

Dear Mr Walsh

Thank you for your email request for a submission on the Anti-Terrorism Bill.

A number of my colleagues at the ANU Law Faculty work directly in this area and will be making separate submissions. May I be bold enough to suggest that, in a climate in which those genuinely concerned with our basic freedoms and values are becoming increasingly tagged as a ratbag fringe or painfully naive about the modern reality of security imperatives, their views are well considered and worthy of the greatest respect. I commend them to the committee.

Personally, in addition to my deep concern about the unwitting erosion of our civil liberties and the serious danger of abuse for political purposes of non-transparent preventive detention powers, no matter how well-meaning the original intention of those powers, I have a concern about the adequacy of the training regimes for those who will be enforcing the new powers.

Without in any way questioning the professionalism and commitment of our law enforcement officers, who are increasingly placed in the most difficult of positions and characteristically have to take the brunt of adverse reactions that should in truth be directed to the policy makers, I would urge that existing training regimes be seriously expanded into territory that I suspect may be quite new (though I would be delighted to be proved wrong).

I would like to see compulsory education for all relevant law enforcement officers in at least the following: the importance of human rights, the rule of law, and the dignity of the individual; the worldwide history of abuse of wide police powers, especially for political purposes, even when originally conferred with the greatest goodwill; the role of civil liberties, not as a faddish western indulgence but as pivotal to our aspirations to live in a free society; the history of and lessons from the rise and fall of civilisations; the psychology of human behaviour, especially under the stress and disorientation of wrongful detention; and so on.

I am not so naive as to think that such a submission may not be seen as a hopelessly idealistic and in any event misplaced attempt to inject wisdom, sensitivity and restraint into the enforcement process; also as either ignorant or unduly dismissive of current police training and professionalism; as quite extraneous, in any case, to the practical concerns of the current Bill; and perhaps even as a thinly-disguised bid for enrolment in ANU graduate programs! However, it is seriously meant, and I think crucial in the wider scheme of things to try to find an antidote to the potential abuse of extraordinary powers. It is a way of generating a shared community understanding, including amongst those who enforce the law, of the basic values that underpin and are necessary to the survival of our free and democratic society. It is not at all antithetical to waging the war on terror; indeed, it is an integral part of it.

The relevance of this to the current legislation is that, in my view, it would be useful to enshrine in legislation an obligation that there be broad education and training of this kind. It should not be left to vague aspirations and discretionary decisions outside the legislation. Indeed, it might be thought to be a necessary precondition for the introduction of wide law enforcement powers.

Yours sincerely

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