



ACT DEPARTMENT OF JUSTICE
& COMMUNITY SAFETY

Consultation Arrangements

Exposure Draft: Terrorism (Extraordinary Temporary Powers) Bill 2005

The exposure draft is based on an agreement between the Commonwealth, State and Territory Governments adopted at the special meeting of the Council of Australian Governments (COAG) on counter-terrorism held in Canberra on 27 September 2005. At the meeting, COAG considered the evolving security environment in the context of the terrorist attacks in London in July 2005 and agreed that there was a clear case for Australia's counter-terrorism laws to be strengthened. Leaders agreed that any strengthened counter-terrorism laws must be necessary, effective against terrorism, contain appropriate safeguards against abuse (such as parliamentary and judicial review), and be exercised in a way that is evidence-based, intelligence-led and proportionate.

The ACT Government wishes to develop legislation in accordance with the COAG agreement in recognition of the clear need for laws to combat terrorism. However, the Government is committed to fully implementing United Nations resolutions relating to terrorism by adopting counter-terrorism measures that are consistent with international human rights obligations. In particular, the Government is committed to taking measures to protect our community against terrorist activity that respect and promote the values reflected in, and the rights and freedoms guaranteed by, the International Covenant on Civil and Political Rights.

In developing these extraordinary temporary measures, the Government considers that it is critical that Australia's fundamental legal principles (such as the rule of law, respect for the legal process, the separation of powers, and respect for human rights) be preserved.

The exposure draft of the Bill can be accessed on the ACT Government Legislation Register (<http://www.legislation.act.gov.au/>). An explanatory statement is not available for the Bill.

The exposure draft has been referred to the Standing Committee on Legal Affairs. Details of the Standing Committees' call for public comment will be available on the Legislative Assembly website (www.parliament.act.gov.au) shortly.

All submissions on the exposure draft should be addressed to the Committee.