(7) of the <i>Magistrates' Court Act 1989</i> , with some changes. In particular, if an accused elects to stand trial, this is treated as part of the committal process (parts of which are by-passed) rather than the committal process being by-passed.	Moderate
144	Procedure before and on committing accused for trial	This section is based on clauses 23 and 24(1) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provisions have been substantially reworked. The court is required to give certain information (e.g. about alibis or sexual offences) only when relevant rather than in all cases.	Moderate
145	Transfer of summary offences that are related offences on or after committal	This is a new provision. It has no direct relationship with any previous provisions. Section 359AA of the <i>Crimes Act 1958</i> did provide a process which enabled an accused to agree to a summary charge being dealt with by the County Court or Supreme Court, if the accused was going to plead guilty to the summary charge. A charge could then be up-lifted from the Magistrates' Court on a charge-by-charge basis.	Significant
146	Documents to be forwarded to DPP	This section is based on clause 24(2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been simplified.	Limited
147	Accused entitled to copies of depositions and exhibits	This section is based on clause 24(3) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , without change.	No change
148	Absent corporate accused to be notified of committal	This section is based on clause 24AA(1) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provision has been reworded so that it is easier to follow.	Limited
149	Application for order that evidence be taken after committal	This section is based on clause 24A(1)-(3) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> , with some changes. In particular, the DPP can no longer make an application.	Significant
150	Determination of application	This section is based on clause 24A(4)-(7) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provisions have been simplified.	No change
151	Attendance of witness	Section 151(1) is based on clause 24A(9) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . Sections 152(2) and (3) are new requirements which complete the usual requirements for the attendance of witnesses.	No change
152	Taking of evidence after committal	This section is based on clause 24A(10)-(14) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The provisions have been simplified and the special rules and protections applicable to committal proceedings for sexual offences (sections 123 and 132) are now explicitly included in sections 152(3) and (5). Subsection (3) is new and addresses limitations in the previous provisions which meant that where the accused applied for an order, the accused could not cross-examine the witness.	Moderate
153	Special mention hearing	Special mention hearings were previously dealt with in clause 3 of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The new provision has been substantially changed.	Moderate
154	Non-appearance of corporate accused	Section 154(1) is based on section 56(2A) of the <i>Magistrates' Court Act 1989</i> . Section 154(2) is based on clause 2A of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . The wording has been simplified although the substance remains the same.	Limited

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
155	Nature of committal proceeding	This section is based on section 56(9) of the <i>Magistrates' Court Act 1989</i> , without change.	No change
156	Nothing in Chapter affects certain powers of DPP	This section is based on section 56B of the <i>Magistrates' Court Act 1989</i> . There have been some changes to terminology to modernise the language and for consistency throughout the Act.	Limited
157	DPP may give directions for release of property tendered in evidence	This section is based on section 443A of the <i>Crimes Act 1958</i> , and has been simplified and slightly reworded.	No change
158	Application of Chapter	This section is new and has no direct relationship to any earlier provisions.	Moderate
159	DPP or Crown Prosecutor may file an indictment	This section is based on section 353(1) and rule 1 of the Sixth Schedule to the <i>Crimes Act 1958</i> . It has been substantially redrafted and incorporates changes to terminology.	Moderate
160	Choice of Supreme Court or County Court for filing an indictment	This section is based on section 353(7) and (8) of the <i>Crimes Act 1958</i> with minor changes to drafting and structure. It is now a separate section to reflect the discrete nature of the discretion.	Limited
161	Direct indictment commences criminal proceeding	This section is new and has no direct relationship to any earlier provisions	Significant
162	Filing of any other indictment does not commence criminal proceeding	This section is new and has no direct relationship to any earlier provisions.	Significant
163	Time limits for filing certain indictments	This section is based on section 353(2) of the <i>Crimes Act 1958</i> and section 4(2) of the <i>Crimes (Criminal Trials) Act 1999</i> . However, the time limits have all been brought into the Act, rather than being in regulations. Section 4(2)(b) of the <i>Crimes (Criminal Trials) Act 1999</i> (presentment must be filed 14 days before first directions hearing) has not be re-enacted.	Limited
164	Filing of fresh indictment	This section is based on section 4(3) and (4) of the <i>Crimes (Criminal Trials) Act 1999</i> . For clarity, it expressly defines "fresh indictment" and no longer refers to proceedings being "permanently stayed" where a fresh indictment is filed. Instead the original indictment is "discontinued".	Moderate
165	Order for amendment of indictment	This is based on section 372(1) and (2) of the <i>Crimes Act 1958</i> . The requirement that the indictment be "defective" has been removed, as has the requirement that the order be noted on the indictment. The court can best determine how to record its orders.	Moderate
166	Errors etc. in indictment	This section is based on section 375 of the <i>Crimes Act 1958</i> . It also deals with the subject matter of section 370 of the <i>Crimes Act 1958</i> , though in a different way.	Limited
167	Supreme Court may order that accused be tried in County Court or Supreme Court	This section is based on section 359(1) of the <i>Crimes Act 1958</i> . The rest of that section dealt with change of venue other than between the County and Supreme Courts. That topic is now covered in section 192 of the Act.	Moderate
168	Court may transfer certain charges to Magistrates' Court	This section is new and has no direct relationship to any earlier provisions.	Significant
169	Place of hearing of criminal trial	There is no direct statutory predecessor to section 169(1) in relation to trial courts. It is based on a modified and simplified version of clause 1 of Schedule 2 to the <i>Magistrates' Court Act 1989</i> and the definition of "proper venue" in section 3 of that Act. Section 11(1) of the Act provides an almost identical regime in the Magistrates' Court.	Moderate
170	Multiple charges or multiple accused on single indictment	This section is new and has no direct relationship to any earlier provisions.	Moderate
171	Copy indictment to be served	This section is based on, consolidates and simplifies section 353(2A) of the <i>Crimes Act 1958</i> , rule 4.03 (2), (3) and (4) of the Supreme Court Criminal Procedure Rules 2008, and rule 11.04 (2), (3) and (4) of the County Court Miscellaneous Rules 1999.	Limited
172	DPP may nominate address etc. for service of documents	This section is new and has no direct relationship to any earlier provisions.	Moderate

