

News releases - John Rau

New law for criminal justice efficiency

John Rau

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Changes to existing criminal justice procedures will reduce delays for police, witnesses and victims by removing the duplication of paperwork when criminal charges are upgraded or downgraded.

The State Government is proposing the use of a single, common document that would avoid the need to re-file charges and evidence using different forms when the seriousness of charges is changed.

During the course of a criminal proceeding, South Australia Police must submit an information form for an indictable offence or a complaint form for a summary offence.

If a summary offence is upgraded to an indictable offence, or an indictable offence is downgraded, SAPol need to change forms.

Amendments to the *Summary Procedure Act* will also see greater use of affidavit evidence, replacing written statements of evidence that currently need to be verified by declaration at the preliminary examination of an indictable offence.

Background

Criminal offences are classified depending on their seriousness as either:

- summary offences, which are generally punishable by fines or relatively short periods of imprisonment; or
- major or minor indictable offences.

A person charged with a summary offence is usually tried and sentenced in the Magistrates Court, with charges generally supported by evidence in affidavit form.

An affidavit is the written equivalent of evidence given orally under oath, and can only be sworn before authorised people including solicitors, Justices of the Peace and proclaimed police officers.

However for an indictable offence, supporting evidence is in the form of written statements, verified by declaration.

The *Summary Procedure (Abolition of Complaints) Amendment Bill* was introduced in Parliament today.

Quotes attributable to Attorney-General John Rau

The use of common documents avoids the additional workload, expense and delay in the criminal justice system that results from changing charges.

The forms currently used for complaints and information are virtually identical. We are aiming to simplify the process.

The proposed change to affidavits about an indictable offence means victims and witnesses will no longer need to provide evidence multiple times in different formats when charges are changed, eliminating unnecessary inconvenience and stress.