



Attorney-General - Philip Ruddock

Centre for International and Public Law

**International and Public Law Challenges
for the Attorney-General**

**Law Lecture Theatre, Corner of Fellows & East Roads
Australian National University
Tuesday, 8 June 2004 at 12.30pm**

CHECK AGAINST DELIVERY

ACKNOWLEDGEMENTS

- FIRSTLY, MAY I ACKNOWLEDGE THE TRADITIONAL OWNERS OF THE LAND WE MEET ON - THE NGUNNAWAL PEOPLE - AND PAY MY RESPECT TO THEIR ELDERS, BOTH PAST AND PRESENT.

OTHER ACKNOWLEDGEMENTS

- PROFESSOR HILARY CHARLESWORTH - DIRECTOR OF THE CENTRE FOR INTERNATIONAL AND PUBLIC LAW.
- PROFESSOR MICHAEL COPER - DEAN AUSTRALIAN NATIONAL UNIVERSITY LAW SCHOOL.

[INTRODUCTION]

1. THE MAINTENANCE OF LAW AND ORDER, THE PROMOTION OF GOOD RELATIONS BETWEEN COUNTRIES AND THE PROTECTION OF HUMAN RIGHTS HAVE ALWAYS RELIED ON THE STRONG, INDEPENDENT AND OBJECTIVE RULE OF LAW.
2. THE RESPECT WE SHOW FOR THE LAW AND OUR DETERMINATION TO APPLY IT EVENLY, RATIONALLY AND

THOUGHTFULLY SAYS A GREAT DEAL ABOUT OUR SOCIETY.
THE WAY WE USE THE LAW IS A REFLECTION OF OUR VALUES
AND IDEALS.

IT IS A REFLECTION OF THE SORT OF SOCIETY WE ARE - AND THE
SORT OF SOCIETY WE WANT TO BE.

3. THE LAW HAS IMMENSE POWER.

IT CAN CHANGE LIVES.

IT CAN CHANGE THE COURSE OF HISTORY.

AS GUARDIANS OF THE LAW, ALL GOVERNMENTS HAVE A
DUTY TO EXERCISE THIS POWER IN A RESPONSIBLE MANNER.

4. IN TIMES OF PEACE AND STABILITY THIS DUTY IS RELATIVELY
EASY TO FULFIL.

IT IS IN TIMES OF TURMOIL AND CONFLICT THAT OUR ABILITY
TO USE THE LAW WISELY AND FOR THE COMMON GOOD IS PUT
TO THE GREATEST TEST.

5. WE NOW LIVE IN A PERIOD OF IMMENSE CHANGE AND
TURBULENCE.

INDEED THE ENTIRE INTERNATIONAL COMMUNITY IS
CONFRONTED BY THE SCOURGE OF TERRORISM.

6. THE TERRORISTS ARE DRIVEN BY IDEOLOGICAL OBSESSION AND
A DESIRE TO DESTROY WESTERN LIBERAL DEMOCRATIC
SOCIETIES.

THEY WANT TO WAGE WAR AGAINST ALL THOSE WHO DO NOT
CONFORM TO THEIR PERVERTED AND CORRUPTED VIEW OF
ISLAM.

7. ALL COUNTRIES AND PEOPLE WHO VALUE PEACE AND
FREEDOM ARE TERRORIST TARGETS.

AT THE SAME TIME WE HAVE ALSO BECOME ALLIES IN THE
FIGHT AGAINST TERRORISM.

8. THE OTHER GREAT CHALLENGE CONFRONTING THE WORLD IS THE DECLINE OF LAW AND ORDER IN MANY SMALL NATIONS.
9. WHEN DEMOCRATIC PROCESSES BREAK DOWN, WHEN GOVERNANCE IS POOR OR CORRUPT AND WHEN THE RULE OF LAW IS UNDERMINED, A FERTILE ENVIRONMENT IS CREATED FOR TRANSNATIONAL CRIME, ORGANISED CRIME AND TERRORISM.
10. TODAY I WANT TO TALK ABOUT THE POSITIVE WAY WE ARE USING THE LAW TO FIGHT TERRORISM BOTH INTERNATIONALLY AND AT HOME.
I ALSO WANT TO OUTLINE HOW WE ARE USING THE LAW TO FOSTER GOOD GOVERNANCE AND TO PROMOTE STABILITY IN OUR REGION.
11. THE LAW CONTINUES TO BE THE MOST POTENT, FORCEFUL AND EFFECTIVE WAY TO RESOLVE CONFLICT AND TO PROMOTE PEACE AND PROSPERITY.

