Terrorism and National Security

Edited by Justin Healey
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Introduction

Terrorism and National Security is Volume 321 in the ‘Issues in Society’ series of educational resource books. The aim of this series is to offer current, diverse information about important issues in our world, from an Australian perspective.

KEY ISSUES IN THIS TOPIC
According to the federal government, the threat of terrorism on Australian soil is real and enduring, and has become a persistent and permanent feature of Australia’s security environment. The main source of international terrorism and the primary terrorist threat to Australia is considered to be from a global militant jihadist movement, including violent extremists such as al-Qa’ida.

Is terrorism really a significant threat to the Australian community, or are unprecedented government intelligence and policing powers and counter-terrorism laws of greater concern? What are the risks of terrorist attack from either foreign or domestically based threats?

Australia’s broader defence and security interests are also undergoing changes in strategic defence planning, including the vast expense of upgrading air and sea power, and realigning our traditional alliance with the US while engaging with emerging regional giant, China. How vulnerable is Australia to attack — are we prepared?

The information in this book is divided into three chapters: National security and counter-terrorism in Australia; Anti-terrorism laws; and Australia’s defence and security interests.

SOURCES OF INFORMATION
Titles in the ‘Issues in Society’ series are individual resource books which provide an overview on a specific subject comprised of facts and opinions.

The information in this resource book is not from any single author, publication or organisation. The unique value of the ‘Issues in Society’ series lies in its diversity of content and perspectives.

The content comes from a wide variety of sources and includes:
➤ Newspaper reports and opinion pieces
➤ Website fact sheets
➤ Magazine and journal articles
➤ Statistics and surveys
➤ Government reports
➤ Literature from special interest groups

CRITICAL EVALUATION
As the information reproduced in this book is from a number of different sources, readers should always be aware of the origin of the text and whether or not the source is likely to be expressing a particular bias or agenda.

It is hoped that, as you read about the many aspects of the issues explored in this book, you will critically evaluate the information presented. In some cases, it is important that you decide whether you are being presented with facts or opinions. Does the writer give a biased or an unbiased report? If an opinion is being expressed, do you agree with the writer?

EXPLORING ISSUES
The ‘Exploring issues’ section at the back of this book features a range of ready-to-use worksheets relating to the articles and issues raised in this book. The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

FURTHER RESEARCH
This title offers a useful starting point for those who need convenient access to information about the issues involved. However, it is only a starting point. The ‘Web links’ section at the back of this book contains a list of useful websites which you can access for more reading on the topic.
A BRIEF HISTORY OF TERRORISM

Terrorism has been practised throughout history. However it is only in modern times that the term ‘terrorism’ has been used to describe terrorist violence, according to this fact sheet from Racism. No Way.

The General Assembly of the United Nations states:

... terrorist acts are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or of any other nature that may be invoked to justify them ...

(Declaration on Measures to Eliminate International Terrorism Resolution. 49/60 9/12/1994)

Terrorism is the use or threat of violence, to create a climate of fear in a given population. Terrorist violence targets individuals and groups, governments, political parties, corporations, media enterprises and often ethnic or religious groups. Organisations that engage in acts of terror are almost always small in size and limited in resources compared to the populations and institutions they oppose. Through publicity and fear generated by their violence, they seek to magnify their influence and power to effect political change on either a local or an international scale.¹

Terrorism has been practised throughout history. However it is only in modern times that the term terrorism has been used to describe terrorist violence.

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In ancient Greece the historian Xenophon (430-350 BC) wrote of the effectiveness of using psychological warfare against enemy populations. In the first century Roman emperors such as Tiberius and Caligula were known for using exile, confiscation of property, and assassination as means to discourage opposition to their rule. From the thirteenth century the Roman Catholic Church set up inquisitions initially to regulate violent public reaction to so-called heretics but abandoned their support when they could no longer control the terror tactics of the Spanish Inquisition.

It was not until 1795 that the terms terrorism and terrorist were recorded and used to describe the Reign of Terror instigated by the French revolutionary government in the period. The guillotine was used to consolidate the regime by killing enemies and intimidating the potential opposition. After the American Civil War the Ku Klux Klan was formed and used terror tactics to deny civil rights to newly emancipated slaves. The use of terrorist in an anti-government sense was recorded in 1866 (referring to Ireland) and in 1883 (referring to Russia) but until well into the twentieth century terrorism usually meant terror inflicted by the state as exemplified by Lenin’s Cheka secret police or Nazi Germany’s Gestapo.

During the second world war resistance fighters, supported mainly by the British, operated in most occupied European countries. They were termed terrorists by the Nazis. This was because they were involved in sabotaging and assassinating the Germans and their local collaborators.
Since World War II terrorism and terrorist as terms have been more freely used. In particular these terms have been used by the media and historians to describe tactics including those used in the:

1946 Bombing of the King David Hotel in Jerusalem
1953 Massacre of nearly 100 members of the Kikuyu tribe in Kenya
1968 Bomb explosion in open-air market in Jerusalem, killing 12 and wounding 52
1972 Attack on Israeli Olympians in Munich
1978 Murder of former Italian Prime Minister Aldo Moro
1985 Bombing of the Greenpeace vessel Rainbow Warrior in Auckland harbour
1988 Attack on a Pan Am jet over Lockerbie, Scotland
1995 Oklahoma City bombing
1995 Sarin attacks on Tokyo subways
1996 Hostage taking and occupation of the Japanese Embassy in Lima, Peru
1997 Killing of 58 tourists in Luxor, Egypt
1998 Car-bomb attack in Omagh, Northern Ireland
1999 Kidnap and murder of eight foreign tourists on the Congo-Uganda border
2000 Bombing of the USS Cole in port in Yemen killing 17 U.S. sailors

In the twenty first century terrorism has already been clearly associated with:
➤ The destruction of the World Trade Center in New York in 2001
➤ The bombing of tourist venues in Bali in 2002
➤ And the suicide bombings in Morocco and Saudi Arabia in 2003.

In 2004, amongst other tragedies, there have been a series of rush-hour explosions at Madrid train stations, the blowing up of two Russian civilian aircraft and the siege of a school in Beslan, Russia, with the killing of at least 350 hostages.

Terrorists throughout history have argued that the use of peaceful means to resolve or advance issues has been unsuccessful. The current international situation has impacted on the world’s security environment. This impact has been greatly heightened by the use of modern telecommunications with instantaneous television cover of the demands, threats and actions of terrorist groups.

**ENDNOTES**


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The National Security Public Information Campaign.
United Nations Office on Drugs and Crime

**Racism. No Way** is an Australian anti-racism education initiative managed by the Department of Education and Training on behalf of education systems nationally.

