

LAW REFORM COMMITTEE
Warrant Powers and Procedures Subcommittee
Inquiry into warrant powers and procedures
Sydney — 1 September 2004

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Ms P. Wright, vice-president, New South Wales Council for Civil Liberties.

The CHAIR — Thank you for coming to talk us, as you have done on other occasions. As you know, we are covered by the Parliamentary Committees Act in Victoria so the evidence is protected by parliamentary privilege; however, unlike members you get an opportunity to correct the record, delete things and even ask that things not be on the public record if you wish; otherwise we will publish your evidence on our web site and it will form part of our proceedings.

Ms WRIGHT — I thank the committee for inviting us to make comment. It is an important issue and we are pleased to be invited.

The CHAIR — I know you have been part of the working party that has been looking at the review of the Search Warrants Act, so perhaps you could start off by talking a little bit about the issues that the council has in relationship to search warrant powers in New South Wales.

Ms WRIGHT — The main issues that the New South Wales Council for Civil Liberties comes across involve search, seizure, questioning and detention; arrest warrants; and the imaging of computer records. Those sorts of concerns come to us on a fairly regular basis mainly through legal practitioners. Individuals do not tend to complain to us so much. They tend to raise those concerns with their lawyers and in court, so we get it through the legal practitioners who speak to us about their concerns, so, of course, we have a close liaison with the criminal law committee of the Law Society of New South Wales. I chair that committee, so the liaison is more than close. We run hand in hand in our views on these things. A member of my criminal law committee sits on the search warrants review at the moment, as does the council for civil liberties. We had some input into that. I am able after today, if you wish, to provide you with copies of submissions that we have made in relation to that.

The CHAIR — We would be delighted.

Ms WRIGHT — I can provide that to you and I will do that. I believe the final report on that will be coming out in around two months and another meeting of that working party will be convened before that report is finally released. We will have some more input into that at that stage. If you would like, we can continue to keep you informed on what happens there.

The CHAIR — That would be good.

Ms WRIGHT — We are happy with the way the review has taken place. In the procedural sense there has been a great deal of public consultation, which has been very welcome. We feel we have had a useful input into that. Rather than going into detail about our concerns, I think it is probably better if I give that to you in writing later.

I think you also wanted me to comment on the desirability of consolidating warrant powers. In our view it seems that in Victoria you do have quite a large number of different acts which deal with warrants. That being the case, it probably is desirable to try and reduce them to some more accessible form of legislation which would deal with these types of issues, so that when people are accused of something or when they are being searched or they receive a warrant they know where to go to look at what the law is relating to them and their circumstances. At the moment it is difficult. Our concern always when common law or other laws are written is that care is taken to ensure that judicial discretion remains and there is judicial review of any legislative requirements or procedures. We consider that that is really the only way to safeguard the way warrants are effected.

The CHAIR — Just on that point, do you have any concerns about the issuing authority, the level at which a warrant is issued within the system? Is that something which is of concern to the council?

Ms WRIGHT — Yes, it is. The council is of the firm belief it should be a judicial officer who is the issuing authority, The reason for that is only a judicial officer who has no interest in the outcome is objective and has the necessary learning and understanding in relation to the

importance of preserving people's rights when issuing warrants. Obviously there have been in the past, and there remain, concerns that some magistrates still effectively rubber-stamp police requests for the issue of warrants. There is concern about that — that is raised with us not infrequently as a problem.

The CHAIR — If that is a concern, how would you see that being overcome?

Ms WRIGHT — It is a matter of continuing education of magistrates; record-keeping by magistrates of the warrants that are issued; and perhaps follow through between the issue of a warrant and the outcome of proceedings so that the magistrate knows what has happened. For instance, there have been reported cases of magistrates issuing warrants on the basis of, say, a false statement by a police officer and the magistrate would never be aware that later on the courts had found that that was a false statement and the warrant should never have been issued, given that the foundation of it was not there. The magistrates may not be aware that that has happened. They should be made aware of that because that will then cause them to take more care, I suppose, in issuing warrants, particularly telephone warrants. We are concerned to ensure that it does not become too easy to make telephone warrants available.

The CHAIR — We will come to telephone warrants but on the question of the review of the execution of warrants, does the council have any particular views about how that should be done outside of the court system. Obviously the courts in a sense, in terms of the admissibility of that evidence, have a sanction that allows them to review the legality or otherwise in terms of the execution of the warrant. Do you have any other views about how warrants should be reviewed by the judiciary, other than through that process?

