

**Legislative Council**

**Wednesday, 8 June 2011, Page 3053**

**CRIMINAL CASES REVIEW COMMISSION**

**The Hon. A. BRESSINGTON (15:53):** I move:

That this council—

1. Calls on the Attorney-General to move at the next meeting of the Standing Committee of Attorneys-General that the Standing Committee commission an assessment of the value of a national Criminal Cases Review Commission empowered by legislation of participating jurisdictions.
2. Requests that Resolution 1 be forwarded to the Attorney-General.
3. Requests the Legislative Review Committee, in its inquiry on the Criminal Cases Review Commission Bill 2010, to also consider and report on—
  - (a) alternative approaches to rectifying any identified issues with the reprieve offered by section 369 of the Criminal Law Consolidation Act 1935 and the prerogative of mercy;
  - (b) the possibility of the establishment of a national Criminal Cases Review Commission as an alternative to a state based Criminal Cases Review Commission; and
  - (c) any other related matter.

The Hon. R.I. Lucas: Seconded!

The Hon. A. BRESSINGTON: Thank you. I am moving this motion basically as an extension on my summation of the Criminal Cases Review Commission. I know that it was quite unreasonable, if you like, to expect that this particular council would accept such a bill, being that it would be the first of its kind introduced in the country, and understand that there are a number of models to be considered and also to come up with a way to review the bill in the best possible way at a state and national level.

As I expressed last week and again now, I understand the reluctance to commit to the bill as it stands. After all, it is the first of its kind to be introduced, as I said. Together with the expanded terms of reference I have just moved, I am confident that the Legislative Review Committee will thoroughly inquire into the merits of a criminal case review commission and ultimately conclude that as an alternative to the petition process under section 369 of the Criminal Law Consolidation Act 1953 such a commission will be a significant advancement to our criminal justice system, and I look forward to reading its report. I also ask the council to support the motion and to have it sent to the Attorney-General so that it can be taken into consideration in time for the Standing Committee of Attorneys-General at a national level.

Debate adjourned on motion of Hon. J.M. Gazzola.