

20 December 2018

Ms Nicola Jones
Strategic Reform
Department of Justice
PO Box F317
PERTH WA 6841

By email: Nicola.Jones@justice.wa.gov.au

Dear Ms Jones

**STATUTORY REVIEW OF PART 5A OF THE *CRIMINAL APPEALS ACT 2004*
(WA)**

I refer to the letter from Dr Adam Tomison of 14 November 2018 as regards the above.

Thank you for the opportunity to provide comment.

The Law Society is of the view that the status quo is working effectively, and at this stage does not support any changes or amendments to the Act.

The Law Society notes that the provisions are rarely used as there have only been three reinvestigations authorised by the DPP, and none progressed to applying for leave to retry an acquitted person. The Law Society supports there being a high threshold before these provisions can be used, as an acquitted person should only be retried in exceptional circumstances. The data suggests that this is the effect of Part 5A. The Law Society is of the general view that the provisions should not be watered down.

If you would like to discuss the above further, please do not hesitate to contact Mary Woodford, General Manager Advocacy at mwoodford@lawsocietywa.asn.au or on (08) 9324 8646.

Yours sincerely



Hayley Cormann
President