

House of Representatives

Supplementary Order Paper

Tuesday, 5 November 2019

Criminal Cases Review Commission Bill

Proposed amendments

Chris Penk, in Committee, to move the following amendments:

Clause 25

In *clause 25*, after *subclause (1)* (page 9, after line 13), insert:

- (1A) The Commission must, as soon as practicable after making a decision under this section, give written notice of the decision to investigate the conviction or sentence to any victim entitled to be notified under **section 12(2)(f)** of the Victims' Rights Act 2002.

Clause 26

In *clause 26(1)(b)*, replace “.” (page 9, line 23) with “; and”.

In *clause 26(1)*, after *paragraph (b)* (page 9, after line 23), insert:

- (c) any victim entitled to be notified under **section 12(2)(g) or (h)** of the Victims' Rights Act 2002.

Clause 27

In *clause 27*, after *subclause (3)* (page 10, after line 6), insert:

- (3A) If the eligible person does consent, the Commission must, as soon as practicable, give written notice of its decision to investigate the conviction or sentence to any victim entitled to be notified under **section 12(2)(f)** of the Victims' Rights Act 2002.

Schedule 2

In *Schedule 2*, replace the item relating to the Legal Services Act 2011 (page 21, lines 9 to 12) with:

Legal Services Act 2011 (2011 No 4)

In section 4(1), definition of **specified application**, after paragraph (e)(ii), insert:

- (iia) an investigation into a conviction or sentence by the Criminal Cases Review Commission under the Criminal Cases Review Commission Act **2018**; or

After section 6(d), insert:

- (e) applications to the Criminal Cases Review Commission under **section 21** of the Criminal Cases Review Commission Act **2018**.

After section 7(1)(r), insert:

- (s) investigations by the Criminal Cases Review Commission under the Criminal Cases Review Commission Act **2018** in which a victim may be required to give evidence or provide information, either voluntarily or by formal written notice.

After section 11(2)(b)(ii), insert:

- (iii) an investigation into a conviction or sentence by the Criminal Cases Review Commission under the Criminal Cases Review Commission Act **2018**; or

In section 18(7)(a), replace “(e)(ii)” with “(e)(iia)”.

In *Schedule 2*, replace the item relating to the Victims’ Rights Act 2002 (page 21, lines 16 to 20) with:

Victims’ Rights Act 2002 (2002 No 39)

Replace section 12(2)(f) with:

- (f) any decision to investigate, or make initial inquiries into, a conviction or sentence made by the Criminal Cases Review Commission under **sections 25 or 27** of the Criminal Cases Review Commission Act **2018**;
- (g) any decision to take no action, or take no further action, in relation to an application made by the Criminal Cases Review Commission under **section 24** of the Criminal Cases Review Commission Act **2018**;
- (h) any referral of a conviction or sentence by the Criminal Cases Review Commission under **section 17** of the Criminal Cases Review Commission Act **2018**.

Explanatory note

This Supplementary Order Paper amends the Criminal Cases Review Commission Bill to recognise the vulnerable situation of a victim of crime in two ways.

First, it would require that a victim of crime, as defined and recognised to some extent by the Victims' Rights Act 2002, be notified at various stages of the Commission's consideration of an application to review.

Second, it would ensure that a victim of crime is afforded the assistance of the legal aid regime, as already provided to a limited extent by the Legal Services Act 2011, in certain situations that will arise under this legislation. Where a person has been the victim of a crime, not only have they suffered from the particular criminal act, they also suffer from considerable uncertainty and potential financial cost, which the State should minimise to the maximum extent possible, including when the Criminal Cases Review Commission reopens a concluded case that has affected the victim.