

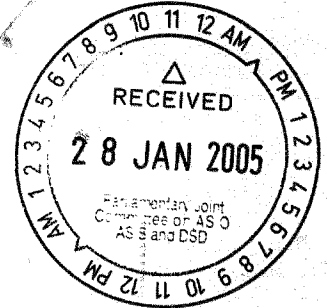
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Secretary: *Ms. [Signature]*



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24 January 2005

The Secretary

Parliamentary Joint Committee on ASIO, ASIS and DSD

Parliament House

Canberra ACT 2600

Dear Secretary

**Listing of Al-Qa'ida and other groups as "terrorist organizations" under the *Criminal Code***

Liberty Victoria wishes to make a submission in relation to banning "terrorist organizations" under the criminal code.

Liberty Victoria opposes the power to ban "terrorist organizations" because:

- (a) such bans are unnecessary – the ordinary criminal law already provides protection to the public;
- (b) such a process imposes criminal guilt by association as distinct from imposing criminal liability resulting from an individual's actions in causing harm or damage;
- (c) the power carries with it the serious danger of being exercised arbitrarily or for an improper purpose.

However, if the power is to be exercised at all, Liberty Victoria submits that the power should:

- (i) comply with public and open criteria and procedures;
- (ii) only occur if certain conditions are satisfied, such as

- a. provision of proof that the principal activities of the group involve political/ideological violence;
  - b. provision of a public statement as to the impact of the ban on freedom of speech and freedom of association more widely;
  - c. a statement as to why the application of the ordinary criminal law is not sufficient to protect the public
  - d. provision of public information to justify the decision;
- (iii) be accompanied by a right of merits review in the courts.

We trust these submissions are of assistance, and look forward to seeing the outcome of the committee's deliberations in due course.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Brian Walters", with a long horizontal flourish extending to the right.

Brian Walters SC

President

Liberty Victoria