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
173	Extra notice for corporate accused	This section is based on section 353(2B) of the <i>Crimes Act 1958</i> . However, the previous reference to the date of the accused's "arraignment" has been replaced with a general reference to the date on which the accused is required to appear.	Limited
174	Compelling attendance when direct indictment filed	This issue was previously dealt with in sections 66 and 67 of the <i>Magistrates' Court Act 1989</i> . However, the process has been substantially simplified and changed.	Significant
175	Service of summons	This section is new and has no direct relationship to any earlier provisions.	Significant
176	Warrant to be accompanied by indictment and notice	This section is new and has no direct relationship to any earlier provisions.	Significant
177	DPP may discontinue a prosecution without adjudication	This section is new and has no direct relationship to any earlier provisions.	Significant
178	Release from custody on discontinuance of prosecution	This section has some relationship to section 357 of the <i>Crimes Act 1958</i> . There is a significant change in that the obligation to notify is now placed on the DPP rather than the court. However, this reflects current practice.	Significant
179	Directions hearing	This section is a simplified version of sections 4(1) and 5(1) of the <i>Crimes (Criminal Trials) Act 1999</i> . The reference in section 5(1) to the court's own motion is unnecessary due to the general declaration to that effect in section 340 of the Act.	Limited
180	Accused may be arraigned at a directions hearing	This section is a simplified version of section 5(2) and 5(3) of the <i>Crimes (Criminal Trials) Act 1999</i> . It also provides that in all cases, whether the accused is arraigned is a matter for the court's discretion (compare section 5(2) of the <i>Crimes (Criminal Trials) Act 1999</i>).	Moderate
181	Powers of court at directions hearing	This section is based on section 5(4) and (5) of the <i>Crimes (Criminal Trials) Act 1999</i> . It has been broadened and new powers added. Section 5(7) (which required the accused to be present at the first directions hearing) has not been re-enacted as the issue of when an accused must attend is dealt with in sections 330 and 246 of the Act.	Moderate
182	Summary of prosecution opening and notice of pre-trial admissions	This section is based on section 6 of the <i>Crimes (Criminal Trials) Act 1999</i> with minor changes to drafting and cross-references.	Limited
183	Response of accused to summary of prosecution opening and notice of pre-trial admissions	This section is based on section 7 of the <i>Crimes (Criminal Trials) Act 1999</i> with minor changes to drafting and cross-references.	Limited
184	Intention to depart at trial from document filed and served	This section is based on section 8(4) of the <i>Crimes (Criminal Trials) Act 1999</i> . However, it is made clear that the section only applies pre-trial. During trial, leave must be sought as noted in section 233.	Limited
185	Continuing obligation of disclosure	This section is new and has no direct relationship to any earlier provisions.	Significant
186	Disclosure of address or telephone number of witness	This section is new in relation to trial proceedings. It is very similar to section 48.	Significant
187	Previous convictions of witness	This section is new in relation to trial proceedings.	Significant
188	Prosecution notice of additional evidence	This section is new and has no direct relationship to any earlier provisions.	Moderate
189	Expert evidence	This section is based on section 9 of the <i>Crimes (Criminal Trials) Act 1999</i> . The only change is the reference to when the trial is "listed to commence" rather than "due to commence". This change is consistent with the new definition of commencement of trial in section 210.	Limited
190	Alibi evidence	This section is based on a combination of section 47 of the <i>Magistrates' Court Act 1989</i> and section 399A of the <i>Crimes Act 1958</i> . In relation to trial proceedings, the substance of the obligation has not changed, although the section has been reworked to make it clearer and simpler.	Limited

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
191	Offence to communicate with alibi witness	This section is based on section 399B of the <i>Crimes Act 1958</i> . However, under that section a contravention was deemed to be a contempt of court whereas this section treats it as a stand-alone offence with a designated maximum penalty. There is a new exception for prosecution witnesses named as alibi witness.	Moderate
192	Power to change place of trial	This section is based on section 359 of the <i>Crimes Act 1958</i> . However, the power has been substantially simplified. Whereas section 359 dealt with both transfer between the County and Supreme Courts and changes to the place of trial, this section only deals with the latter.	Moderate
193	Order for separate trial	This section is based on section 372(3) and (5), in relation to multiple charges against a single accused, with some changes in terminology and simplification. There is no previous section dealing with ordering separate trials in multiple accused cases and, in that respect, this section is new.	Moderate
194	Order for separate trial—sexual offences	This section is based on section 372(3AA)–(3AC) of the <i>Crimes Act 1958</i> . There have been no substantive changes to the section.	Limited
195	Order for separate trial—conspiracy	This section is based on section 372(3A) of the <i>Crimes Act 1958</i> . There have been no substantive changes to the section.	Limited
196	Other powers of court not affected	This section is based on section 373 of the <i>Crimes Act 1958</i> , without substantive change.	No change
197	Order for legal representation for accused	This section re-enacts section 360A of the <i>Crimes Act 1958</i> , without substantive change. The reference to section 17A of the <i>Supreme Court Act 1986</i> has been removed as a consequence of the introduction of interlocutory appeals.	Limited
198	Order for taking evidence from a witness before trial	This section has its origins in section 11 of the <i>Crimes (Criminal Trials) Act 1999</i> . It has been substantially broadened to allow the court to take evidence from witnesses who were not a part of the committal process or where it is likely or desirable that a witness not give evidence in person at trial.	Significant
199	Court may make orders and other decisions before trial	This section is based on parts of section 5 of the <i>Crimes (Criminal Trials) Act 1999</i> in the way in which powers are described. However, the ability to make pre-trial decisions has been significantly expanded. As a result, the section also incorporates the substance of what was section 391A of the <i>Crimes Act 1958</i> .	Significant
200	Disclosure of pre-trial issues	This section is based on section 10(1)–(2) of the <i>Crimes (Criminal Trials) Act 1999</i> with significant changes. The new section is not limited to “questions of law”, the parties are now obliged to discuss pre-trial issues before the court is notified and the time for notification has changed.	Significant
201	Court may decide pre-trial issue without a hearing	This section is based on section 10(3)–(7) of the <i>Crimes (Criminal Trials) Act 1999</i> . It has been reworded and now applies to a wider range of pre-trial issues (see section 200(1)) and not only to questions of law.	No change
202	Hearing of application for exclusion of evidence	This section is based on section 391B of the <i>Crimes Act 1958</i> . It has been simplified and is no longer limited to evidence sought to be excluded “solely by the exercise of a discretion”. The section allows the court to determine the order of evidence to be taken regardless of the basis for exclusion.	Limited
203	Judge at pre-trial hearing need not be trial judge	This section is based on section 12(1) of the <i>Crimes (Criminal Trials) Act 1999</i> , without substantive change.	No change
204	Pre-trial orders and other decisions generally binding on trial judge	This section is based on section 12(2) of the <i>Crimes (Criminal Trials) Act 1999</i> , without substantive change.	No change
205	Pre-trial orders and other decisions may be applied in new trial	This section is based on section 21 of the <i>Crimes (Criminal Trials) Act 1999</i> with limited changes to terminology and structure.	Limited
206	Procedure if prosecution proposes not to lead evidence	This section is based on the second part of section 391 of the <i>Crimes Act 1958</i> and is modified to enable it to be used at any stage before trial.	Significant
207	Court may give sentence indication	This section is based on section 23A(1) of the <i>Crimes (Criminal Trials) Act 1999</i> without change.	No change
208	Application for sentence indication	This section is based on section 23A(2)–(5) of the <i>Crimes (Criminal Trials) Act 1999</i> without change.	No change
209	Effect of sentence indication	This section is based on section 23A(6)–(11) of the <i>Crimes (Criminal Trials) Act 1999</i> without change.	No change

