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Alleged terrorists should face ‘full force’ of Australian laws, says Law Council

Australians who have travelled overseas to support terrorist organisations should be allowed back to Australia to face the full force of our laws, the Law Council of Australia said today.

President, Arthur Moses SC told a Parliamentary Intelligence and Security Committee hearing that the Law Council did not support the implementation of temporary exclusion orders (TEOs), which would ban citizens suspected of engaging in terrorism-related activities from returning to Australia for at least two years.

“Ultimately, these citizens are our responsibility. It would be wrong to let them stay in another country unchecked, with the chance they could create even more harm to Australia,” Mr Moses said.

“The message needs to be clear – if you support a terrorist organisation here or overseas, there will be consequences under Australian law.

“While most Australians are rightly appalled that our citizens have travelled into war zones to support terrorist organisations like ISIS, that does not mean we should shirk our international obligations to repatriate these citizens to Australia where they can be dealt with according to law and if convicted imprisoned.

“The introduction of TEOs could have the effect of rendering an Australian unable to legally enter Australia – or indeed any other country – while the order is in place. Hence, these laws may be inconsistent with Australia’s international obligations.

“Matters of national security and protecting Australians from terrorism are of utmost importance, However, the Federal Parliament must ensure responses are proportional, constitutional and take into account Australia’s international obligations.

“The Law Council does not support the establishment of the proposed TEO scheme and recommends the Bill should not proceed.”

Mr Moses said there were serious questions regarding the constitutional validity of the legislation and reiterated: “There is no point enacting invalid laws”.

“The High Court has made it very clear that one of the primary rights of Australian citizenship is the ability to enter and leave without government interference,” he said.

“The alleged offences of people seeking to return to Australia cannot be excused but it is the Law Council’s view that they should be permitted to return to Australia, where they can Australian face justice. Australia has some of the most comprehensive anti-terrorism laws and the best security agencies.

“Deterrence and accountability are vital cornerstones of the law. If alleged terrorists are brought back to Australia and prosecuted before our courts, this deterrent effect is important to help prevent others following the same path.”

You can read the [Law Council’s submission here](#).

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