Terrorism fact sheet

© Conference of Education Systems Chief Executive Officers 2000
Australia has known acts of modern terrorism since the 1960s, while the federal parliament, since the 1970s, has enacted legislation seeking to specifically target terrorism. Terrorism is defined as “an action or threat of action where the action causes certain defined forms of harm or interference and the action is done or the threat is made with the intention of advancing a political, religious or ideological cause”. In a government publication, transnational terrorism in particular is identified as a threat to Australia, driven by an extremist interpretation of Islam.

TERRORIST ATTACKS AGAINST AUSTRALIANS

The following actual attacks either happened in Australian territory, were targeted against Australia, or involved a substantial number of Australian casualties.

**Sydney Hilton bombing**

On 13 February 1978, a bomb exploded outside the Hilton Hotel in Sydney, which was hosting the first Commonwealth Heads of Government Regional Meeting. Two garbage collectors and a police officer were killed and 11 others were injured. The perpetrators are unknown but there is evidence that the bomb may have been placed by ASIO and Police Special Branch. (If so, it was not meant to explode, but rather be found by the bomb squad that happened to be waiting nearby.)

As a result of the bombing, ASIO’s powers and budget were greatly expanded. It was also a motivation for the formation of the Australian Federal Police.

**Turkish consulate bombing**

On 23 November 1986, a car bomb exploded in a carpark beneath the Turkish Consulate in South Yarra, Victoria, killing the bomber who failed to correctly set up the explosive device. Levon Demirian, a Sydney resident with links to the Armenian Revolutionary Federation, an Armenian terrorist group, was charged over the attack and served 10 years.

**2002 Bali bombing**

Occurred on 12 October 2002 in the tourist district of Kuta on the Indonesian island of Bali. The attack was the deadliest act of terrorism in the history of Indonesia or Australia, killing 202 people, of whom the largest portion (88) were Australians. A further 240 people were injured.

**Other attacks**

Australia has been a direct target most notably in the 2004 Australian embassy bombing, although all fatalities were Indonesian nationals.

**LEGISLATION**

Prior to the 1960s, there had not been any act in Australia that could accurately be deemed ‘terrorism’ in the modern political and strategic sense of the word. Politically motivated violent incidents were rare, usually isolated, and for the most part driven by issues arising from political legislation, greed, or individuals being singled out, such as the attempted assassination of Australian Labor Party Leader Arthur Calwell in 1965 over his Vietnam War stance. Likewise the 1968 attack on the US Consulate in Melbourne...
was also regarded to be an isolated incident protesting the US involvement in Vietnam. The two exceptions to this state of affairs would be the assassination attempt on the Duke of Edinburgh in 1868 by an Irish Nationalist named O’Farrell, who was later executed for his crime, and an attack in Broken Hill in 1915 by Afghan supporters of the Sultan of Turkey.

Although it had known sporadic acts through its history, and examples of modern terrorism for almost a decade, Australia did not introduce terrorism specific laws into Parliament until the late 1970s. In 1977, after a three year inquiry into Australia’s intelligence services, Justice Robert Hope delivered his Royal Commission on Intelligence and Security (RCIS). The RCIS recommended amongst other things that the Australian Security Intelligence Organisation (ASIO) areas of investigation be widened to include terrorism. A further Protective Security Review by Justice Hope in 1978 following the Sydney Hilton bombing designated ASIO as the government agency responsible for producing national threat assessments in the field of terrorism and politically motivated violence.

Since then, successive governments have reviewed and altered the shape of both legislation and the agencies that enforce it to cope with the changing face, threat and scope of terrorism. It was not until after the attacks of 11 September, 2001 however, that Australian policy began to change to reflect a growing threat against Australia and Australians specifically. Until then the view held from the 1960s had been that terrorist actions in Australia were considered as a problem imported from conflicts overseas and with foreign targets on Australian soil.

As of July 2010, the latest legislation to be brought into effect is the Anti-Terrorism Act (No.2) 2005.6

Organisations

In September 2007 there were 19 organisations designated and banned, by a court or a government department, for active involvement in terrorism. All but one of those organisations are Islamic. Identification of terrorist organisations may result from a prosecution for a terrorist offence, or from a listing determined by the Attorney-General of Australia.6

MILITANT ISLAMIST INCIDENTS

Faheem Khalid

Faheem Khalid Lodhi is an Australian architect accused of an October 2003 plot to bomb the national electricity grid or Sydney defence sites in the cause of violent jihad.

He was convicted by a New South Wales Supreme Court jury in June 2006 on terrorism-related offences,7 namely:

➤ Preparation for terrorist attack, by seeking information for the purpose of constructing explosive devices
➤ Seeking information and collecting maps of the Sydney electricity supply system and possessing 38 aerial photos of military installations in preparation for terrorist attacks
➤ Possessing terrorist manuals detailing how to manufacture poisons, detonators, explosives and incendiary devices

He was sentenced to 20 years imprisonment with a non-parole period of 15 years. His intended targets were the national electricity supply system, the HMAS Penguin naval base, and Holsworthy Barracks. Justice Anthony Whealy commented at sentencing that Lodhi had “the intent of advancing a political, religious or ideological cause, namely violent jihad” to “instill terror into members of the public so that they could never again feel free from the threat of bombing in Australia.”8

Mohammed Abderrahman

Mohammed Abderrahman aka Willie Brigitte, is a French Islamist al-Qaeda recruit who resided with Faheem Lodhi while in Australia in 2003, during which time he married a former Australian Army signaller.9 He was arrested by Australian immigration compliance officials in Sydney six weeks after the marriage10 and deported to France.

His wife said before a French investigating judge that at times he had ‘bombarded’ her with questions on the subject of her military knowledge and career.10 She reports that she rebuffed such questioning or responded minimally “so that he would leave [her] in peace” and that she burned three of her notebooks originating from the period of her military service in East Timor as a precaution.

She reported his anger about her taking such precautions, his presumption to forbid her from further similar actions, and she exactly confirmed his repeated statement of the opinion that “Allah and all Muslims need this information” in order to obtain information of a military character from her.10

In December 2006, it was reported that a basis for French terrorism-related charges laid against him was the allegation that he aided the murderers of Ahmad Shah Masood by supplying them with false identity documents.11

He is presently in custody as a terrorism suspect in France where prosecutors have called for him to be sentenced to 10 years’ imprisonment for his admitted involvement in a terrorist organisation.12

Joseph T. Thomas

On 28 August 2006, following the quashing of his terrorism convictions, Joseph T. Thomas (also dubbed ‘Jihad Jack’) was the first person to be issued with a control order under the Australian Anti-Terrorism Act 2005 after written consent was provided by the Australian Attorney-General Philip Ruddock.13,14 In December 2007, a control order was issued against David Hicks to ensure that he was monitored upon his release.15

Sydney Five

Khaled Cheikho, Moustafa Cheikho, Mohamed Ali Elomar, Abdul Rakib Hasan and Mohammed Omar Jamal were found guilty of conspiring to commit a terrorist act or acts.16 They were jailed on 15 February 2010 for terms ranging from 23 to 28 years.17

Benbrika Group in Melbourne

In September 2008, of an original nine defendants, five men including the Muslim cleric, Abdul Nacer Benbrika...
were convicted of planning a terrorist attack. During the trial, the jury heard evidence of plans to bomb the 2005 AFL Grand Final, 2006 Australian Grand Prix and the Crown Casino, as well as a plot to assassinate then Prime Minister John Howard.

