



Australian Government

Classification Review Board

Our ref: 07/9099

The Hon Philip Ruddock MP
Attorney-General
Parliament House
CANBERRA ACT 2600

Dear Attorney-General

Re Material that Advocates Terrorist Acts

Further to our submission of 29 May 2007 and in light of your recent announcement that the classification laws will be changed to proscribe material that advocates terrorist acts, the Classification Review Board (the Review Board) would like to restate its concern regarding the proposed definition of 'advocate'.

The *Material that Advocates Terrorist Acts Discussion Paper* of 1 May 2007 said the word 'advocate' would be defined as follows:

'advocate' means action that directly or indirectly counsels or urges doing a terrorist act; or directly or indirectly provides instruction on doing a terrorist act; or directly praises doing a terrorist act where there is a risk that such praise might lead a person (*regardless of his or her age or any mental impairment*) to engage in a terrorist act.
(Emphasis added)

The Review Board is concerned with the element of this definition requiring a test to be applied 'regardless of the age or any mental impairment'. This seems to require the Review Board to apply a subjective test. It is anticipated that anomalous situations may arise given interpretations by panels constituted by different members in this regard.

Given the lack of case law that could assist the Review Board, or Classification Board, in this regard it would seem that the test of 'a reasonable adult' or 'reasonable adults' would provide more certainty in decision making for industry and the Australian public as such tests are more precise and have the benefit of judicial interpretation.

The Review Board is concerned the proposed test might capture a broader range of material than the Parliament may wish or intends under the proposed amendments.

I thank you for your consideration of this matter.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Maureen Shelley'.

Maureen Shelley
Convenor
20 June 2007