



LEGISLATIVE COUNCIL LEGISLATION COMMITTEE

REPORT ON THE CONSIDERATION IN DETAIL OF THE CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007

FEBRUARY 2008

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CONTENTS

EXTRACT FROM THE MINUTES OF THE PROCEEDINGS OF THE LEGISLATIVE COUNCIL	1
LEGISLATION COMMITTEE	3
REPORT	5
MINUTES OF THE PROCEEDINGS	7
HANSARD TRANSCRIPT OF THE PROCEEDINGS	9

**EXTRACT FROM THE MINUTES OF THE PROCEEDINGS
OF THE LEGISLATIVE COUNCIL**

Thursday, 7 February 2008

- 11 CRIMINAL PROCEDURE LEGISLATION AMENDMENT BILL 2007** — Debate continued on the question, That the Bill be now read a second time.
Question — put and agreed to.
Mr Tee moved, That the Criminal Procedure Legislation Amendment Bill 2007 be referred to the Legislation Committee.
Question — put and agreed to.

LEGISLATION COMMITTEE

Committee Members

Mr Bruce Atkinson – Chair

Member for Eastern Metropolitan Region

Ms Candy Broad – Deputy Chair

Member for Northern Victoria Region

Mr Peter Hall (substitute for Mr Damian Drum)

Member for Eastern Victoria Region

Ms Sue Pennicuik

Member for Southern Metropolitan Region

Mr Gordon Rich-Phillips (substitute for Mrs Andrea Coote)

Member for South Eastern Metropolitan Region

Ms Jenny Mikakos

Member for Northern Metropolitan Region

Ms Jaala Pulford

Member for Western Victoria Region

Committee Staff

Mr Robert McDonald – Manager, Chamber Support

Mr Anthony Walsh – Research Assistant, Legislation and Select Committees

Ms Lauren Kaerger – Senior Client Services Officer

Mr Andrew Young – Assistant Clerk – Committees

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REPORT

The Legislation Committee of the Legislative Council, appointed pursuant to the Resolution of the Council on 17 April 2007, reports as follows:

1. The Legislation Committee is established by Standing Order 16.01 of the Legislative Council. The function of the Committee, prescribed by Standing Order 16.02, is to consider in detail a Bill or series of related Bills referred to the Committee by the Council and to report to the Council on the Committee's consideration of the Bill, which may include any recommendations for amendments to the Bill(s).
2. On Thursday, 7 February 2008, on the motion of Mr Brian Tee, the House resolved to refer the Criminal Procedure Legislation Amendment Bill 2007, to the Legislation Committee. The Bill is the second to be referred to the Legislation Committee in the 56th Parliament.
3. The Committee met twice on Tuesday, 26 February 2008 to consider the Bill with Mr Brian Tee, Parliamentary Secretary for Justice, Mr Greg Byrne, Director, Criminal Law Justice Statement, and Ms Prita Jobling, Legal Policy Officer, Department of Justice, also in attendance.
4. A number of the clauses were examined in detail by the Committee. No amendments to the Bill were proposed and the Committee agreed to the Bill without amendment.
5. The Committee's consideration of the Bill is found in the Minutes of the Proceedings included in this Report. The Hansard transcript of proceedings, including the Parliamentary Secretary's evidence, is also included in this Report. Following this consideration, the Committee recommends that this Report be adopted.

Committee Room,
28 February 2008

MINUTES OF THE PROCEEDINGS

The Minutes of the public proceedings of the Legislation Committee in relation to consideration in detail of the Criminal Procedure Legislation Amendment Bill 2007 were as follows:

TUESDAY, 26 FEBRUARY 2008

The Committee met in the Legislative Council Committee Room to consider the Criminal Procedure Legislation Amendment Bill 2007.

- Members Present:**
- Mr B. N. Atkinson, MLC (Chair)
 - Ms C. C. Broad, MLC (Deputy Chair)
 - Mr P.R. Hall, MLC (substitute for Mr D.K. Drum, MLC)
 - Ms J. Mikakos, MLC
 - Mr G.K. Rich-Phillips, MLC (substitute for Mrs A. Coote, MLC)
 - Ms S.M. Pennicuik, MLC
 - Ms J. L. Pulford, MLC
- Witnesses:**
- Mr B.L. Tee, MLC, Parliamentary Secretary for Justice
 - Mr G. Byrne, Director, Criminal Law Justice Statement, Department of Justice
 - Ms P. Jobling, Legal Policy Officer, Department of Justice
- Also in attendance:**
- Mr E.J. O'Donohue, MLC
 - Mr R. McDonald, Manager, Chamber Support
 - Mr A. Walsh, Research Assistant, Legislation and Select Committees
 - Ms L. Kaerger, Senior Client Services Officer
 - Mr A. Young, Assistant Clerk – Committees

1. Meeting Opened

The Chair declared the meeting open at 12.37 p.m.

2. Consideration in detail

Clauses 1 to 7 — agreed to.

Adjournment

The Committee adjourned its deliberations at 1.58 p.m.

TUESDAY, 26 FEBRUARY 2008

The Committee met in the Legislative Council Committee Room to further consider the Criminal Procedure Legislation Amendment Bill 2007.

Members Present: Mr B. N. Atkinson, MLC (Chair)
Ms C. C. Broad, MLC (Deputy Chair)
Ms J. Mikakos, MLC
Mr G.K. Rich-Phillips, MLC (substitute for Mrs A. Coote, MLC)
Ms S.M. Pennicuik, MLC
Ms J. L. Pulford, MLC

Apologies: Mr P.R. Hall, MLC (substitute for Mr D.K. Drum, MLC)

Witnesses: Mr B.L. Tee, MLC, Parliamentary Secretary for Justice
Mr G. Byrne, Director, Criminal Law Justice Statement, Department of Justice

Also in attendance: Mr E.J. O'Donohue, MLC
Mr R. McDonald, Manager, Chamber Support
Mr A. Walsh, Research Assistant. Legislation and Select Committees
Ms L. Kaerger, Senior Client Services Officer
Mr A. Young, Assistant Clerk – Committees

1. Meeting Opened

The Chair declared the meeting open at 7.00 p.m.

2. Consideration in detail

Clauses 8 to 22 — agreed to.

Consideration of the Bill concluded.

Adjournment

The Committee adjourned its deliberations at 7.53 p.m.

Hansard Transcript of Proceedings

26 February 2008