



LEGISLATIVE ASSEMBLY
FOR THE AUSTRALIAN CAPITAL TERRITORY

STANDING COMMITTEE ON JUSTICE AND COMMUNITY SAFETY

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Submission Cover Sheet

Inquiry into Supreme Court Amendment Bill 2023

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AFPA

Australian Federal
Police Association

Inquiry into Supreme Court Amendment Bill 2023

Standing Committee on Justice and Community Safety

Submission by the Australian Federal Police Association

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Introduction

The Australian Federal Police Association (AFPA) welcomes the opportunity to participate in the *inquiry into the Supreme Court Amendment Bill 2023* and thanks the Standing Committee on Justice and Community Safety (the Committee) for their consultation.

The AFPA grants permission to publish this submission.

The AFPA

The AFPA is a registered organisation and an autonomous sub-branch of the Police Federation of Australia. The AFPA represents the industrial, political, and professional interests of members of the Australian Federal Police ("the AFP"), law enforcement officials in the Australian Criminal Intelligence Commission, and members of the Department of Parliamentary Services.

Our members provide an essential service to Australia. They are the backbone of the Commonwealth's principal law enforcement agency, performing crucial investigative, intelligence and national security functions.

The AFP is responsible for the following:

- providing community policing services to the Australian Capital Territory and other territories, including Christmas Island, Cocos (Keeling) Islands, Norfolk Island and Jervis Bay,
- enforcing Commonwealth laws that combat complex, transnational, serious and organised crime, child exploitation, fraud, corruption, and cybercrime,
- protecting Australians and Australian interests from terrorism and violent extremism,
- removing wealth and property from criminals that have been illegally obtained,
- protecting Commonwealth infrastructure, including designated airports, Parliament House, and embassies,
- protecting domestic and foreign dignitaries, including the Governor-General, Prime Minister, and ambassadors,
- protecting at-risk individuals,
- representing Australian police and law enforcement at an international level, and
- developing unique capabilities and exploiting advanced technology to support Australia's national interests.

Background

The *Supreme Court Amendment Bill 2023* (the Bill) was presented in the ACT Legislative Assembly on 10 May 2023 and referred to the Committee for inquiry.

The Bill calls for creating a new right to challenge any criminal conviction with fresh and compelling evidence.

AFPA assessment of the Supreme Court Amendment Bill 2023

The AFPA has reviewed and supports the Bill.

Even though false convictions and miscarriages of justice are uncommon, the Bill will guarantee that the individual who has been convicted will have a right to appeal in cases where fresh and compelling evidence surfaces that reveal a conviction was incorrect, even if all other avenues of appeal have been exhausted.

Human rights, such as the right to a fair trial and rights in criminal procedures, would also be supported by the Bill.

The AFPA believes it is crucial to recognise that any additional opportunity to appeal a conviction would likely affect victims of crime because it will likely lengthen the legal process and put the victim under more stress and anxiety owing to the uncertainty of the outcome.