Holsworthy Barracks terror plot

On 4 August 2009, four men in Melbourne were charged over the Holsworthy Barracks terror plot, an alleged plan to storm the barracks with automatic weapons; and shoot army personnel or others until they were killed or captured. The men are allegedly connected with the Somali-based terrorist group al-Shabaab. Prime Minister Kevin Rudd announced that the federal government ordered a review of security at all military bases.

OTHER INCIDENTS
Peter James Knight

On July 16 2001, Peter James Knight, described as an “obsessive anti-abortionist” who lived alone in a makeshift camp in rural New South Wales, attacked the East Melbourne Family Planning clinic, a privately-run clinic providing abortions, carrying a rifle, and large quantities of kerosene and lighters. He shot and killed a security guard at the clinic before his capture and arrest. He was charged and convicted of murder, and was sentenced to life imprisonment with a non-parole period of 23 years.

While Knight was not charged with any specific terrorism offences, Australian terrorism academic Clive Williams listed the attack amongst incidents of politically-motivated violence in Australia.

FUTURE THREATS

In January 2008, head of the International Center for Political Violence and Terrorism Research at Nanyang Technological University, Dr. Rohan Gunaratna, said that a "new crop of home-grown jihadists, groomed to step up and replace the leaders of Australian terror cells who have been arrested or jailed, is almost ‘mature’ enough to launch an operation”. The Australian Federal Police (AFP) reported it had 76 new counter-terrorism cases to investigate in the 2006-7 financial year, and they finalised another 83 cases. As of June 30 2006, the AFP had 83 cases being actively examined by its counter-terrorism unit. The Mercury newspaper reported that “intelligence sources” are aware of the new threats, but they deny there is any evidence that the groups may be close to planning an attack inside Australia.

In early 2008, AFP Commissioner Mick Keelty and NSW Police Commissioner Andrew Scipione said they are investigating new terrorist threats, particularly in NSW.

MORE INFORMATION

➤ Crime in Australia.
➤ 1995 bombing of the French Consulate in Perth, Western Australia.
➤ 2002 Bali bombings.
➤ 2005 Bali bombings.

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2. Transnational Terrorism: The Threat to Australia.
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11. ‘Brigitte claimed to be behind Masood assassination’, The World Today.
22. Anti-abortion killer jailed for life.
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Last modified on 9 October 2010
Timeline of terrorism-related incidents involving Australia or Australian citizens

Source: Counter-Terrorism White Paper 2010 – Securing Australia, Protecting Our Community
Department of the Prime Minister and Cabinet, 2010 | www.dpmc.gov.au
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LISTING OF TERRORIST ORGANISATIONS

What is a ‘terrorist organisation’? Australian National Security explains how the government identifies them, and provides a list of those which are currently banned

For an effective counter-terrorism regime, it is vital that our laws target not only terrorist acts, but also the organisations that plan, finance and carry them out. In 2002, a range of new terrorist organisation offences was enacted under the Security Legislation Amendment (Terrorism) Act 2002, enabling the Government to deal with organisations involved in terrorism.

Under the law, there are two ways for an organisation to be identified as a ‘terrorist organisation’. Either an organisation may be found to be such an organisation by a court as part of the prosecution for a terrorist offence, or it may be specified in Regulations, known as ‘listing’. For a listing to be effective, the processes set out in the legislation must be followed.

Before an organisation can be listed, the Attorney-General must be satisfied on reasonable grounds that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act.

The listing of an organisation ceases to have effect two years after its commencement, or if the Minister ceases to be satisfied that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whichever occurs first.

When a court has determined, or by regulation it is determined, that an organisation is a ‘terrorist organisation’, it is an offence to:
- Direct the activities of the organisation
- Recruit persons to the organisation
- Receive training from or provide training to the organisation
- Receive funds from or make available funds to the organisation
- Provide support or resources to the organisation.

It is also an offence to be a member of any listed terrorist organisation and to intentionally associate with a person who is a member or who promotes or directs the activities of a listed terrorist organisation where that association provides support that would help the terrorist organisation to continue to exist or to expand.

There are 19 organisations now officially listed. They are:
- Al-Qa’ida in the Arabian Peninsula (AQAP) – Listed 19 July 2010

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AUSTRALIA’S NATIONAL SECURITY AGENCIES

Australia’s response to terrorism relies on cooperation between all levels of government. Their roles and responsibilities are outlined by Australian National Security

These agencies have well-defined responsibilities and the authority to detect, prevent and respond to acts of terrorism in Australia. Terrorist incidents involving Australian interests outside Australia are in the first instance dealt with by the Department of Foreign Affairs and Trade.

The roles and responsibilities of Australia’s national security agencies and authorities are listed below.

**Australian government**

- Maintains counter-terrorism capabilities and national coordination arrangements within its agencies (listed below)
- Maintains national policies, legislation and plans
- Determines Australian Government prevention strategies and operational responses to threats
- Supports the States and Territories in responding to terrorist situations in their jurisdictions, and
- Where the nature of the incident warrants it, and with the agreement of the affected States and Territories, can declare a national terrorist situation. In such a situation the Australian Government would determine policies and broad strategies in close consultation with affected States or Territories.

The Prime Minister takes the lead role in Australian Government counter-terrorist policy coordination.

The Attorney-General, supported by the National Security Committee of Cabinet and other Ministers, has responsibility for operational coordination on national security issues.

The Attorney-General’s Department coordinates national security and crisis management arrangements and provides legislative advice.

The Protective Security Training Centre (PSTC) sits within the Attorney-General’s Department. It is the primary body for coordination of protective security and counter-terrorism arrangements between Australian Government and State and Territory agencies.

The PSTC channels communications between the Australian Government and the States and Territories, during an incident, through its Watch Office. The Watch Office is a dedicated security coordination facility and operates 24 hours a day. It performs a critical role in the national crisis management arrangements, which operate in the event of a threat or incident of terrorism or other form of politically motivated violence. On a daily basis, it also forms the nexus of an established and effective nationwide coordination and information-sharing network, incorporating Australian Government, State and Territory agencies and all police services.

Emergency Management Australia (EMA) is a division within the Attorney-General’s Department. EMA coordinates emergency and consequence-management assistance to States and Territories and maintains a reserve of necessary equipment.

The Australian Customs and Border Protection Service seeks to prevent the illegal importation of dangerous goods into Australia and has responsibility for border control.

