**Criminal Procedure Amendment
(Sexual Offence Case Management)
Bill 2005**

Explanatory note
This explanatory note relates to this Bill as introduced into Parliament.

Overview of Bill
The object of this Bill is to amend the *Criminal Procedure Act 1986* (the **Principal Act**) to provide that a pre-trial order made by a Judge is binding on the trial Judge if the proceedings relate to a prescribed sexual offence (within the meaning of that Act) that is dealt with on indictment. In circumstances where a new trial is ordered or later trial proceedings commence following the discontinuation of an earlier trial, a pre-trial order will also be binding on the trial Judge hearing the fresh or subsequent proceedings.
The amendments are intended to contribute to the better case management of trials for prescribed sexual offences.
Outline of provisions
Clause 1 sets out the name (also called the short title) of the proposed Act.
Clause 2 provides for the commencement of the proposed Act on the date of assent.
Clause 3 is a formal provision that gives effect to the amendments to the Principal Act set out in Schedule 1.
Schedule 1 Amendments
Schedule 1 [1] inserts proposed section 130A into the Principal Act. This section applies only to proceedings in respect of a prescribed sexual offence that is dealt with on indictment. The section provides that a pre-trial order made by a Judge is binding on the trial Judge unless, in the opinion of the trial Judge, it would not be in the interests of justice for the order to be binding. In circumstances where a new trial is ordered or trial proceedings commence following the discontinuation of an earlier trial, a pre-trial order will also be binding on the trial Judge hearing the fresh or subsequent trial proceedings.
Schedule 1 [2] amends Schedule 2 to the Principal Act to enable the regulations to make provision for matters of a savings and transitional nature consequent on the amendment to the Principal Act. **Schedule 1 [3]** inserts provisions of a savings and transitional nature.