

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

Subject: Submission to the inquiry on provisions of the Anti-Terrorism (No. 2) Bill 2005.

Dear Sir or Madam

I am writing to provide a submission to the Senate Inquiry on provisions of the government's Anti-Terrorism (No 2) Bill 2005. My submission is at **Attachment A**.

While I appreciate it is not of the Senate's making, at the outset I wish to register my strongest protest at the disgracefully inadequate amount of time that has been given for public submissions in response to this Bill. This Bill is arguably the most violent legislative attack on civil and human rights (to mainstream Australia) since Federation and yet, we have been given a scant few days to register our views to the Senate inquiry on its provisions.

Yours faithfully

Greg Burgess

November 2005

**Submission to the Senate Legal and Constitutional Committee on the government's
Anti-Terrorism (No. 2) Bill 2005**

On the 25th of April each year, Australians pause to remember the courage and sacrifice that has become synonymous with the ANZAC legend. There is nothing that is synonymous with the ANZAC legend in the Anti-Terrorism (No. 2) Bill 2005. Indeed, the herd mentality that has afflicted legislators in Australia in responding to the murderous attacks by humanities current crop of fascists is replicated by jurisdictions around the world. In essence therefore, my submission, while focusing on what amounts to the potential destruction of civil society in Australia heralded by the introduction of this Bill, also acknowledges that state systems around the globe have responded similarly to the so called 'war on terrorism'. An unfortunate outcome of this 'war' has been to elevate mass murderers to a status they do not deserve. Their suicide bombs in effect have become a fashion accessory in some circles. The provisions of this Bill are far removed from and indeed, desecrate the Anzac's and their legacy to all Australians.

Modern state systems are more and more using their coercive powers to define the relationship between the state and the individual. Eighty percent of people incarcerated around Australia have literacy or numeracy problems; drug and alcohol problems; mental health problems or who are black. One element of the proposed Bill, which has 'a new regime of stop, question, search and seize powers that will be exercisable [for the time being] at airports and other Commonwealth places,' is completely unacceptable. Aboriginal and Torres Strait Islander people in Australia would quite rightly regard this claim of a so called 'new regime' as an absurdity. Aboriginal and Torres Strait Islander people in Australia have been and are still subjected to human and civil rights abuses that include 'stop, question, search and seize'. As the alleged targets of this legislation change their tactics, so too will demands from policy makers and stakeholders to 'modernize' the legislation to meet the changing need. There is only one way this type of legislation can go and that is with further restrictions and greater imposts on civil liberties and human rights that would further destroy Australian democracy.

That is, through this Bill, the Australian state system will progressively use its coercive powers to severely limit or destroy the freedoms Aboriginal and Torres Strait Islander people have fought for and mainstream Australians take for granted. These freedoms include freedom of expression, freedom of movement and freedom of association. Notwithstanding protestations of a ten year sunset clause by the herd of politicians responsible for this travesty, the destructive effects on civil society in Australia of this Bill will, in my view, remain add-infinity.

At the heart of this issue is the complete absence of trust that epitomises the relationship between the individual and the State in Australia and elsewhere. Politicians in 'first world' countries are increasingly finding their considerable economic and political power a double edged sword, challenged across a plethora of issues. This has occurred across the globe where resistance to first world economic hegemony has been driven not by ideological, political or economic belief systems but by cultural values. According to Huntington, (*The Clash of Civilizations and the Remaking of the World Order, 1996*) in the post Cold War world, peoples and nations are attempting to answer the most basic question humans can face: Who are we? Do we identify with our ancestry, religion, language, history, values, customs and/or institutions? Do we identify with cultural groups, tribes, ethnic groups, religious communities, nations and at the broadest level, 'civilizations'?

The Cold War image of superpower competition was a model paradigm first articulated by Harry Truman as "an exercise in geopolitical cartography that depicted the international landscape in terms everyone could understand and in so doing, prepared the way for the sophisticated strategy of containment that was soon to follow" (Huntington, 1996). Now the Cold War is gone, at least overtly, there is a need to redefine the relationship between the individual and the state. We no longer understand the terms upon which society and social capital may flourish and as such, the strategy of containment is manifested in the grotesquely sledgehammer approach taken through this Bill. This Bill will do nothing to build a civil society, one in which Australians with divergent views and beliefs are treated and treat each other with tolerance and respect. It will in fact have the opposite effect and drive a wedge in the processes needed to develop trust and by extension, social capital within the uniquely Australian democracy. Families, communities and in a wider sense, civil society are the bones upon which social order is built. In many respects,

this Bill is an admission of defeat as it defines a base line for conducting life not in an atmosphere of trust, but one of fear and violence. This Bill is not what a civil society is built upon; this Bill is what a police state is built upon. There are many worrying similarities between what this Bill proposes and measures that were taken against particular groups by the National Socialist German Workers' Party, (NSDAP) following the 1930 election in Germany, where the NSDAP won more than one hundred seats in the Reichstag.

In my view, the loss of civil and human rights that are an inevitable outcome of such measures that are contained in the Bill's provisions, is indicative of the Australian state system's impotence to counter these perceived 'terrorist' threats. Indeed, if the Australian state system has to take such potentially violent action against its citizens, with the resultant destruction of our civil and human rights, it brings into question whether the Australian state as it currently stands, has outlived its usefulness to those citizens.

I call on the Senate to reject this Bill and avoid following in the footsteps of the NSDAP, with its policies of intolerance, hatred and militarism that characterised the global geopolitical environment from 1930 to 1945, for, as is often said, when we fail to heed the lessons of history we are condemned to repeat them.