

The Hon George Brandis QC  
Attorney General  
PO Box 6100  
Senate  
Parliament House  
Canberra ACT 2600

Dear Senator Brandis,

Thank you for the invitation to a preliminary roundtable discussion on the proposed reforms to Australia's national security and counter terrorism legislation.

Please find the attached schedule which sets out a number of queries for your consideration and response. These queries have been put forward in written form given that the time which has been allowed to discuss these complex matters is, as you will appreciate, not sufficient to have a detailed, holistic discussion.

The list of queries have been drafted in consultation with a significant number of attendees at today's preliminary consultation meeting and other members of the wider community. We note, however, that the list is not exhaustive and does not necessarily represent the views of all attendees at this meeting.

Additional queries are likely to be submitted by those in attendance, either collectively or as individuals, once more information comes to hand following today's meeting.

We eagerly anticipate your written response to the attached queries and kindly request that you forward your response to the email addresses of all those in attendance at your earliest convenience.

An electronic copy of this letter has been forwarded to your email address - [senator.brandis@aph.gov.au](mailto:senator.brandis@aph.gov.au).

Yours faithfully,

*Multiple representatives of various organisations in attendance*

**Meeting Details:**

Community Roundtable - Preliminary Consultation  
Held at Novotel Hotel, 200 Creek Street, Brisbane  
From 10:00am to 12:00pm on 17 September 2014

## **Schedule of proposed questions to be asked of the Attorney General and the Parliamentary Secretary to the Minister for Social Services**

1. Please outline how the list of 'Declared Areas' is to be defined and maintained, and how the process of one having to evidence their reason for travel to such an area will be carried out in practice.
2. Please outline how lowering the threshold will be applied objectively in practice to the arrest procedures under the auspices of 'reasonable suspicion'.
3. What mechanisms or safeguards have been put in place to ensure procedural justice?
4. Please comment on the apparent erosion of the citizens' rights to the freedom of expression (e.g. impact on level of political activism) and the freedom of religion (e.g. being able to discuss all aspects of a religion within the confinements of the current laws)
5. What measures is the government taking to protect minority groups from likely increase in instances of hate crimes and racial vilification as a result of these proposals? More needs to be done to prevent and suppress racism, xenophobia, and vigilantism. In light of recent incidents, does the government agree that legislation against hate crime, including offences, may indeed be necessary?
6. How are terms such as 'Promotion or encouragement' of terrorist activities and 'Armed Hostilities' defined? In the modern era of social media sites like Facebook, this is something that may impact all of us.
7. What constitutes a 'terrorist organisation'? Will this term be defined clearly in the legislation or will the government of the day have the power to determine what constitutes a terrorist organisation? (This affects many aid workers in our community)
8. Please explain why the various sunset clauses cannot be extended for a period of time rather than being permanently removed as proposed and please outline why sunset clauses cannot be applied to some or all of the other proposals.
9. Please outline how the attainment and submission of evidence from foreign countries, including the proposed use of evidentiary certificates, will be applied objectively in practice.
10. Will an alleged offender, once detained, maintain their legal right to silence and will they be warned that any statements they make may be used against them in a court of law?
11. It appears as though the Government is primarily consulting with Muslim groups only – this itself appears to be divisive. Please outline why other prominent groups (e.g. academics, law societies, and other religious groups) are not being consulted with at this stage and also what actions the government is taking to contain and control far right groups and criminalise their activities.
12. Please articulate the need for more extensive anti-terrorism laws (and the evidence relied upon to ascertain this need). Is there any empirical evidence which suggests the need for these laws?
13. The materials provided by the Government makes reference to other instances of the law where similar provisions to those being proposed as part of the counter terrorism bill exist (e.g. the need to point to evidence for cases involving treason or bribery, and the threshold for arrest being suspicion in most State jurisdictions). While these references may be valid, the fundamental difference is that in terrorism related matters, there is the additional impact of the authority to detain alleged offenders without charge for periods ranging from 7 to 14 days under various other provisions. Please comment on the risk of the powers being applied in an unintended manner or abused as a result of the combination of such provisions.
14. The Government materials also makes reference to the limited use of Control Orders and Preventative Detention Orders as a basis to support 'the policy intent that these are extraordinary measures which are to be used sparingly'. While this is a noble intent, this is only the current policy of this government and does not preclude the government (or a future government) from adopting a different policy in future. Please comment on what measures are in place to protect Australian citizens from a shift in such a policy if the legislation is approved.
15. Please outline whether the proposed changes, particularly those in relation to the travel to the Declared Areas, will apply retrospectively, and if yes, how this will be applied objectively in practice.
16. While the government has gone to some length to show that the proposed laws are not targeting the Muslim community, the Murdoch press and other Australian media outlets have focused very strongly on Muslim groups and individuals. What does the government intend to do to educate the public on these matters and ensure more accurate, less biased, and less Islamophobic reporting?