

Question on Notice

No. 668

Asked on Tuesday, 9 May 2006

Mr WELLINGTON asked the Attorney-General and Minister for Justice (Mrs Lavarch) -

QUESTION:

With reference to the current “double jeopardy” principles in law in Australia –

Why can’t Queensland pass its own law to amend this principle and why do we need to have a national law to deal with amending this principle?

ANSWER:

The importance of the principles underpinning the double jeopardy rules should not be underestimated. These principles include that a person should not be harassed by multiple prosecutions about the same issue; the need for finality in proceedings; and the need to encourage efficient investigations.

Queensland is able to legislate on its own in this regard. However, I believe that because of the importance and significance of these principles to our criminal justice system, any reform which seeks to abrogate or modify this fundamental safeguard should result in uniform or consistent legislation throughout all Australian jurisdictions. This position was supported by the Federal Attorney-General, Philip Ruddock, at the SCAG meeting in November 2005.