

Anti-terrorism legislation – BRG submission to the Senate Committee Inquiry November 2005

Bayside Reconciliation Group is a local association of residents of the Bayside municipality of Melbourne seeking to raise awareness of and make constructive suggestions about Indigenous reconciliation.

We are concerned about aspects of the Government's proposed anti-terrorism legislation. We note that many respected commentators are raising substantive and substantial concerns about the Bill before Parliament. With limited opportunity for community involvement, we remain concerned that

1. The reach and impacts of the proposed legislation. By the admission of government Ministers, the proposed legislation is (apparently intentionally) far from transparent.
2. Senior jurists and some experienced in legislative review have identified examples of confusion, disinformation and obfuscation in the legislation.
3. There appears little rigorous analysis and review of the proposals for change, and a climate of fear, confusion and haste in which alternatives are being denied due consideration.
4. The Prime Minister, the Attorney-General and others advocating these far-reaching changes to law rely on assertions that the general public should 'trust us'. But sedition laws and executive incarceration powers have always been, and still are, dangerously open to politicization and abuse.

Our group seeks to develop considered positions on Indigenous affairs and reconciliation and, from time to time, advocate accordingly – regardless of government policy at different levels. Thus our specific concerns relate to provisions of the proposed legislation dealing with *sedition*, and with some aspects of *preventative detention* and *control orders*.

We believe that the free and fearless reporting of events, the need to maintain a vigorous and critical cultural life within the community, and our ability to express personal views on important issues may be threatened by these proposals.

Because of limited access to the Bill in the time allowed, we must rely on such as your review for reassurance that modifications to the original proposals do now clearly eliminate

- the Bill's setting aside the principle of habeas corpus in specific instances;

- provisions in the Bill which allow the banning of organizations which advocate a wide range of peaceful dissent or civil disobedience quite unrelated to terrorism;
- the Bill's banning of
 - media reporting of many aspects of cases of preventative detention and control orders;
 - fair communication and access-to-information rights of those detained under those laws;
 - legal aid being available to those detained under those laws.
- the reversal of the presumption of innocence under the Bill's restriction of artistic and journalistic work;
- the limitation or elimination of the defence of 'good faith' in educational, artistic and journalistic expression.

We are grateful for the opportunity to bring these concerns to the attention of the Committee and look to you for the fearless, independent review on which mature democracy relies.

Thank you on behalf of Bayside Reconciliation Group.

Ken Blackman
Convenor.
11 November 2005