

Louise Gell
Secretary
Australian Senate
Legal & Constitutional
References Committee
Legislation Committee
Parliament House
Canberra
ACT 2600

Dear Secretary,

Re :- Provisions of the Anti-Terrorism Bill 2004

I would like to thank you for the opportunity to comment on the Anti-Terrorism Bill 2004. I share the Committee's interest in examining the benefits derived from the Bill for the investigation and prosecution of Commonwealth terrorism offences.

I note the amendment to Part 1C of the *Crimes Act 1914* to extend the fixed investigation period applying to Commonwealth terrorism offences to a total of 24 hours (initial investigation period of four hours with extensions capped at 20 hours). This is a significant increase on the current total investigation period of twelve hours (initial investigation period of four hours with one eight hour extension) but may not prove to be enough time to investigate a complex terrorism offence.

The 33rd Police Commissioners' Conference met in Sydney in March this year to discuss the critical issue of 'Terrorism and National Security'. During the conference, the Commissioners examined Part 1C of the *Crimes Act 1914* and discussed both *reasonable time* and specific time limit legislative investigation options.

A *reasonable time* model exists in Victoria and provides both the flexibility and jurisdictional safeguards to allow for the thorough investigation of a complex terrorism offence. I do not share the views of the Commonwealth Attorney General, Mr Ruddock, who commented in the second reading speech that '*.....a time limit is necessary to maintain confidence in the reliability of evidence*'.

The outcome of the Commissioner's discussion on this topic was to:

Support the review of the Commonwealth Crimes Act (Part 1C) and recommends the review seeks input from key stakeholders, including law enforcement agencies across Australia.

While the time limits proposed in the Anti-Terrorism Bill 2004 provide greater opportunity for the investigation of a terrorism offence, there does not appear to be any rationale for the proposed total investigation period of 24 hours. The United Kingdom *Terrorism Act 2000*, by way of example, permits a suspect for a terrorism offence to be held without warrant for a period of up to 48 hours. If reasonable grounds exist, an extension can then be granted for a period of up to 7 days.

Mr Ruddock is to be commended for his pursuit of a timely outcome, for what is a critical issue, but as agreed by the Commissioners, there needs to be a review of Part 1 C of the *Crimes Act 1914* and options developed to identify what is the most appropriate legislative model to investigate Commonwealth terrorism offences.

Thank you again for the opportunity to comment on the Anti-Terrorism Bill 2004.

Yours sincerely.

CHRISTINE NIXON APM
CHIEF COMMISSIONER