

I have grave concerns about the provisions of the Anti-Terrorism Bill (No 2) 2004, in particular, the introduction of the new offence of 'associating with terrorist organisations', and the proposed new power to seize a person's passports even before an ASIO warrant has been issued against them.

Guilt by Association

Australia already has far-reaching anti-terrorism laws. The Commonwealth Criminal Code criminalises such acts as being a member of an organisation that the government proscribes as a terrorist organisation. Now the Bill proposes to make it an offence to even 'associate' and 'communicate' with people connected to such organisations.

I vehemently object to this because it disproportionately infringes freedom of association, and imposes guilt by association. Furthermore, the offence depends upon the exercise of executive discretion in declaring an organisation to be a terrorist organisation under the Criminal Code, an exercise of discretion which itself is based upon the overly broad existing definition of terrorism. As a result, the police and the government have very broad discretion in how the law is applied, and there is grave concern that it will be selectively exercised. For example, there is strong evidence that the anti-terrorism laws have been selectively applied to Muslim members of the community. In other areas of the law, selective application is regarded as objectionable and undesirable, so why should it be allowed in this case?

What is particularly alarming is the combined effect of this amendment with the newly introduced bail provisions where a person charged will only be granted bail in exceptional circumstances. A person could very easily be charged and locked up in gaol on the thinnest of evidence before it is even tested in a court of law. This means a person could end up being in gaol for doing nothing more than phoning someone twice, even if he or she is later found to be innocent.

Any response to terrorism must be measured and reasoned, and above all, needs to uphold our democratic and civil rights, not undermine them. There are many ways of combating terrorism - addressing grievances, cutting off funding, minimising poverty and disenfranchisement in areas that are recruitment grounds for terrorist organizations and improved intelligence gathering.

It is unclear how these amendments will improve Australia's national security or contribute in any meaningful way to combating intelligence. I believe these extreme legislations gives too much power to the wrong people and inflame suspicion and ill-will towards others, especially those in the Muslim community.

In recent months, I have witnessed a dramatic increase in bigoted behaviour in my community. Especially toward the Muslim community.

At the same time, I've noted Muslims being arrested for their militant views. Yet, have heard and seen extreme militant views expressed in my white Anglo-saxon Christian community. I've actually been told that it's different when a Muslim expresses an extreme view, because they are terrorists and we are not.

Is this why ASIO and the Federal Police only arrest Muslims and kept them in isolation, even when they are not a threat to our society, are not terrorists, and were not planning attacks?

I realise that this Bill is motivated by a desire to show that something is being done about terrorism, rather than having a genuine impact in making Australia safer. But that it is seriously being considered by this Committee is quite disturbing.

I urge you to excise these provisions in the Bill.

Allow, commonsense to prevail.

Yours faithfully,

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