Today the Government will introduce into the House of Representatives an urgent amendment to Australia’s counter-terrorism legislation and seek the passage of the amendment through all stages tonight. The President of the Senate will recall the Senate for 2pm tomorrow. It is the Government’s wish that the amendment be law as soon as possible.

The Government has received specific intelligence and police information this week which gives cause for serious concern about a potential terrorist threat. The detail of this intelligence has been provided to the Leader of the Opposition and the Shadow Minister for Homeland Security.

The Government is satisfied on the advice provided to it that the immediate passage of this bill would strengthen the capacity of law enforcement agencies to effectively respond to this threat.

The Government is acting against the background of the assessment of intelligence agencies that a terrorist attack in Australia is feasible and could well occur. In ASIO’s recently released annual report a warning is contained that specifically cites the threat of home-grown terrorism. ASIO also warned that attacks without warning are feasible.

I raised this matter in some detail with all of the State Premiers late yesterday and have received their unanimous agreement to the immediate introduction and passage of this amendment if the Government judged, on continuing advice, that it was necessary.

The substance of these amendments is currently part of the draft Anti-Terrorism Bill which has been circulated to the States and is being presented as a stand-alone bill. The effect of the amendment is to give relevant agencies a greater capacity to respond promptly whenever threats arise.

The Government would like all elements of the Anti-Terrorism Bill, when introduced, to become law before Christmas. However, for the reasons I have outlined, these specific elements have taken on a greater degree of urgency and on that basis the Government intends to secure their passage immediately.

* Details of the provisions are attached.

2 November 2005

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**Details of amendments**

Schedule 1 of the Anti-Terrorism Bill amends the terrorism offences in Divisions 101 and 102 of the Criminal Code, and adds a further ground for listing terrorist organisations in regulations.

Items 2 to 5 clarify that, in a prosecution for a terrorism offence, it is not necessary to identify a particular terrorist act. The existing offences contain a subsection that provides that a person commits the offence even if ‘the’ terrorist act does not occur. When the offences were originally drafted, it was not the intention that the prosecution would be required to identify a ‘particular’ terrorist act.

The amendments will clarify that it is not necessary for the prosecution to identify a specific terrorist act. It will be sufficient for the prosecution to prove that the particular conduct was related to ‘a’ terrorist act.

Similarly, item 10 clarifies that, when determining whether an organisation satisfies the definition of a terrorist organisation, it is not necessary to prove the organisation is preparing, planning, assisting in or fostering ‘the’ particular terrorist act. It will be sufficient if the prosecution can show the organisation is preparing, planning, assisting in or fostering ‘a’ terrorist act.

Other amendments in Schedule 1 are consequential on these more substantial amendments.