

Senate Inquiry into the provisions of the Anti-Terrorism Bill (No. 2) – Personal submission

As a voter actively interested in a range of issues relating to participative democracy, citizenship and public affairs, I am grateful for the opportunity to make a brief submission to the Senate Legal and Constitutional Legislation Committee.

I declare initially that I have not had the opportunity to study the Bill directly, and in any case lack the expertise to assess the complexities of the proposed legislation. Increasing numbers of well-informed commentators are raising substantive and substantial concerns about the Bill that is to be presented to Parliament, apparently in great haste and with limited opportunity for community involvement. On the basis of what I have heard and read, my main concern relates to provisions of the proposed legislation dealing with what are being described as 'sedition' and 'subversive comment'.

The following are specific matters that I hope the Committee will address:

1. Transparency – It is fundamental to Australian law-making that the exact nature, scope and impacts of proposed legislation be transparent. By the admission of Government Ministers and other proponents of stronger anti-terrorism measures, the proposed legislation is (apparently intentionally) far from transparent.
2. Accessibility – Also crucial in Australian democracy is that all who wish to do so should have ready access to 'user-friendly' detail of proposed changes to law, especially those with the potential to affect what we take to be basic freedoms. At the time of preparing this submission, key elements of the anti-terrorism Bill were still regarded as secret.
3. Drafting integrity - Senior jurists and people experienced in legislative review and reform identify examples of confusion, misinformation or disinformation and obfuscation in those aspects of the draft legislation that have been revealed.
4. Confidence and Trust – The Prime Minister, Attorney-General and others advocating (apparently far-reaching) changes to anti-terrorism law rely on assertions that the general public should 'trust us'. Trust requires confidence, and confidence lies in demonstrated trustworthiness. Regrettably, the evidence is mounting that those crucial ingredients are lacking.
5. Intellectual rigour – Democratic process relies on effective 'opposition', not in the sense of automatically opposing change but rather ensuring that proposals for major shifts in the balance of rights and responsibilities are subject to rigorous analysis and review. As all State and Territory Governments and the Federal Opposition appear to have acquiesced in the Government's proposals, alternative views and 'solutions' are not being canvassed.
6. Fear and confusion – The anti-terror legislation proposed relies on fear, anxiety and even panic generated by carefully orchestrated announcements and pronouncements. There is no evidentiary support for the measures proposed. Those who seek to offer evidence to the contrary are dismissed as naïve, ill-willed or worse.

I look forward to the fearless, rigorous examination by the Committee that is one of the hallmarks of our democratic process.

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