

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
Parliament House  
Canberra ACT 2600

Submission commenting on the Draft Anti-Terrorism Bill 2005

Dear Committee Secretary,

I am not usually one to write letters on such issues, however in this instance I feel I must. I am strongly opposed to the content of the Draft Anti-Terrorism Bill 2005, to the inadequate time allowed for public and political debate, and to the restricted distribution of the draft proposals.

Whilst I acknowledge that certain circumstances can require changes in our legislation, it should not come at the cost of basic freedoms and human rights. The negative ramifications of this Bill on the rights of Australians are severe, far-reaching and permanent. Reducing controls and checks on the use of force, control orders and preventative detention orders, and restricting sedition and legal representation without appropriate safeguards ignores universally recognised basic human rights.

I have serious reservations as to the content of the proposed Bill. I strongly object to:

- q the inclusion of "shoot to kill" provisions under any circumstances
- q detention provisions and the arbitrary and ill-defined nature of the criteria for such detention
- q limiting people's freedoms through temporary control orders
- q increased police-stop-and-search-powers
- q approval of control and detention orders without review from the courts or the requirement to justify the reason for the order
- q a detainee not being permitted to challenge his detention, inform relatives nor choose his lawyer of choice
- q replacing existing, well-defined incitement-to-violence laws with vague, over-generalised sedition provisions

I have concerns that the proposed Bill:

- q is open to abuse
- q may be counter-productive, and lead to distrust between the authorities and the community
- q may lead to suppression of free speech and political debate, particularly in controversial areas which require the most discussion
- q may lead to inequality within the Australian community and persecution of Australians, based on race, religion, cultural background, or political tendencies

q            may actually create the restrictions, fear and mistrust within in our society, that this legislation hopes to stop

I do not find it reassuring that the Bill was not publicly distributed, and that adequate time was not foreseen for debate prior to the passage of the Bill. A reasonable time for public consultation and political scrutiny is essential for such important legislation. Previous terrorism laws have been analysed and debated for months, often leading to important changes. I see no reason for this Bill to be treated with less caution now.

I am not alone in my views; these are also the opinions of many other Australians. I urge you, and all committee members to reject this Bill in its entirety. It is a law that seriously jeopardises the freedom of all Australians.

Yours faithfully,

Tim Mackney