Border Protection Command provides security for Australia’s offshore maritime areas. Combining the resources and expertise of the
Australian Customs Service and the Department of Defence, and working with officers from the Australian Fisheries Management Authority, the Australian Quarantine and Inspection Service, and other Commonwealth, State and Territory agencies, Border Protection Command delivers a coordinated national approach to Australia’s offshore maritime security.

The Australian Defence Force maintains capabilities that can assist civil authorities in emergencies.

The Australian Federal Police (AFP) investigates Commonwealth terrorist offences, provides overseas liaison and protective services and performs a State policing function in the ACT. The AFP’s Australian Bomb Data Centre collects data and advises on the illegal use of explosives. The AFP Protective Service provides physical protection services in relation to foreign embassies and certain government facilities, and also counter-terrorism first response at major airports.

The Australian Radiation Protection and Nuclear Safety Agency is responsible for protecting the health and safety of people, and the environment, from the harmful effects of radiation.

The Australian Safeguards and Non-Proliferation Office (ASNO), within the Department of Foreign Affairs and Trade, regulates nuclear safeguards within Australia to ensure that Australia meets non-proliferation treaty commitments and implements the Chemical Weapons Convention and Comprehensive Test Ban Treaty. ASNO is also involved in the development of domestic verification arrangements for the Biological Weapons Convention.

The Australian Security Intelligence Organisation (ASIO) is the national authority for assessing threats to national security. It collects, analyses and distributes relevant intelligence. It manages the National Intelligence Group during an incident and maintains a Technical Support Unit to provide technical intelligence to police at the scene of a terrorist incident.

The Department of Foreign Affairs and Trade (DFAT) aims to advance the interests of Australia and Australians internationally. DFAT works with our allies and partners to confront terrorism and to enhance international counter-terrorism cooperation. DFAT provides advice about specific security threats abroad for people travelling overseas and provides consular services to Australians living abroad. DFAT also provides information in relation to the protection of foreign dignitaries.

The Department of Health and Ageing maintains stockpiles of antitoxes and vaccines and plans for dealing with disease outbreaks.

The Department of Immigration and Citizenship (DIAC) maintains the Movement Alert List and enforces Australia’s visa regime. DIAC is also actively engaged in a number of international data-accessing initiatives aimed at preventing the movement of terrorists or terrorist groups.

The Department of the Prime Minister and Cabinet (PM&C) coordinates Australian Government policy responses to terrorism, participates in risk management decisions on dignitary protection, provides the secretariat for the Secretaries Committee on National Security and the National Security Committee of Cabinet, co-chairs, and provides the secretariat for, both the National Counter-Terrorism Committee (NCTC) and the Australian Government Counter-Terrorism Policy Committee (AGCTPC) and advises the Prime Minister on matters related to countering terrorism.

The National Security Science and Technology Branch also sits within the Department of the Prime Minister and Cabinet. Its role is to coordinate and focus science, engineering and technology to support Australia’s counter-terrorism needs.

The Department of Infrastructure, Transport, Regional Development and Local Government regulates the security of airports, airlines, sea ports and, with State and Territory authorities, other forms of transport.

The Australian Government Information Management Office (AGIMO) contributes to the protection of the national information infrastructure.

State and territory governments

State and Territory governments:

➤ Maintain policies, legislation and plans within their jurisdictions
➤ Maintain counter-terrorism and consequence-management capabilities in the agencies listed below
➤ Have primary operational responsibility for responding to a terrorist situation in their jurisdiction
➤ Determine prevention strategies and operational responses to threats, including seeking assistance from other jurisdictions
➤ Actively consider the requirement for the declaration of a national terrorist situation, and
➤ In a national terrorist situation, contribute to the national strategy.

Dangerous goods and work cover agencies maintain standards for the security and transport of dangerous substances.

Emergency services provide consequence management in the event of a terrorist incident, consistent with State and Territory plans and structures.

Engineering services/public works departments assist the recovery of physical infrastructure.

Premiers’ or Chief Ministers’ departments coordinate the whole-of-government response and preparedness.

Health departments help develop and maintain biological hazard plans, provide hospital treatment and ongoing care for victims.

Police have operational responsibility for preventing, responding to and investigating terrorist activity, threats and incidents.

Welfare agencies assist community recovery through the provision of emergency and ongoing welfare assistance.

Australian National Security website
www.nationalsecurity.gov.au
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The Australian Government is cooperating closely with key partners, particularly in South-East Asia, to bring terrorists to justice and to prevent further terrorist attacks. Australia’s substantial international counter-terrorism efforts are focused on law enforcement, intelligence, border and transport security, diplomacy, defence, terrorist financing, building legal capacity, countering the threat of chemical, biological, radiological and nuclear terrorism, and promoting interfaith understanding.

Key elements of Australia’s international counter-terrorism efforts include:

➤ **Bilateral engagement**, particularly agency-to-agency practical cooperation in South-East Asia. Australia has also concluded memorandum of understandings on counter-terrorism with Indonesia, the Philippines, Malaysia, Cambodia, Thailand, Brunei, Fiji, Papua New Guinea, East Timor, India, Pakistan, Afghanistan, Turkey, Bangladesh and the United Arab Emirates (UAE). These provide frameworks to develop a sense of common purpose, share information, and set-up practical counter-terrorism activities.

➤ **Multilateral and regional engagement** in forums such as the United Nations (UN), the Association of South-East Asian Nations (ASEAN), the Asia Regional Forum (ARF), Asia Pacific Economic Cooperation (APEC), the Pacific Island Forum (PIF) and the G8 Counter-Terrorism Action Group (CTAG), as well as in issue-specific groups such as the Global Initiative to Combat Nuclear Terrorism.

➤ Cooperation and coordination with other key partners and capacity building donors, such as the US, UK, Japan and the EU.

➤ Enhanced engagement with experts in Australian think-tanks, academia and the private sector.

**Counter-Terrorism White Paper**

Released on 23 February 2010, the Counter-Terrorism White Paper, *Securing Australia – Protecting our Community*, sets out Australia’s counter-terrorism objectives and the means by which the Government will pursue them. It explains the nature of the terrorist threat to Australia and sets out the Australian Government’s policy and strategy for countering domestic and international terrorism. The Government’s strategy has four key elements: analysis, protection, response and resilience.

**Ambassador for Counter-Terrorism**

On 5 September 2008, Mr William (Bill) Paterson was appointed as Australia’s Ambassador for Counter-Terrorism. The Ambassador for Counter-Terrorism is responsible for developing and implementing Australia’s international counter-terrorism efforts. The Ambassador for Counter-Terrorism plays a key role in coordinating cooperation, capacity building and operational collaboration between Australian agencies and international counter-terrorism partners.

