

Senator M Payne, Chair
and members of the
Senate Legal and Constitutional Legislation Committee

22.11.2005.

Supplementary comments to Submission no 85, 9.11.'05

Please refer to para 5 of that submission and the critical comments on the new definitions of “seditious intent” inserted by new subsection (b) added to s 30A of the Crimes Act 1914.

It should be noted that these definitions are criteria which may serve as justification for declaring an association or a ‘body of persons an “unlawful association” under s 30A.

Under s. 30A a member of such an unlawful association who ‘fails or neglects’ to answer questions (s.1a), provide information (s.1b), allow the inspection of documents (s.1c) of relating to property, payments, or ‘any transactions’ of such an organisation shall be guilty of an offence attracting a penalty of 6 months imprisonment.

Under s. 30B a person who acts as an office bearer, teacher or representative of such an organisation is guilty of an offence simply by acting in these capacities and faces imprisonment of 1 year.

Further it would appear that the ‘good faith’ defence is not available for these offences because this defence is stated in 24A to apply to ‘preceding provisions’ and therefore would not apply to s 30A.

This is a bleak prospect for many human rights and social change campaigners. For example, a republican organisation urging abolition of the monarchy could easily be found to have the ‘seditious intent’ to bring the sovereign into contempt. So could a human rights organisation formed to oppose the Howard Government on its treatment of asylum seekers – “urging disaffection against the Government” on that ground could well be included in the organisation’s objectives.

Such provisions, by their mere presence in legislation, would serve to intimidate and threaten citizens seeking to bring about change by political means – they have no place in the laws of a democratic country and should not be allowed to pass.

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