

SENATE LEGAL AND CONSTITUTIONAL LEGISLATION COMMITTEE
ATTORNEY-GENERAL'S DEPARTMENT

Output 2.2

Question No. 68

Senator Stott-Despoja asked the following question at the hearing on 31 October 2005:

Has the Attorney taken advice on the constitutionality of subjecting a person to control orders for renewable periods of up to 12 months, which are potentially punitive measures (restricting freedom of movement, association, expression)?

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

Yes. While it is not appropriate to discuss the legal advice to government in relation to this legislation, I can say that the Chief General Counsel was involved in the development of the proposals and regularly provided advice on all relevant aspects of the package. On the basis of that advice, and advice from the Solicitor-General, the Government is satisfied about the constitutionality of the measures in the Anti-Terrorism Bill 2005.