



Ms Jane Hearn
Inquiry Secretary
Parliamentary Joint Committee on Intelligence and Security
Parliament House
Canberra ACT 2600

By e-mail: pjcis@aph.gov.au

7 July 2006

Dear Ms Hearn,

We thank the Parliamentary Joint Committee on Intelligence and Security (the Committee) for the invitation to make a submission with respect to the report of the Security Legislation Review Committee (SLRC) released on 15 June 2006.

AMCRAN commends the SLRC report to the Committee. The report is meticulous, comprehensive and complete, especially given the difficult conditions limiting its execution (SLRC Report 1.11 and 1.12). We agree almost entirely with the findings of the SLRC and accept all of their recommendations, particularly:

- Modifications to the proscription process (Recommendations 3 to 5).
- Repeal of the association offence (Recommendation 15).
- Modifications to the training offence so that intention to support terror activities is a prerequisite (Recommendation 12).
- Continued review of the laws by an independent body such as the SLRC on a regular basis (Recommendation 1).

While we agree with the recommendations of the SLRC, we also think that further refinements are possible and that they could go further. For example, the SLRC found that even though the inclusion of "informal membership" in the definition of "membership" was not ideal, it found that it was unlikely that terrorist organisations maintained a register of members (10.9-10.13) and as such it was necessary to include the concept of informal membership to cover individuals who may only be loosely connected with the proscribed organisation.

AMCRAN believes that there is the potential for innocent people to be inadvertently trapped by informal membership. We submit that there are ways of restricting the definition of membership so that innocent people are not affected. This may involve defining membership as active participation consistent with the usual duties of membership, or activities related to the objectives of the organisation, e.g. attendance at meetings or participation in the activities of the organisation.

It is also important to note that the scope of the SLRC review excluded the examination of many of the most controversial aspects of the anti-terrorism laws introduced as part of the *Anti-Terrorism Act No 2 (2005)*, as the report itself notes (1.13-1.14). This includes measures such as the preventative detention, control orders and random search powers.

Notwithstanding the above, we believe that accepting the recommendations of the SLRC report will lead to a more just set of anti-terror laws. While the recommendations do not contain all of the safeguards that AMCRAN believes are necessary for the protection of the civil rights of all Australians, accepting the recommendations would be perceived as a step towards the restoration of civil rights. It would improve the Muslim community's trust of the intelligence and security apparatus of the government. This in turn would strengthen and build upon existing cooperation in preventing the scourge of terrorism from befalling Australia. It would also improve Australia's international reputation as a nation where values of personal freedom and civil rights are upheld.

Yours sincerely,

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