

Evidence (Corresponding Witness Identity Protection Certificates) Amendment Regulation 2016

Explanatory notes for SL 2016 No. 215

made under the

Evidence Act 1977

General Outline

Short Title

Evidence (Corresponding Witness Identity Protection Certificates) Amendment Regulation 2016

Authorising law

Sections 21C and 21KH and 135 of the *Evidence Act 1977*.

Policy objectives and the reasons for them

The objective of the amendment regulation is to give practical effect to corresponding witness identity protection certificates from other jurisdictions in Queensland proceedings. This will protect the identities of operatives from other jurisdictions in sophisticated investigations and covert operations crossing state borders.

Achievement of policy objectives

The policy objective is achieved by amending section 3 of the *Evidence Regulation 2007* to omit a redundant corresponding law and to add valid corresponding laws from other Australian jurisdictions.

Consistency with policy objectives of authorising law

Section 21KH of the *Evidence Act 1977* (the Evidence Act) provides for the recognition in Queensland of 'corresponding witness identity protection certificates' given under a 'corresponding law' from other jurisdictions as if they were witness identity protection certificates issued under the Evidence Act.

Section 21C of the Evidence Act provides that a 'corresponding law' means a law of another jurisdiction that is declared under a regulation to correspond to part 2, division 5 of the Act.

The amendment regulation is consistent with the policy objectives of this authorising law.

Inconsistency with policy objectives of other legislation

The regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

There are negligible costs associated with the implementation of the regulation.

Consistency with fundamental legislative principles

Section 21C of the Evidence Act provides a power to declare by regulation a law to be a 'corresponding law' for a provision of the Act.

The proposed amendment is therefore the exercise of the power under that provision. The amendment regulation is an appropriate use of a delegated parliamentary power required to ensure flexibility.

Consultation

The Crime and Corruption Commission and Queensland Police Service, being the two law enforcement agencies which can issue witness identity protection certificates under the Evidence Act in Queensland, were consulted. The Director of Public Prosecutions was also consulted.

The amendment regulation is excluded from the Regulatory Impact Analysis system on the basis it is a regulatory proposal relating to police powers, general criminal laws, the administration of courts and tribunals and corrective services.