[INTERNATIONAL RESPONSE]

12. TERRORISM IS A GLOBAL PHENOMENA AND IT REQUIRES A GLOBAL RESPONSE.
13. THE INTERNATIONAL COMMUNITY NEEDS A COMPREHENSIVE NETWORK OF LAWS AND CONVENTIONS TO ENSURE THAT THE TERRORISTS HAVE NO SAFE HAVEN TO SEEK REFUGE, NO LOOPHOLES TO EXPLOIT AND NOWHERE TO HIDE.
14. THE WORK OF THE UNITED NATIONS REPRESENTS THE INTERNATIONAL COMMUNITY'S FIRST AND BROADEST RESPONSE TO TERRORISM.
15. THE UN HAS BEEN ACTIVELY FIGHTING AGAINST INTERNATIONAL TERRORISM FOR MANY YEARS.

TOGETHER WITH ITS AGENCIES, IT HAS DEVELOPED THE LEGAL INSTRUMENTS NECESSARY TO COMBAT THIS SERIOUS THREAT.

16. AUSTRALIA'S SUPPORT FOR THE UN AND ITS VANGUARD ROLE AGAINST TERRORISM IS REFLECTED BY THE FACT THAT WE ARE NOW PARTY TO 11 OF THE 12 UN PROTOCOLS RELATING TO TERRORISM.
17. AFTER SEPTEMBER 11 WE IMPLEMENTED THE INTERNATIONAL CONVENTION FOR THE SUPPRESSION OF THE FINANCING OF TERRORISM.
18. THIS INVOLVED ENACTING LEGISLATION TO PREVENT THE MOVEMENT OF FUNDS FOR TERRORIST PURPOSES AND TO ENHANCE THE EXCHANGE OF FINANCIAL INFORMATION BETWEEN COUNTRIES.
19. WE HAVE ALSO IMPLEMENTED THE INTERNATIONAL CONVENTION ON THE SUPPRESSION OF TERRORIST BOMBINGS. TO DO THIS WE ENACTED LEGISLATION THAT CREATES OFFENCES AGAINST THE USE OF EXPLOSIVE OR LETHAL DEVICES.
20. AND TO CONTRIBUTE TO THE ONGOING INTERNATIONAL EFFORT TO MAKE THE RESPONSE TO TERRORISM AS WIDE-RANGING AS POSSIBLE, AUSTRALIA IS PART OF A UN WORKING GROUP THAT IS NEGOTIATING THE COMPREHENSIVE CONVENTION ON TERRORISM.
21. THIS CONVENTION WILL OBLIGE STATE PARTIES TO CREATE A TERRORISM OFFENCE AND TO COOPERATE WITH EACH OTHER IN BRINGING PERSONS WHO COMMIT TERRORISM TO JUSTICE.

[REGIONAL APPROACH]

22. THE AUSTRALIAN GOVERNMENT HAS ALSO BEEN ACTIVE AT A REGIONAL LEVEL.
OUR BROAD OBJECTIVES ARE TO HELP MAKE THE REGION SAFE AGAINST TERRORISM AND TO PROMOTE STABILITY AND GOOD GOVERNANCE.
23. THESE GOALS ARE MUTUALLY REINFORCING AND OUR APPROACH IS BASED ON STRAIGHTFORWARD PRINCIPLES.
24. FIRSTLY, WE AREN'T LOOKING TO DICTATE OR LECTURE OTHER COUNTRIES ABOUT WHAT THEY SHOULD AND SHOULD NOT BE DOING.
PROTECTING THE REGION AGAINST TERRORISM REQUIRES A COORDINATED EFFORT BY ALL GOVERNMENTS.
THIS COORDINATION CANNOT BE ACHIEVED BY COERCION OR PONTIFICATING.
IT WILL ONLY BE ACHIEVED BY ALL GOVERNMENTS HAVING THE COMMITMENT AND RESOLVE TO PUT THE NECESSARY MEASURES IN PLACE.
25. OUR APPROACH TO ACHIEVING A COORDINATED RESPONSE IS BASED ON MUTUAL RESPECT AND A MUTUAL APPRECIATION OF EACH COUNTRY'S SKILLS, ATTRIBUTES AND PARTICULAR CIRCUMSTANCES.
26. HAVING SAID THIS, WE DON'T SEE OUR ROLE AS A PASSIVE ONE. OUR NATIONAL INTEREST IS INEXTRICABLY LINKED TO THE SECURITY AND STABILITY OF THE REGION.
27. THIS IS WHY WE ARE DETERMINED TO TAKE A LEAD ON TERRORISM ISSUES AND TO INTERVENE WHERE THERE IS A BREAKDOWN IN LAW AND ORDER.

