

House of Representatives  
**Supplementary Order Paper**

**Tuesday, 5 November 2019**

**Criminal Cases Review Commission Bill**

*Proposed amendments*

Hon Andrew Little, in Committee, to move the following amendments:

*Clause 3*

In *clause 3*, after “body to” (page 4, line 13), insert “investigate and”.

*Clause 9*

In *clause 9(1A)*, delete “of the Commission” (page 5, line 26).

*Clause 12*

In the heading to *clause 12*, after “initiate” (page 6, line 19), insert “and conduct”.

*Clause 19*

In the heading to *clause 19*, replace “Commissioner” (page 8, line 13) with “Commission”.

*Clause 27*

In *clause 27(1)*, replace “sentences” (page 9, line 29) with “sentence”.

*Clause 32*

In *clause 32(1)(a)*, replace “investigation; and” (page 11, line 13) with “investigation:”.

In *clause 32(3)*, replace “section 37” (page 11, line 18) with “sections 37 to 37G”.

*Clause 33*

In *clause 33(1)(c)*, replace “by affirmation” (page 11, line 28) with “affirmation”.

In *clause 33(2)*, replace “**section 37**” (page 11, line 29) with “**sections 37 to 37G**”.

*Clause 33A*

In *clause 33A(1)*, delete “without reasonable excuse” (page 11, line 36).

In *clause 33A(2)*, delete “without reasonable excuse” (page 12, lines 2 and 3).

*Clause 37*

After *clause 37(1)* (page 13, after line 31), insert:

(1A) **Subsection (1)** is subject to **section 37B**.

*Clause 37A*

In *clause 37A*, after “may make” (page 14, line 2), insert “an order for disclosure and”.

*Clause 37G*

In *clause 37G(1)*, replace “**sections 37 to 37B, 37D, or 37E**” (page 15, line 21) with “**sections 37 to 37E**”.

*Cross-heading above clause 37J*

Replace the cross heading above *clause 37J* (page 16, line 1) with:

*Status of proceeding*

*Clause 37J*

In the heading to *clause 37J*, replace “**High Court**” (page 16, line 3) with “**Senior Courts**”.

*Clause 44*

In the heading to *clause 44*, after “**included**” (page 17, line 29), insert “**in**”.

*Schedule 1*

In *Schedule 1, clause 2*, after “imposed before” (page 19, lines 10 and 11), insert “, on, or after”.

### Explanatory note

This Supplementary Order Paper makes minor or technical changes, consequential and consistency changes, and other changes to the Criminal Cases Review Commission Bill, including—

- amending *clause 3* (the purpose clause) by inserting the word “investigate” so that it states the purpose of the Act as being “to establish an independent body to investigate and review criminal convictions and sentences and decide whether to refer them under the Act to an appeal court”. This amendment

ensures that *clause 3* remains consistent with the wording of *clause 11* (which states the primary function of the Commission) as amended on the recommendation of the select committee:

- amending *clause 33A(1) and (2)*. These provisions currently provide for the Commission to apply to the District Court for, and the court to make, an order directing a person to comply with a requirement of the Commission to provide information under *clause 32* or to appear before the Commission and give evidence on oath or affirmation under *clause 33* “on the grounds that they have failed, without reasonable excuse, to comply with [that] requirement”. The amendments—
  - remove the words “without reasonable excuse” from *clause 33A(1) and (2)* consequential on, and for consistency with, the amendments to *clause 37* and the insertion of *new clauses 37A to 37G* made on the recommendation of the select committee in order to clarify the interaction between the Commission’s powers to gather information and the provisions of the Evidence Act 2006 relating to privileged and confidential communications and information:
  - do not have any substantive effect for a person against whom the Commission may apply for an order under *clause 33A*, because a person who fails to comply with a direction under *clause 32 or 33* does not commit an offence and there are no penalties attached to those provisions for a failure to comply with them.