

Secretary  
Legal and Constitutional Committee (SEN)

Re: Inquiry into the provisions of the Anti-Terrorism (No. 2) Bill 2005

Dear Mr Walsh,

Thank you for your invitation to make a submission to the Legal and Constitutional Committee (SEN) on the subject of the Anti-Terrorism (No. 2) Bill 2005. (The invitation came to the Dean of the Faculty of Law, at the Australian National University; I am a member of that Faculty - I am an Adjunct Reader at the Australian National University, and an Adjunct Professor at James Cook University.)

In common with a very large number of people, I am seriously distressed by the fact that this is being rushed through the Parliament with no proper deliberation, and far too little time for debate and consideration by the public. I am ashamed for my country.

In a letter to the Canberra Times on Monday 7 November 2005 (page 10) Robert Dunstone notes that great powers given to people who can exercise them without transparent supervision lead to abuse. This has happened in many countries in the world, and it will certainly happen here, however much the legislators and others may deny it. It happened in the United States, where persistent and even proven allegations of torture have been made against prison authorities. The United States calls itself a 'Democratic Country', and it may well have thought such things could not arise in the administration. It happened in many countries listed by Mr Dunstone.

I come from South Africa. When the opaque anti-terrorism laws came into force there, there were serious promises from the Parliament that they would never be abused, and that South Africans did not do bad things. But they certainly did, and the documents of the Truth and Reconciliation Commission establish beyond all doubt that they happened. There were murders and disappearances in a country that prided itself on being civilised, and that is what will happen here.

It is also true that the records show that in the long run, the horrible laws are very likely to fail; and, in order to enforce them, Australians will do bad things. To enforce a gutter law you have to stay in the gutter yourself.

I am ashamed of my country.

I wonder: will this letter get me put on a list of potential opponents of the regime? And what will happen to those on the list? Will we disappear, or what? Frankly, I don't really mind if that does happen. I am old already, and I have lost my pride in my country's government.

Yours faithfully,

Charles Rowland  
Farrer ACT