[COUNTER-TERRORISM MOU]

28. AT A BI-LATERAL LEVEL WE HAVE SIGNED MEMORANDA OF UNDERSTANDING WITH EIGHT OF OUR NEIGHBOURING COUNTRIES.
29. THESE MEMORANDA FACILITATE THE EXCHANGE OF INFORMATION AND INTELLIGENCE.
30. THIS TYPE OF INFORMATION SHARING IS OF THE UTMOST IMPORTANCE.
IF WE ARE TO DISRUPT THE TERRORIST'S OPERATIONS, IT IS VITAL THAT WE HAVE AN UNDERSTANDING OF HOW THEY ARE ORGANISED AND WHAT THEY ARE PLANNING WITHIN OUR OWN REGION.

[DIRECT INTERVENTIONS]

31. ANOTHER ELEMENT OF OUR 'HANDS ON' APPROACH IS DEMONSTRATED BY THE ROLE WE ARE PLAYING IN PAPUA NEW GUINEA AND THE SOLOMON ISLANDS.
32. THERE IS NO AVOIDING THE FACT THAT IN THESE COUNTRIES THERE ARE PROBLEMS WITH POLICING, LAW AND ORDER AND THE DELIVERY OF JUSTICE.
33. THE STAKES ARE TOO HIGH TO SIMPLY STAND BY AND TAKE THE RISK THAT THESE STATES WILL DECLINE INTO CHAOS. THIS WOULD BE BAD FOR THE RIGHTS AND PROSPECTS OF THE VAST MAJORITY OF THE POPULATION.
IT WOULD HARM THE REGION BY PRESENTING AN EASY TARGET FOR TERRORISM, MONEY LAUNDERING AND TRANS NATIONAL CRIME.
AND IT WOULD ULTIMATELY HAVE A NEGATIVE IMPACT ON AUSTRALIA'S OWN SECURITY.

34. IN PAPUA NEW GUINEA, WE HAVE EMBARKED ON A FIVE-YEAR PROGRAM TO STRENGTHEN THE COUNTRY'S ABILITY TO MANAGE ITS FINANCES, TO MAINTAIN LAW AND ORDER, TO TACKLE CORRUPTION AND TO IMPROVE THE SECURITY OF ITS BORDERS.
35. IN THE SOLOMON ISLANDS, WE HAVE HELPED RESTORE BASIC ORDER THROUGH OUR PARTICIPATION IN A TEN COUNTRY REGIONAL ASSISTANCE MISSION.
THE FOCUS IS NOW ON REBUILDING THE LEGAL AND DEMOCRATIC SYSTEMS AND ENSURING THE LAW IS OBSERVED AND ENFORCED.

[HONIARA AND NASONINI DECLARATIONS]

36. THESE ACTIONS ARE GOOD EXAMPLES OF COUNTRIES IN THE REGION WORKING TO ENSURE THAT VULNERABLE STATES ARE NOT ALLOWED TO SPIRAL INTO AN UNRECOVERABLE DECLINE.
37. THE 1992 HONIARA DECLARATION REPRESENTED AN IMPORTANT FORMAL COMMITMENT TO REGIONAL SECURITY.
38. THE DECLARATION CALLS UPON NATIONS OF THE SOUTH PACIFIC TO PUT IN PLACE LEGISLATION TO COMBAT ORGANISED TRANS-NATIONAL CRIME.
39. IT ALSO PROVIDES FOR A LEVEL OF COOPERATION BETWEEN LAW ENFORCEMENT AGENCIES NOT PREVIOUSLY SEEN IN THE REGION ON LEGAL MATTERS SUCH AS EXTRADITION, MUTUAL ASSISTANCE IN CRIMINAL MATTERS, PROCEEDS OF CRIME AND MONEY LAUNDERING.
40. THE 2002 NASONINI DECLARATION EXPANDS ON THE HONIARA DECLARATION WITH A SPECIFIC FOCUS ON TERRORISM.
THE DECLARATION CALLS ON PACIFIC ISLAND COUNTRIES TO

