



AUSTRALIAN
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FOR
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Tim Bryant
Inquiry Secretary
Legal and Constitutional Affairs Legislation Committee
PO Box 6100
Parliament House
Canberra ACT 2600

(by e-mail legcon.sen@aph.gov.au)

Dear Mr Bryant

Thank you for your invitation for Australian Lawyers for Human Rights (**ALHR**) to provide a submission to this inquiry.

The fact that submissions are required in less than 40 hours destroys any notion of accountability and public scrutiny which is sought to be provided by public involvement in the committee process.

I note the bill's *Statement of compatibility with human rights* identifies numerous significant human rights implications from the legal amendments. This includes measures 'Assisting the Australian Commission for Law Enforcement Integrity', supporting victims and witnesses in criminal proceedings, and strengthening offences under the anti-money laundering and counter-terrorism legislative framework.

There are matters in this Bill which ALHR would likely support where they improve the consistency of Australia's law with human rights standards. This includes the amendments to remove wrist x-ray as a prescribed age determination procedure, confirm the onus of proof in establishing age in people smuggling prosecutions lies with the prosecution, and ensure that time spent in detention/remand is recognised in the sentencing of persons convicted of people smuggling offences. Equally, the measures which assist the International Residual Mechanism for Criminal Tribunals (Former Yugoslavia and Rwanda) appear commendable.

However because of the time period the Parliament has chosen to allocate for submissions, ALHR are unable to assess and respond on these matters. We would like the Committee to note our concern and opposition to such a short time being made for submissions.

If you have any questions regarding this letter, please contact John Southalan:

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T:

Yours sincerely

John Southalan
President
Australian Lawyers for Human Rights