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
210	When trial commences	This section is new and has no relationship to any earlier provisions.	Significant
211	Time limit for commencing trial for offences other than sexual offences	This section is based on section 353(3) of the <i>Crimes Act 1958</i> . However, while section 353(3) referred to time limits prescribed in regulations, this section brings the time limits into the Act. Paragraph (c) is new.	Limited
212	Time limits for commencing trials for sexual offences	This section is based on section 359A of the <i>Crimes Act 1958</i> . It has been significantly reworked, simplified and a new time limit in relation to re-trials following appeal has been added.	Moderate
213	Powers of trial judge not affected	This section is new and has no direct relationship to any previous provision.	Limited
214	Non-appearance of corporate accused at trial	This section is new in relation to trial proceedings.	Moderate
215	Arraignment	This section is new and has no relationship to any previous provisions.	Limited
216	Written pleas of guilty may be accepted	This section is new and has no relationship to any previous provisions.	Significant
217	Arraignment in presence of jury panel	This section is new, but is related to section 391 of the <i>Crimes Act 1958</i> .	Moderate
218	Special pleas in addition to plea of not guilty	This section is based on section 390A(1) of the <i>Crimes Act 1958</i> . However, it has been simplified and the reference to <i>demurrer</i> removed. A <i>demurrer</i> is, in essence, an application to quash a charge in the indictment. They are expressly included in the orders a court can make pre-trial under section 199(1)(c). Such orders can also be made during trial by operation of section 213 which provides that all orders that can be made pre-trial can also be made during trial.	Moderate
219	Plea of guilty to alternative offence	This section is based on section 390A(2) of the <i>Crimes Act 1958</i> , although it has been slightly restructured.	Limited
220	Form of plea of previous conviction or previous acquittal	This section is based on section 394 of the <i>Crimes Act 1958</i> , however, the section has been simplified and the language modernised from Norman French to English. <i>Autrefois convict</i> and <i>autrefois acquit</i> have been replaced by "previous conviction" and "previous acquittal".	Limited
221	Refusal to plead	This section is based on section 392 of the <i>Crimes Act 1958</i> . However, the language has been modernised by removing reference to a person standing "mute of malice or will".	Limited
222	Judge may address jury	This section incorporates section 14 of the <i>Crimes (Criminal Trials) Act 1999</i> , but has been significantly broadened in scope. Section 222(c) is new.	Moderate
223	Jury documents	This section is closely modelled on section 19 of the <i>Crimes (Criminal Trials) Act 1999</i> . Section 223(1) has been modified to add the words "at any time during the trial" to make it clear that the power is not limited by time. Section 223(1)(i) has also been extended to include audio and audiovisual recordings of evidence to cater for advances in technology.	Limited
224	Opening address by prosecutor	Parts of this section are based on sections 8(1)-(3) of the <i>Crimes (Criminal Trials) Act 1999</i> . However, the general obligation to give an opening address is new, as is the power of the trial judge to limit the length of the opening address.	No change
225	Response of accused to prosecution opening	This section is based on sections 13 and 8(1)-(3) of the <i>Crimes (Criminal Trials) Act 1999</i> . However, the section now only requires a response if the accused is represented.	Moderate
226	Accused entitled to respond after close of prosecution case	This section is similar in content to a combination of sections 397 and 398 of the <i>Crimes Act 1958</i> . However, it has been made more complete by setting out each of the options in detail and the language has been modernised.	Moderate
227	Election when accused is legally represented	This section is based on section 418(d) of the <i>Crimes Act 1958</i> . However, it is limited to an accused who is represented.	Limited
228	Election when accused is not legally represented	This section is based on a combination of sections 398 and 418(d) of the <i>Crimes Act 1958</i> .	Limited
229	Procedure for joint trials if no-case submission made	This section is new and has no direct relationship to any earlier provisions.	Significant
230	Questioning to determine proper course of proceeding	This section combines the substance of section 17 of the <i>Crimes (Criminal Trials) Act 1999</i> with the prohibition on departing from the indication given to the trial judge in section 418(d) of the <i>Crimes Act 1958</i> .	Limited

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
231	Opening address of accused	This section is mostly new; although section 231(4) is based on section 418(c)(i) of the <i>Crimes Act 1958</i> , it has been simplified and reworked substantially.	Significant
232	Manner of giving evidence	This section is based on section 20 of the <i>Crimes (Criminal Trials) Act 1999</i> , with slight changes. "Physically appear" has been replaced by "attend" in section 232(2)(b). Cross references in section 232(3) now include reference to the <i>Evidence Act 2008</i> .	Limited
233	Introduction of evidence not previously disclosed	This section is based on section 15 of the <i>Crimes (Criminal Trials) Act 1999</i> without substantive change.	No change
234	Prosecution closing address	This section is based on section 417(1) and (2) of the <i>Crimes Act 1958</i> . However, it has been reworked and simplified.	Limited
235	Closing address of the accused	This section is based on section 418(c)(ii)B of the <i>Crimes Act 1958</i> . However, it has been reworked and simplified.	Limited
236	Supplementary prosecution address	This section is based on section 417(3) of the <i>Crimes Act 1958</i> , although the language has been simplified.	Limited
237	Comment on departure or failure	This section is based on section 16 of the <i>Crimes (Criminal Trials) Act 1999</i> . However, the reference in section 16(3) to the state of the law "before the commencement of this section" have been removed.	Limited
238	Judge's directions to the jury	This section is new and has no direct relationship to any earlier provisions.	Moderate
239	Alternative verdicts on charges other than treason or murder	This section is based on section 421(2) and (3) of the <i>Crimes Act 1958</i> with minor changes in terminology.	No change
240	Judge may order that guilt in respect of alternative offences is not to be determined	This section is based on section 421(4) of the <i>Crimes Act 1958</i> with minor changes in terminology.	No change
241	When judge may enter finding of guilty or not guilty	This section is new and has no direct relationship to any earlier provisions.	Significant
242	Summary offence related to indictable offence	This section deals with the same subject matter as section 359AA of the <i>Crimes Act 1958</i> , which has been substantially reformed. The Act takes a new approach to related summary offences.	Significant
243	Unrelated summary offence	This section is based on section 359AA of the <i>Crimes Act 1958</i> .	Significant
244	Criminal record	This section is based on section 376 of the <i>Crimes Act 1958</i> , but provides for a simplified process. It removes the need for Schedule 3 to the <i>Crimes Act 1958</i> , which has been repealed.	Significant
245	Proof of previous convictions by criminal record	This section covers the same subject matter as section 395 of the <i>Crimes Act 1958</i> . However, the process has been completely overhauled. Section 401 of the <i>Crimes Act 1958</i> related to proving previous convictions when they were in dispute. A simple certificate process is now provided in section 178 of the <i>Evidence Act 2008</i> ; therefore section 401 was not re-enacted.	Significant
246	Attendance of accused at hearings	This section is new and has no direct relationship to any earlier provisions.	Significant
247	Power to extend or abridge time	This section is a combination of the substance of section 22 of the <i>Crimes (Criminal Trials) Act 1999</i> and sections 353(5)-(6B) and 359A(2)-(6) of the <i>Crimes Act 1958</i> . It applies to all time limits in the trials chapter.	Limited
248	Parties must inform Juries Commissioner of certain events	This section is based on section 23 of the <i>Crimes (Criminal Trials) Act 1999</i> , without change.	No change
249	Counsel required to retain brief for trial	This section is based on section 27 of the <i>Crimes (Criminal Trials) Act 1999</i> , without change.	No change
250	Complaints about legal practitioners	This section is based on section 28 of the <i>Crimes (Criminal Trials) Act 1999</i> , without significant change.	No change
251	Judge at earlier trial not prevented from presiding at later trial	This section is based on section 29 of the <i>Crimes (Criminal Trials) Act 1999</i> , without significant change.	No change
252	Offence for corporate accused to fail to appear	This section is based on clause 24B of Schedule 5 to the <i>Magistrates' Court Act 1989</i> ; however, it has been extended to apply to any order for the corporate accused to appear as ordered.	Limited