**The Department’s counter-terrorism role**

➤ Ensure a comprehensive and integrated policy approach to combating terrorism internationally.
including by recommending to Ministers priorities for international counter-terrorism engagement
➤ Build international links by leading negotiations on counter-terrorism agreements and holding regular consultations with other countries
➤ Support and develop international projects that build resilience against extremist groups which advocate terrorist activity
➤ Support and coordinate capacity building initiatives of other Australian agencies
➤ Research and advise on international terrorism developments
➤ Promote activities to counter the threat of chemical, biological, radiological and nuclear terrorism
➤ Engage in international interfaith outreach activities
➤ Administer legislative arrangements for freezing terrorists’ assets
➤ Advise Australians resident and travelling overseas and Australian businesses about terrorism-related security threats
➤ Ensure the security and integrity of Australia’s passport issuing system
➤ Ensure the security of Australian embassies and consulates abroad
➤ Liaise with foreign diplomats and consular missions in Australia, and with relevant Australian agencies, with respect to the protection of those missions and other premises and visiting foreign dignitaries.

Dealings with terrorists
– Australia’s international obligations

What Australians and Australian businesses need to know

To meet Australia’s international obligations under United Nations Security Council Resolutions 1267 and 1373 to freeze the assets of terrorists, the Government has passed laws that make it a criminal offence to hold assets that are owned or controlled by terrorist organisations or individuals, or to make assets available to them. The department maintains a Consolidated List of individuals and groups to which this terrorist asset freezing regime applies.

DFAT maintains close contacts with Australia’s financial sector to ensure asset freezing arrangements take account of the sector’s legitimate interests. Australian business, in particular exporters, should also be aware that it is their responsibility to ensure that they do not do businesses with an individual or groups listed on the Consolidated List.

In addition to the Consolidated List, the Australian Government also maintains a list of groups that are proscribed as terrorist organisations under the Criminal Code. Go to the National Security Australia website to view the Criminal Code list of ‘terrorist organisations’.

If a group is listed as a ‘terrorist organisation’ it is an offence to:
➤ Direct the activities of the organisation
➤ Recruit persons to the organisation
➤ Receive training from or provide training to the organisation
➤ Receive funds from or make available funds to the organisation
➤ Provide support or resources to the organisation.

MORE INFORMATION
Other Australian Government Departments
➤ National Security Hotline (1800 123 400).

External sites
➤ UN Action Against Terrorism www.un.org/terrorism.
➤ Group of Eight (G8) Counter-Terrorism Action Group (CTAG) http://g8.gc.ca.
The first responsibility of government is the protection of Australia, Australians and Australian interests. So a key government priority is to protect Australia from terrorism.

The threat of terrorism to Australia is real and enduring. It has become a persistent and permanent feature of Australia’s security environment.

The main source of international terrorism and the primary terrorist threat to Australia and Australian interests is from a global violent jihadist movement – extremists who follow a distorted and militant interpretation of Islam that espouses violence as the answer to perceived grievances. This extremist movement comprises al-Qa’ida, groups allied or associated with it, and others inspired by a similar worldview.

While the threat is persistent, the challenge has evolved since the last counter-terrorism White Paper in 2004 in two respects.

First, while there have been Counter-Terrorism successes (most notably pressure on al-Qa’ida’s core leadership in Afghanistan and Pakistan, and action against terrorists in South-East Asia), these successes have been offset by the rise of groups affiliated with, or inspired by, al-Qa’ida’s message and methods, with new areas such as Somalia and Yemen joining existing areas of concern in South Asia, South-East Asia, the Middle East and the Gulf.

A second shift apparent since 2004 has been the increase in the terrorist threat from people born or raised in Australia, who have become influenced by the violent jihadist message. The bombings in London on 7 July 2005, which were carried out by British nationals, brought into stark relief the real threat of globally inspired but locally generated attacks in Western democracies, including Australia.

A number of Australians are known to subscribe to this message, some of whom might be prepared to engage in violence. Many of these individuals were born in Australia and they come from a wide range of ethnic backgrounds. The pool of those committed to violent extremism in Australia is not static – over time some move away from extremism while others become extreme.

We have seen terrorist planning within Australia. Since 2001, numerous terrorist attacks have been thwarted in Australia. Thirty-eight people have been prosecuted or are being prosecuted as a result of counter-terrorism operations and 20 people have been convicted of terrorism offences under the Criminal Code. Over 40 Australians have had their passports revoked or applications denied for reasons related to terrorism.

The Government’s counter-terrorism strategy is informed by a number of core judgements. We must take a comprehensive and layered approach. Our counter-terrorism measures must be informed by strategic judgements about the nature of the threat and Australia’s vulnerability to it. And we must conduct our activities in a manner which harnesses our capabilities, upholds our principles and mitigates the risk of attack or failure in our response.
The strategy has four key elements:

**Analysis:** an intelligence-led response to terrorism driven by a properly connected and properly informed national security community

**Protection:** taking all necessary and practical action to protect Australia and Australians from terrorism at home and abroad

**Response:** providing an immediate and targeted response to specific terrorist threats and terrorist attacks should they occur

**Resilience:** building a strong and resilient Australian community to resist the development of any form of violent extremism and terrorism on the home front.

### ANALYSIS

Australia’s counter-terrorism efforts are intelligence-led and focused on prevention. This approach hinges on strong partnerships and cooperation at the national level, effective engagement at the international level, and effective information sharing. Over recent years, there has been significant growth in Australia’s security, intelligence and law enforcement agencies and the Government has taken steps to improve their capabilities and enhance information sharing. The establishment of the National Intelligence Coordination Committee has ensured that Australia’s intelligence effort, both domestically and internationally, is better integrated into the new national security arrangements.

The creation of a new Counter-Terrorism Control Centre will also ensure that we better integrate our overall counter-terrorism intelligence capabilities.

### PROTECTION

The Government is committed to taking strong action to protect Australians and reduce the risk of attack.

This approach involves efforts at a number of complementary levels, including:

- Strong border management arrangements to prevent the movement of individuals who try to enter or transit Australia to conduct terrorism-related activities by introducing a new biometric-based visa system for certain non-citizens – making it harder for terrorists to evade detection
- Preventing Australians suspected of involvement in terrorism from travelling overseas by revoking or denying passports
- Improving the security of our airports to enhance protection of the travelling public
- Continued cooperation and collaboration with the states and territories through comprehensive national counter-terrorism arrangements
- Working in partnership with the business community to protect our critical infrastructure, including information and communications technology, and
- Strengthened collaboration with international partners, both bilaterally and multilaterally, to contribute to international counter-terrorism efforts and create an international environment that is hostile to terrorism.

### RESPONSE

The Government’s ability to prevent and disrupt terrorist attacks within Australia relies on coordinated and cooperative relationships between our intelligence, security and law enforcement agencies nationally.

This collaborative approach ensures that we have a robust and effective national capacity to respond to terrorist threats. Australia’s comprehensive national response uses the full array of Commonwealth, state and territory counter-terrorism capabilities. It is underpinned by a legal regime that provides effective powers for our agencies and the ability to prosecute people who seek to conduct terrorist acts. The Government will keep these powers under review against any further need to expand them or tailor them to deal with any changes in the nature of the threat in the future.

