

Law Council calls for action on terrorism laws report

The Law Council of Australia has welcomed the tabling of the first report by the Independent National Security Legislation Monitor, Mr Bret Walker SC.

Law Council of Australia President, Ms Catherine Gale said the Law Council has been calling for a review of Australia's terrorism laws for over 10 years.

"Mr Walker's report is an extremely valuable step in the process of undertaking a comprehensive independent review of Australia's terrorism laws," Ms Gale said.

The report identifies a number of issues which the Monitor will examine in detail this year including examining provisions for questioning and detention of persons by the Australian Security Intelligence Organisation (ASIO); criminal procedures in relation to terrorism suspects; the use of preventative detention and control orders; key definitions in terrorism offences; and the conduct of terrorism trials.

Ms Gale said the Law Council particularly welcomes Mr Walker's identification of matters of principle fundamental to continuing scrutiny of terrorism laws such as Australia's obligations to combat global terrorism and its obligations to uphold individual rights such as the right to a fair trial.

"The report sets out the extraordinary nature of Australia's terrorism laws and notes some provisions are subject to compulsory review by 2015 by virtue of 'sunset clauses' inserted into the legislation in recognition of their exceptional nature.

"The sunset provisions in Australia's terrorism laws underlines the importance of the Monitor's continuing work," Ms Gale said.

The Law Council supports the Monitor's view that his provisional agenda for the next year or so will be considerable and that he will require further administrative assistance.

"The Law Council has previously raised the necessity for adequate resources for the Monitor and calls on the Commonwealth Government to allocate further resources to support this important work," Ms Gale said.

The report also notes the referral of powers by state and territory governments to support terrorism provisions in the Commonwealth Criminal Code. This referral arose from the Council of Australian Governments (COAG), which also committed to a review of certain terrorism provisions to commence in December 2010

"While Mr Walker did not specifically address this matter, the Law Council calls on COAG to urgently commence this review, which would complement the Monitor's valuable work," Ms Gale concluded.

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