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QUEENSLAND AUSTRALIA

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Dated 21 January 2019

Philip Cummins Esq
Victorian Law Reform Commission
G.P.O. BOX 4637
MELBOURNE
VICTORIA 3001

Dear Judge Re Review of committal procedure in Victoria.

I refer to the recent announcement by the Attorney General Victoria of a review of committal proceedings in victoria.

I enclose as a submission and assistance a book I have written and published. It took 12 years to write on a part time basis. The delay in part was knowing that legislative changes were on the way in various states and I waited until almost all the states made their changes to committals.

Queensland was the last State to make significant changes. That state followed closely the New South Wales changes.

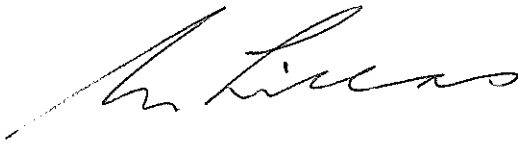
Having looked at all the states and territories I assert that the Tasmanian version of committing is the one to be preferred. That is an automatic committal but an accused can make an application to the Supreme Court for a preliminary hearing. The applicant must show what is the nature of the examination and the range over which such and examinations if to be conducted. The basis of the assertion is that the court which is ordering the examination is the court which is going to conduct the trial. The procedure can be seen as similar to an application for a voir dire hearing during trial. Sometimes referred to as a Basha enquiry

Any further amendments in victoria could be coupled with some additional statutory amendments to the criminal law.

A list of these is set out.

1. Increase the jurisdiction of the magistrates court making more criminal charges triable summarily.
2. Enact legislation for the examination vulnerable complainants, with that initial examination being deemed as their evidence in a formal trial in a Superior Court.
3. Legislate disclosure obligations of prosecution to ensure full disclosure is made to an accused.
4. Have awards for costs in Criminal cases where the prosecution case fails, particularly where there has been a failure to make full disclosure of all the evidence in the hands of prosecution.

I have canvassed most of these areas in my book which I hope is of some assistance to you.

A handwritten signature in black ink, appearing to read 'Michael Lillas', written in a cursive style.

Kind Regards
Michael Lillas
formally a legal practitioner 1974-2015 Tax Agent 1976-2017
Director