IMPLEMENT LEGISLATION TO COMPLY WITH THE INTERNATIONALLY AGREED ANTI-TERRORISM MEASURES.

41. ONCE AGAIN THIS DEMONSTRATES AUSTRALIA'S COMMITMENT TO WORKING WITH OUR CLOSE NEIGHBOURS TO ELIMINATE ANY WEAKNESSES IN THE LAW THAT TERRORISTS WOULD SEEK TO EXPLOIT.

[MONEY LAUNDERING AND PROCEEDS OF CRIME]

42. WE KNOW CRIMINALS AND TERRORISTS DON'T CARE ABOUT INTERNATIONAL BORDERS. THAT'S WHY THIS UNPRECEDENTED LEVEL OF COOPERATION AND COORDINATION IS ABSOLUTELY VITAL TO OUR CAUSE.
43. IT IS ALSO WHY WE CONTINUE TO WORK HARD AT DEVELOPING OUR FORMAL INTERNATIONAL PARTNERSHIPS WHICH ENABLE AUSTRALIA TO OBTAIN AND PROVIDE ASSISTANCE IN CRIMINAL INVESTIGATIONS AND PROSECUTIONS.
44. THIS IS DEMONSTRATED IN OUR APPROACH TO MONEY LAUNDERING AND TERRORIST FINANCING WHERE WE ARE IMPLEMENTING THE REVISED FORTY RECOMMENDATIONS OF THE FINANCIAL ACTION TASKFORCE ON MONEY LAUNDERING.
45. IMPLEMENTING THESE RECOMMENDATIONS WILL INVOLVE SOME SIGNIFICANT CHANGES TO OUR EXISTING LAWS. WE ARE CONSULTING WITH STAKEHOLDERS AT THE MOMENT AND A PRINCIPLES PAPER WILL BE RELEASED PRIOR TO THE PUBLIC RELEASE OF DRAFT LEGISLATION.
46. GOOD PROGRESS HAS ALSO BEEN MADE IN THE AREA OF PROCEEDS OF CRIME. REGIONAL COOPERATION HAS BEEN REINFORCED BY OUR LEGISLATION ALLOWING FOR AUSTRALIA TO SHARE THE

PROCEEDS OF CRIME WITH OTHER COUNTRIES WHO HAVE CONTRIBUTED TO SUCCESSFUL INVESTIGATIONS.

47. BY BUILDING ON THE SPIRIT OF COOPERATION AND GOODWILL SO EVIDENT IN THE INTERNATIONAL COMMUNITY, AUSTRALIA HAS BEEN ABLE TO PROGRESS CRIMINAL INVESTIGATIONS, THE DEVELOPMENT OF ANTI-MONEY LAUNDERING STANDARDS AND THE CONFISCATION OF THE PROCEEDS OF CRIME.
48. TO COUNTERACT TRANSNATIONAL CRIME MONEY LAUNDERING AND TERRORIST FINANCING, THERE MUST BE MUTUALLY REINFORCING LAWS AND SHARING OF INFORMATION BETWEEN COUNTRIES.
49. THIS HAS LARGELY BEEN ACHIEVED WITH THE RULE OF LAW AND THE SOLIDARITY BETWEEN COUNTRIES IN OUR REGION ALREADY STRENGTHENED CONSIDERABLY.

