

THE UNIVERSITY OF
NEW SOUTH WALES



FACULTY OF LAW

9 September 2009

Committee Secretary
Senate Legal and Constitutional Affairs Committee
PO Box 6100
Parliament House
Canberra ACT 2600
Australia

Dear Secretary

SUPPLEMENTARY SUBMISSION: INQUIRY INTO THE ANTI-TERRORISM LAWS REFORM BILL 2009

We note that we made a submission to the Committee on 14 August 2009.

With the Committee's permission, we wish to make a number of amendments to our submission to clarify our recommendations.

First, Recommendation 8 should state:

Recommendation 8

We support the proposal in item 7 of Schedule 1 to the Bill to delete the term 'fostering' from the definition of a 'terrorist organisation' in subsection 102.1(1).

Second, Recommendation 3 should state:

Recommendation 3

We support item 4 of the Bill to the extent that it deletes subparagraphs (b) and (f) of the current section 101.1(2).

Third, paragraph 5 on page 5 should state:

However, item 4 would also *delete* creating a serious risk to the health or safety of the public or a section of the public from subsection 100.1(3)(b). The reason for this is not clear from the Explanatory Memorandum to the Bill. Therefore, we do not support this aspect of item 4. This is because we believe, as with hostage-taking, that such an act is of

sufficient severity that a person should not be excused merely on the ground that he or she was engaging in advocacy, dissent, protest or industrial action.

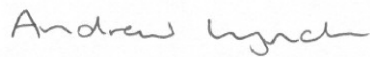
Finally, Recommendation 5 should state:

Recommendation 5

We support item 4 ~~only~~ to the extent that it would include an intention to take a person hostage in subsection 100.1(3)(b).

We recommend that an intention to create a serious risk to the health or safety of the public or a section of the public be retained in subsection 100.1(3)(b).

Yours sincerely,



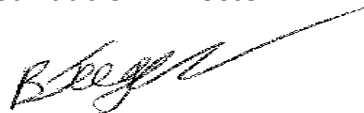
**Associate Professor Andrew Lynch
Centre Director**



**Ms Nicola McGarrity
Director, Terrorism and Law Project**



**Professor George Williams
Anthony Mason Professor and
Foundation Director**



**Mr Ben Teeger
Social Justice Intern**

