

Submission to the Inquiry into the provisions of the Anti-Terrorism Bill (No. 2) 2005
11/11/2005

Dear Senators,

I would like to add my voice to the many deeply concerned Australians in regard to this Bill. My first concern is that a week for accessing and commenting on the proposed legislation is completely inadequate, especially as there was no copy in the local library (Fremantle) for people unable to access the internet. This lack of concern for the general public could be perceived as gagging debate on legislation of critical importance.

I am very concerned with the use of such words as “reasonable” i.e. in the new stop, question, search and seize powers where it is reasonably believed that a serious offence may be committed uses loose terminology which could result in a serious abuse of power. Who would arbitrate on such decisions and how quickly? Transparent supervision is essential for the checks and balances which would guarantee human rights protection.

In the section dealing with suggested “overt close monitoring” for periods of up to three months for suspects between 16 and 18 years and 12 months for those over 18, with the control orders being open to extension indefinitely, are alarming threats to civil rights.

Is it true that children will be allowed an adult present when being questioned, but that the adult would not be allowed to speak? If so, it would appear that the rights of children would also be in doubt.

The provisions for arbitrary detention, limited judicial review and no presumption of innocence apparently conflicts with the provisions of the International Covenant on Civil and Political Rights (ICCPR) to which Australia is a signatory. Australians have always rightly expected that a presumption of innocence is sacrosanct and any legislation which threatens this expectation is of major concern. I feel that such a change in our legal system would be “un-Australian” and should be completely rejected.

Arrest and detention on the basis of intelligence instead of evidence may be necessary in a State of Emergency, but civil rights should always be respected. This Bill promulgates what could be described as pre-emptive strikes against Australian citizens, but we do not have the protection of a Bill of Rights nor does the current legislation justify itself under State of Emergency provisions.

It is hard to understand why such draconian measures are needed when existing laws are more than adequate to cope with threats or acts of violence.

The definition of “sedition” which would be widened under this legislation so that it incorporates all people or groups who urge violence or assistance to Australia’s enemies (who are they?) or “promote feelings of ill-will or hostility between different groups so as to threaten the peace, order or good government of the Commonwealth” prompts the comment that the legislation itself will promote just such ill-will or hostility.

Criticism of the Government by individuals or the press is not seditious, but a long-held right of our democracy.

I am grateful for the opportunity to comment and feel it is essential that further time be made available for the public to contribute to the debate.

Yours sincerely,

Wendy Alpers