

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600

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Anti-Terrorism Bill 2005 (No.2)

Friends of the Earth Australia is a national environmental organisation, with around 4,500 members. Please accept this submission on the government's new terrorism laws. Like many in our society, we are concerned that this new legislation will violate human rights in this country. It appears that the laws rely on a broad definition of terrorism which could include many social movements both in Australia and around the world.

Of particular concern is the fact that it appears that the principle of a person being innocent until proven guilty will be overturned.

Under the proposed changes, police who do not have enough evidence with which to charge someone will be able to detain them for 14 days without charge or subject a person to control orders for up to a year. Detention will effectively be in secret.

Control orders will allow house arrest and restrictions on communication and movement. The orders could be indefinite as they can be reviewed every year.

The suggested changes relating to sedition mean that effectively freedom of speech will be undermined.

Updated sedition laws that have not been used for almost fifty years will mean art, writing or speaking that is claimed to encourage political violence can be banned, with the ability to jail people for up to seven years.

Legal principles would be overturned: judicial review of the orders and detention is limited.

The laws may be unconstitutional because they require judges to exercise powers incompatible with the role of the judiciary violating the separation of powers in the Constitution.

It is also concerning that some of the changes have retrospective effects.

We urge the Committee to reject this Bill. It is a dangerous law that will do little to improve the security of Australians while threatening a number of basic elements of our democracy.

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