

CRIMINAL PROCEDURE AMENDMENT REGULATIONS (NO. 3) 2022

827. Hon Nick Goiran to the parliamentary secretary representing the Attorney General:

I refer to the *Criminal Procedure Amendment Regulations (No. 3) 2022*, and I ask:

- (a) what was the catalyst for bringing about these amendments to the regulations;
- (b) who was consulted prior to these amendment regulations being finalised;
- (c) did any person consulted raise any concerns;
- (d) if yes to , what were these concerns;
- (e) have the finalised amendment regulations addressed these concerns; and
- (f) if no to (e), why not?

**Hon Matthew Swinbourn replied:**

- (a) The *Criminal Procedure Amendment Regulations (No. 3) 2022* (Amendment Regulations) update references to legislation in Schedule 4 of the *Criminal Procedure Regulations 2005* (CP Regulations). The amendments are necessary to ensure the disclosure provisions under section 60 of the *Criminal Procedure Act 2004* apply to listed simple offences under the *Occupational Safety and Health Act 1984* (OSH Act) and the *Mines Safety and Inspection Act 1994* (MSI Act).

References to offences under those Acts were recently removed from the CP Regulations by the *Attorney General Regulations Amendment (Work Health and Safety) Regulations 2022*. This was done at the request of the Department of Mines, Industry Regulation and Safety (DMIRS) following the commencement of the *Work Health and Safety Act 2020*, which repealed the OSH Act and parts of the MSI Act.

Those Regulations removed references to the MSI and OSH Acts from the CP Regulations on the basis that transitional provisions in section 37 of the *Interpretation Act 1984* would apply to prosecutions relating to listed simple offences under those Acts.

Subsequent to the commencement of those Regulations, the State Solicitor's Office identified an issue with the application of the Interpretation Act in this situation. As such, SSO determined it to be necessary for references to listed simple offences under the OSH and MSI Acts to be re-inserted to ensure the disclosure provisions under the CP Act apply to such prosecutions.

- (b) The Department of Justice consulted with DMIRS on the Amendment Regulations, which were progressed at the request of the Hon Bill Johnston MLA, Minister for Industrial Relations. The Attorney General's Office consulted with the State Solicitor's Office on the Amendment Regulations.
- (c) No.
- (d)–(f) N/A.