

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

Sub Program 2.1.4

Question No. 71

Senator Barnett asked the following question at the hearing on 19 October 2009:

In relation to Government plans to change anti-terrorism laws to give police powers to enter premises without warrants;

- a) has public comment for these changes now closed,
- b) what sections of the community were consulted prior to this proposal being put forward,
- c) could you provide a status update on the proposal to establish the position of a national security legislation monitor,
- d) what information is there to suggest that current anti-terrorism laws are not working, and
- e) has a date been set for the release of the Government's anti-terrorism white paper?

The answer to the honourable senator's question is as follows:

- a) A proposal to amend the *Crimes Act 1914* (Cth) to provide police with the power to enter premises without a warrant in emergency circumstances was included in the Government's Discussion Paper on proposed amendments to National Security Legislation. Public comment on the Discussion Paper closed on 9 October 2009.
- b) Sections of the community were not consulted prior to this proposal being included in the Discussion Paper. Any interested sections of the community were able to comment on the proposal by making a submission on the Discussion Paper.
- c) The National Security Legislation Monitor Bill 2009 was introduced in the Senate on 25 June 2009 and was referred by the Senate to the Senate Finance and Public Administration Legislation Committee. The Committee tabled its report on the Bill on 7 September 2009, recommending that the Bill be passed subject to a number of recommendations. The Government is considering its response to the recommendations.
- d) The Discussion Paper contains amendments which implement the Government's response to several independent and bipartisan parliamentary committee reviews of Australia's national security legislation. The recommendations of these reviews largely dealt with the need to provide clarification and in some cases additional safeguards in relation to the exercise of law enforcement and investigatory powers. Practical experience with the national security legislation has also identified areas where it could be improved. For example, the Discussion Paper contains proposals to clarify and improve the *National Security Information (Criminal and Civil Proceedings) Act 2004* (Cth), following its application in several terrorism trials.
- e) No date has been set for the release of the Counter-Terrorism White Paper.