

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Program 1.3

Question No. 64

Senator Wright asked the following question at the hearing on 24 February 2014:

1) Is the Government considering establishing a national body like the Criminal Case Review Commission, which exists in the United Kingdom, to examine miscarriages of justice in major cases in Australia?

2) Alternatively, has the Government considered a series of like bodies based in the States and Territories?

The answer to the honourable senator's question is as follows:

1) The Attorney-General's Department is not aware of any Government proposals to introduce a national review body, such as the Criminal Case Review in the United Kingdom.

However, a person convicted of a Commonwealth offence continues to have recourse to the Royal Prerogative of Mercy where evidence emerges, after ordinary avenues of appeal have been exhausted, that a miscarriage of justice has occurred.

2) The administration of State and Territory criminal law is a matter for the States and Territories. It is anticipated that the new Law, Crime and Community Safety Council will provide a platform for the Commonwealth, States and Territories to discuss and progress matters of mutual interest, including the utility of uniform, Australia-wide, 'right to appeal' laws.