### RESILIENCE

Australia’s counter-terrorism efforts are supported by our open democratic society. There are inherent strengths in our society that make Australia resilient to the divisive worldview of al-Qa’ida and like-minded groups. However, we know from experience that the terrorist narrative may resonate with a small number of Australians.

It is incumbent upon all Australians to work together to reject ideologies that promote violence, no matter from where they arise or to what purpose they aspire. We must all support and protect the values and freedoms from which all Australians benefit. By reducing disadvantage, addressing real or perceived grievances and encouraging full participation in Australia’s social and economic life, government policies can help to mitigate any marginalisation and radicalisation that may otherwise occur within the Australian community.

Terrorism will continue to pose challenges to Australia’s national security for the foreseeable future.

The Government is committed to the continuous improvement of Australia’s counter-terrorism efforts, and will pursue a range of measures to protect Australia, its people and interests from terrorism.

Our coordinated, multi-layered approach is aimed at ensuring that counter-terrorism efforts are effective and conducted in a manner that enhances our wider national security.

The Government remains committed to taking all necessary and practical action to keep Australia safe.
Concerns about terrorism white paper

Amnesty International Australia is concerned about the potential human rights implications of certain proposals put forward in the Federal Government’s recently released Counter-Terrorism White Paper.

While we absolutely acknowledge the responsibility of all governments to protect their citizens, and condemn terrorist activity in the strongest possible terms, we also believe that care must always be taken to safeguard the human rights of people potentially affected by counter-terrorism measures.

Of particular concern is the proposal in the White Paper to subject people from 10 as yet un-named countries to extra security measures, via a new biometric-based visa system.

“Any counter-terrorism strategy that targets a particular group of people based on nationality, ethnicity or any other similar grounds is profiling by another name,” said Katie Wood, Amnesty International Australia spokesperson.

“All governments have an obligation to protect their citizens, but this must be done in a way that respects and upholds human rights and the rule of law.”

The proposed new security measures will discriminate against people on the basis of nationality, not on whether or not an individual is guilty of criminal activity or other prohibited conduct.

“This would remove the presumption of innocence that is fundamental to Australia’s legal system and is enshrined in the Universal Declaration of Human Rights,” said Katie Wood.

Amnesty International is also concerned about a proposal in the White Paper to prevent people from Australia who are ‘of security concern’ from travelling internationally. This includes revoking or denying passports.

“This proposal lays open the prospect of people who have not been charged with any crime being denied the right to travel and, again, this removes the presumption of innocence,” said Katie Wood.

The Government’s White Paper itself states that, in an overseas context, “Protecting and assisting the … most marginalised populations can help address local sources of grievance, frustration and disenfranchisement that terrorists try to exploit.”

Amnesty International believes that some of the security measures proposed in the White Paper involve the kind of discrimination that marginalises certain groups and leads them to becoming radicalised.

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News comment, 24 February 2010
On Tuesday, the Rudd government released its long awaited Counter-Terrorism White Paper. The White Paper forms part of the Government’s national security reform agenda and sets out its counter-terrorism strategy and efforts. It replaces the Howard government’s White Paper which drew heavily on the rhetoric of the Bush administration. Launching the previous White Paper in 2004, the then-Foreign Minister Alexander Downer proclaimed that Australia was engaged in a “struggle to the death over values” against “Islamo-fascists” who were “convinced that their destiny was to overshadow the democratic West” and who had embarked on a ruthless mission to “destroy our society by waging a version of total war”.

... the White Paper fails to tell the Australian public that the chances of getting killed in a terrorist attack in Australia are close to zero ...

To its credit, the new White Paper largely refrains from employing such colourful rhetoric. Nonetheless, its underlying message is much the same: the terrorist threat has become a “persistent and permanent feature of Australia’s security environment” and an attack “could occur at any time”. To underscore this assessment, the White Paper claims that “numerous” terrorist attacks have been thwarted. And it argues that the significance of the threat is also highlighted by the fact that 20 people have so far been convicted of terrorism offences under the Criminal Code.

What the White Paper fails to acknowledge is that none of those 20 people were charged for actually engaging in a terrorist act. Instead, all defendants were convicted of so-called ancillary offences which were enacted as part of extremely broad anti-terrorism laws introduced in the wake of the 9/11 and Bali attacks. More importantly, however, the White Paper fails to tell the Australian public that the chances of getting killed in a terrorist attack in Australia are close to zero. Indeed, in comparison to other risks, terrorism is a triviality.

For instance, compare terrorism-related fatalities to fatalities totally unrelated to terrorism. Figures from United States show that terrorism there poses a far lesser statistical threat to life than most other activities. While 1,440 US citizens died in terrorist attacks in 2001, three times as many died of malnutrition, and almost 40 times as many people died in car accidents during the same year. Even with the 9/11 attacks included in the count, the number of Americans killed by terrorism since the late 1960s is about the same as the number of Americans killed over the same period by severe allergic reaction to peanuts, lightning, bee stings, or accident-causing deer. Similarly, the number of annual deaths from Sports Utility Vehicles is greater than the total number of deaths caused by all terrorist acts combined.

At the global level, the statistics are equally revealing. Anthony Cordesman from the Washington-based Center for Strategic and International Studies and the RAND Corporation’s Brian...
Jenkins have independently provided lists of violence committed by Islamist militants outside of such war zones as Iraq, Israel, Chechnya, Sudan, Kashmir, and Afghanistan, whether that violence be perpetrated by domestic terrorists or by ones with substantial international connections. Included in the count are such terrorist attacks as those that occurred in Bali in 2002, in Saudi Arabia, Morocco, and Turkey in 2003, in the Philippines, Madrid, and Egypt in 2004, and in London and Jordan in 2005.

The lists include not only attacks by Al Qaeda, but also those by its imitators, enthusiasts, and wannabes as well as ones by groups with no apparent connection to it whatever. The total number of people killed in the five years after 9/11 in such incidents came to around 200-300 per year. By comparison, over the same period far more people have perished in the United States alone in bathtub drownings.

In Australia, the statistics tell a similar story. To date, not a single person has been killed in a terrorist attack on Australian soil in the post-9/11 era. Around 100 Australians have died in terrorist attacks overseas, most of them in the Bali bombings of October 2002. A calculation of annual fatality risks for the period of 1970-2007 reveals that the risk of getting killed in a terrorist attack in Australia is 1 in 33,300,000. Even with the Bali bombings included, the fatality risk stands at 1 in 7,100,000. By comparison, the risk of getting killed in a traffic accident amounts to 1 in 15,000.

The legislative response has been unprecedented, too. Parliament has enacted more than 40 pieces of ‘security legislation’ since 9/11 which ensure that Australia has some of the most draconian anti-terrorism laws in the Western world. In contrast to the US, the UK and Canada, Australia’s domestic intelligence agency, ASIO, was given unprecedented powers to detain persons not suspected of any offence for up to seven days without charge or trial. The AFP was given extensive stop and search powers and may apply for control and preventative detention orders.

