

Submission in relation to Anti-Terrorism Bill 2005 (Cth)

Dear Senators

I am opposed to the enactment of this Bill. The process has been unreasonably rushed, without adequate time being allowed for public debate. The scrutiny of the Bill in Parliament is perfunctory and is an insult to the notion of 'democracy'.

I quote below from other sources in order to meet the submission deadline. This entire submission, however, is my heart-felt opinion.

Loss of faith

As a member of the general public I find I can no longer believe anything that the Government says about national security. We have been subjected to half truths and dubious intelligence about security threats, both abroad (notably in Iraq) and in this country, driven by the Prime Minister and his senior colleagues. We would be foolish if we accepted without challenge the latest arguments about the need for more draconian state and police powers relating to preventive detention, sedition and close monitoring of potential suspects.

Innocent people should not be jailed

The Bill, if passed, will allow innocent Australians, those who have not been charged with or convicted of any crime, to be detained. The proposed control orders, for instance, will allow house-detention with 24 hours surveillance even if there is no suspicion that the jailed person is about to commit a crime. In the United Kingdom, preventive detention orders have been used against persons who have been found innocent by juries after a seven-month long criminal trial. Jailing innocent people is not only a travesty of justice but also does nothing to improve the safety of Australians.

Proof before punishment and coercion

The Bill will permit severe restrictions of freedom without the need for proper proof. Instead of requiring the police to prove the necessity of detention to an independent authority, the Bill allows police to authorise the preventive detention of someone for up to 24 hours. They can also have authority, in some situations, to force Australians to produce documents and answer questions. Giving the police such free rein, with no effective check on the legality of their exercise of power, opens the door to mistakes and abuse. It threatens to undermine the balance between legal power and institutional culture that is at the heart of policing

Innocent until proven guilty

Not only does the Bill allow for unprecedented police powers without the need for proper proof before an independent authority, it also lowers the threshold of proof when an independent authority is involved.

So instead of Australians being innocent until proven guilty beyond reasonable doubt, they can now be incarcerated with much lesser proof. This is not acceptable.

Sedition

The Sedition clauses should be removed in the interests of preserving free speech and the health of our democracy. They offer no clear benefit in the fight against terrorism.

The restrictions on reporting and discussing abuses of the new powers or 'bungled' anti-terrorist operations is not acceptable in a democratic environment and are clearly political in intent.

Reject this Bill

I urge the Committee to reject this Bill. It is a dangerous law that does little to improve the security of Australians.

It is an attack on the democratic principles of this country, on the principles that so many Australians have given their lives for in the past.

Yours sincerely,

Ian Russell
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10 November 2005