Ms WRIGHT — I think what is occurring now is probably the logical process. The other mechanism is proper record keeping so there can be a review of magistrates' decisions to issue warrants, how they have been executed, how many of them remain unexecuted and what happens to them after that — an audit trail, if you like. Annual reporting by both the police executing the warrants and the magistracy which is issuing them.

Mr MAUGHAN — Is that large amount of additional administrative work — what you are imposing would place a huge burden on recording and administering — justified in view of what I understand to be the very small number of cases where warrants have been issued on false information or they have been out for an excessive period of time without being executed? In other words, is the huge additional cost justified by the relatively small number of warrants that are issued on inadequate or false evidence?

Ms WRIGHT — We are not convinced that the number of warrants that issue on the basis of inadequate or false evidence is that small. Perhaps false evidence might be small but perhaps the inadequate evidence issue is not that small. That is from the reports we receive. They are anecdotal of course, but it is very difficult to monitor that without the keeping of those sorts of records. We think it probably is worth the record-keeping exercise because I suppose in requiring the issuing magistrates to keep those records and to monitor themselves that means they are more aware of their role, and it makes them more careful in the exercise of that power they have.

The CHAIR — Are you suggesting just a keeping of a record or in fact a review of the execution? Presumably the record would, as you say, make the magistrate think carefully about the fact that it is on the public record that they issued a warrant in such circumstances. However, a review process goes beyond that. It would require a report back on the outcomes of the execution of the warrant, which conceivably could create an enormous workload given the hundreds of thousands of warrants which are issued in any jurisdiction — certainly in New South Wales and Victoria — every year. I am just trying to understand what you are proposing.

Ms WRIGHT — The record-keeping exercise obviously is necessary and does provide a reminder to magistrates of their duties and responsibilities. However, the review would add an

additional layer of protection to that. I appreciate that it would take resources to compile that review. The main thing is that there is transparency in the whole process so that records are kept and kept in a way that is easily monitored and easily audited, if you like to use that word, so perhaps the Bureau of Crime Statistics and Research will be able to get the statistics so it can do its own analysis of what that means, and if it is able to have access to that information, that may be a way of reviewing it. I am not pretending to be able to offer some solutions today; these are just ideas.

The CHAIR — What do you think about the requirement that an independent person be present at the execution of a warrant; does that provide some safeguard from your point of view?

Ms WRIGHT — Yes, it would. That would come at some cost, I would think, but yes, if that person is independent and the independence can be assured, it would offer some assistance in ensuring that warrants were carried out in a proper way, without due force and at not excessively late times of the night. I suppose the reason that the whole search warrants scheme has been put in place over the years is to ensure that members of the Australian public are not in fear of the authorities so that they can rest soundly at night without fear of being interrupted and their homes being invaded by the state. It is an extremely important comfort that we have in this country that that does not happen. For that reason it is really important to protect it.

Mr MAUGHAN — Are you aware, or is your organisation aware, of any particular magistrates who are seen to be softer in issuing warrants and that police use in preference to others who perhaps have a reputation of being more rigorous or more difficult to get a warrant from?

Ms WRIGHT — There are no names that we are given, but it tends to be a bit regional. It seems to be more in the country areas. The city courts tend to be a little more rigorous, we think. We do not quite know why that is. It might be the busyness of country areas. It might be because the magistrates there are looking at much broader areas. In the city there are a lot of magistrates able to deal with things and perhaps there is just a different awareness. There may be a different relationship in country areas between the magistracy and the police. We do not know why that is but that seems to be the case, from the reports we receive. We do not know why. They are just some ideas as to the reasons that might exist.

The CHAIR — Perhaps we might go back to the topic you raised with us, which was telephone warrants. You indicated that you thought there should be some safeguards or restrictions. Do you want to talk a little bit about that further?

Ms WRIGHT — Telephone warrants are something that the legal practitioners who speak to us are concerned about. It seems that those tend to be issued with perhaps less care than the standard warrant. The NSW Council for Civil Liberties believes that telephone warrants should only be used for emergency situations, and obviously there are circumstances where there is urgency, an emergency situation, and the police legitimately are required to use them.

The CHAIR — The legislation says that.

Ms WRIGHT — That is right, it does.

The CHAIR — Are you saying that the magistracy is not paying enough attention to that requirement?

