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Ms J Paull
Acting Secretary
Senate Standing Committee for the Scrutiny of Bills
Parliament House
CANBERRA ACT 2600

RECEIVED

27 JUL 2004

Senate Standing C'ttee
for the Scrutiny of Bills

Dear Ms Paull,

1 Thank you for your letter of 8 April 2004 seeking comments on the Government's response to the Committee's report on entry and search provisions tabled in 2000. I apologise for the delay in replying.

2 As you would be aware, The Criminal Law Branch of the Attorney-General's Department is responsible for criminal law policy matters including entry and search provisions.

3 OPC refers all Bills that contain provisions dealing with search and seizure to the Criminal Law Branch for comment. This means that a single part of the government has the opportunity to ensure that a consistent approach is taken to such provisions.

4 OPC and the Criminal Law Branch have recently instituted an arrangement under which a senior staff member in each organisation is designated as the Criminal Law Liaison Officer. This arrangement is intended to ensure greater dialogue between OPC and Criminal Law Branch and it is hoped that it will further increase the quality and consistency of provisions in Bills dealing with Criminal law matters.

5 The Criminal Law Branch has recently released guidelines on the drafting of Criminal Law provisions in Commonwealth legislation. These guidelines will assist:

- (a) staff from instructing agencies in preparing policy proposals;
- (b) OPC drafters in preparing draft provisions; and
- (c) staff of the Criminal Law Branch in commenting on draft provisions.

6 The guidelines, which are publicly available at www.ag.gov.au/crimlawguide, largely reflect the recommendations of the Committee's 2000 report. Where the Government has decided not to accept the Committee's recommendations, this is noted in the manual.

7 It is however noted that, from time-to-time the Government, will decide to include provisions in Bills which do not conform with the approach set out in the guidelines. This is done where the particular desired policy outcome requires a departure from the guidelines. It is expected that such departures would be explained in the Explanatory Memorandum.

8 I hope that this information is of assistance to the Committee.

9 Could I also take this opportunity to advise the Committee that I would be happy to meet with the Committee to discuss any current drafting issues that are of interest to the Committee.

Yours sincerely



Peter Quiggin
First Parliamentary Counsel
27 July 2004