

COUNTER-TERRORISM ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 – Financial Restrictions Proceedings

CHAPTER 2 – Financial restrictions proceedings

Rules of court, disclosure and related matters

Section 66 – General provision about rules of court

193. **Section 66** contains general provisions about the rules of court for financial restrictions proceedings. In particular, *subsection (2)* requires the maker of the rules of court to have regard to both the need for a proper review of the decision subject to challenge, and the need to ensure that disclosures are not made where this would be contrary to the public interest. *Subsections (3) and (4)* contain a non-exhaustive list of matters which the rules of court may cover. This includes provision concerning:

- a) mode of proof and evidence;
- b) proceedings being determined without a hearing;
- c) legal representation;
- d) the extent to which full particulars of reasons for decisions must be given;
- e) proceedings in the absence of parties and their legal representatives;
- f) the function of a special advocate; and
- g) summaries of evidence taken in a party's absence.