

## **Letter to the Editor – The Australian**

Published: 19 June 2010, The Australian

SALLY Neighbour's article ("When justice is not seen to be done", Features, 16/6) wrongly describes the NSW legislation as allowing the government to impose control orders.

In fact it is a judge, not the attorney-general, who is able to make declarations in regard to an organisation and it is the Supreme Court that is able to make control orders.

The article also states that the attorney-general can rely on criminal intelligence. In fact it is the police commissioner who has this role. The NSW legislation defines criminal intelligence as information about criminal activity that, if disclosed, may prejudice an investigation, expose a law enforcement source or endanger someone's life or physical safety. If a judge is not satisfied that this definition is met, the police commissioner can be asked to withdraw that information or make it available to the other parties.

The involvement of high-level judicial scrutiny is an important safeguard in the process by which declarations and orders under the legislation can be made and a critical variation between NSW and South Australian legislation.

John Hatzistergos, NSW Attorney-General