

Control order regime needs proper safeguards to protect children

The following statement can be attributed to Ms Fiona McLeod SC, Treasurer, Law Council of Australia and National Criminal Law Liaison Committee Member:

- The Law Council cautions against hasty and reactive amendments to legislation where the freedoms of children are at stake.
- Control orders can involve significant restrictions on a person's liberty without following the normal criminal process of arrest, charge and prosecution and determination of guilt beyond a reasonable doubt.
- Little experience exists of control orders to demonstrate their effectiveness. This is particularly concerning in light of UK evidence that control orders act as an impediment to prosecution.
- The Independent National Security Monitor (INSLM) is currently reviewing the adequacy of safeguards in the control order regime of the Criminal Code Act to strengthen its protections.
- If control orders prior to conviction are to be maintained and the age of application lowered to 14 years, the regime needs to ensure it contains suitable safeguards and that it is a necessary and appropriate response to the threat of terrorism.

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