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
253	Abolition of grand jury procedure	This section is new and has no relationship to earlier provisions. It has the effect of rendering section 354 of the <i>Crimes Act 1958</i> redundant.	Significant
254	Right of appeal	This section is based on section 83(1) of the <i>Magistrates' Court Act 1989</i> ; however, it now draws an important distinction between an appeal against conviction and sentence and an appeal against sentence alone.	Moderate
255	How appeal is commenced	This section is based on Schedule 6, clauses 1 and 2 of the <i>Magistrates' Court Act 1989</i> . However, it has been significantly restructured and simplified. The time limits for filing and service have been changed to 28 days and 7 days respectively, for consistency throughout the Act.	Moderate
256	Determination of appeal	This section is based on sections 85 and 86(1)-(2) of the <i>Magistrates' Court Act 1989</i> . It has been restructured and the Court is now required to warn the appellant of the possibility that a more severe sentence will be imposed.	Moderate
257	DPP's right of appeal against sentence	This section is based on section 84 of the <i>Magistrates' Court Act 1989</i> . It refers to "sentence" instead of "sentencing order" for consistency throughout the Act.	No change
258	How appeal is commenced	This section is based on clause 1(1), (4) and (5) of Schedule 6 to the <i>Magistrates' Court Act 1989</i> . However, it has been significantly restructured and simplified, and the time limits changed.	Moderate
259	Determination of DPP's appeal	This section is based on sections 85 and 86(1)-(2) of the <i>Magistrates' Court Act 1989</i> . It has been restructured and the section expressly prevents the court from considering "sentencing double jeopardy" when re-sentencing the offender.	Moderate
260	DPP's right of appeal—failure to fulfil undertaking	This section has some connection to parts of section 567A of the <i>Crimes Act 1958</i> . However, that section required all such appeals to go to the Court of Appeal whereas this section allows appeals out of the summary jurisdiction to be heard in the County Court.	Moderate
261	How appeal is commenced	This section has some connection to section 567A(2) of the <i>Crimes Act 1958</i> . However, this section is new in that it provides for how this type of appeal is commenced in the County Court rather than the Court of Appeal.	Significant
262	Determination of DPP's appeal—failure to fulfil undertaking	This section has some connection to section 567A(4A) of the <i>Crimes Act 1958</i> . However, this section is new in that it provides for how this type of appeal is heard in the County Court rather than the Court of Appeal.	Significant
263	Late notice of appeal deemed to be application for leave to appeal	This section is based on clause 1(2) and (3) of Schedule 6 to the <i>Magistrates' Court Act 1989</i> , without change.	No change
264	Stay of order	This section is based on clause 3 of Schedule 6 to the <i>Magistrates' Court Act 1989</i> , without change.	No change
265	Bail pending appeal	This section is based on clause 4 of Schedule 6 to the <i>Magistrates' Court Act 1989</i> , without change.	No change
266	Abandonment of appeal	This section is based on clause 6 of Schedule 6 to the <i>Magistrates' Court Act 1989</i> and parts of section 86 of that Act. However, there are significant changes stemming from the fact that leave is no longer required to abandon an appeal and a notice will now suffice.	Significant
267	Appellant's failure to appear	This section is based on sections 86(3A), 86(4) and 89 and clause 6(3) and (4) of Schedule 6 to the <i>Magistrates' Court Act 1989</i> . However, there are significant changes in that the court can no longer hear an appeal in the appellant's absence and must instead strike it out or adjourn it.	Moderate
268	Respondent's failure to appear on appeal by DPP	This section is new and has no relationship to any earlier provisions.	Moderate
269	One notice of appeal for 2 or more sentences	This section is based on clause 8 of Schedule 6 to the <i>Magistrates' Court Act 1989</i> , without substantive change.	No change
270	Appeal against aggregate sentence	This section is based on clause 9 of Schedule 6 to the <i>Magistrates' Court Act 1989</i> , with minor drafting changes.	No change
271	Appeal to County Court authorised by other Acts	This section is based on section 90 of the <i>Magistrates' Court Act 1989</i> .	No change
272	Appeal to Supreme Court on a question of law	This section is based on section 92 of the <i>Magistrates' Court Act 1989</i> . It has been reworked to follow the basic structure of all other appeal processes in the Act. In addition, the time limits have changed to 28 days for filing and 7 days for service following filing.	Moderate

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
273	Appeal on question of law precludes appeal to County Court	This section is based on section 83(2) of the <i>Magistrates' Court Act 1989</i> , without substantive change.	No change
274	Right of appeal against conviction	This section has some relationship to section 567(a) – (c) of the <i>Crimes Act 1958</i> . However, leave is now required for all grounds of appeal and the provision has been redrafted and simplified.	Moderate
275	How appeal is commenced	Section 572 of the <i>Crimes Act 1958</i> previously provided for the “time and manner for appealing”, which applied to all appeals. In this Act, each appeal right has a separate filing and service section such as this one. Substantively, the major change is that the time for filing is now 28 days (which is consistent across all appeal processes).	Moderate
276	Determination of appeal against conviction	This issue was previously found in section 568(1) of the <i>Crimes Act 1958</i> . However, the grounds have been substantially changed and the proviso to section 568(1) was not re-enacted.	Significant
277	Orders etc. on successful appeal	See sections 568(2) and 569 of the <i>Crimes Act 1958</i> . These provisions have been significantly restructured and simplified.	Significant
278	Right of appeal against sentence imposed by originating court	This section is based on section 567(d) of the <i>Crimes Act 1958</i> . The provision has been simplified and there are some minor changes in terminology.	Limited
279	How appeal is commenced	Section 572 of the <i>Crimes Act 1958</i> previously provided for the “time and manner for appealing”, which applied to all appeals. In the Act, each appeal right has a separate filing and service section such as this one. Substantively, the major change is an increase in the time for filing to 28 days (which is consistent across all appeal processes).	Moderate
280	Determination of application for leave to appeal	This section is new and has no relationship to any earlier provision.	Significant
281	Determination of appeal	The test on an appeal against sentence was contained in section 568(4) of the <i>Crimes Act 1958</i> . However, it has been significantly reworked to reflect long standing case law (see <i>House v The Queen [1936] HCA 40</i> ; (1936) 55 CLR 499).	Significant
282	Orders etc. on successful appeal	This section is based on section 568(4)-(6) of the <i>Crimes Act 1958</i> , although it has been restructured and simplified.	Moderate
283	Right of appeal against sentence of imprisonment imposed by County Court on appeal from Magistrates' Court	This section is based on section 91(1)-(2) of the <i>Magistrates' Court Act 1989</i> , which has been reworked.	Limited
284	How appeal is commenced	This section is based on section 91(4) of the <i>Magistrates' Court Act 1989</i> . However, the limits have been changed and the section restructured consistently with the overall approach to the structure of appeals in this Chapter.	Moderate
285	Determination of appeal	The test for these appeals was previously in section 91(5) of the <i>Magistrates' Court Act 1989</i> . The test has been significantly reworked consistent with long standing case law on appeals against sentence.	Significant
286	Orders etc. on successful appeal	This section has its origins in section 91(5) of the <i>Magistrates' Court Act 1989</i> . However, a power to remit has been added so that the section now mirrors section 282.	Moderate
287	Right of appeal – inadequate sentence	This section is based on section 567A(1) of the <i>Crimes Act 1958</i> . It has been simplified and the matters that the DPP has to be satisfied of now include the fact that there was an ‘error’ in the sentence imposed. This reflects the new test for determining sentence appeals in section 289(1).	Moderate
288	How appeal is commenced	Section 572 of the <i>Crimes Act 1958</i> previously provided for the “time and manner for appealing”, which applied to all appeals, and section 567A(2) and (3) provided for DPP appeals against sentence in particular. In the Act, each appeal right has a separate filing and service section such as this one. Substantively, the major change is that the time for filing is now 28 days (consistent across all appeal processes), and an extra 7 days for service.	Moderate
289	Determination of Crown appeal	This section is based on section 567A(4) of the <i>Crimes Act 1958</i> . However, it has been substantially reworked and restructured. The test for sentence appeals has been set out in greater detail and the court must not take into account ‘sentencing double jeopardy’.	Significant