Ms WRIGHT — Sometimes we think that the emergency is not quite as urgent as is being stated. They are the reports we are receiving, that the emergency situations are not as dire as the legislation would have anticipated.

The CHAIR — There is the urgent and practicable requirement in your legislation, so it requires more than just urgency. Do you believe the practicability requirement is not paid sufficient attention to?

Ms WRIGHT — Yes, we do think that, and there should be that balance. We think it should be retained; the practicability requirements should be in there. It is in there but we think it is more observed in the letter than in the practice.

The CHAIR — A number of issues came up in the course of the review. Do you want to highlight some of the council's major concerns arising out of that review?

Ms WRIGHT — I have probably raised most of those already. There is the concern in relation to the availability of covert warrants in drug enforcement matters. We believe firmly in the principle that people should be notified before their premises are searched, except in really exceptional circumstances. We have been very concerned to ensure that covert warrants are only available in very circumscribed circumstances. Another concern is the tendency in some areas, particularly regional areas, for arrest warrants to be executed on a Friday night, which means that people are held in custody over the weekend before they can come before a court. We are concerned about that apparent practice in some areas. That has been reported to us.

Mr MAUGHAN — Are there many examples of that? Is that widespread?

Ms WRIGHT — From the anecdotal reports, yes, we think it is widespread enough for us to be quite concerned about it. I believe it has been raised by the Aboriginal legal service and also some youth law people have made comment on that too. It is something that the community is concerned about. I would hope that might cease with the continuing education of police officers. I do not know whether it ever will, but education is one way of trying to address that. I know that in New South Wales there is currently a review of police education, and I think that is one of the areas that is being looked at. I would hope that something concrete comes out of that. It is really a matter of changing the culture within the police service.

The CHAIR — In relation to search warrants and the time periods for execution, the commonwealth legislation talks about a longer period of time — seven days — in which you can execute the warrant, as distinct from the more limited period in New South Wales. Do you have a view about that? There have been some arguments that from an operational point of view you might, in order to assemble the team that is necessary to undertake the search, to have the right personnel, equipment and so on, depending on the nature of the search, need longer periods of time. Does the council have any particular view on that in relation to the Search Warrants Act and the review of it?

Ms WRIGHT — Our sense of that is that the shorter periods in New South Wales are more appropriate than the seven days. If there is a requirement to assemble a team of people, that really should happen before the application for the warrant is made. So that is not really a justification for it, except in specific circumstances, and if there were particular circumstances, then there would be a discretion for the issuing magistrate to take that into account, or they can apply for a further warrant if they run out of time. It is really not difficult for them if they run out of time within the limit prescribed. It is not a difficult matter for them to simply make another application, and that effectively means that the warrant period is extended. It just means that there is that judicial oversight of the procedure, which we consider to be an important protection.

The CHAIR — What are your concerns about a longer time period of, say, up to seven days?

Ms WRIGHT — I suppose that covers the circumstances of where if a warrant was issued on a Monday it could take up to the Friday night to be executed — that is a search warrant, I suppose. But we feel that if a warrant is required, it should be acted on quickly, and if there is not that urgency then perhaps there is not the need for the warrant. And really the reason for the shorter periods is to ensure that there is judicial overview of what is going on in terms of execution of the warrant.

The CHAIR — What about the limitations on the times during the day in which a warrant can be executed? A number of witnesses have raised with us the need for some flexibility, given that once you start to undertake a search it can take some time and that may extend to a period of hours, which might take you beyond 9.00 p.m. at night. What is the view of the council about the current limitations on the period for a search?

Ms WRIGHT — The reason for the time limitations in terms of times of day and the hours within which the search takes place is to protect people from unnecessary interference with their daily business. For instance, if it is a search on a business premises and the police are there for a very long time carrying out their search, then it can really interfere with the running of that business, so they can really be at risk of losing quite a lot. So intrusion should be kept to a minimum. That is the principle.

The CHAIR — But if you are running a business you could start at 6.00 a.m. and still be going at 5.00 p.m. under the current rules, so you could disrupt the whole business day.

Ms WRIGHT — You could indeed. The other principle, of course, is that searches should not occur at night, because that is the protection of people's rights to live in peace in their homes. That is an important right to preserve. People should not be hearing a knock on their doors at night.

