

Castan Centre Member appears before Terrorism Committee

By Ibrahim Abraham

On November 14th, 2005, I appeared on behalf of the Castan Centre before the Senate Legal and Constitutional Committee concerning the *Anti-Terrorism Bill (No. 2) 2005*. The Bill contained some of the most controversial legislation in recent years including a “preventative detention” regime allowing individuals to be imprisoned without charge; “control orders” to restrict the freedoms of those suspected – not convicted - of involvement with terrorism; and revision of sedition laws.

While the Committee received almost 300 submissions in the short time allotted for its review, only a handful of organisations were invited to appear before the Committee itself. Previous appearances before this Committee by Castan Centre members such as Professor Sarah Joseph, Patrick Emerton and others, have earned the Centre a reputation for rights-focused advocacy, legal erudition and academic rigour amongst politicians on all sides of the political spectrum.

In preparing both the written submission (co-authored with Professor Joseph and available on the Castan Centre website) and for my appearance

before the Committee, our assumption was that the *Anti-Terrorism Bill (No. 2) 2005* would be passed by Parliament in a very similar form to that which it took when first introduced to Parliament. We were aware, however, not just of the significant debate amongst the general public - lead by the legal and artistic professions – but also among politicians, including government backbench MPs.

Thus, our approach was not to condemn the entire exercise as draconian, but to suggest a series of realistic changes to the legislation to increase scrutiny and bring the legislation into closer conformity with Australia’s international human rights obligations. These suggested amendments included limiting the use of preventative detention regime to those over 18; increasing access to lawyers for those preventatively detained and increasing judicial and parliamentary oversight of the process. We recommended imposing a higher standard of proof for obtaining repeat control orders – which may be imposed for up to ten years – as well as reformulating certain retrospective aspects of the control regime. While supporting widespread calls for a thorough review of the sedition provisions in the Bill, in the alternative, we recommended amendments to protect

journalistic and artistic freedom from these provisions.

My appearance on behalf of the Castan Centre attracted media attention from print and radio. Quotes appeared in most major dailies, as well as on ABC Radio’s nationally syndicated *PM* program. As is known to happen with the media, however, in some instances an identical quote was used by two different sources to make two entirely contradictory points! Following my appearance I was also interviewed by new FM station Vega 91.5, where the colourful history of sedition in Australia and the legal obligations of bad stand-up comedians was discussed.

While not all of our recommendations were ultimately endorsed by the government, the Castan Centre’s contribution on this issue won praise from politicians on both sides of the debate, as well as from the Attorney-General’s department. Members and supporters of the Castan Centre can be confident that the Centre will continue to advocate a human rights-conscious approach to counter-terrorism laws in Australia, engaging in dialogue with politicians, government departments, law professionals and fellow academics in a spirit of open debate and discussion.

Training Programs Going Strong

The Castan Centre’s human rights training programs continue to expand, with two large Department of Foreign Affairs and Trade contracts currently under weigh.

As you will see on pages 14 and 15, a team led by Dr Julie Debeljak, Associate Director of the Castan Centre, is conducting a 12 week training course for 20 Indonesian participants from Government Departments and NGOs. This is the fourth occasion that the Castan Centre has conducted the course and it has once again been a great success, with participants speaking highly of the course and of their

reception in Australia. The recent disputes between Indonesia and Australia have allowed the delegation to discuss these matters with their hosts and to come to a deeper understanding of the perceptions of Indonesia in Australia.

The participants have, in addition to classes on human rights, gone on many site visits to organizations such as Oxfam, the Victorian Foundation for the Survivors of Torture and Amnesty International, and to various prisons and detention centres. Their site hosts have commented on the positive impressions that the participants have

made.

Simultaneously, Professor Sarah Joseph and Castan Centre Associate Director Paula Gerber have conducted two shorter courses for DFAT staff in Canberra. The courses have also been well received by the participants, who have relished the chance to flesh out their daily duties from a human rights point of view.

The Indonesian delegation will depart Australia in mid May, while the Canberra courses will continue to run regularly until 2007.