

AUSTRALIAN CRIME COMMISSION (QUEENSLAND) AND OTHER LEGISLATION AMENDMENT BILL 2016

Explanatory Notes

FOR

Amendment To Be Moved During Consideration In Detail By The Honourable Bill Byrne MP

Title of the Bill

Australian Crime Commission (Queensland) and Other Legislation Amendment Bill 2016

Objectives of the Amendment

The objective of the amendment to be moved during consideration in detail is to give effect to the Government Members Statement of Reservation contained in Report No. 32 of the Legal Affairs and Community Safety Committee, the examination of the Australian Crime Commission (Queensland) and Other Legislation Amendment Bill 2016.

The amendment to section 439 of the *Police Powers and Responsibilities Act 2000* (PPRA) was intended to correct a drafting error and restore to the judiciary, the discretion to admit evidence of admissions or confessions where sections 436 or 437 of the PPRA have not been complied with, or there is not enough evidence of compliance. The amendment was qualified by the fact that the court may only admit the evidence, if having regard to the nature and reasons for the noncompliance, it is in the interests of justice to do so.

Government members recommended the Bill be amended to delete the proposed amendment of section 439 of the PPRA, citing that the amendment is neither desirable nor necessary.

The effect of this amendment is to omit the amendment to section 439 of the PPRA.

Achievement of the Objectives

The objective is achieved by way of amendment to the Bill during Consideration in Detail.

Alternative Ways of Achieving Policy Objectives

There is no alternative way to achieve the policy objective.

Estimated Cost for Government Implementation

The proposed amendment will not impose any additional cost on Government.

Consistency with Fundamental Legislative Principles

The amendment is consistent with fundamental legislative principles.

Consultation

Consultation was not undertaken on the proposed amendment.

NOTES ON PROVISIONS

Amendment 1- Clause 12 - amends the clause, 'Replacement of s 439 (Admissibility of records of questioning etc.)' by omitting it.