

Rt Hon Sir Geoffrey Palmer
President, Law Commission

Terms of reference for evaluating the effectiveness of the criminal law to prevent organised threats to public safety and security.

The Government has settled the terms of reference for a report by the Law Commission on legal issues matters raised by the Solicitor-General's decision of the 12th of November 2007," the President of the Law Commission Sir Geoffrey Palmer said today.

"The Commission will consider and report on whether existing legislation should be amended to cover the conduct of individuals that creates risk to or public concern about the preservation of public safety and security."

The full Terms of Reference are attached.

"The Commission will make recommendations on any changes to the law that may be necessary or desirable."

"This report will concentrate on the state of New Zealand's existing domestic law, particularly the offences contained in the Crimes Act, Arms Act and Terrorism Suppression Act. It will not cover other aspects of the law relating to terrorism. It will not be examining international aspects of terrorism and the means of combating that behaviour." Sir Geoffrey Palmer said.

"I welcome the fact that the Commission is required to take into account the need to ensure an appropriate balance between the preservation of public safety and the security and maintenance of individual rights and freedoms," he said.

"The Commission has told the Government that it cannot agree a timetable on this report since it is not yet clear how long the research will take or how difficult it will be.

"When we come to a conclusion about the timing we will announce it."

"In the course of this exercise the Law Commission will follow its customary processes of conducting research, publishing an issues paper, taking submissions on it and then publishing a final report."

"The Terms of Reference have been arrived at after considerable consultation between the interested agencies and the Law Commission."

“The Commission is aware of the sensitivity of this subject and undertakes to handle its reference with sensitivity.”

“The Commission is fully aware of the need to protect the rights of people whose conduct will fall to be adjudicated in the courts,” Sir Geoffrey concluded.

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