

Recommendations

Recommendation 1

2.37 The committee recommends that the Commonwealth government:

- amend the Explanatory Memorandum to clarify who bears the onus of proof in relation to the age of defendants;
- clarify in the Explanatory Memorandum the operation of mandatory minimum sentencing in relation to people with significant cognitive impairment specifically relating to discretion in setting parole periods; and
- in the absence of a satisfactory explanation, consider including provisions regarding significant cognitive impairment similar to those found in the *Crimes Act 1900* (NSW) s25A(5)(b).

Recommendation 2

2.38 The committee recommends that the Bill be passed, subject to the preceding recommendation.