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
290	Orders etc. on successful appeal	This section is based on part of section 567A(4) of the <i>Crimes Act 1958</i> without significant change, except that it provides that the Court of Appeal must not take into account 'sentencing double jeopardy' when resentencing the offender.	Significant
291	Right of appeal—failure to fulfil undertaking	This section is based on section 567A(1A) of the <i>Crimes Act 1958</i> . However, that section required all such appeals to go to the Court of Appeal. The Act now requires appeals of this type from sentences imposed in the Magistrates' Court to be taken in the County Court (see section 260).	Moderate
292	How appeal is commenced	Section 567A(1B) and (2) of the <i>Crimes Act 1958</i> allowed an appeal to be taken "at any time regardless of whether the or not the sentence has been served" and set out the manner of service on the respondent. This section restructures that approach and provides for a clear filing and service distinction.	Moderate
293	Determination of Crown appeal—failure to fulfil undertaking	This section is based on the first part of section 567A(4A) of the <i>Crimes Act 1958</i> without significant change.	Limited
294	Powers of Court of Appeal on successful appeal	This section is based on the second part of section 567A(4A) of the <i>Crimes Act 1958</i> without significant change other than the prohibition on considering 'sentencing double jeopardy'.	Significant
295	Right of appeal against interlocutory decision	This section is new and has no relationship to existing provisions.	Significant
296	Review of refusal to certify	This section is new and has no relationship to existing provisions.	Significant
297	When leave to appeal may be given	This section is new and has no relationship to existing provisions.	Significant
298	How interlocutory appeal is commenced	This section is new and has no relationship to existing provisions.	Significant
299	Adjournment of trial if leave to appeal given	This section is new and has no relationship to existing provisions.	Significant
300	Determination of appeal	This section is new and has no relationship to existing provisions.	Significant
301	Determination of interlocutory appeal to be entered on record	This section is new and has no relationship to existing provisions.	Significant
302	Reservation of question of law	This section covers the same subject matter as section 446 of the <i>Crimes Act 1958</i> but with substantive changes. This process is now available on the court's own motion or upon application of either party, is not limited to when the question will render the trial unnecessary and, in deciding whether to state a case, the court must consider the same factors as for a grant of leave to take an interlocutory appeal. Once a trial has started the question must outweigh the disruption to the trial.	Significant
303	Adjournment if question of law reserved	This section is based on section 446(3) of the <i>Crimes Act 1958</i> and incorporates substantive changes. Where the court reserves a question of law after commencement of trial, the trial must be adjourned without discharging the jury, if reasonably practicable, until the question of law has been determined.	Significant
304	Refusal to reserve question of law	This section is based on section 449 of the <i>Crimes Act 1958</i> . It has been redrafted to make it easier to follow and the language has been modernised.	Moderate
305	Case to be stated if question of law reserved	Section 305(1) and (2) are based on parts of section 447(1) of the <i>Crimes Act 1958</i> . Section 305(3) is based on section 448 of the <i>Crimes Act 1958</i> . However, the provisions have been substantially simplified.	Significant
306	General powers of Court of Appeal on case stated	This section is a simplified version of the first part of section 447(1) of the <i>Crimes Act 1958</i> .	Moderate
307	Judgment to be entered on record	This section is a simplified version of the last part of section 447(1) of the <i>Crimes Act 1958</i> .	Moderate
308	DPP may refer point of law to Court of Appeal	This section is based on section 450A of the <i>Crimes Act 1958</i> . The section has been modernised and reworked, but the substance of the process has not changed.	Limited
309	Sentence not stayed during appeal period	This topic is dealt with to some extent in section 570 of the <i>Crimes Act 1958</i> , however, this section is very different in content. Restitution orders are specifically dealt with in section 311.	Significant

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
310	Bail pending appeal	This section is based on section 579(2) of the <i>Crimes Act 1958</i> . However, the issue of post appeal bail (pending a retrial) is now dealt with separately in section 323. Section 579(3) was not re-enacted as the issue of calculating time served is now dealt with in the <i>Sentencing Act 1991</i> . Section 579(1) was not re-enacted as the transfer of appellants to court is covered under general provisions in the <i>Corrections Act 1986</i> . Section 579(5) was not re-enacted as section 323 (which re-enacts the substance of section 361 of the <i>Crimes Act 1958</i>) deals with the treatment of appellants not admitted to bail.	Moderate
311	Stay of certain orders during appeal period	This section is based on section 570 of the <i>Crimes Act 1958</i> . However, its application has been significantly limited to specific types of orders - restitution orders and compensation orders.	Significant
312	Execution of order for forfeiture or destruction of property	This section is based on rule 2.25 of the Supreme Court (Criminal Procedure) Rules 2008 with significant changes that act as a minimum protection for property ordered to be forfeited or destroyed.	Significant
313	Extension of time for filing or serving notice of appeal or notice of application for leave to appeal	This section is a combination of extension powers previously found in paragraph 2 of section 572(1) and in section 582A of the <i>Crimes Act 1958</i> . The power has been extended to allow extensions of time for service, given that time limits for service are now set in relation to all appeals.	Limited
314	Abandonment of appeal	This section is new and has no relationship to any earlier provisions.	Moderate
315	Powers which may be exercised by a single Judge of Appeal	This section is based on section 582 of the <i>Crimes Act 1958</i> . However, additional powers have been added in section 315(1)(b), (f) and (g).	Moderate
316	Trial judge may be required to provide report on appeal	This section is based on section 573 of the <i>Crimes Act 1958</i> . However, the reference to the "trial judge's notes" of the trial (and the process for obtaining them) was not re-enacted as the term is obsolete and notes are no longer necessary due to modern evidence recording practices.	Moderate
317	Production of documents, exhibits or other things	This section is based on section 574(a) of the <i>Crimes Act 1958</i> without change.	No change
318	Order for examination of compellable witness	This section is based on section 574(b) of the <i>Crimes Act 1958</i> without change.	No change
319	Evidence of competent but not compellable witness	This section is based on section 574(c) of the <i>Crimes Act 1958</i> without reference to the husband or wife of the accused.	Limited
320	Reference of question to special commissioner	This section is based on section 574(d) of the <i>Crimes Act 1958</i> without change.	No change
321	New evidence—effect on sentence	This section is based on the proviso to section 574 of the <i>Crimes Act 1958</i> . However, an important exception has been expressly added to the prohibition. The Court of Appeal may increase a sentence on the basis of new evidence where the sentencing court was misled as to a material fact and the Court considers it necessary in the interests of justice. Although not immediately apparent from reading section 574, it was interpreted by the Court of Appeal in <i>DPP v Burgess</i> (2001) 3 VR 363 as providing a similar type of power.	Moderate
322	Sentence in absence of offender	This section is based on section 576(2) of the <i>Crimes Act 1958</i> . The note to the section is new and confirms that this section does not override the requirement for the accused's consent in relation to some sentences (e.g. community based orders).	No change
323	Bail following appeal	This section is based on a combination of sections 568(7) and 579(2) of the <i>Crimes Act 1958</i> , and has been simplified.	No change
324	Warrants	This section is based on section 574(g) of the <i>Crimes Act 1958</i> , without significant change.	No change
325	Ancillary orders of originating court	This section is new and has no relationship to any earlier provisions.	Significant
326	Expenses of assessors and special commissioners	This section is based on part of section 578(2) of the <i>Crimes Act 1958</i> .	No change
327	Reference by Attorney-General	This section is based on section 584 of the <i>Crimes Act 1958</i> . The drafting has been modernised, but the substance of the section has not changed.	No change

