



21 Jan 2010

Sub 21

The Chair,  
Legislative Committee  
c/o Parliament House  
Perth WA 6000

Dear Chairperson,

I oppose "Criminal Investigation Amendment Bill 2009".  
Section 70A(2) which limits a prescribed area to be in force for a maximum period of 12 months does not rule out the possibility that a new period following the first period may be put in force. Clearly the provision does not prevent additional periods to apply so long as the provision in Section 70B(d) is complied with ie that a reason is given.

There is no clarification of what shall be considered a reason. What standard of evidence will be necessary to satisfy the Minister that the reason is valid or what criteria the Minister has set down as sufficient to accept any application to prescribe an area from the Commissioner. The wording leaves too much latitude for interpretation. More rigour is needed. As a citizen living under such a regime I would feel vulnerable and at a loss to know where I stood legally.

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✓ As someone who frequents Northbridge weekly I would resent being stopped for a "basic search" when according to Section 70A(4)(a) the proposed legislation no reason need be stipulated by the officer and what is the definition of what a "basic search" is limited to.

It may be said that an officer would not execute a search without an actual reason. I wouldn't be satisfied with a law that does not demand a satisfactory reason based on evidence - not an assumption on the part of the officer or a "hunch".

Saying someone "behaved suspiciously" or "looked suspicious" without a requirement for a qualified explanation of what constitutes "suspicious" cannot be acceptable.

This would allow officers too much scope for indulging in the exercise of personal bias or vindictiveness toward certain types, age groups, odd lifestylers that seem strange, eccentric, quirky or in some way unorthodox which could be construed as "suspicious". Officers should only act on clear visible or auditory evidence. This legislation would encourage unbridled indulgence by less disciplined officers seeking outlets for their own subjective views victimising innocent citizens who otherwise would escape unnecessary harassment.

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3/ Section 70A(4)(c) allows an officer to seize anything that the officer finds that the officer reasonably suspects does or may endanger the place or people who are in or may enter it.

Given that it is possible to stop a person without cause and assuming for the moment that said person has not been found to be breaking any law a search of his/her vehicle may be made and if items are discovered such as tools, sports equipment or any other item which could conceivably be used to harm someone, these items could be seized and held and only surrendered to the owner when "practicable" - a rubbery term.

Even if the person detained has not actually committed an offence he/she could technically be charged with harbouring an implement likely to be used in the commission of an offence. Whatever the outcome of such an encounter it would constitute a gross invasion of a persons ordinary right to uninterrupted freedom from harassment on the public footpaths and streets. I recommend the Bill be disallowed.

Thank you

V. Sammut

VINCENT SAMMUT

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