



HUMANIST SOCIETY OF VICTORIA Inc.

Affiliated with the Council of Australian Humanist Societies (CAHS) and
the International Humanist and Ethical Union (IHEU) London, UK
GPO Box 1555, Melbourne VIC 3001



Senate Legal and Constitutional
Legislation Committee
Parliament House,
CANBERRA, ACT.

Webpage: vicnet.net.au/~humanist.html

Re: PROPOSED ANTI-TERRORISM BILL 2005

SUBMISSION FROM THE HUMANIST SOCIETY OF VICTORIA INC. (HSV)

The HSV is a secular organisation whose members foster an ethical, reasoned and responsible life philosophy. It supports human rights, democratic processes and a just and inclusive governance.

It seeks to alleviate suffering, to promote well-being and the circumstances where all individuals can attain their full potential. It engages in educational, counselling and charitable activities.

The views that follow have been formulated at specially convened group discussions to which all HSV members are invited. Further supportive information is obtained from print publications, the Internet, public lectures and from individuals with relevant expertise.

The Convenor of the HSV Submissions Committee is authorised to present these views.

1. Victorian Humanists welcome the opportunity to submit comments on the proposed anti-terrorism legislation.
2. We acknowledge that in the current circumstances it is essential that Australia has adequate measures in place to deal with terrorism, potential or actual. The successful action by authorities in Melbourne and Sydney this week shows that adequate measures are already in place. We therefore seriously question the need for further, more draconian legislation,
3. Increased public surveillance, inspection of carried bags or parcels and checks of identity are regrettable invasions of privacy but, in our view, justifiable at present, so long as those are applied to all citizens equally without selective discrimination.
4. We believe it would be prudent to allow more time to examine and debate this proposed law, as is done in the UK, lest, in haste bad laws are enacted. We consider it most regrettable that the public has not been given ample time and opportunity to make submissions to this inquiry. We believe that when such significant changes that affect existing civil rights are to be enacted, sufficient time for input from a wide cross section of the community, as well as a full parliamentary debate and standing committee inquiry should be mandatory.
5. The greatly widened powers of Australia's security organisations - the police, ASIO and the army - create the potential for their abuse when exercised without scrutiny.
History provides many examples of such abuses of power. The Universal Declaration of Human Rights was proclaimed and adopted by civilised nations to limit excessive state powers.
- 6.a) The proposed anti-terrorist legislation does not comply with Australia's obligation as a signatory to the International Covenant on Civil and Political Rights (IOOPR) by:
 - * violating the guarantee to freedom from arbitrary detention
 - * not guaranteeing sufficient access to court or judicial review
 - * the possible circumvention of the constitutional separation of powers of the executive and the judiciary.
- b) In the absence of a Bill of Rights, Australians need a set of safeguards to protect our democratic principles, systems of justice and way of life. The acts of terror seek to destroy these civil and social achievements of our democratic governance. It is only by an act of Parliament that it can be protected.
We believe that biannual audit to Parliament from an independent/bipartisan panel monitoring the use of the new laws, is a minimum safeguard against the abuse of the proposed new powers.

7. The law of sedition.

We find this section of the proposed Bill confusing and open to conflicting interpretations even in its modernised version. There appear to be adequate provisions in the existing criminal statutes to deal with incitement to acts of violence. These provisions do not seriously infringe freedom of speech, while the law of sedition carries that potential. Editors of several publications stated that this law may readily be used to restrict free and open debate. We observe that the law of sedition is freely used in every totalitarian regime. It is inimical to democracy and we therefore submit that this section of the Bill be deleted. (The absence of a sunset clause on this section is puzzling.)

8. The 10 year sunset clause.

This provision, with a review after 5 years, entrenches possible legislative difficulties and errors for too long a time.

As well, the rapid changes in many circumstances eg. technology, weaponry, and unforeseen developments, would require frequent adjustments to this law. And the extended, special police powers created to deal with an emergency should not be retained when no longer justified.

We therefore strongly urge that the legislation should carry a two year, rather than ten year sunset clause.

9. We anticipate sending supplementary comments early next week, after further discussion among our members.

Yours sincerely,



Halina Strnad,
convenor, submissions committee.
7.11.2005.