

# RECOMMENDATIONS

## Recommendation 1

**3.104** The committee recommends that the proposed section 23CF be clarified to ensure that it is only intended to require a non-specific indication of the Accused's reasons for dispute.

## Recommendation 2

**3.105** The committee recommends that the proposed section 23CL be amended to ensure that it does not require a general removal of legal professional privilege but rather only clarifies the effect of an order of the court pursuant to the proposed section 23CD requiring the accused to disclose a limited range of documents such as draft witness statements and expert reports but not legal advice.

## Recommendation 3

**3.106** The committee recommends that proposed section 23CM be amended to reflect the sanctions regime embodied in Victorian legislation.

## Recommendation 4

**3.107** The committee recommends that proposed section 30AI of the Bill be re-drafted to clarify the jurisprudentially established distinctions between the terms 'fresh evidence' and 'new evidence or further evidence'.

## Recommendation 5

**3.108** The committee recommends that proposed subsection 30AB(2) be removed so that the granting of leave to appeals against an interim judgement or decision is not restricted to the trial judge.

## Recommendation 6

**3.109** The committee recommends that proposed subsection 58DA(1) of the Bill allow for multiple bail applications and that the requirement for a *significant* change of circumstances be deleted from proposed subsection 58DA(2).

## Recommendation 7

**3.110** The committee recommends that the Bill be amended to include a presumption in favour of bail.

## Recommendation 8

**3.111** Subject to the preceding recommendations, the committee recommends that the Senate pass the Bill.

