



# Islamic Council of Victoria

## المجلس الإسلامي في فكتوريا



**Islamic Council of Victoria's Submission**  
**Standing Committee on Legal and Constitutional Affairs**  
**Legislation Committee**  
**Inquiry into the Anti-Terrorism Laws Reform Bill 2009**

1. The Islamic Council of Victoria ('ICV') is the peak body for Muslim organisations in Victoria. The ICV represents Victoria's more than 90,000 Muslims, through its 32 member organisations located throughout metropolitan Melbourne and rural Victoria. Accordingly, the ICV welcomes the opportunity to assist and comment on the Senate's Inquiry into the Anti-terror Laws Reform Bill 2009 ('Inquiry') with reference to the Muslim community.
2. The ICV notes the Explanatory Memorandum ('EM') is short on substance and is a less than meaningful document. The EM does not highlight the reasons why certain sections are to be repealed and why others are to be amended. The EM also is difficult to understand, for example at paragraph 32, we don't understand the significance of why detention without charge is noted to continue beyond 168 hours until the end of 2168 hours.
3. The ICV is also concerned that the Inquiry is constrained to the Anti-Terrorism Laws Reform Bill 2009, and does not seek to examine the whole suite of Anti-Terrorism Laws which had a profound negative impact on Australia's Muslim population, were rushed and ill-considered, and which lacked adequate safeguards against human rights abuses (see for example The Australian Human Rights Commission 2008 Report, 'A Human Rights Guide to Australia's Counter-terrorism Laws').
4. **Items 1 and 2 – Repeal of Sedition offences.** We welcome the repeal of the relevant sections with regards to sedition. This section placed a chilling restriction on freedom of expression.
5. **Items 3 and 4 – Definition of terrorism.** We welcome the amending the definition of terrorism to align with the definition used by the United Nations Security Council.



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6. **Item 5 – Possessing things connected with terrorist acts.** We welcome this change, as we note the current section is too broad and would apply even where a terrorist act does not actually happen.
7. **Item 7 – Definition of terrorist organisation.** We welcome this amendment.
8. **Items 6, 8 and 10 – Terrorist organisations regulations.** We welcome these changes, as the amendments accord with natural justice and procedural fairness, and allow for a ‘fair go’ before a decision is made to proscribe an organisation. We recommend that legal aid funding be made available to any such organisation challenging such a proscription notice.
9. **Item 10 – Training a terrorist organisation or receiving training from a terrorist organisation.** While we welcome the changes, we raise the following concerns:
  - The term ‘training’ should be clearly defined and its scope explained, ie does it mean maths? Leadership? English? Arabic?;
  - We query the meaning of ‘recklessness’ in regards to whether an organisation is a terrorist organisation; and
  - We also note that the reckless test is too broad, and we are unsure exactly what is actually being criminalized. We recommend that the amendment needs to be clearer to provide certainty (refer to s.102.5(2)).
10. **Items 11 and 15 – Providing support to terrorist organisation.** The term ‘material support’ needs to be clearly defined, and not left up to a piecemeal definition via judge-made law.
11. **Item 16 – Associating with a terrorist organisation.** We welcome the repealing of this section, as the criminal liability was too broad and uncertain.
12. **Schedule 2 – Amendments to the Crimes Act 1914.** We welcome these amendments especially in regards to a detainee being informed of their rights, and the changes to ‘investigative dead time’.





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13. **Schedule 3 – Amendments to the ASIO Act 1979.** We generally welcome these amendments, but as noted above, we do not fully understand paragraph 32 of the EM.
14. **Schedule 4 – Repeal of the National Security Information (Criminal and Civil Proceedings act) 2004.** We welcome this amendment.
15. Some general concerns in relation to the Muslim community which we raise as high importance are as follows:
- any search must be gender specific under all circumstances where possible - dignity of women and men should be preserved;
  - provisions for Muslim prayer times to be included whilst a person is being detained, questioned etc – reasonable time should be afforded to prayers;
  - allowances for appropriate meals (*halal* certified) to be provided at the requisite times during Ramadan (during *sahur* and *iftar*);
  - at all times, the *Quran* (the Muslim Holy Book) must not be used as a tool for coercing reactions from detained Muslims, particularly disrespecting the Quran;
  - other methods of questioning that plays on the taboos within the Muslim community such as dogs and gender-related concern should also be strictly forbidden;
  - provision for halal food/meals for Muslim detainees; and
  - the inappropriateness of a female being questioned alone in a room by a male (who she is not related to). We strongly recommend that a female officer/ person must be present during this circumstance, and vice versa.

Once more, we thank you for the opportunity to make this important contribution.

Yours sincerely,

**RAMZI EL-SAYED**

**ICV President**

18 August 2009