

24 March 2020

Our ref: KS-CrLC

Hon Yvette D'Ath MP
Attorney-General and Minister for Justice
1 William Street
BRISBANE QLD 4000

By email: [REDACTED]

Dear Attorney

Sections 651 and 652 of the Criminal Code

We refer to your telephone discussion with the President of the Queensland Law Society (QLS) today during which the proposed amendments to sections 651 and 652 of the *Criminal Code Act 1899* were discussed. The amendments are contained in Clauses 53, 54 and 164 of the *Justice and Other Legislation Amendment Bill 2019 (JOLA BILL)*. The Legal Affairs and Community Safety Committee recommended that the amendments be passed in its report on 21 February 2020.

We seek that Clauses 53, 54 and 164 of the JOLA Bill be urgently passed into law in response to the COVID-19 crisis.

The amendment contained in Clauses 53 and 54 of the JOLA Bill will enable solicitors to sign section 651 applications on behalf of their clients. In the current urgent climate, this means that solicitors will not need to personally attend at prisons or send applications by post for their clients' signatures. It will dramatically increase the efficiency by which applications can be prepared and processed.

The amendment contained in Clause 164 will enable judges to declare pre-sentence custody as time already served under a sentence even if associated summary charges were not, for whatever reason, being dealt with at the same time. Not only will this change simplify the administrative process of transferring summary charges to superior courts, it will assist in making the administration of justice more efficient. It will overcome a significant challenge the profession is facing which is creating a significant obstacle for the courts and it will be a positive step in ensuring the safety of the prison population.

Our request for consideration to fast-track these amendments is also supported by the Bar Association of Queensland.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our policy solicitor [REDACTED] by email to [REDACTED]

Yours faithfully,

[REDACTED]
Luke Murphy
President