

Criminal Practice (Fees) and Other Legislation Amendment Regulation 2017

Explanatory notes for SL 2017 No. 52

Made under the

Coroners Act 2003

Justices Act 1886

Supreme Court of Queensland Act 1991

General Outline

Short Title

Criminal Practice (Fees) and Other Legislation Amendment Regulation 2017

Authorising law

Section 99 of the *Coroners Act 2003*

Section 266 of the *Justices Act 1886*

Section 92 of the *Supreme Court of Queensland Act 1991*

Policy objectives and the reasons for them

Witnesses who attend court to give evidence on behalf of the Crown in the Magistrates Court, District Court and Supreme Court are paid witnesses' allowances. Provision is made for allowances for travelling; accommodation; meals and loss of earnings. A scale of costs is currently prescribed in the *Justices Regulation 2014* and permits payment of an amount up to the amount approved by the Governor in Council for prosecution witness allowances.

Similarly the *Coroners Regulation 2015* entitles witnesses at Coronial inquests to payment of allowances as set by Governor in Council.

The last Governor in Council approval of allowances to be paid to prosecution witnesses was by gazettal on 4 December 1997.

From 1 July 2007, the practice for setting prosecution witness allowances changed and prosecution witness allowances were included in the Department of Justice and Attorney-General fees schedule as approved by the Attorney-General.

The objective of the *Criminal Practice (Fees) and Other Legislative Amendment Regulation 2017* (the Amendment Regulation) is to create a regulatory framework for prosecution witness allowances in criminal proceedings.

Achievement of policy objectives

The Amendment Regulation creates a transparent compensatory scheme for members of the public who attend as part of their civic duty in assisting the Crown by formally itemizing the current financial allowances paid to prosecution witnesses.

The Amendment Regulation also amends the *Justices Regulation 2014* and the *Coroners Regulation 2015* to make reference to the new system of witness allowances set by the *Criminal Practice (Fees) Regulation 2010*.

Consistency with policy objectives of authorising law

The Amendment Regulation is consistent with the objectives of the *Coroners Act 2003*, *Justices Act 1886* and *Supreme Court of Queensland Act 1991*.

Inconsistency with policy objectives of other legislation

The Amendment Regulation is consistent with the policy objectives of other legislation.

Benefits and costs of implementation

As the Amendment Regulation formally itemises the current financial allowances paid to prosecution witnesses, implementation is cost-neutral.

Consistency with fundamental legislative principles

The Amendment Regulation is consistent with fundamental legislative principles.

Consultation

The Department of the Premier and Cabinet, Queensland Treasury, the Office of the Director of Public Prosecutions and the Queensland Police Service were consulted and support the proposed amendments.

The Amendment Regulation is excluded from the Regulatory Impact Analysis system on the basis it is a regulatory proposal relating to general criminal laws and the administration of courts and tribunals.