

News Release Deputy Premier John Rau

Attorney General
Minister for Planning
Minister for Business Services and Consumers



Tuesday, 19 March, 2013

New rights to review convictions pass Parliament

Laws that will allow new rights for convicted persons to have their cases reviewed if there is new and compelling evidence, have passed the State's Parliament.

Attorney General John Rau said that once enacted, the *Statutes Amendment (Appeals) Bill 2012*, removes dependence upon the Executive arm of Government's when considering how new evidence may affect a conviction.

"As the law currently stands, if new and compelling evidence emerges, a convicted person must petition the Governor for mercy," Mr Rau said.

"The new laws will mean that, in these circumstance, a convicted person may seek a review from the Supreme Court.

"This is a much more transparent process than that which currently exists."

Other changes to be introduced include:

- a person granted a full pardon for a conviction on the basis that the evidence does not support such a conviction will be eligible to have their conviction quashed;
- if a defendant appeals his or her sentence the prosecution will have an automatic right of cross appeal without the need to obtain leave;
- the Chief Justice will be able to allow the Full Court to be constituted by two judges rather than the present three judges.

"These laws aim to create greater public confidence in the fairness and transparency of our justice system," Mr Rau said.

"It is pleasing that the laws have received support across the Parliament.

"I am also pleased to read reports of the complimentary remarks, reportedly made by former High Court Justice, Michael Kirby AO and former New South Wales DPP Nick Cowdery regarding these laws.

"These changes place South Australia at the forefront of law reform in Australia."