

Submission to:

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

I am concerned about certain aspects of the proposed anti-terrorism laws.

I acknowledge the Australian Government's responsibility to keep Australians safe from terrorism and the need to balance civil liberties against safety for the general public.

Matters of concern are

· Extension to 14 days of the period of preventative detention without charge. Traditional British and Australian law has strictly limited the time of detention without charge to protect civil liberties. The extension of time to 14 days is a grave measure and the onus is on the Government to show if and how this will decrease the risk of terrorist attack.

If such detention is shown to be necessary I would like to be assured that people in such detention will be:

i. able to have access in private to a lawyer of their choice

ii. made aware of the reason for their detention but not allowed to divulge it during the period of detention except to the aforesaid lawyer, who will be similarly bound to non-disclosure during the period of detention

iii. have their detention subject to judicial appeal and review

iv. be able to inform or have informed immediate family members of their detention

v. have access to a cleric of their faith for worship and counselling

vi. On no account should such detention be renewed without prior release of the suspect.

Conspiring to commit a terrorist act or directly aiding those doing so is already an offence and people doing so can already be charged, as is shown by the recent arrest of 16 people in Melbourne and Sydney on charges of planning a terrorist act. However, those who merely say they understand why people commit terrorist acts, or talk or write about doing so in a hypothetical, ironical or jocular manner without any intention of committing such acts or encouraging others to do so should not be guilty of an offence.

· Preventative detention orders. As it has been shown by the recent arrest of 16 people on charges of planning a terrorist act, police seem to already have the capacity to carry out sufficient surveillance to detect and arrest people planning an attack. The Government needs to show why further means of surveillance might be necessary, and if it is, to put strict limits on this, not impeding people's right to employment or legitimate business activity, education, worship and social contact.

· Sedition: this should be limited to people directly inciting terrorism (in general or specific acts) or urging acts of violence against persons or groups. Journalists should be free to interview people of all shades of opinion and merely to say a past terrorist act was justified or understandable, or one was likely to happen given a certain situation should not constitute sedition.

· Any preventative detention or control order should be subject to appeal and review.

The possibility of alienating sections of the Australian public and thus increasing the chance of their becoming terrorists should be weighed against any further measures taken.

Yours sincerely

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