

Committee Secretary Senate Legal and Constitutional Committee Department of  
the Senate Parliament House Canberra ACT 2600 Australia Dear Sir/Madam,

We would like to offer the following as a formal submission to your inquiry on  
this matter:

We appreciate Senate's efforts to defend Australia, both in terms of  
supporting anti-terror laws and, crucially, in ensuring that they do not  
compromise our democratic heritage.

We are inclined to the view that sedition provisions have an archaic 'feel'  
and are likely to do more harm to democracy than good.

In any regard, we commend to your attention the appended amendments to the  
proposed anti-terror legislation.

They stem from the President of Australian Lawyers for Human  
Rights and has come to us through the National Association for the Visual  
Arts.

Thanking you,

Sincerely,

Professor Ian North & Ms Mirna Heruc

Kent Town SA

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Proposed Amendment to the Anti-Terrorism Bill 2005

Omit sub-sections 80.2(7), (8), (9)

Insert after 80.2(6) the following:

380.2A Exemption

Sections 80.1 and 80.2 do not apply to anything said or done  
reasonably and in good faith:

(a) in the creation, performance, exhibition or distribution of an  
artistic work; or

(b) in the course of any statement, publication, discussion or  
debate made or held for any genuine academic, artistic or scientific purpose  
or any other genuine purpose in the public interest; or

(c) in making or publishing:

(i) a fair and accurate report of any event or matter of public  
interest; or

(ii) a fair comment on any event or matter of public interest if  
the comment is an expression of a genuine belief held by the person making  
the comment.<sup>2</sup>

Change clause 80.3 Defence for Acts done in good faith, to require the onus of proof to rest with the prosecution rather than the accused."

(The provision is based on s.18D of the Racial Discrimination Act 1975 exemption from racial hatred.)