

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.3

Question No. 53

Senator Stott-Despoja asked the following questions at the hearing on 23 May 2007:

- a) Since 2001, there have been over 40 pieces of security and counter-terrorism measures legislated. Can the Attorney-General's Department specify how many more pieces of counter-terrorism/security legislation are planned for 2007? How many counter-terrorism/security laws are planned for 2008?
- b) Some of the counter-terrorism/security laws have been in place for five years. Which of these Acts has never had a prosecution mounted under it? When will the unused laws be taken off the statute books?

The answers to the honourable senator's questions are as follows:

- a) Any decisions to introduce additional counter-terrorism or security legislation are a matter for the Government.

As part of its role in ensuring the effectiveness of counter-terrorism laws, the Government is continually reviewing existing laws as well as considering the need for additional legislation.

The Government will announce its proposals for new legislation when or if it is required.

- b) The following Acts, which contain counter-terrorism and security offences, have been in place for five years:
 - *Security Legislation Amendment (Terrorism) Act 2002* ('the SLAT Act')
 - *Suppression of the Financing of Terrorism Act 2002* ('the Terrorism Financing Act')
 - *Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002* ('the Terrorist Bombings Act')
 - *Criminal Code Amendment (Espionage and Related Matters) Act 2002* ('the Espionage Act')

Prosecutions have been pursued for a range of offences under the SLAT Act and the Terrorism Financing Act.

No charges have been laid for offences under the Terrorist Bombings Act or in relation to the updated espionage offence introduced by the Espionage Act. The absence of prosecutions under these Acts to date does not indicate that these laws are not needed. The Terrorist Bombings Act gives effect to the *International Convention for the Suppression of Terrorist Bombings* to which Australia is a party.

The operation, effectiveness and implications of the package of counter-terrorism legislative reforms passed in 2002 have been reviewed by the Security Legislation Review Committee (SLRC) chaired by retired Supreme Court Judge the Hon Simon Sheller AO QC, and by the Parliamentary Joint Committee on Intelligence and Security (PJCIS). This package included

the SLAT Act, Terrorism Financing Act and Terrorist Bombings Act.

The SLRC and the PJCIS found that the current level of threat to Australia and Australian interests from terrorist activity justified the continuing need for counter-terrorism legislation, and the need for specific terrorism offences.