

The Honourable Simon Sheller AO QC
Chair
Security Legislation Review Committee
Robert Garran Offices
National Circuit
Barton, ACT, 2600

23rd February '06

Dear Sir,

Re: Security Legislation Review

National Legal Aid represents the Directors of each of the 8 State and Territory Legal Aid Commissions. NLA aims to ensure that the protection or assertion of the legal rights and interests of people are not prejudiced by reason of their inability to:

- Obtain access to independent legal advice;
- Afford the financial cost of appropriate legal representation;
- Obtain access to the Federal or State and Territory legal systems; or
- Obtain adequate information about access to the law and legal system

NLA makes this submission on the basis that there is the potential for Commission services to be required to provide assistance to people affected by the existing legislation or any future changes to the legislation.

The Terms of Reference of the Committee include the consideration of several major pieces of legislation which, due to our limited practical experience to date of the workings of these statutes, we choose not to comment on.

Notwithstanding this, there is potential for circumstances in relation to the threat of terrorism and enforcement of laws to change and there to be a resultant impact on our services. We therefore wish to briefly make some general comments.

The basis of the concerns which NLA wishes to convey to the committee are expressed specifically to the Senate Committee's recent inquiry in relation to the *Anti-Terrorism Act (No 2) 2005*. Briefly, these include the need to ensure that:

- Defendants have access to confidential and independent legal advice and representation;
- Legal assistance in relation to the package of legislation is funded under the Commonwealth Legal Aid Guidelines under which all Legal Aid Commissions operate.

- Due process and procedural fairness is afforded to persons coming under this legislation.
- Legislation conforms with international Law and Human Rights, in particular the *International Covenant on Civil and Political Rights*.

A copy of our submission to the Senate Legal and Constitutional Committee is attached for your information.

Yours sincerely,

A handwritten signature in black ink that reads "Suzan Cox". The signature is written in a cursive style with a horizontal line above it.

Ms Suzan Cox, QC
Chairperson
National Legal Aid.