



Office of the Premier of Victoria

1 Treasury Place
GPO Box 4912VV
Melbourne Victoria 3002
DX 210753
Telephone: (03) 9651 5000
Facsimile: (03) 9651 5054
Email: premier@dpc.vic.gov.au
Internet: www.premier.vic.gov.au

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Dr U Ne Oo
18 Shannon Place
ADELAIDE SA 5000

Dear Dr Ne Oo

Thank you for your facsimile to the Premier of Victoria of 31 October 2005 regarding counter-terrorism legislation. I am responding on the Premier's behalf.

The security and safety of the community is the first priority of the Victorian Government. The Victorian Government acknowledges that these measures have raised some concerns, but believes that tough measures are necessary in the current security environment.

Victoria took a leadership position at the Council of Australian Governments (COAG) meeting. We sought to put balance into this legislation so the community can be protected from the very real threat of terrorism, without a loss of individual liberties.

We argued for a judicial review of decisions, legal representation and a sunset clause. I am pleased that we have succeeded in convincing the Prime Minister to make these changes, so Victoria is now prepared to support the legislation.

The measures relating to preventative detention and control orders agreed by COAG will apply only in extreme cases where those measures are necessary to protect public safety. The legislation will require people detained under preventative provisions to be informed of their rights and be given access to legal representation.

The use of these provisions will be subject to judicial review and Parliament will receive an annual report concerning the actions taken under these measures. Strong measures will be included to prevent the mistreatment of any person detained in custody.

Victoria made it clear we would not support extended "shoot to kill" powers. The Federal Government has agreed to the removal of the shoot to kill provisions. Adequate laws on the use of force already exist for State police, and lethal force is only allowed under the common law if a person's life is in immediate danger.

Other proposed changes such as the sedition and financing terrorism provisions do not require State approval, but will form part of the Commonwealth package of laws.

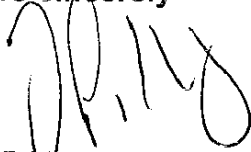
These new national anti-terror laws will build on the work Victoria has done to improve our ability to prevent and respond to a terrorist incident. Since the World Trade Centre attacks in 2001, the Government has committed over \$150 million in enhancing and upgrading Victoria's counter-terrorism capabilities and arrangements.

On 21 September 2005, the Premier released a statement on counter-terrorism called *Protecting the Community: Attacking the Causes of Terrorism*. This Statement foreshadowed new laws including giving police increased stop and search powers, with appropriate safeguards. The Premier's Statement also commits the Government to work in partnership with faith and religious leaders to address extremist views in their communities. The full text of the Premier's statement can be found at www.dpc.vic.gov.au.

The Government has carefully considered the democratic principles upon which our society is based in the development of both the Victorian and the proposed COAG legislation. The strict limits placed on these powers and the incorporation of robust safeguards will ensure that the new counter-terrorism legislation strikes the right balance between protecting the community, without interfering with the freedoms that all Victorians enjoy.

I trust this information will allay your concerns.

Yours sincerely



TIM PALLAS
Chief of Staff

6/11/2005