QUEENSLAND COUNCIL FOR CIVIL LIBERTIES

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Julie Dennett
Committee Secretary
Senate Standing Committee On Legal And Constitutional Affairs

By Email: LegCon.Sen@aph.gov.au

Dear Madam

REGULATORY POWERS (STANDARD PROVISIONS) BILL 2012

I write to you on behalf of the Queensland Council for Civil Liberties ("the QCCL") to make a submission to the Committee in relation to the above Bill.

I note that the date for submissions has recently passed but ask that you take this submission into account nonetheless.

ABOUT THE QCCL

The QCCL is a voluntary organisation established in 1967 which has as its principle purpose the implementation of the Universal Declaration of Human Rights in Queensland and Australia.

Article 12 of the Universal Declaration provides:

> *"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks."*

APPROPRIATENESS OF POWERS

As the Explanatory Memorandum notes, the Bill merely creates a framework for other Acts to adopt. These rightly should be subject to parliamentary scrutiny at the time they seek to adopt this Bill/Act.

As a rule, standard provisions are easier to follow, understand and indeed for citizens to comment on in the future. Since it is unknown what Acts will be that purport to adopt these standard provisions however is impossible to comment on whether the provisions are reasonable, necessary and proportionate for those Acts. The QCCL anticipates being consulted in relation to any such Bill.

Some measures such as obligation to return seized property within 60 days are welcome. Computers and phones for instance should be imaged and returned as soon as possible rather than retained for long periods of time. This is especially so when the objects are valuable, require a great deal of customisation, are central to everyday business and personal affairs and might not even be the property of the suspect.

The Bill should expressly and clearly reserve the right not to incriminate oneself in respect of all offence provisions under the Bill. It should also provide that all persons should be warned of their rights and obligations at all times under the Bill For example at the time of the exercise of powers under sections 32 and 56.

The requirement to be able to apply to keep material for up to 3 years under section 68 should be limited to 12 months and require extensions every 12 months.

We trust this submission is of assistance in your deliberations.

Yours faithfully

Andrew Sinclair
For and on behalf of the
Queensland Council for Civil Liberties
31 January 2013