

JUSTICE Supplemental Submission

The effect of the presumption in section 4(5) and section 4A(4)

It is unclear whether it is intended that the presumption should extend to amounting to notice to everyone that the named person or organization is a terrorist or terrorist associate and that specified property is terrorist property.

Ordinary persons have better things to do than to spend their time reading the Gazette and it should not be presumed that they know or have reasonable grounds to suspect anything just because it is published in the Gazette. In order to avoid criminalizing the innocent, it should be expressly stated that no person shall be presumed to know or have reasonable grounds to suspect that a person is a terrorist or terrorist associate notwithstanding the operation of sections 4(5) and section 4A(4) and that no person should be presumed to know or have reasonable grounds to suspect that property is terrorist property notwithstanding the operations of those sections.

Compensation provision

The Court of First Instance should have the powers to grant compensation and entitlement to compensation should not depend on serious default on the part of any person concerned in obtaining the specification. Draconian powers such as these should result in compensation if a mistake has been made without any serious default whatever serious default means. If the Government may be hit in its purse, it will make the authorities much less trigger happy. This is all the more so as 'ex parte' applications normally

carry with them an undertaking as to damages. There is absolutely no reason why the Government should be exempt.