The CHAIR — Okay, I get a warrant as a police officer and I commence a search at 6.00 p.m., but I find that I am uncovering quite a lot of evidence and there is a lot more there than I thought; I have just opened up a double garage and it is full of stuff and the search will in fact take me 5 hours. What is your view about an extension beyond the 9.00 p.m. period at that point, with evidence having been discovered?

Ms WRIGHT — I suppose if the evidence can be secured on the premises without unduly restricting the inhabitants, then that is really what should happen, and the search can recommence the next day. If there are particular circumstances which really require a continuation, then there would be discretion on the issuing magistrate — on a telephone application, if it is really an emergency — for them to seek an extension of that time. But the time limits should stay. If an extension is required it can be requested, considered and properly done.

Mr MAUGHAN — What about for people who are clearly antisocial and, if you like, sleep all day and engage in their illegal activities at night? Should we be extending the — —

The CHAIR — Shift workers?

Mr MAUGHAN — Shift workers, yes. Those who are involved in whatever it is — drug making, drug dealing, and a whole range of other activities we can think about — people who have no regard for the rights of the vast majority in the community. Should we then extend the same privileges and protection, where there is good evidence that those people are antisocial in their behaviour and that it would assist police to gather evidence if they were given search powers after hours?

Ms WRIGHT — If there is good evidence that the only time the police are going to be able to find the evidence that they require is at night, then if they are able to show those exceptional circumstances I would think it would be within the discretion of the issuing authority to issue a warrant. But the ordinary rules should be there to protect the majority of the community who are not in that class. Search warrants, of course, do not occur just on the premises of criminals; they occur on the premises of people who the criminals associate with and who might have no knowledge whatsoever of the criminal activities of the person the police are seeking to gather evidence about.

The CHAIR — What about the right of re-entry? Examples have been raised with us of where you might conduct an initial search and come across electronic equipment that requires

specialist operation in order to ascertain whether there is relevant evidence that ought to be taken, and you have to get specialist skilled operators there so you have to cease the search and then come back. It has been suggested that you ought to be able to get the right to at least one re-entry via a telephone authorisation. What is the view of the council on that?

Ms WRIGHT — Our view is that if you are going seek a telephone authority for a right of re-entry, you really ought to just apply for a new warrant on the same grounds, on the grounds of seeking a further warrant for the same premises. ‘We have got reasonable grounds that there is evidence in there, we have conducted a search — —

The CHAIR — ‘We have been on the premises and we have been there with the knowledge of the occupier, and obviously this equipment is a highly probative piece of potential evidence and we do not want the occupier to remove it or tamper with it in any way — —

Mr MAUGHAN — ‘Before we get our next warrant’.

The CHAIR — ‘Before we get our next warrant and we are able to — —

Ms WRIGHT — Again, it can be done over the telephone in those emergency circumstances, and a telephone warrant can be issued, because that would be a circumstance the issuing authority would take into account. If there was a real likelihood that the person whose premises were being searched would tamper with that evidence, that would be a circumstance where the issuing authority would be satisfied that there is a need for a telephone warrant to issue. In other circumstances, of course, the piece of equipment could be secured in some way without unduly hampering the business.

The CHAIR — Have you any comments on part 3A of LEPR, which is in relation to the capacity of the police to question a suspect at the place of the search, to read them their part 10A rights, and in effect to conduct a kind of questioning that they might otherwise have normally conducted at a police station?

Ms WRIGHT — Our view, of course, is that that really should happen at the police station and it should not happen without proper cause during the course of a search. If the police have questions to ask of a person of interest, they should be taking that person to the police station and doing it in a controlled environment. The problem with doing it at the site of a search is that the potential for conflict can occur. The potential for that kind of confrontation becomes greater if it is occurring in the heat of the moment without proper monitoring. We are much happier and much more comfortable with the notion that questioning takes place in a more controlled environment unless absolutely necessary in a particular circumstance.

The CHAIR — We have talked a lot so far about the search for things. Obviously warrants also relate to the arrest of persons. You probably saw from our discussion paper that warrants can be issued under the Children and Young Persons Act, the Mental Health Act and so on. Do you have any particular views or comments on the execution of warrants in those circumstances or any views that you would like to share with us?

