

No-warrant terrorism raids proposed

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The Federal Government has unveiled plans to toughen its counter-terrorism laws, including a change to allow police to break into a suspect's home without getting approval from a judge.

It also wants to make it easier to stop suspects getting out of jail on bail.

But the Government is planning to put a cap on the amount of time suspects can be held without charge.

Attorney-General Robert McClelland says the tougher laws would protect Australians.

"The Government is committed to ensuring the focus of Australia's national security and counter-terrorism laws remains on preventing a terrorist attack from occurring in the first place," he said.

But some argue toughening the laws would have the opposite effect.

Nicola McGarrity from the Terrorism Law Project at the University of New South Wales says the laws could take away the protection of the judiciary.

"It's fundamentally undermining the safeguards that exist," she said.

"It's taking away the protection of having a judicial officer make a warrant."

But new limits will be imposed on other controversial powers.

In the case of Dr Mohammed Haneef, who was detained in 2007, police were allowed to question him without charging him for a total of one day.

The clock stops ticking, however, when the suspect goes to sleep or the police need time to check with agencies overseas.

In the end, Dr Haneef was held for 12 days without charge before a magistrate ordered his release.

So Mr McClelland says the Government is planning to introduce an eight-day limit.

"To enable the law enforcement authorities to have that time and balance it against the rights of individuals - that we would hope our society cherishes - and that is the right not to be detained without charge," he said.

But legal analysts, including Ms McGarrity, argue that eight days is still too much time and that the detainment period should be capped at three days.

“What normally happens with police is they exercise those powers up to the extent of those powers,” she said.

The Government also wants to press ahead with controversial plans to make it a crime to urge attacks on someone based on their nationality or religion.

The Attorney-General says he has seen intelligence and phone tap logs that back the need for this law.

Mr McClelland says it is the kind of law that could have been used against people involved in attacks on Indian students if nationality, race or religion was the driving force.

Another proposal in the discussion paper released on Wednesday was to make terrorism hoaxes punishable by up to 10 years in prison.

The naming of a terrorist organisation would also stay current for three years, instead of one, before expiring, the paper said.

The public has until September 25 to comment on the discussion paper.

But the Shadow Attorney-General, George Brandis, says he is sceptical about the Government’s level of commitment to national security.

“In the last budget, for example, the Australian Federal Police’s counter-terrorism program was scaled back by \$1.4 million,” he said.

“The AFP’s intelligence programs were scaled back by \$3.2 million. There was a 7 per cent reduction in the staff of the Australian Crime Commission.”

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