

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S PORTFOLIO

Group: 3

Program: Other Agency

Question No. AE15/023

Senator Smith asked the following question at the hearing on 24 February 2015:

Senator SMITH: Are there sunset clauses or statute of limitation issues that might arise with regard to the dates of any alleged activity and the Commonwealth offences that might be involved?

Senator SMITH: It really will depend on what offences have sufficient evidence for us to take forward. So it depends on the outcome of the investigation.

Senator SMITH: We know that only some elements of the Commonwealth law will be applicable. Perhaps you might take on notice whether those possible infringements have sunset clauses.

Ms Close: Certainly.

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

A statute of limitations applies to offences where there is strict liability and a penalty of six months or less.

A statute of limitations does not apply to section 136 and section 137 of the *Criminal Code 1995* being the offences under consideration for this investigation.