Ms WRIGHT — The main thing is when dealing with vulnerable members of the community, whether they be people with mental disabilities or children, or indeed members of particular communities such as Aboriginal people, great care needs to be taken in the way that those powers are exercised. The first thing is people should be asked if they will cooperate before warrants are issued and before coercive measures are taken. We need to make sure there is proper education of the enforcing authorities in relation to those vulnerable members of the community. I know the Aboriginal legal service and some representatives of young people before the law have indicated some quite strong concerns about the way that happens in practice. There is also fine enforcement and the like with those members of the community. In New South Wales — and I read in your discussion paper that it has been raised in Victoria too — people end up in jail

because of fine default because of those sorts of warrants issuing and people being taken into custody. We are concerned about that.

Mr MAUGHAN — Do you have any suggestions how that might be resolved? People who are homeless or move frequently do not get notices of fines and the follow-up ones and ultimately a warrant is issued for their arrest and they have not received previous notices. Do you have any ideas how that could be dealt with?

Ms WRIGHT — It is perennially difficult. It is very difficult to deal with that situation, but what needs to happen is if someone is taken into custody where they are a person of no fixed address, a young person, an Aboriginal person who is moving around a lot, or if they are apprehended on a warrant, it is vital that they be brought before a court as soon as practically possible. Police should be aware when they are executing those sorts of warrants not to do it on a Friday night, but to make sure they are doing it during the day on a weekday when the courts are available to hear that person's story immediately so they are not unnecessarily held in custody. Those would be our recommendations — just a practical recommendation in that sense. Again, education and culture change within the enforcing authorities are what is needed there to make sure that the needs of particular members of the community are addressed and properly considered.

The CHAIR — Can I just take you back to the issue of covert warrants? I understand they have been proposed by the crimes commission here in New South Wales in relation to drug offences and organised crime. I am not entirely clear whether that has been incorporated into the new search warrants provisions in LEPR. You indicated that the council for civil liberties would countenance that in relation to those matters, is that what you are saying?

Ms WRIGHT — We do not countenance covert warrants really under any circumstances unless it is absolutely imperative that it remain covert. We are yet to be convinced that there are very many circumstances where that would occur.

The CHAIR — Are you able to detail the circumstances in which you would regard it as imperative? I was just trying to clarify whether you are opposed to covert warrants absolutely as a matter of principle or whether the council had a view that they were acceptable in certain circumstances, and I was trying to tease out what those circumstances were if that was the case.

Ms WRIGHT — I do not think I meant that. I think I was referring to the proposal that they be allowed to be used. Without checking the legislation I cannot recall whether it was brought in in the end — I know we opposed it.

The CHAIR — So you opposed those proposals at the time?

Ms WRIGHT — Yes. We think that notice of intended search is an important safeguard and in its absence the potential for abuse is quite high.

Mr MAUGHAN — And yet you said that under certain extreme circumstances you could countenance it.

Ms WRIGHT — I cannot imagine what those extreme circumstances could be yet.

Mr MAUGHAN — Threatened terrorism, for example?

Ms WRIGHT — If it was actually threatened and there was real evidence of it, that could possibly give rise to a circumstance but there would have to be real evidence that it was going to happen and not just conjecture or a reasonable belief that it might.

The CHAIR — Part of the purpose for undertaking a search is you might have a reasonable suspicion or belief that there might be evidence in relation to a particular offence that you want to gather.

Mr MAUGHAN — And when the airliner blows up the next day you know you were right.

The CHAIR — Noel has quite rightly raised the issue of terrorism because the issue of covert warrants was examined in relation to antiterrorist legislation in Victoria. An example another witness gave to this inquiry today is of the organised drug cartel which is manufacturing drugs and you want to be able to collect the evidence at a critical point in the time of manufacture or distribution so that you actually have evidence against a maximum number of members of that particular drug ring. You want to be able to go in covertly in order to ascertain what point in the process they are up to in order to be able to then execute a warrant at the right time to break that drug ring. Would that be something the council would consider to be one of those circumstances? You do not have to have a view.

Ms WRIGHT — I do not think the council for civil liberties would share that same concern. We are really of the view that the risks of covert search warrants are so great that just the fact that they might make law enforcement easier in that sense is not a reason for introducing them. That balance between the rights of the individual to carry out their proper business without fear of interference and intrusion against the state's right to investigate and prosecute the crime has to be kept, and we think covert warrants tip that balance much too far in favour of the state.

The CHAIR — Do you have any evidence of covert warrants being issued by default in the sense that a warrant is issued, the premises are under surveillance, they wait until the occupier is not there and then go in and search and leave again without the occupier ever being aware that in fact the premises have been searched?

