

The President  
Anti-Terrorism Bill (No.2) 2004  
Senate Legal and Constitutional Legislation Committee  
Australian Parliament  
Canberra

Dear Sir/Madam,

I have only today become aware that round 2 of the anti-terror laws are now before the Senate Legal and Constitutional Legislation Committee.

As I understand, the Anti-Terrorism Bill (No 2) 2004 was referred to the Senate Committee on 23 June and it is due to report on its findings by 5 August. I believe the period for submissions was not long enough and not well advertised, especially when this Bill has the intention to further undermine our civil rights.

In summary, my concerns on the Anti-Terrorism Bill (No.2) 2004 are as follows:

1. Powers to ASIO to seize foreign passports and/or identity papers.

There are already existing powers for ASIO to seize Australian passports.

2. Powers for ASIO to prevent individuals against whom they have sought a questioning warrant from leaving Australia, through seizure of Australian and foreign passports.

This means that ASIO does not need to have been granted the power to take a person in for questioning in order to confiscate foreign or Australian passports. All ASIO needs do is apply for a warrant for questioning. The presumption of innocence is no longer there, and the rights of the person forsaken.

3. Introduction of the criminal offence of "associating with terrorists".  
"Associating" means intentionally "communicating with" a member of a listed terrorist organisation on two or more occasions. [Outside of lawyers and fellow religious worshipers, only "close family members" and people engaging in political communication as implied within the Constitution (eg journalists) are exempt from being charged with this offence.]

For a person to be charged with the criminal offence of "associating with terrorist", the person does not need to be a member of the 'terrorist' organisation in order to be charged.

The person also does not need to know that the organisation was a listed terrorist organisation. All that needs to be established is that the communication with the organisation is considered to be "supporting the existence or expansion" of the group. It is an offence of strict liability.

It must be noted that freedom of political communication is an extremely weak right within the Australian Constitution. The freedom of political communication should be strengthened in the Constitution rather than undermined.

\*Thus far and as far as I understand, all of the organisations proscribed are Islamic groups. The failure of Parliament of proscribing other than Islamic groups must be viewed as discriminatory and racist.

4. Powers for the Minister or their delegate to transfer prisoners between prisons and/or interstate for "security" reasons. Court proceedings may also be transferred for security reasons.

These decisions are not subject to administrative or judicial review, therefore these decisions demonstrate a disdain to the rule of law and are totally arbitrary.

In the Anti-Terrorism Bill (No.2) 2004, the definition of prison is expanded to include remand centres, that is anywhere ASIO or the Australian Federal Police have a person detained. The decision to transfer overrides all other court-issued imprisonment orders, undermining the judiciary and contravening civil rights.

I view the Anti-Terrorist Bill (No.2) 2004 as a subterfuge by those in power, a surreptitious coup d' etat by ASIO, to undermine our civil rights and suppress dissent, while Parliament aids and abets such offence. Furthermore, providing the Minister or their delegate with powers to do as they please is to send our legal system back to the Dark Ages.

Please make sure not to pass the Anti-Terrorist Bill (No.2) 2004 as it will further undermine the civil rights of every person living in Australia and it will soon come to haunt all of us.

Yours sincerely

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