

Dear Secretary,

I am writing to raise some serious concerns about the Anti-Terrorism Bill 2005, and I would like to request that this correspondence be regarded as a formal submission to the inquiry. In any event I would like my letter to be distributed to all members of the committee.

Firstly I would like to state that I strongly agree with legal, community and civil rights groups, as well as former Prime Ministers, politicians, judges and other officers of the court; that this Bill represents some of the most intrusive attacks on the rights of Australian citizens, and I am outraged by it.

There has been insufficient time for consultation and debate

I strongly oppose the Bill because it affects some of the most fundamental freedoms that any civilised (and democratic) society is built on, such as the presumption of innocence, freedom of speech, due process and the right to a fair trial. Because these freedoms/rights are so fundamental to Australian society it seems that the drastic changes proposed in the Bill should not be introduced without proper community consultation and debate. I therefore find it inconceivable that the Government is intending to rush the Bill through Parliament, allowing the opposition only 10 minutes to review it, and the senate only one day to scrutinise it, if at all. Concerned citizens will not have the opportunity to analyse, digest, or even understand these attacks on our fundamental freedoms before they become a part of the Australian legal landscape. If Australian citizens fundamental rights are going to be taken away surely (in a democratic society) we should be given time to understand the proposed legislation, how it will affect our lives; and also be given the opportunity to respond and be heard.

No case has been made for their necessity

I do not believe that the Government has put forward their case as to why such destructive and draconian measures are necessary. They have failed to explain how such measures will help to fight terrorism, particularly considering the existing draconian anti-terror laws that allow ASIO to question and detain a person for up to seven days. There should be no further increase to the anti-terror laws unless the review of existing legislation is complete.

Also, there is no guarantee that these proposed (harsh) laws will be effective. Similar laws in the UK did not stop the July 7 bombings from happening in London. In fact, it is quite possible that these laws would be counter-productive, since they may lead to a worsening of relationships between authorities and the community.

There is no question in my mind or that of many others including experts in the fields of national security and defence, that existing laws are more than adequate to address the level of threat from terrorism that Australia plausibly faces.

## Muslim community concerns

I am very concerned that the laws may have a particular impact on the Muslim community. Although the Muslim community has unequivocally denounced terrorism in its many forms, there is still a very real possibility that members of the community would be subject to increased surveillance and suspicion as a consequence of these laws.

## Impact of control orders

I strongly object to the imposition of control orders that allow people's freedoms to be severely curtailed, including house arrest, limitations on communications and being forced to wear tracking devices. The test applied is the 'balance of probabilities', rather than 'beyond a reasonable doubt'. The subject of the order isn't even there at the time the decision is made.

When these two factors are combined, there is definitely the potential for stereotypes and racial profiling, and the fact that someone is Muslim or, for example, prays in a particular mosque, could be reason enough to tip the scales. This could lead to many innocent people being imprisoned, especially those with a Muslim background. Australian law and society is supposed to operate under the presumption of innocence, but with these control orders people are judged guilty and are punished without a fair trial.

I also have a problem with the clause which states 'training with a terrorist organisation' as one of the many reasons for imposing a control order. This would apply to people may have- many years ago- trained with Hamas for example, before the organisation was outlawed, and before September 11. There is already a crime for 'training with a terrorist organisation', but this appears to be a backdoor way (loophole) to limit freedoms of people who can't be found guilty of a crime.

## Impact of preventative detention

I believe strongly that every person has the right to be free from arbitrary detention, and this has long been a guaranteed right of Australian citizens. I am seriously concerned that under the proposed Bill preventative detention measures allow a person to be detained for up to 2 days, and it is possible for even longer under the COAG agreement with states. Also, the criteria for detention, especially in the aftermath of a terrorist attack, are very low.

It is a real possibility that in the aftermath of a terrorist attack, many Muslims will be arrested to 'preserve evidence', while the police try to work out what is going on, and that they will apply a 'better safe than sorry' approach to detaining people. Indeed, in the aftermath of September 11, at least 70 people (all but one Muslim) were detained using the 'material witness' laws in the US, the effect of which is similar to preventative detention. This is the most conservative estimate, and because of secrecy we are not sure how many were actually detained, but some estimates are as high as 1200.

### Impact of random stop and search powers

Under the random stop and search powers, police can stop you and ask you questions, as well as search you, your vehicle or anything under your control, if they think that you "might have just committed, might be committing, or might be about to commit a terrorist act"

This opens a huge door for racial profiling- it is more likely that Muslims will be searched. There is no requirement that the search be conducted in private, which could cause distress to Muslim women who wear hijab (headscarf) or niqab (face scarf), who might be requested to remove their hijab as part of the search.

### Impact of Incitement, Sedition and 'Advocating Terrorism'

I am strictly opposed to the provisions in relation to incitement, sedition and the new criteria for banning an organisation on the basis that it 'advocates' terrorism because they would severely limit the freedom of speech in this country. We are supposed to have a democratic political system in which the government is accountable, which means that we should be able to speak openly about, and comment on the government. Dissent is a healthy and important part of a democracy, but under the proposed sedition laws the government would be able to quash dissent under the guise of 'terrorism'. In a democratic society we should be able to speak up against oppression, no matter who it is committed by or against (no matter what country)

### Impact on Privacy

I believe that everyone has the right to privacy. The proposed Bill will impose on Australian citizens' privacy in an unprecedented manner. For example, the random stop and search powers allow police to intrude into a person's personal life.

### In closing...

I join with all Australians in condemning all terrorist acts. The targeting of innocent civilians is horrendous and unjustifiable. But there is a fundamental difference between discussing political and religious beliefs, suicide bombings or even how to make a bomb, and actually carrying out a terrorist act. That difference - between thought and action - I fear, has been obliterated in the proposed anti-terror laws. These laws, which criminalise dissenting ideas, annul the right to silence and remove legal "due process" from public view, are a violation of basic human rights. If we are to continue to call Australia a democracy, they must not be passed.

There must be no further erosion of our freedoms and our human rights, especially unless a very strong case is made for the necessity of these proposed laws and they are considered very carefully. As they stand these laws are extremely open to police discretion and therefore open to be abused by the powers that be. I urge the committee to reject this Bill entirely on behalf of all Australian citizens and their basic democratic rights.

Yours Sincerely

Lisa Walker  
Page, ACT