[DOMESTIC RESPONSE LEGISLATION]

50. IT IS AT THE DOMESTIC LEVEL THAT THE GOVERNMENT'S RESPONSIBILITY TO PROTECT OUR NATIONAL SOVEREIGNTY AND TO PROTECT THE SAFETY AND SECURITY OF AUSTRALIAN CITIZENS HAS COME UNDER THE GREATEST SCRUTINY.
51. OUR DOMESTIC RESPONSE TO TERRORISM HAS BEEN SWIFT AND FIRM.
52. SINCE SEPTEMBER 11, WE HAVE COMMITTED MORE THAN THREE BILLION DOLLARS TO THE WAR AGAINST TERRORISM, REPRESENTING MORE THAN ONE HUNDRED COUNTER-TERRORISM MEASURES.
53. THIS YEAR'S BUDGET FURTHER DELIVERS ON THE GOVERNMENT'S COMMITMENT TO DO WHATEVER IS NEEDED TO PROTECT AUSTRALIA AND AUSTRALIAN INTERESTS.

IT PROVIDES AN ADDITIONAL \$750 MILLION DOLLARS OVER 5 YEARS FOR A RANGE OF NATIONAL SECURITY INITIATIVES.

[USE OF THE LAW]

54. AS ATTORNEY-GENERAL, I AM ACUTELY AWARE THAT THE LAW REPRESENTS A VERY POTENT FORM OF DEFENCE AGAINST TERRORISTS.

THE FAIR, JUST AND EVEN-HANDED APPLICATION OF THE LAW CAN PROTECT US IN A VERY REAL WAY.

55. MORE THAN THIS, OUR USE OF THE LAW ESTABLISHES THE PARAMETERS OF WHAT WE THINK A JUST, CIVILISED SOCIETY SHOULD BE.

56. IT IS A RESPECT FOR THE LAW THAT DEFINES LIBERAL DEMOCRATIC SOCIETIES AROUND THE WORLD.
AND IT IS FAITH IN THE LEGAL PROCESS AND A COMMITMENT TO OPEN AND TRANSPARENT PROCESSES THAT SETS US APART FROM OUR ENEMIES.

57. THE GOVERNMENT HAS SOUGHT TO USE THE LAW RESPONSIBLY AND TO IT FULLEST EFFECT.
WE HAVE PLACED GREAT FAITH IN THE CAPACITY OF THE CONSTITUTION AND THE LEGAL PROCESS.

58. THE PUBLIC SCRUTINY TO WHICH AUSTRALIA'S COUNTER-TERRORISM LEGISLATION HAS BEEN, AND CONTINUES TO BE, SUBJECTED SERVES TO DEMONSTRATE HOW ROBUST AND FULLY FUNCTIONING OUR DEMOCRACY REALLY IS.

[COUNTER-TERRORISM LEGISLATION]

59. THE PACKAGE OF LAWS WE HAVE DEVELOPED TARGETS TERRORISM FROM MANY ANGLES.

60. AMONGST OTHER THINGS WE HAVE:
- MADE IT A CRIME TO COMMIT, TRAIN OR PREPARE FOR A TERRORIST ACT.
 - UPDATED OUR TREASON OFFENCES TO REFLECT THE NATURE OF MODERN TERRORISM.
 - AND PUT IN PLACE OTHER LAWS TO IMPROVE BORDER SECURITY AND TO CRACK DOWN ON MAIL HOAXES.

**[AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION
LEGISLATION]**

61. THE GOVERNMENT HAS ALSO PUT IN PLACE LEGISLATION TO GIVE NEW POWERS TO ASIO TO FIGHT TERRORISM.
62. THESE POWERS PLACE ASIO IN A BETTER POSITION TO COLLECT INTELLIGENCE THAT COULD SUBSTANTIALLY ASSIST IN PREVENTING TERRORIST ATTACKS.
- THEY ALLOW ASIO TO OBTAIN A WARRANT TO QUESTION, AND IN LIMITED CIRCUMSTANCES DETAIN, A PERSON WHO MAY HAVE INFORMATION RELEVANT TO A TERRORISM OFFENCE.
63. THE POWERS CONSTITUTE A NECESSARY AND EFFECTIVE TOOL TO COMPEL A PERSON TO PROVIDE INFORMATION ABOUT TERRORIST ACTIVITY.
64. AS YOU WOULD BE WELL AWARE, AN ENORMOUS AMOUNT OF DEBATE HAS TAKEN PLACE TO ENSURE THESE POWERS ARE EXERCISED IN A TRANSPARENT AND ACCOUNTABLE MANNER.