Ms WRIGHT — Of course we do receive anecdotal reports of that happening not infrequently, and I think really that the police's capacity to conduct searches without effectively notifying the occupier of the premises being searched does occur in any event under the current regime without the need for enshrining covert warrants in the legislation.

Mr MAUGHAN — Should we allow that unauthorised entry to continue rather than formalise it where we are authorising covert entry?

Ms WRIGHT — The courts, of course, when they are presented with evidence that has been gathered under circumstances where the law has not been complied with, have a discretion to accept or reject that evidence, and in our view the courts tend to use their discretion pretty well in that sense. They look at the circumstances and whether it was reasonable for that to have occurred. We think that kind of oversight of what is going on now works better. Really, if you authorise covert warrants in legislation it just opens the door for that outweighing of the balance that I was talking to you about before, whereas now the police in urgent circumstances can gather that evidence in the way we have discussed, and the courts then decide whether that evidence should be admissible. If there has been a real abuse by the police in those circumstances, then of course the police officers may find themselves in trouble in terms of committing an offence. We think the system as it works now is preferable to legislating for covert warrants.

The CHAIR — In general, in terms of LEPR did the council make submissions in relation to that act, and in terms of the bill that was passed but not yet proclaimed, were you happy overall with the balance in terms of powers and responsibilities under that act?

Ms WRIGHT — We hold some concerns still in relation to LEPR. Obviously part 4 deals with powers without warrants, part 11 deals with sniffer dogs, and 26 deals with the searching of children in schools. We have concerns about all those areas. We would, if you would like, be happy to provide you with a few written comments on our concerns about LEPR.

The CHAIR — That would be excellent.

Ms WRIGHT — I will deal with that.

The CHAIR — Pauline, in terms of our questions I have covered most of the things I wanted. Presumably you have some more detailed comments in your submission. Are there any other things you particularly wanted to cover with us today?

Ms WRIGHT — The only other thing I wanted to raise was the practice of imaging computer hard drives under warrant and the lawfulness or otherwise of that. It has been raised with us that that can really give rise to quite a gross intrusion of people's privacy because a computer is really like a filing cabinet which holds all sorts of records. Police, when searching a filing cabinet, would only be seizing particular documents that went to the offence they were investigating, whereas taking a copy of the whole hard drive of a computer is like taking a copy of every single document in the filing cabinet, some of which might relate to the medical history of the wife or children of the person being searched, or any other commercially sensitive information. We consider that to be a gross intrusion of people's privacy.

The CHAIR — How do you overcome that?

Mr MAUGHAN — How would you do it particularly in that time available, where there is such a mass of information on the hard drive and they have to sift through it in the limited time they have available under their search warrant?

Ms WRIGHT — It is obviously a vexed issue, as you pointed out. It is a very difficult thing to do, but what really has to happen is that an independent expert be appointed to search the hard drive of the particular computer to find those documents which are relevant to the police inquiry, to ensure that proper safeguards are there for the nondisclosure of any other information that is found by that independent person during the course of that process and to ensure that there is no duplication or publication of any sensitive material, just ensuring that those safeguards are there. That is really all I think you can do.

Mr MAUGHAN — That sounds a workable proposition.

Ms WRIGHT — That was probably the only other issue we had not covered that I wanted to raise with you. Legal professional privilege in New South Wales was a question that you were wanting to address. In New South Wales, of course, there is a protocol in place between police and the legal profession which I think the legal profession seems to be fairly happy with, as does the police service, so we would recommend that you have a look at that if you are looking at changing yours. I do not know how yours compares with New South Wales, but from my perspective as a lawyer, it works and the feedback from my legal colleagues on the criminal law committee is that it works quite well. There is a pretty cooperative relationship there. Legal practitioners are, of course, required to comply with the law otherwise they are committing an act of professional misconduct. So if they do the wrong thing they are subject to review as well. The protocols that are in place in New South Wales pretty much protect the confidentiality of the solicitor-client relationship as well as general legal professional privilege.

That is probably all I wanted to raise. I carefully read your discussion paper and thought that a lot of the principles in there about the protections that are required were pertinent and important. Thank you.

The CHAIR — Thank you very much for your time and for your input. I am sure if the secretariat has some follow-up questions it will get in touch with you and ascertain the views of the council. Thank you for taking the time to talk to us today.

Ms WRIGHT — Thank you for having me here.

Committee adjourned.