

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

**Sub Program 1.2.4**

**Question No. 7**

**Senator Barnett asked the following question at the hearing on 8 February 2010:**

In answer to Question 7 from Supplementary Budget Estimates October 2009, the Australian Human Rights Commission indicated that it considered Australia to be in breach of a number of its international obligations regarding anti-terror laws:

- a. Does the Department agree with the assessment by the AHRC? If not, why not?
- b. Does the Department consider Australia to be in breach of any of its international obligations? If not, what are they?
- c. For all areas where the Department considers Australia to be in breach of its international obligations, please identify the relevant general area of law, the relevant international instrument(s), the relevant pieces of domestic legislation and the action needed to bring Australia into international compliance.

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

Consistent with long-standing practice, it is not appropriate for the Department to disclose legal advice to the Government or provide legal advice to the Committee. That said, it has been the policy of successive governments to ensure that Commonwealth legislation complies with Australia's international obligations.