

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN CRIME COMMISSION

Question on Notice

The Acting Chair asked the following question at the hearing on 21 May 2010:

Regarding the seven-day limit, does the ACC support and concur with the provision in the National Security Legislation Amendment Bill 2010?

The answer to the honourable senator's question is as follows:

By way of introduction it should be noted that the ACC is responsible neither for the determination of policy on measures for dealing with terrorism nor for the implementation of the relevant provision of the Crimes Act 1914. However, as an agency with extensive experience of coercive questioning in another context we make the following observations.

The ACC considers the proposed s.23DB(11) of the Crimes Act 1914 (in item 16, schedule 3 to the National Security Legislation Amendment Bill 2010) is an appropriate provision. As noted in the Explanatory Memorandum to the Bill, the Clarke Report suggested that seven days would be the maximum acceptable period of 'dead time' that ought to be permitted. While Clarke did not make a recommendation on this question, and expressly disclaimed any relevant expertise, he had the advantage of having before him the facts relating to the case in which it has been necessary to rely on the 'dead time' provisions. In the absence of experience to suggest that the necessary information gathering tasks would invariably be capable for completion in a shorter period, the ACC considers it would not be prudent at the present time to impose a shorter limit.