Media Release

Law Council
OF AUSTRALIA

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Time to modernise the definition of a 'terrorist act'

The Law Council of Australia welcomes the release of the Independent National Security Legislation Monitor (INSLM) report on the definition of a 'terrorist act' in section 100.1 of the *Criminal Code Act 1995* (Cth).

"The definition of a 'terrorist act' was enacted in 2002," Law Council of Australia President-Elect, Elizabeth Shearer said. "This definition is instrumental in providing government, law enforcement, and our intelligence services with an appropriate basis for investigating, disrupting and prosecuting political violence in Australia.

"In the more than 20 years since it was first introduced, Australia's national security landscape has significantly changed.

"We applaud the INSLM for taking the initiative to conduct an independent own-motion review to make sure this important provision remains fit for purpose.

"The Law Council supports a number of the INSLM's recommendations, several of which reflect our submitted views. This includes removing the reference to a 'threat' of action from the definition and creating a separate offence; narrowing the circumstances in which damage to property and electronic systems should fall within the definition; and expanding the definition to cover acts done against public international organisations involving coercion or influence by intimidation.

"We are particularly supportive of the INSLM's recommendation for an independent and thorough review on the effectiveness and suitability of interventions to reduce the risk of children becoming involved in acts of terrorism. The alarming increase in the number of children implicated in terrorism related offences indicates that this further work is regrettably needed.

"An important aspect of the INSLM's report is a lengthy discussion as to whether a 'religious' cause ought to remain in the definition alongside 'political' and 'ideological' causes. The Law Council will now give further consideration to the INSLM's proposed definition of 'ideology' and whether it adequately captures acts purported to be carried out to advance religious purposes.

"As the current INSLM's term enters its final week, we would like to thank Mr Blight for his work. Mr Blight has been the first full-time INSLM since the office was established and has produced a number of important reports during his tenure.

"Mr Blight's emphasis on civil society engagement and his commitment to developing recommendations that are well-considered, evidence-based, and pragmatic is to be commended. The Law Council looks forward to working with his successor into the future."

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