Australia’s criminal law and procedure has seen radical changes, too. These include, among other things, the introduction of an overly broad definition of ‘terrorist act’, the reversal of the presumption in favour of bail in terrorism-related cases, and executive powers to proscribe (and criminalise) organisations considered to be ‘terrorist’.

The Rudd government deserves credit for issuing a new Counter-Terrorism White Paper. It is regrettable however, that the Government continues to sell terrorism as a defining threat to Australia’s security. Nine years after 9/11 – and with no terrorism attack having occurred on Australian soil – it is time for a comprehensive and facts-based review and reform of Australia’s approach to counter-terrorism. This process should have started with the realisation that the risk of terrorism in Australia is insignificant.

Dr Christopher Michaelsen, Senior Research Fellow and Convenor, International Law and Policy Group, Faculty of Law, UNSW Dipl.Jur. (Hamburg), LLM (UQ), PhD (ANU).

Dr Michaelsen was writing as a member of Civil Liberties Australia.

This article appeared first in the ‘Canberra Times’, on 26 February 2010.
Critics will argue that it is evolutionary rather than revolutionary, that it draws too heavily on existing strategies and policy settings. But it is more than just a statement of the obvious.

And there are some important new developments in here as well.

The centrepiece of the white paper is a judgement about the changing nature of the terrorist threat to Australia and the continuing rise of so-called home-grown terrorists. In the wake of recent convictions of terrorist cells in Melbourne and Sydney, the paper argues that the main source of terrorism in the future will be local amateurs who have bought into the Salafist jihadi ideology of al-Qa’ida, but who may not have had any connection to al-Qa’ida’s money or training.

The white paper stops short of quantifying this particular threat to Australia.

Early on in the document we are told a significant number of Australian extremists have been radicalised to the point of committing violence.

If home-grown terrorism is the problem, why is border security and a better visa system for foreigners the answer?

In other places the document says the terrorist narrative resonates with only a small number of Australians.

The metrics are important. Because if the main terrorist challenge to Australia comes from the enemy within, then the principal policy response must focus on a strategy of counter-radicalisation and counter-ideology.

In the words of one former police commander, we must not only defeat the men who carry out these terrorist attacks, we must defeat the corrosive ideologies that drive people to commit them.

That is certainly the case with the recent British counter-terrorism strategy, Contest Two. In that document, the British government committed pound stg. 100 million ($172m) towards preventing individuals from becoming terrorists. Although the scale of the problem facing Britain is larger, the principle is the same.

The proposed strategy must match the perceived threat.

Aside from a small section on resilience and reference to community engagement in the Australian white paper, the government offers no new funding or programs to counter home-grown extremist ideology.

Instead, media attention will focus on the two main deliverables: $200m for aviation security measures including body scanners at airports and next generation x-ray machines; and $69m for enhanced visa restrictions for individuals from 10 as yet unnamed countries.

Each of these measures is warranted and probably overdue. But neither is directly related to the paper’s principal strategic assessment.

If home-grown terrorism is the problem, why is border security and a better visa system for foreigners the answer?

Another aspect of Australia’s counter-terrorism arrangements in this paper is the creation of a Counter-Terrorism Control Centre to be located with the Australian Security Intelligence Organisation. The new centre will manage priorities, identify intelligence requirements and harmonise the collection and distribution of information. This is all sensible stuff, if just a little Orwellian.

But, as the paper notes, these functions are already being done by the National Threat Assessment Centre and the National Intelligence Co-ordination Committee. It’s not clear another layer of bureaucracy will necessarily improve the flow of information. If anything, it could slow things down.

White papers are never easy to produce, particularly on a subject as complex and fast moving as international terrorism. This paper is a modest improvement over the previous effort in 2004. It takes policy forward in small, incremental steps. The real challenge in the next few years will be aligning the counter-terrorism strategy to funding priorities.

Because, as former secretary of the Defence department Arthur Tange liked to say, strategy without money is no strategy at all.

Carl Ungerer is director of the national security project at the Australian Strategic Policy Institute. These are his personal views.
It has been a long time coming, and represents only a modest beginning. The Rudd government’s third budget has committed $9.7 million over four years for measures that will counter violent Islamist extremism and terrorism through programs aimed at shaping public attitudes, undermining terrorist propaganda and supporting and diverting those at risk away from violent extremism.

Less than a month after the election of the Rudd government, Attorney-General Robert McClelland stated he didn’t think there had been enough emphasis on community-building in our counter-terrorism strategy. The government’s counter-terrorism white paper issued two months ago delivered a key judgment: Australia is no longer immune from domestic cells prepared to move from violent rhetoric to action. Indeed, we face a permanent and persistent threat from enemies inside and outside the country. Thirty-eight people have been prosecuted on terrorism-related charges in Australia, most of them in the past five years.

We’re learning what the populations of Britain and other countries have known for some time: terrorist violence against a country’s citizenry can be perpetrated by its own legal residents or citizens.

The Obama administration’s new national security strategy released on Thursday explicitly recognises the threat posed by an increasing number of individuals in the US who have become captivated by extremist ideology.

The modest budget measures on countering violent extremism in our community represent a useful beginning towards a strategy to counter the Islamist propaganda that extremists peddle to young, and often vulnerable, Muslims. That propaganda involves twisting theology for extremist stances.

Before becoming a terrorist, an individual must develop extremist views. Holding these views doesn’t violate any of Australia’s more than 40 specific pieces of anti-terrorism and security-related legislation that have been introduced since 9/11. But holding extremist views is the key prerequisite in moving towards committing an act of terrorism.

This country has been incredibly slow in putting in place policies that will help to refute the key elements of extremist propaganda by challenging extremist ideas. Unfortunately in Australia there’s no equivalent of the counter-extremism think tank Quilliam, which operates in Britain. This organisation was formed by previous members of British-based Islamist organisations, and works with police, Muslim parents and others to...
debunk radical propaganda and act as a disinfectant against extremist views.

The Rudd government deserves praise for highlighting in its budget measures that work on countering radicalisation in our prisons. Many people convert to religious faith in prisons. Richard Reid, the shoe-bomber, for example, turned to extreme Islamism as a direct result of his experience in British prisons. Radical imams can have access to inmates and Islamist militants can attract recruits inside prison.

A report from Quilliam last November found Britain’s prison service had made a number of mistakes that had directly empowered extremists. These included allowing extremist books into jails and prominent extremists being permitted to issue pro-jihadist fatwas from inside.

Quilliam recommended the government establish a deradicalisation centre to deprogram the many high-profile extremists and convicted terrorists within British prisons.