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
328	Appearance	This section is based on section 38(1) of the <i>Magistrates' Court Act 1989</i> . There is however, no equivalent section specifically in relation to summary proceedings. Instead, the provision applies to all criminal proceedings including summary proceedings, committals, trials and appeals.	Significant
329	When accused etc. is required to appear at hearing	This section is new and has no direct relationship to any earlier provisions.	Significant
330	When accused etc. is required to attend hearing	This section is new and has no direct relationship to any earlier provisions.	Significant
331	Power to adjourn proceeding	This section is based on section 128 of the <i>Magistrates' Court Act 1989</i> as well as sections 360 and 388 of the <i>Crimes Act 1958</i> . Section 128 of the <i>Magistrates' Court Act 1989</i> continues to apply to proceedings other than criminal proceedings. Section 360 of the <i>Crimes Act 1958</i> provided the County and Supreme Courts with the power to adjourn proceedings. The order for postponement also provided for in that section has been incorporated into the new general adjournment provision in this section. The restrictions on <i>Crimes Act 1958</i> section 388 'objections' have not been re-enacted to ensure that interlocutory appeals are not restricted.	Moderate
332	Transfer of accused between place of detention and court	This section is based on section 361 of the <i>Crimes Act 1958</i> but has been reworked and simplified, and applies to all criminal proceedings.	Moderate
333	Power to return accused to youth justice centre	This section is based on section 49 of the <i>Magistrates' Court Act 1989</i> . It does not introduce any significant change.	No change
334	Proceedings against bodies corporate	This section is based on the <i>Magistrates' Court Act 1989</i> (section 48 and clause 2(4) of Schedule 6 (concerning notices of appeal). It introduces limited changes, which apply the substance of section 48 to all criminal proceedings, and new terminology.	Moderate
335	Interpreter	This section is based on section 40 of the <i>Magistrates' Court Act 1989</i> , but now applies to all criminal proceedings.	Moderate
336	Subpoenas and witness summonses	This section is new and has no direct relationship to any earlier provisions.	Moderate
337	Court may act on application or on own motion	This section is new and has no relationship to any earlier provisions.	Moderate
338	Guiding principles	This section is based on section 32AB of the <i>Evidence Act 1958</i> . Section 32AB remains in the <i>Evidence (Miscellaneous Provisions) Act 1958</i> ; however, this section mirrors that section.	No change
339	Application of Division	This section is based in part on section 37A(1) of the <i>Evidence Act 1958</i> , with additional information about the application of the Division. The definition of 'sexual offence' is broader under the <i>Criminal Procedure Act 2009</i> as it includes sexual servitude offences.	Moderate
340	Definition	The definition is new, however it was created to simplify the reference to sexual history evidence found in section 37A(1) rule (4) of the <i>Evidence Act 1958</i> . See sections 343 and 352 for restrictions and limitations on the use of sexual history evidence.	Moderate
341	Prohibition on questions and evidence concerning complainant's chastity	This section re-enacts section 37A(1) rule (1) of the <i>Evidence Act 1958</i> .	No change
342	Restriction on questions and evidence concerning complainant's sexual activities	This section is based on section 37A(1) rule (2) of the <i>Evidence Act 1958</i> . However, the provision no longer applies to the sexual activities to which the charge relates (i.e. leave from the court is not required for the prosecution to adduce evidence about the alleged offence, or for the accused to cross-examine about sexual activities to which the charge relates, subject to restrictions on cross-examination of a protected witness).	Limited
343	Admissibility of sexual history evidence	This section re-enacts section 37A(1) rule (4A) in the <i>Evidence Act 1958</i> .	No change
344	Application for leave	This section is based on section 37A(1) rule (5)(aa)(i) of the <i>Evidence Act 1958</i> . It has been substantially reworked, particularly with respect to time limits.	Moderate

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
345	Application for leave out of time	This section is based on section 37A(1) rule (5B) of the <i>Evidence Act 1958</i> . However the 'exceptional circumstances' test has been replaced with 'interests of justice'.	Moderate
346	Contents of application for leave	This section is based on section 37A(1) rule (5)(aa)(ii) of the <i>Evidence Act 1958</i> with new requirements for an application for leave to admit evidence.	Moderate
347	Waiver of requirement to apply for leave in writing	This section is based on section 37A(1) rule (5C) of the <i>Evidence Act 1958</i> however the 'exceptional circumstances' test has been replaced with 'interests of justice'.	Moderate
348	Hearing of application for leave	This section re-enacts section 37A(1) rule (5)(a) of the <i>Evidence Act 1958</i> .	No change
349	Determination of application for leave during summary hearing, committal proceeding or trial	This section is based on section 37A(1) rule (3)(a) of the <i>Evidence Act 1958</i> with minor clarification.	Limited
350	Determination of application for leave during sentencing hearing	This section is based on section 37A(1) rule (3)(b) of the <i>Evidence Act 1958</i> . The pre-conditions for leave being granted have been simplified to reflect modern practice; the relevant times for this provision are when the offender has pleaded guilty or been found guilty.	Limited
351	Court must state reasons if leave granted	This section re-enacts sections 37A(1) rule (6) and 37A(2) of the <i>Evidence Act 1958</i> .	No change
352	Limitation on sexual history evidence	This section is based on section 37A(1) rule (4)(a) and (b) of the <i>Evidence Act 1958</i> ; however, the language has been simplified.	Limited
353	Application of Division	This section is based on section 37CA(1) of the <i>Evidence Act 1958</i> . The definition of 'sexual offence' is broader under the <i>Criminal Procedure Act 2009</i> as it includes sexual servitude offences.	Limited
354	Definitions	This section re-enacts section 37CA(2) of the <i>Evidence Act 1958</i> . Paragraph (c) of the definition of 'family member' has been expanded to include a step-parent.	No change
355	Court may declare witness to be protected witness	This section re-enacts section 37CA(3) of the <i>Evidence Act 1958</i> .	No change
356	Protected witness not to be cross-examined by accused in person	This section re-enacts section 37CA(4) of the <i>Evidence Act 1958</i> .	No change
357	When accused is not legally represented	This section re-enacts section 37CA(5)-(9) of the <i>Evidence Act 1958</i> .	No change
358	Jury warning concerning legal representation for cross-examination	This section re-enacts section 37CA(10) of the <i>Evidence Act 1958</i> . This provision has been reorganised and some changes in expression have been made.	Limited
359	Application of Division	This section is based on section 37C(2) of the <i>Evidence Act 1958</i> . Subsections (2)(a) and (b) have been removed as they are captured under the definition of sexual offence in section 3 of the Act. This Division also deals with alternative arrangements provided in sections 37CAA and 41E of the <i>Evidence Act 1958</i> , and combines them into one Division.	Limited
360	Alternative arrangements for giving evidence	This section is based on sections 37C(3), 37CAA(1) and 41E(1) of the <i>Evidence Act 1958</i> , which have been consolidated.	No change
361	Jury warning concerning alternative arrangements	This section is based on sections 37C(4), 37CAA(7) and 41E(4) of the <i>Evidence Act 1958</i> , which have been consolidated.	No change
362	Evidence given by closed-circuit television or other facilities	This section is based on sections 37C(5), 37CAA(3), (4) and (8) and 41E(3) and (5) of the <i>Evidence Act 1958</i> , which have been consolidated.	No change
363	When court must direct use of closed-circuit television or other facilities for complainant	This section is based on sections 37CAA(2) and 41E(2) of the <i>Evidence Act 1958</i> ; however, the process has been clarified.	Limited

