Counter-Terrorism Laws in a Nation without a Bill of Rights: 
The Australian Experience

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Australia is unique amongst democratic nations in lacking a constitutional or even statutory Bill of Rights at the national level. This has created significant challenges for Australia in the counter-terrorism context, including that of shielding the community from terrorism while safeguarding fundamental human rights. Australia’s lack of practical experience with terrorism and with counter-terrorism law-making has further exacerbated this situation. This article seeks to analyse whether, in the absence of a national Bill of Rights, the impact of counter-terrorism laws upon human rights has been adequately considered in Australia. The role played by the Australian courts in protecting human rights can, at best, be described as marginal. Therefore, this article focuses upon the effectiveness of the parliamentary process as a forum for the assessment of counter-terrorism laws on human rights grounds.

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