

# The New Anti-Terror Laws in Australia

Anyone supporting the insurgency in Iraq or Afghanistan faces possible jail sentence

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Global Research, October 14, 2005  
14 October 2005

Region: [Oceania](#)

Theme: [Police State & Civil Rights](#)

## Anti-Terror Laws or “TERRORIST” Laws

### Jail Term for ILL WILL & OBJECTORS

Anyone supporting the insurgency in Iraq, Afghanistan or any country where Australian troops are deployed could face a penalty of 7 years’ jail under the new terrorism laws.

Control orders of unlimited duration, secret preventive detention, the monitoring of lawyers, and life imprisonment for funding terrorist organisations are also suggested under the new laws.

The draft legislation, disclosed by **Greens** yesterday, details the far-reaching security regime proposed by John Howard for “very dangerous and difficult and threatening circumstances” in the wake of the London bombings.

New sedition offences will put big constraints on anti-war protests, familiar since the Vietnam era, and come down hard on those advocating violence against any religious, national or political group.

Those charged with sedition can argue they were acting “in good faith” but it is unclear how the courts will interpret this.

The bill sets out new federal police powers to detain terrorist suspects for up to 24 hours, and up to 48 hours with the approval of a judge or magistrate. Suspects will get access to a lawyer to challenge the detention order in a court or complain of maltreatment

Police do not need to give suspects or their lawyers reasons for the detentions and can monitor lawyers. All conversations lawyers have with their clients must be in English or translated into English for the police. Police are prohibited from questioning the detainees but that ban does not apply to ASIO officers.

Last month the states agreed to allow extensions of up to 14 days for detentions when a terrorist act is believed imminent. The suspect must then be released if no terrorist act occurs.

Detentions are secret but suspects are allowed to contact a family member or employers to say they are safe but, “not able to be contacted for the time being”. If they disclose the detention they can be jailed for up to five years.

Under the bill, the Government can apply to a court for control orders on terrorist suspects who have not been charged. These orders include house arrest, preventing them using the telephone or internet and restricting their social contacts and work opportunities. Suspects can also be fitted with tracking devices.

The suspect's lawyer can be shown the control order but not necessarily the evidence or reasons behind it.

The orders can last up to 12 months and can then be renewed any number of times.

Persons under control orders may be given "counselling or education" if they agree.

The bill does limit to three months control orders on those aged between 16 and 18.

Also contained in the legislation are wide-ranging search powers that will compel the production of any documents relating to "any serious offence", regardless of any laws protecting privacy or legal privilege.

The new laws are to be debated this month, after the Labor premiers agreed to their broad outline at the recent terrorism summit in Canberra.

The proposed laws have been strongly criticised by human rights lawyers and some Muslim leaders, who have described them as draconian.

Sweeping new anti-terror laws include a plan to jail people for up to seven years for promoting feelings of "ill will" or hostility between different groups that would threaten the peace.

As John Howard yesterday defended the measures, the federal Government was angered by ACT Chief Minister Jon Stanhope's decision to publish the 107-page draft bill on his website.

Surprising legal experts with the scope and definition of terrorist acts, the laws would also make it a criminal offence to support a terrorist act, directly or indirectly.

However, elements of the terrorism advocacy provisions are expected to be watered down after a backbench revolt over the draconian laws.

Speaking at a Canberra mosque yesterday, ACT Chief Minister Mr Stanhope explained his decision to support the legislation but also to publish the draft laws in defiance of a directive from Attorney-General Philip Ruddock.

"Today I invite Canberra's Muslims to see for themselves the draft legislation the Prime Minister has presented to the states and territories for their consideration," he said.

"I do not wish to deceive you. The laws to which I have agreed are unpalatable laws. They are laws I never anticipated I would be called upon to consider.

"I believe it is wrong and counterproductive for us to keep insisting that this behaviour has no causal links to our invasion of Iraq. I also believe that the anxiety and dislocation felt by Muslims can no longer be seen in isolation from the West's behaviour in relation to Palestine."

The Prime Minister defended the laws, arguing that a one-day Senate inquiry into the sweeping laws would be supported by a longer period of parliamentary scrutiny.

“The essence of this legislation has already been approved by all state governments ... all of which I remind you are controlled by the Labor Party,” he said.

The chairman of the backbench committee on Attorney-General matters, Liberal senator George Brandis, confirmed yesterday the concerns of some Coalition MPs and indicated that talks were continuing.

“The Attorney-General has already met the government backbench committee for six hours in the course of two meetings to discuss the draft bill and has shown a spirit of co-operation in attempts to meet the concerns raised,” Senator Brandis said.

“Those meetings have not completed so I don’t know what Mr Stanhope has published, but it shouldn’t be thought that the process of consultation has finished.”

Asked yesterday by the Howard Government to remove the draft laws from their website, Mr Stanhope’s office simply replied: “It’s not coming down”.

President of the Human Rights and Equal Opportunity Commission, John von Doussa QC, also expressed concerns at the Government’s plans to rush its new anti-terrorism legislation.

“We have heard much from the Government about safeguards that are to be placed upon these draconian powers, but it is only when the detail of these protections are examined through the committee process that potential problems may be identified,” Mr von Doussa said.

“In my view, proper public scrutiny stands to assist the Government by ensuring that the legislation is properly drafted, thus reducing the likelihood that it will be challenged in the courts.”

The Australian Democrats and the Greens say the Federal Government’s new anti-terror laws go much further than previously anticipated.

Queensland Premier Peter Beattie has also raised concerns that the draft copy does not include key provisions that were agreed upon by Prime Minister John Howard and state and territory leaders.

A Senate Inquiry will have just one day to consider the legislation, which is expected to go before Parliament at the end of this month.

Australian Democrats Leader Lyn Allison says the draft copy of the legislation is more extreme than she expected.

“It’s extraordinary, this bill provides a whole lot of extra powers to the police that were previously not contemplated,” she said.

Greens Senator Kerry Nettle says the draft copy of the anti-terror legislation proves the need for a longer and more in-depth inquiry.

“The state premiers are aware of the need to look over more closely this legislation,” she said.

“Agreements that John Howard made to them in their meetings have not been met in the detail of the legislation that we have seen to date, and that’s just one more reason why there needs to be proper scrutiny.”

Non-Government Senators are in uproar over the new anti-terror laws to be introduced to Parliament in a fortnight.

After the London bombings, the Government announced it was working on new laws, including giving police the power to detain people for up to 14 days and to use 12-month control orders and tracking devices.

While they haven’t seen the legislation, the State Premiers and Muslim leaders have already given their approval for the stronger powers.

Non-Government Senators say the Government is abusing its power, because they’ve been denied the chance to properly scrutinise such important changes.

Democrats’ Senator Andrew Bartlett said “It is an unprecedented abuse of basic parliamentary procedure. Mr Howard promised the Australian people that he would not abuse his majority. Today we have clearly seen a flagrant breach of that promise by the Prime Minister.

Labor’s Senator John Faulkner was furious, because while the Government had proposed a week-long Senate inquiry into the terror laws, most of that would have been taken up with the Senate Estimates process and really there would have been only a day or so for the hearing. “ One of the most contemptible and despicable things I have ever seen in the time that I have been a Senator. That’s the sheer bastardry of the Government”.

He calls it an abuse of process, because of the way the Government used the Senate rules to give non-Government Senators no chance to amend the timing of an inquiry, and when they did try they ended up with an even shorter time - just one day in total.

The Greens’ Senator Bob Brown responded to the Government tactic by vowing that he’d get tough, “ Retaliate, in defence of democracy. The fight is on”.

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