

Proposed Offences for Sedition in the Anti-Terrorism Bill 2005

Submission to the Senate Legal and Constitutional Committee

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Overview:

As an active member of the third largest filmmaking community in Australia I write to express my concern about the powers of the proposed Anti Terrorism Bill 2005 which seeks to update and reinstate "sedition" as a major offence in Australian law. Apparently this is to oppose Terrorist activity yet it is unclear how this is intended as traditionally Sedition laws are used to oppress free speech and those speaking out against Government policies. This goes against the very fabric of a healthy Democracy.

As a filmmaker and political activist I am extremely concerned these proposed laws have the objective to stop free speech. If these draconian laws are passed I, for example could be put in jail for 7 years for "assisting, by any means whatever, an organization or country at war with the Commonwealth" My past and proposed documentaries could come under this description simply by giving Iraqis under occupation a voice.

I have been to Iraq twice to give both sides of the argument a voice. Over 15 million people marched in the streets worldwide to protest the illegal invasion of Iraq. Even the United Nations the supposed highest representative body on Earth said the invasion of Iraq was illegal. Is it therefore wrong to challenge and even condemn if necessary the action of our or other Governments that may choose to go against this strong opposing viewpoint.?

Sedition offences not requiring force or violence

The way these law are currently draught, to be charged with sedition one does not even need to use violence or force, one can be charged with sedition simply by "assisting, by any means whatever, an organization or country at war with the Commonwealth" This is far to broad as merely giving a voice to an opposing force could be extruded as "assisting, by any means whatever"

Unlawful associations with “seditious intentions”

In this section, seditious intention means an intention to bring the Sovereign into hatred or contempt or to urge disaffection against the Constitution, the Government of the Commonwealth, or either House of the Parliament.

If we cant urge disaffection against the Government what sort of a democracy do we have?

The unlawful associations provisions are too broad

Extreme concern needs to be raised regarding the proposed ability to ban “unlawful associations” for expressions of a broadly defined “seditious intention”.

The practical impact of the “unlawful associations” proposal would be to provide the Government with the ability to ban any organization that opposes a Government decision and encourages protest or dissent that falls outside the law, no matter how slight or technical the breach. There is absolutely no link between this section of the proposal and terrorism.

“Good Faith” as a Defense

The very limited defense of “good faith” in particular circumstances, does not include a general good faith defense that might cover general discussion such as education, journalism, artistic expression, satire and other forms of free speech. It places an undue burden on the accused to prove their innocence, thus reversing the accepted onus of proof in Australia criminal law.

The penalties for the proposed sedition offences are up from three to a maximum of seven years imprisonment despite the fact that no force or violence may have been involved by the accused.

Sedition History

Sedition laws have an appalling history of abuse by Governments and they politicise the criminal law. Re-awakening dormant sedition laws in the name of anti-terrorism will make these laws available for the broader inhibition of free speech and repression of the normal democratic process.

Sedition has a long and undignified history. Jesus, Ghandi and Nelson Mandela. have been charged and sometimes imprisoned for so called “sedition”. Are these people terrorist or people who have now been recognised as visionaries for a fairer and more just world. I am concerned these laws will attempt to do what they tried to do to these people to the future shame of the country.

Recommendation

I therefore recommend that the proposed section on sedition laws in the governments Anti-Terrorism Bill should be abandoned and that Terrorism should continue to be tackled by existing laws. There should be no rise in penalty for sedition from three to seven years imprisonment.