

Background

- 1.1 In 2002 the Commonwealth Parliament passed a package of security and counter terrorism laws to strengthen Australia's capacity to respond to the threat of international terrorism.¹ The legislation established a suite of personal and terrorist organisation offences and an executive power to proscribe an entity as a 'terrorist organisation' under the *Criminal Code Act 1995* (the Criminal Code).
- 1.2 The Committee is required to review the operation, effectiveness and implications of the proscription regime and to report to each House of the Parliament and to the Minister as soon as possible after March 2007.²
- 1.3 In 2005 the Government established the independent Security Legislation Review Committee (SLRC) under the chairmanship of the Honourable Simon Sheller AO QC.³ The Committee is required to take account of the report of the SLRC, reference is therefore made

1 *Security Legislation Amendment (Terrorism) Act 2002; Suppression of the Financing of Terrorism Act 2002; Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002; Border Security Legislation Amendment Act 2002; Telecommunications Interception Legislation Amendment Act 2002; Criminal Code Amendment (Terrorism) Act 2003.*

2 Subsection 102.1A(2) of the Criminal Code.

3 Subsection 4 (9) of the *Security Legislation (Terrorism) Act 2002*. Membership of the SLRC included: Mr Ian Carnell (Inspector-General of Intelligence and Security); Ms Karen Curtis (Commonwealth Privacy Commissioner); Mr Graeme Innes AM – (Human Rights Commissioner); Professor John McMillan (Commonwealth Ombudsman); Mr John Davies APM OAM (former ACT Chief of Police and nominee of the Attorney General); Ms Gillian Braddock SC (Law Council of Australia) and Mr Dan O'Gorman (Law Council of Australia).

throughout the report to the findings and recommendations of the SLRC relevant to this review. The Committee has also drawn on its own experience of reviewing the listing of 'terrorist organisations', a function it has discharged on behalf of the Parliament since 2004.

- 1.4 The inquiry was advertised generally on 18 November 2006 and published on the Parliament House website on the same date. In November and December 2006 the Committee wrote to relevant Ministers, the Premiers of each of the States and Territories and a wide range of non-government organisations, academics and individuals with an interest in the subject matter. Twenty-nine written submissions were received and all are published on the Committee's website. The Committee also took evidence in public from twenty witnesses during one and a half days of hearings held on 3 and 4 April 2007 conducted in Parliament House, Canberra.