

House of Representatives
Supplementary Order Paper

Thursday, 29 September 2011

**Criminal Procedure (Reform and Modernisation)
Bill**

*Proposed amendment to Supplementary Order Paper
No 281*

Dr Kennedy Graham, in Committee, to move the following amendment to the proposed amendments:

Clause 128(3)

To omit this subclause and substitute the following subclause:

- (3) Despite subsection (2), the court must not proceed with a hearing in the absence of the defendant unless the court is satisfied that the defendant will not be prejudiced by his or her absence, and the defendant consents.
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Explanatory note

This SOP tightens up clause 128 relating to trials in absentia. Currently the legislation reads that a defendant could have a reasonable excuse for not being present, yet the hearing could continue because the judge believes the defendant will not be prejudiced through absence. This change ensures that the defendant consents to a trial taking place while the defendant is *in absentia*.