[POST BALI LEGISLATION]

65. EVENTS LIKE BALI PROMPTED FURTHER CHANGES TO OUR COUNTER-TERRORISM LAWS.
66. THERE IS NOW AN EXTRA-TERRITORIAL OFFENCE OF MURDER. THIS NEW OFFENCE WILL MAKE SURE THAT TERRORISTS WHO KILL AUSTRALIANS ABROAD CANNOT ESCAPE JUSTICE.

67. LEGISLATION HAS ALSO BEEN PASSED TO ENABLE US TO LIST ORGANISATIONS BASED ON OUR NATIONAL INTEREST AND SECURITY NEEDS.
68. THE NEW LEGISLATION MEANS WE WILL NO LONGER HAVE TO RELY ON THE UNITED NATIONS TO LIST AN ORGANISATION BEFORE WE DO.
- JUST A FEW WEEKS AGO I ANNOUNCED THAT THE GOVERNMENT HAS DECIDED TO LIST THE PALESTINIAN ISLAMIC JIHAD ORGANISATION AS A TERRORIST BODY.

MOST RECENT COUNTER-TERRORISM LAWS

69. IT IS CLEAR THAT THE NATURE OF THE TERRORIST THREAT IS ALWAYS CHANGING.
- IT IS IMPERATIVE THAT THE GOVERNMENT UNDERSTANDS THESE CHANGES.
- AND IT IS IMPERATIVE THAT OUR LAWS ARE FLEXIBLE.
70. VIGILANCE AND RESPONSIVENESS ARE ESSENTIAL TO THE MAINTENANCE OF EFFECTIVE COUNTER-TERRORISM LAWS.
71. THAT'S WHY THE GOVERNMENT IS CONSTANTLY REVIEWING AND STRENGTHENING OUR COUNTER-TERRORISM LAWS.
- WE CURRENTLY HAVE FOUR BILLS DEALING WITH NATIONAL SECURITY BEFORE THE PARLIAMENT.

[COUNTER-TERRORISM BILL BEFORE PARLIAMENT]

72. THE ANTI-TERRORISM BILL, WHICH PASSED THROUGH THE HOUSE OF REPRESENTATIVES ON MAY 12, FURTHER STRENGTHENS OUR LEGISLATIVE REGIME.
73. THE BILL SEEKS TO STRENGTHEN THE LAWS FOR CONFISCATING PROCEEDS OF CRIME AND TARGET THE LAWS AND OFFENCES RELATING TO TERRORIST ORGANISATIONS.
- THIS INCLUDES THE ABILITY TO PROSECUTE PERSONS FOR

COMMITTING HOSTILE ACTIVITIES WHILE SERVING IN ANY CAPACITY IN OR WITH THE ARMED FORCES OF A FOREIGN STATE.

74. THE SURVEILLANCE DEVICES BILL ALLOWS A WIDER RANGE OF DEVICES TO BE USED AS WELL AS MAKING WARRANTS AVAILABLE FOR A WIDER RANGE OF OFFENCES. IT WILL ENABLE SENIOR LAW ENFORCEMENT OFFICERS TO AUTHORISE THE USE OF SURVEILLANCE DEVICES IN EMERGENCY CIRCUMSTANCES.
75. THE NATIONAL SECURITY INFORMATION BILL INTRODUCED INTO PARLIAMENT LAST MONTH PROVIDES GREATER PROTECTION FOR SENSITIVE, SECURITY-RELATED INFORMATION DURING FEDERAL CRIMINAL PROCEEDINGS, WHILE ALSO MAINTAINING OUR ABILITY TO ENFORCE THE LAW.
76. THE RECENT CASE OF *LAPPAS* DEMONSTRATED THESE AIMS MAY CONFLICT IN PROSECUTIONS FOR NATIONAL SECURITY OFFENCES, SUCH AS ESPIONAGE AND TERRORISM.
77. FINALLY, THE TELECOMMUNICATIONS (INTERCEPTION) AMENDMENT (STORED COMMUNICATIONS) BILL 2004 WILL ALLOW FOR EXPEDITIOUS ACCESS TO STORED COMMUNICATIONS, SUCH AS EMAIL OR VOICE MAIL MESSAGES, THAT COULD CONTAIN IMPORTANT EVIDENTIARY MATERIAL BUT ARE SUBJECT TO PROHIBITION AGAINST INTERCEPTION UNDER EXISTING LAW.
78. THESE CHANGES REINFORCE THE MESSAGE THAT WE WILL NOT DEAL LIGHTLY WITH WOULD-BE TERRORISTS. LET ME MAKE IT UNEQUIVOCALLY CLEAR - THIS GOVERNMENT IS SERIOUS ABOUT NATIONAL SECURITY AND WE WILL USE AND

ENFORCE THE LAW TO ITS FULLEST EXTENT IN ORDER TO PROTECT IT.