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
364	When court must direct use of screens for complainant	This section is based on section 37CAA(5) of the <i>Evidence Act 1958</i> .	No change
365	When court must direct presence of support person for complainant	This section is based on section 37CAA(6) of the <i>Evidence Act 1958</i> .	No change
366	Application of this Division	This section is based on section 37B(1) of the <i>Evidence Act 1958</i> . The division has removed paragraph (ab) as it is now included in the definition of sexual offence in section 3.	Limited
367	Use of recorded evidence-in-chief	This section is based on section 37B(2) of the <i>Evidence Act 1958</i> with some clarification in language.	Limited
368	Admissibility of recorded evidence-in-chief	This section is based on section 37B(3), (3A) and (4) of the <i>Evidence Act 1958</i> , however the section has been clarified in relation to time limits for service of the transcript.	Limited
369	Application of Division	This section is based on section 41G(1) of the <i>Evidence Act 1958</i> and clarifies that the Division applies only to trial proceedings. This section also incorporates part of section 41G(2).	Limited
370	Special hearing for pre-recording evidence	This section is based on section 41G(2) and (3) of the <i>Evidence Act 1958</i> with clarification that it is an audiovisual recording of the evidence.	Limited
371	Time limits for special hearing	This section is based on section 41G(4) and (5) of the <i>Evidence Act 1958</i> and makes it clear that the court can extend time before or after time limit expires.	Moderate
372	Conduct of special hearing	This section is based on section 41G(6) and (7) of the <i>Evidence Act 1958</i> with modification to make it clear that the powers to limit who is present applies to both the courtroom and the room in which the complainant is in when giving evidence.	Moderate
373	Form in which recording of special hearing is to be tendered	This section is new.	Significant
374	Admissibility of evidence from special hearing	This section is based on section 41H(1)–(4) & (6) of the <i>Evidence Act 1958</i> with some clarification in language.	Limited
375	Jury warning as to recording of special hearing	This section is based on section 41H(5) of the <i>Evidence Act 1958</i> . The jury warning has been broadened to include a further direction concerning the routine use of the special hearing process. This direction is similar to that in section 358 (cross-examination of protected witnesses).	Moderate
376	Cross-examination of complainant	This section is based on section 41H(7), (8) and (9) of the <i>Evidence Act 1958</i> .	Limited
377	Exception to hearsay rule—previous representations made by complainant under 18 years	This section is based on section 41D of the <i>Evidence Act 1958</i> . The language and structure has been simplified. The mandatory warning to the jury has been removed as in some situations it was illogical or inaccurate. The provision no longer expressly refers to the admissibility of this evidence to prove the truth of the fact contained in the representation because by definition it permits that as an exception to the hearsay rule.	Significant
378	Application of Division	This section is new and has no direct relationship to any earlier provisions.	Significant
379	Admissibility of recording of complainant's evidence	This section is new and has no direct relationship to any earlier provisions.	Significant
380	Prosecution to give notice of intention to tender recording	This section is new and has no direct relationship to any earlier provisions.	Significant
381	Admission of recording of evidence of complainant	This section is new and has no direct relationship to any earlier provisions.	Significant
382	Jury warning as to recorded evidence of complainant	This section is new and has no direct relationship to any earlier provisions.	Significant
383	Attendance of complainant	This section is new and has no direct relationship to any earlier provisions.	Significant
384	Direct testimony in addition to recording	This section is new and has no direct relationship to any earlier provisions.	Significant

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
385	Cross-examination of complainant	This section is new and has no direct relationship to any earlier provisions.	Significant
386	Form in which recording of complainant's evidence is to be tendered	This section is new and has no direct relationship to any earlier provisions.	Significant
387	Exception to hearsay rule	This section is new and has no direct relationship to any earlier provisions.	Significant
388	Evidence of specialised knowledge in certain cases	This section re-enacts section 37E of the <i>Evidence Act 1958</i> .	No change
389	Audiovisual link evidence from overseas in certain proceedings	This section re-enacts section 37D of the <i>Evidence Act 1958</i> .	No change
390	General rules as to service	This section is new and has no direct relationship to any earlier provisions.	Significant
391	Personal service	This section is based on section 34(1)(b) and clause 1(2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> . It has been significantly reworked and now applies to all criminal proceedings.	Significant
392	Service on informant or DPP	This section is new and has no direct relationship to any earlier provisions.	Significant
393	Service on company, registered body, incorporated association or other body corporate	This section is based on section 34(3) of the <i>Magistrates' Court Act 1989</i> but now applies across the Act to all criminal proceedings and has been expanded to include all types of body corporate.	Moderate
394	Ordinary service	This section is based on clause 1(2) of Schedule 5 to the <i>Magistrates' Court Act 1989</i> and section 30 of the <i>Crimes (Criminal Trials) Act 1999</i> , but has been significantly reworked and restructured.	Significant
395	Personal service satisfies ordinary service	This section is new and has no direct relationship to any earlier provisions.	Limited
396	Last known place of residence or business	This section is based on section 36(2) of the <i>Magistrates' Court Act 1989</i> , but has been made of general application and now applies to all criminal proceedings.	Moderate
397	Order for substituted service	This section is based on section 34(2) of the <i>Magistrates' Court Act 1989</i> , but has been made of general application and now applies to all criminal proceedings.	Moderate
398	Who may effect service	This section is based on section 3(3) of the <i>Magistrates' Court Act 1989</i> , but has been made of general application and now applies to all criminal proceedings.	Moderate
399	Proof of service	This section is based on section 35 of the <i>Magistrates' Court Act 1989</i> . However, it is not limited to service of a summons, rather it applies to documents generally. It also applies across all criminal proceedings.	Moderate
400	Right to be heard	This section is based on section 24(4) of the <i>Crimes (Criminal Trials) Act 1999</i> and 131(2B) of the <i>Magistrates' Court Act 1989</i> .	Moderate
401	Costs in Magistrates' Court	This section is based on a consolidation of sections 30(3) and 131 of the <i>Magistrates' Court Act 1989</i> and clause 25 of Schedule 5 to that Act.	Limited
402	Notice to appear	This section is new and has no direct relationship to any earlier provisions.	Significant
403	Convicted accused to pay filing fee	This section is based on section 131(3) of the <i>Magistrates' Court Act 1989</i> without change.	No change
404	Costs in the Supreme Court and County Court	This section is based on section 24 of the <i>Crimes (Criminal Trials) Act 1999</i> . However, its application has been extended to all pre-trial processes under Part 5.5 rather than being limited to the <i>Crimes (Criminal Trials) Act 1999</i> processes (e.g. directions hearings). This reflects the broader way in which pre-trial processes may be used under the Act.	Limited
405	Costs order	This section is based on section 26 of the <i>Crimes (Criminal Trials) Act 1999</i> .	Limited
406	Costs on appeal to County Court	This section is based on section 88AA of the <i>Magistrates' Court Act 1989</i> and clauses 1(6) and 2(3) of Schedule 6 to that Act.	No change

