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PARLIAMENTARY JOINT COMMITTEE ON  
THE AUSTRALIAN CRIME COMMISSION

REC'D: 18 AUG 05

FROM: LA (ACT)

AUTHORISED FOR PUBLICATION

SECRETARY: [Signature]

The Committee Secretary  
Parliamentary Joint Committee on  
the Australian Crime Commission  
PARLIAMENT HOUSE CANBERRA 2600

Dear Secretary

Legal Aid  
Office (ACT)

THE PRACTICE

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REVIEW OF THE AUSTRALIAN CRIME COMMISSION ACT  
2002

We are answering your letter of 27 July 2005 addressed to the President of the Legal Aid Commission. This is not a submission in the sense that we wish to put to you assertions of fact, policy or law. Indeed it is necessarily the case that the work of the ACC would make assertions of facts difficult to make. Consequently we are writing to you conceding that we do not know all the facts.

We do wish to express concern that there may not be in place sufficiently robust accountability measures to ensure that the ACC does not exceed its charter. Of course the Committee itself, and not this Office, must judge that.

Functions of the Commission

The functions are of course set out at section 7A of the Act.

The ACT Legal Aid Office is aware of two recent cases in which the ACC has been involved in examining persons pursuant to the ACC Act. It issued summonses in both matters. We understand the matters are in relation to persons or matters with no immediately apparent Commonwealth criminal law connection. Consequently any connection with the ACC Act is far from apparent to us.

We are concerned as to the lack of particularity in ACC summons so that the connection can be seen on the face of the summons and as to the apparent lack of accountability in the conduct of examinations carried

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out by the ACC examiners that has been brought to light by these two cases.

Indeed the situation is so dismal that we are legally bound not to tell you the facts on which we base our concerns.

The Committee should be aware that the Legal Aid Commissions of Australia are not able to grant legal assistance to any person requested to attend for interview at the ACC. Given the particularity of subsection 29B(2) this does seem ironic. Legal assistance in matters arising under Commonwealth laws are governed by rules set by the Commonwealth Government. Those rules are effectively exclusory and do not include matters with the ACC. Applications for funding for representation must be made to the Department of the Attorney-General. This causes persons to give up jumping hurdles to representation.

The fact of the circumstances of one of the cases worry us in that context. We believe that like all Australian Legal Aid Commissions we have expertise in the responsible allocation of funding and in this case our involvement would have allowed for a credible process to review whether the summons was issued for the purposes of the Act.

We hope this assists the Committee with its inquiries.

Yours sincerely



LEGAL AID OFFICE (A.C.T.)

Per: Chris Staniforth

Chief Executive Officer

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