

Summary of recommendations

Recommendation 1

Error! Bookmark not defined.

That the Attorney General seek a legislative amendment to ensure that section 136(2) of the *Criminal Procedure Act 1986* clearly reflects the interpretation given to it by Justice O’Keefe in *R v Munroe* [2003] NSWSC55, by relating the word ‘and’ in subsections 136(2)(a) and (b) with ‘or’.

Recommendation 2

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That the Attorney General examine the issue identified by the Office of the Director of Public Prosecutions in its submission to the Committee’s inquiry, relating to the requirement that an indictment be presented before a pre-trial disclosure order can be made, and consider whether the legislative amendment identified by the ODPP would be beneficial to the scheme of pre-trial disclosure implemented by the *Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001*.

Recommendation 3

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That any future review undertaken by the Government of the new pre-trial disclosure scheme implemented by the *Criminal Procedure Amendment (Pre-Trial Disclosure) Act 2001* or pre-trial disclosure in general incorporate an analysis of the impact of pre-trial disclosure orders on disadvantaged defendants.

Recommendation 4

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That the Attorney General examine the impact of the amendment to section 150 of the *Criminal Procedure Act 1986* implemented by the *Criminal Procedure Amendment Pre-trial Disclosure Act 2001* to require that notice for alibi evidence in all trials on indictment be given at least 21 days before a trial is listed for hearing. The examination should establish whether the amendment unreasonably impacts on the Crown and the police and whether a legislative amendment is necessary.

Recommendation 5

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That the Minister of Police examine the level of awareness among police officers of the changes to the pre-trial disclosure requirements brought about by the *Criminal Procedure Amendment (Pre-trial Disclosure) Act 2001*, in particular, the insertion of section 15A into the *Director of Public Prosecutions Act 1986* and section 149(6) of the *Criminal Procedure Act 1986* relating to the saving of immunities, and whether there is a need for additional educational resources.