1. The primary objectives of the Criminal Code and Other Legislation Amendment Bill 2010 are to:
* amend the excuse of accident (section 23(1)(b), Criminal Code) to omit the term ‘accident’ and substitute the term with a phrase which better reflects the ‘reasonably foreseeable consequence’ test;
* recast the partial defence of provocation (section 304, Criminal Code) to address its bias and flaws, as recommended by the Queensland Law Reform Commission in the 2008 report, “*A review of the excuse of accident and the defence of provocation”* ;
* amend relevant provisions of the Criminal Code to overcome evidentiary difficulties which can arise in the prosecution of wilful damage cases where the owner of the relevant property is not readily identifiable, for example, gravestones and certain public property and to provide for an increased maximum penalty in relation to the wilful damage or destruction of such property;
* criminalise the unlawful ‘interference’ of graves and like property such as a war memorials where such ‘interference’ may not fall within the meaning of ‘damage’ to allow for a prosecution of wilful damage. Property is damaged within the meaning of section 469 when it is rendered imperfect or inoperative. Conduct such as urinating on a grave or war memorial would not amount to ‘damage’;
* amend the Criminal Code in relation to the joinder of charges which will contribute to the modernisation and streamlining of the criminal justice system;
* amend the *Appeal Costs Fund Act 1973* to allow a convicted person to recover from the appeal cost fund, the additional costs incurred in appealing their sentence or in responding to an appeal against their sentence, where the appeal is relevant to the giving or review of a guideline judgment as contemplated in the *Penalties and Sentences (Sentencing Advisory Council) Amendment Act 2010;*and
* prohibit “ratchet clauses” in retail shop leases and entitle assignees of retail shop leases to claim compensation under section 43 of the *Retail Shop Leases Act 1994.*
1. Cabinet approved the introduction of the Criminal Code and Other Legislation Amendment Bill 2010 into the Legislative Assembly.
2. *Attachments*:
* [Criminal Code and Other Legislation Amendment Bill 2010](Attachments/CrimCodeOLAB10.pdf)
* [Explanatory Notes](Attachments/CrimCodeOLAB10Exp.pdf)