

NOWAR SA

Adelaide SA

Dear Sir / Madam,

Submission to Inquiry into the provisions of the Anti-Terrorism Bill 2004 (No 2) (Cth)

NOWAR SA writes to oppose in the strongest possible terms the inclusion of the new criminal offence of “Associating with Terrorist Organisations” within the provisions of the Anti-Terrorist Bill 2004 (No 2).

Under this provision a person commits an offence if he/she intentionally associates with a person who is a member of, or who promotes or directs the activities of a terrorist organisation, in order to provide support to help that organisation expand or continue to exist. ‘Associates’ means meeting or communicating with the other person including all modern forms of communication.

The fundamental problem with this provision arises from powers already granted to the government by previously passed legislation. These powers allow the executive government via the Attorney-General to ban any organisations which it designates as ‘terrorist organisations’ without referral to the courts or to parliament. The very broad definition of ‘terrorist act’ also passed in previous legislation allows the government to designate as ‘terrorist organisations’ groups which it may dislike or oppose for domestic political reasons or to serve its foreign policy objectives. Consequently we are already in the unfortunate situation where the government of the day can use so-called anti-terrorist powers to further its own political agenda rather than for genuine security purposes.

In the light of this the proposed provision against “associating with terrorist organisations” in the current Bill becomes particularly alarming. It imposes guilt by association on anybody who associates with members of an organisation which may have been banned by the government not for genuine reasons of security but for political purposes. Providing support to help that organisation expand or continue to exist may include financial support or simply providing information or moral support to that organisation via phone or email. In other words simply encouraging that organisation in its objectives via email could conceivably be regarded as lending support to that organisation to expand or continue to exist. Likewise providing suggestions via email to a member of that organisation on ways to raise money or spread the message of that organisation would also become a criminal offence.

Using these powers the government could outlaw associating with any group supporting a resistance movement. In the past organisations such as the African National Congress, Sinn Fein or Fretilin could have been banned and under this legislation anybody who supported one of these organisations, whether financially or by communicating with any of its members to offer encouragement or support, would have been committing a criminal offence. In the future organisations such as the Free Papua Movement could be banned for political purposes as ‘terrorist organisations’ and under this legislation anybody associating with any of its members to support the Free Papua Movement would be criminalized.

NOWAR believes that this is the kind of legislation more appropriate to a police state than to a western democracy espousing the values of political freedom of speech and expression and freedom of association. The dangers are clear. This legislation is open to abuse against the very values and freedoms we are wishing to protect. We agree with Senator Faulkner when he says “proposals to erode our freedoms and our rights will ultimately erode our security as well” and with Professor George Williams when he says “we must not pass laws that undermine the same freedoms and way of life that we are seeking to protect from terrorism.”

NOWAR believes that it is not possible to fight terrorism by attacking our fundamental freedoms and civil liberties. We believe that the ‘war against terrorism’ must be fought by tackling the causes of terrorism, and that this will not be furthered by establishing police state style laws at home.

NOWAR therefore urges this inquiry to reject the inclusion of the offence of “Associating with Terrorist Organisations” in the proposed Bill. The damage has already been done with the establishment of over-broad powers of the government to proscribe organisations as ‘terrorist organisations’ and further powers attaching to this will only seriously exacerbate the potential for abuse by spreading this net much wider in the Australian population.

Colin Mitchell (member of NOWAR SA) on behalf of NOWAR SA.

This submission has been approved by the committee of NOWAR SA.