[HUMAN RIGHTS]

79. OF COURSE IT IS CRITICAL THAT OUR EFFORTS DO NOT COME AT THE EXPENSE OF OUR BASIC HUMAN RIGHTS.
80. HOWEVER, THERE IS GROWING SUPPORT FOR THE VIEW THAT NATIONAL SECURITY AND HUMAN RIGHTS ARE NOT MUTUALLY EXCLUSIVE.
81. THIS ANALYSIS IS BASED ON THE CONCEPT OF HUMAN SECURITY AND IT BUILDS UPON ARTICLE 3 OF THE UNIVERSAL DECLARATION OF HUMAN RIGHTS WHICH STATES THAT *“EVERYONE HAS THE RIGHT TO LIFE, LIBERTY AND SECURITY OF PERSON”*.
82. IN BROAD TERMS, ‘HUMAN SECURITY’ ARGUES THAT PEOPLE WILL ONLY BE ABLE TO REACH THEIR FULL POTENTIAL IF THEY LIVE IN A SECURE ENVIRONMENT WHERE THEIR FUNDAMENTAL HUMAN RIGHTS CAN BE REALISED.
83. BASED ON THIS PREMISE, THERE IS NOT A MASSIVE DICHOTOMY BETWEEN SECURITY LEGISLATION AND HUMAN RIGHTS. INDEED, THE EXTENT TO WHICH WE CAN CONTINUE TO ENJOY OUR CIVIL LIBERTIES RESTS UPON THE EFFECTIVENESS OF OUR COUNTER-TERRORISM LAWS.
84. I AM NOT SUGGESTING THAT COUNTER-TERRORISM LEGISLATION SHOULD NOT BE SCRUTINISED TO ENSURE THAT LIMITATIONS ON HUMAN RIGHTS ARE MINIMISED. I’VE MADE IT CLEAR THAT I ENCOURAGE SUCH SCRUTINY. BUT WE MUST RECOGNISE THAT NATIONAL SECURITY CAN IN FACT PROMOTE CIVIL LIBERTIES BY PRESERVING A SOCIETY IN WHICH RIGHTS AND FREEDOMS CAN BE EXERCISED.

CONCLUSION

85. WE LIVE IN DIFFICULT AND UNCERTAIN TIMES.
TERRORISM AND THE DECLINE OF LAW AND ORDER ARE
JEOPARDISING THE SAFETY, AND SECURITY THAT WE ONCE
TOOK FOR GRANTED.
86. TOGETHER, THE INTERNATIONAL COMMUNITY AND THE
AUSTRALIAN GOVERNMENT HAS SHOWN THE RESOLVE AND
THE JUDGEMENT THAT IS NEEDED TO PROTECT OUR FUTURE.
87. BY PUTTING OUR FAITH IN LEGAL PROCESSES AND BY RELYING
ON OUR DEMOCRATIC INSTITUTIONS WE HAVE RESPONDED TO
THE THREATS BEFORE US IN A MANNER THAT IS BOTH JUST
AND EFFECTIVE.
88. THE LAW HAS PROVEN TO BE AN ABLE AND EFFECTIVE ALLY.
IT HAS DRAWN US TOGETHER.
IT HAS REINFORCED OUR MUTUAL VALUES AND ASPIRATIONS.
IT HAS DELIVERED A TANGIBLE AND HIGHLY EFFECTIVE
RESPONSE TO TERRORISTS AND CRIMINALS OPERATING
AROUND THE GLOBE.
89. WHATEVER THE FUTURE BRINGS, I AM CONFIDENT THAT OUR
LEGAL AND LIBERAL DEMOCRATIC FOUNDATIONS PROVIDE A
PLATFORM FROM WHICH WE CAN OVERCOME ANY THREAT.

(ENDS)