

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

Dear Sir / Madam,

The Australian Islamic Mission would like to express its views and concerns about some of the proposed reforms to several provisions of the present Anti-Terrorism legislation.

Generally, we are in support of the Greens' Anti-Terrorism Reform Bill 2009, currently before Parliament, which seeks to introduce a number of safeguards and to repeal some of what we feel are the more draconian aspects of the anti-terror laws. We wish to voice our concerns over the application of the laws and their potential for ongoing discrimination against Muslims.

We believe, as law-abiding Australian citizens and members of the Muslim community, that these laws have the potential to target Muslims in particular. In addition, we are concerned that the current anti-terror laws, if left unamended, will continue to undermine Australians' critical civil rights and personal freedoms.

In the cases of Dr Mohammed Haneef and Izhar Ul-Haque, the anti-terrorism laws have led to unexpected legal and social consequences and have had a disproportionate impact on Muslim communities.

Broadly, we support the Anti-Terrorism Laws Reform Bill and its amendments. However, the regime for banning of 'terrorist organisations' should be repealed altogether as it is an arbitrary executive and draconian measure. The ASIO compulsory questioning powers should also be repealed because they undermine personal freedoms and create unwarranted anxiety and fear.

We support the repeal of the sedition offences in their entirety as they represent archaic notions that run contrary to a modern liberal democracy and can have particular discriminatory applications on Muslims.

We support the proposed amendments to the definition of a "terrorist act". We believe the current definition:

- allows individuals to be targeted and charged on the basis of their religious or political beliefs
- under-emphasises intent over motive, which is a cornerstone of traditional criminal law
- erodes the legal right under international humanitarian law to self-defence in furtherance of self-determination.

We support the repeal of the offence of 'possessing things connected to a terrorist act' and the offence of 'association with a terrorist organisation or its members'. We also support

the reform to offences for training with a 'terrorist' organisation, and providing support to a 'terrorist' organisation

- in practice, many of these offences have led to the criminalisation of conduct that is far removed from any intent to commit a violent act
- it has also led to much distress and unfair targeting of Muslims.

We support the repeal of the presumption against bail for terrorism offences, and the 'dead time' provision for excluding investigative periods from 24 hours for police detention.

Thank you.

Yours sincerely,

Dr Zachariah Matthews
President
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