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
407	Costs on abandonment of appeal to County Court	This section is based on clause 7 of Schedule 6 to the <i>Magistrates' Court Act 1989</i> .	Limited
408	Costs on appeal from Magistrates' Court to Supreme Court on a question of law	This section is based on section 24 of the <i>Supreme Court Act 1986</i> .	No change
409	No costs on appeal to Court of Appeal or on new trial	This section is based on section 578(1) of the <i>Crimes Act 1958</i> .	No change
410	Costs liability of legal practitioner	This section is based on section 25 of the <i>Crimes (Criminal Trials) Act 1999</i> , and section 132 of the <i>Magistrates' Court Act 1989</i> .	Limited
411	Issue of warrant to arrest	This section is based on section 353(5)-(6B) of the <i>Crimes Act 1958</i> . Section 353(6A) has not been re-enacted as there is no need to specify that an application can be made orally. This section now applies to all criminal proceedings. There has been a substantive change in that an arrested person must presumptively be brought before the court that issued the warrant.	Moderate
412	Power to amend when there is a defect or error	This section is based on section 50 of the <i>Magistrates' Court Act 1989</i> and section 416 of the <i>Crimes Act 1958</i> .	Significant
413	Transfer of charge to court with jurisdiction	This section is new and has no direct relationship to any earlier provisions.	Significant
414	Acknowledgment of false statement	This section is related to other sections in the Act (sections 38, 47 and 112) which set out the rules for, or contain references to, statements to be included in briefs used in summary and committal proceedings. Previously, each of those sections contained an offence for acknowledging a false statement. This section creates a single offence in order to avoid replication and to address limitations with the previous offences.	Significant
415	Court may direct that a person be prosecuted for perjury	This section is based on section 445 of the <i>Crimes Act 1958</i> without substantive change.	No change
416	Disclosure of material by prosecution	This section is new and has no direct relationship to any earlier provisions.	Significant
417	Court fees not payable by accused	This section is based on section 454 of the <i>Crimes Act 1958</i> but applies across the Act.	Moderate
418	Supreme Court—limitation of jurisdiction	This section has no relationship to any earlier provisions.	Significant
419	Rules of court	This section is based on section 583 of the <i>Crimes Act 1958</i> but now applies to all criminal proceedings.	Limited
420	Regulations	This section is based on section 88A of the <i>Magistrates' Court Act 1989</i> but now applies to all criminal proceedings.	Limited
421	Repeal	The provision repeals the <i>Crimes (Criminal Trials) Act 1999</i> . A number of the provisions in that Act form part of the <i>Criminal Procedure Act 2009</i> with modification as discussed elsewhere in this document.	Significant
422	Amendment of the <i>Crimes Act 1958</i>	This provision repeals many provisions in the <i>Crimes Act 1958</i> . Some of these provisions were redundant, others have been replaced and improved in the <i>Criminal Procedure Act 2009</i> and are discussed elsewhere in this document.	Significant
423	New section 14A inserted	The appeal rights provided for in this provision are based on sections 570A and 570C of the <i>Crimes Act 1958</i> . However, the provisions have been relocated to the <i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</i> and the procedural and substantive requirements of the appeal rights are articulated in more detail than in the previous legislation.	Moderate
424	New section 24AA inserted	The appeal rights provided in this provision are based on sections 570A and 570B of the <i>Crimes Act 1958</i> . However, the provisions have been relocated to the <i>Crimes (Mental Impairment and Unfitness to be Tried) Act 1997</i> and the procedural and substantive requirements of the appeal rights are articulated in more detail than the previous legislation.	Moderate
425	Consequential amendments	This section is new and has no direct relationship to any earlier provisions.	Moderate
426	Joint committals	This section is new and has no direct relationship to any earlier provisions.	Significant

Section of the <i>Criminal Procedure Act 2009</i>		Legislative history	Extent of change
427	Consequential amendments	This section is new and has no direct relationship to any earlier provisions. This section makes a number of amendments to the <i>Magistrates' Court Act 1989</i> repealing definitions, sections, Divisions, Parts and Schedules no longer required following the commencement of this Act.	Limited
428	Definitions inserted	This section is new and has no direct relationship to any earlier provisions.	Limited
429	New Part 5.1A inserted in Chapter 5	This section is new and has no direct relationship to any earlier provisions.	Significant
430	New section 516A inserted	This section is new and has no direct relationship to any earlier provisions.	Significant
431	New sections 15A, 15B and 15C inserted	This section is new and has no direct relationship to any earlier provisions.	Significant
432	Repeal	This section is new and has no direct relationship to any earlier provisions.	Significant
433	New section 112A inserted	This section is new and has no direct relationship to any earlier provisions.	Significant
434	Maximum fine for body corporate	This section is new and has no direct relationship to any earlier provisions.	Significant
435	Reclassification of certain offences	This section is new and has no direct relationship to any earlier provisions.	Significant
436	Option of jury trial removed	This section is new and has no direct relationship to any earlier provisions.	Significant
437	Repeal of provisions concerning sentence indications in Supreme Court and County Court	This section is new and has no direct relationship to any earlier provisions.	Significant
438	Repeal of Chapter	This section is new and has no direct relationship to any earlier provisions.	Significant
439	Savings and transitional provisions	This section is new and has no direct relationship to any earlier provisions.	Significant
Schedule 1	Charges on a charge-sheet or indictment	This schedule sets out all the requirements for charges (in charge-sheets and in indictments). It is based on a combination of provisions previously located in the <i>Magistrates' Court Act 1989</i> , the <i>Crimes Act 1958</i> and the Sixth Schedule to that Act, which have been simplified, modernised and amended to apply to both summary and indictable offences.	Significant
Schedule 2	Indictable offences that may be heard and determined summarily	This schedule is based on Schedule 4 to the <i>Magistrates' Court Act 1989</i> . It relates to section 28 of the Act which allows a charge for certain indictable offences to be heard and determined summarily. These are: the offences specified in the schedule; level 5 or 6 indictable offences; and offences for which the maximum penalty does not exceed 10 years imprisonment or 1200 penalty units, or both. The schedule also incorporates changes related to the new summary financial penalty limit created by sections 380 and 381 of the Act.	Moderate
Schedule 3	Persons who may witness statements in preliminary brief, full brief or hand-up brief	This schedule is based primarily on the list of persons able to witness statements in committals proceedings that was previously located in Rule 12.04 of the <i>Magistrates' Court (Committals) Rules 1999</i> and only applied to committal proceedings. This schedule now applies to statements in the preliminary brief, full brief and the hand-up brief. The categories of people who were able to witness statements in relation to disclosure in summary proceedings (previously in section 37 of the <i>Magistrates' Court Act 1989</i>) has been broadened as a result of the single list.	Moderate
Schedule 4	Savings and Transitional Provisions	This schedule provides savings provisions and transitional arrangements for the commencement of the Act. This schedule is new and has no direct relationship to any earlier provisions.	Significant

