

Dear Senate Committee,

Thank you for the opportunity to make a submission on the Anti-Terrorism Bill #2. We recommend that the time given for making submissions be greater given the profound impact such legislation could have on civil liberties.

We have grave concerns about the effects that could arise from practical implementation of the Bill if passed in its current form.

The Bill will prevent some terrorist actions, but at the risk of enhancing the conditions that lead people to enter into terrorism

Stopping terrorism has been described as “a battle for hearts and minds”, and a war of ideology. The solution is two-fold. There is a need to firstly detect and prevent terrorism plots before they reach their conclusion. Secondly, and more importantly, there is a need to address the conditions that prevent the recruitment of replacement candidates to follow in the footsteps of those who have been arrested and detained..

The risk with the Anti-Terror #2 Bill is that it might prove to cover the first aspect very effectively, but inflame the second.

The greatest danger lies in failing to implement the bill properly. The provisions used by intelligence services and government agencies may lead sections of the community to feel victimised. The provisions may also:

- a) encourage some of the more impressionable (perhaps less stable) members to take up terrorism; and,
- b) result in sections of the community providing tacit support to terrorist groups, or failing to assist the authorities to disrupt terrorism planning and arrest the terrorists.

Unfortunately the performance of some Government agencies does not provide great confidence that Australian policies will be implemented appropriately. One only has to look at the Immigration Department’s dealings with asylum seekers and at the cases of Cornealia Rau and Vivienne Solon. The abominable. Management of the detention centres, illustrates the potential for counter-productive cultures to develop where agencies have high levels of executive power and limited judicial or effective parliamentary or media oversight.

The sedition provisions are open to misuse

Sedition provisions can easily be misused by a Government to shut down legitimate debate.

Think of Australia’s defamation laws. People refrain from saying things not because those things are necessarily defamatory, but because the laws are open enough for someone to complain of defamation and drag the speaker/writer into a long and costly court case. In parallel, the new sedition provisions will mean that one could be dragged into court on the basis of defaming the government. This is an outrageous attack on civil liberties.

If people feel victimised by control orders and then have their freedom to speak out against these laws, an important pressure safety valve is closed down. This may inflame the 'hearts and minds' of terrorists to incite violence as a way of being heard.

We strongly support the Voltaire approach. While it is always possible to disagree with what some people may say, we defend to the death their right to say it.

The sedition provisions are inappropriate and out of place in today's society

The sedition provisions that have been "updated" into the Bill were last enacted when Australia was entering into World War One. That and World War Two were absolute cataclysms where Australia was in declared wars with hundreds of thousands of people under arms, and (at least in WW2) the survival of societies really was at stake. Our society is not seriously at risk from terrorism. These sedition laws seem out of place and totally inappropriate in today's democratic and peaceful society.

Proposed amendments

We urge the senate to consider the following proposed amendments provided in this submission.

- Significant strengthening of judicial oversight, particularly in areas of control orders and preventative detention
- Regular and frequent reports on the operation of the legislation, that must be tabled by the Attorney-General in Parliament
- A standing oversight committee to make those reports
- Sunset periods on the operation of the legislation
- Reviews of and reports on the legislation by a Senate committee prior to it being remade at the end of a sunset period
- Removal of the "sedition" provisions.

Yours faithfully,

James White and Meredith Hope