

FACT SHEET

Magistrates Court (Criminal and General Division) Bill 2019

The *Magistrates Court (Criminal and General Division) Bill 2019* is one of a number of Bills that will replace the outdated *Justices Act 1959*.

The Bill establishes the Magistrates Court (Criminal and General Division).

Objects of the Bill include to provide for the administration of justice in that Division in such manner as to:

- Provide for enhanced access to justice;
- Facilitate the timely dispensing of justice according to law;
- Ensure that all proceedings are conducted fairly; and
- Facilitate and improve the case management of proceedings.

The Bill provides a legislative foundation for a number of changes to procedures and the law, including:

- The replacement of references to 'justices' with specific references to the Court as constituted by a 'Magistrate', a 'bench justice' or an 'authorised justice'.
- The commencement of proceedings by either a 'court attendance notice' or a 'charge sheet'.
- A new framework for disclosure of prosecution evidence in summary offences to ensure that defendants receive free disclosure of the case against them at the earliest opportunity.
- An obligation on defendants to provide notice of an alibi and admissible opinion evidence similar to the current requirements in the *Criminal Code Act 1924*.
- A specific statutory basis for case management procedures and sentence indication powers to promote the just and efficient determination of matters.
- An expansion of offences that can be dealt with in the Magistrates Court rather than the Supreme Court.
- An express provision for a witness or party to attend court by audio or video link.
- A prohibition on the publication of information relating to preliminary proceedings, unless the Court permits this to occur.
- Tightening of procedures for appeals from bail orders made by Magistrates.