It’s encouraging that a deradicalisation program is to be introduced into NSW prisons as part of the management plans for inmates convicted of terrorism. Specialist staff will take the prisoners through sessions in which they will confront the reasons why they turned to extremism. They will be encouraged to replace radical religious beliefs with more moderate ones. This challenge will only increase with the rise of terrorist-related convictions being secured by our law enforcement agencies and ASIO.

The other area where the budget promised new resources for countering radicalisation was to examine the role of the internet. This is an excellent idea. Increasingly, extremists are using the internet to communicate, spread information and network. The internet is playing a significant conveyor-belt role in the transition of people from curiosity to seeking a cause to violence.

Apart from monitoring, there may be occasions when Australian authorities should take action against a particular site to demonstrate it’s on the offensive or selectively prosecute those producing extremist websites (rather than the consumers).

Australian authorities should encourage internet users to challenge the extremist narrative by providing incentives to create sites and forums to promote tolerance. Encouraging parents and teachers to alert students to the risks of sites that preach extremism is also important.

Confronting those spreading intolerance will be widely supported by the overwhelming majority of Australia’s Muslim communities who are committed to constructing a more inclusive society. They will naturally need to be consulted on the scope of the government’s evolving counterradicalisation strategies.

The media, too, has to play a role. For starters, it wouldn’t hurt to publicise the fact it was a Muslim street vendor, Aliou Niasse, who was apparently the first to report the recent failed bomb attempt in Times Square, New York.


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Let me state at the outset that any terrorist attack, wherever and however it may occur, is an attack on us all. The Australian Government utterly condemns the shocking terrorist attacks in Jakarta last Friday. Such events only work to strengthen our common resolve to bring the perpetrators of this attack to justice, and do all we can to disrupt and prevent terrorism.

It is important to note that the risk of a terrorist attack to Australia may emanate from either foreign or domestically based threats.

While traditional military, law enforcement and intelligence approaches to countering terrorism will continue to remain paramount, addressing the long-term causes of terrorism is also vitally important.

In this context, it is relevant that tonight I have been asked to speak on the key challenges we face in addressing the complex national security issue of countering violent extremism.

The term ‘violent extremism’ generally refers to the use of violence to achieve political, social or ideological ends. And this, of course, includes acts of terrorism. It’s important to note here that not all ‘radical’ views or beliefs are necessarily a concern.

However, radicalism is a threat when it becomes extreme. That is, when it denies the possibility of alternatives and seeks to impose itself by force.

While only a small minority, violent extremists are active in our communities. Successful prosecutions in Melbourne and Sydney demonstrate this only too clearly.

There is no single pathway to violent extremism. But there are some key factors which appear to regularly contribute to extremism. These include reactions to overseas events, grievances with local and national issues, and individual circumstances such as poor education and socioeconomic factors.

In a recent book from the United Kingdom entitled, The Islamist, a former extremist Ed Husain (now a Director of The Quilliam Foundation, a counter-extremism think tank located in the UK) suggests that an identity crisis or feeling of exclusion, among other things, were contributing factors in his adoption of extremist views.

Countering extremism is a national problem requiring a national response.

While there is no simple solution to countering extremism, I can assure you that addressing this threat is one of the Rudd Government’s top priorities.

The Prime Minister highlighted this in his National Security Statement to Parliament in December last year. He spoke about how the effective mitigation of terrorist attacks requires a combination of appropriate security responses with broader strategies to enhance social cohesion and resilience and lessen the appeal of radical ideology.

Last year I discussed this issue with a number of officials in the United Kingdom. I also recently held talks with the Singaporean Deputy Prime Minister with responsibility for National Security, Professor Jayakumar, on enhancing social cohesion and resilience in order to lessen the appeal of extremist ideology.

There is already a lot of valuable work being conducted across the country to counter violent extremism. My Department has undertaken a useful stocktake of that work.

What has been lacking up to now, however, is effective coordination of that work, focussing on best practice with an over-arching strategic direction.

I have therefore tasked my Department to act as a ‘linchpin’ for bringing existing and new efforts together and to work in a coordinated way with Federal, State and Territory agencies on key projects.

This approach recognises that a strong partnership between all levels of Government is critical to success, and that any solutions must be ‘locally appropriate’ and implemented with the active support of local communities.

This national approach to countering extremism will form an integral policy ‘prevention’ mechanism in Australia’s national counter-terrorism strategy.

As a starting point, the Government has identified four key areas to focus on:

1. Identifying and disrupting violent extremists
2. Identifying at-risk groups and individuals and supporting them to resist violent extremism
3. Maintaining the social cohesion and resilience of communities, and
4. Using effective communications to challenge violent extremist messages and support alternatives.

I’d like to address each of these points in turn.

1. IDENTIFYING AND DISRUPTING VIOLENT EXTREMISTS

Where possible, our primary objective must be to disengage extremists from violence.

The Australian Security Intelligence Organisation (ASIO) is uniquely placed to contribute in this regard. ASIO can identify and engage with extremists, understand extremism, and counter extremist activities.

Already, ASIO is conducting a variety of activities to help identify individuals and groups intent on acting on extremist beliefs.

These range from constructive long term engagement with influential community and religious figures and...
associations, through to investigations relating to specific extremists or extremist threats.

In cooperation with the States and Territories, we are also looking into programs to help convicted violent extremists disengage from violence.

More broadly, in the coming weeks I will be releasing a significant package of reforms to Australia’s national security and counter-terrorism laws for discussion and consultation.

As part of this, a range of reforms will be put forward for consultation including seeking public input in relation to an offence of, inciting violence against an individual on the basis of race, religion or nationality.

Notably, this would expand the opportunity for prosecuting those who attempt to induce others, including vulnerable youths, to commit acts of politically motivated violence and will supplement the existing Commonwealth offence of inciting violence against a group.

2. IDENTIFY AND SUPPORT THOSE AT RISK

We also need to focus on targeted initiatives to identify those exposed to, or at risk of being influenced by violent extremists.

Only then will we be able to support them in exploring alternative pathways.

Experience from around the world indicates that enlisting and engaging families, communities and moderate religious leaders is crucial.

And, as noted by the Quilliam Foundation in the United Kingdom, many of these projects can and should occur independently of Government.

In many instances community members are often more readily able to recognise extremist behaviour and may indeed be more effective in combating those views before they take hold.

In relation to Islamist extremism, Ed Husain argued that:

“It is Muslims who are able to recognise Islamist extremists most easily. Before extremists are on the radar of the intelligence community, we see the changes in modes of prayer, selective mosque-attendance patterns, modification of behaviour and of dress, an increasing harshness in attitude, and condemnatory rhetoric.”

In my talks with various State police and community leaders, it is clear that the many communities themselves will and do address these issues.

I see centres for Islamic Studies at tertiary institutions as having a particular responsibility in this area.

At the federal level, the Department of Foreign Affairs and Trade is also undertaking valuable work providing support to overseas communities to foster mutual respect and tolerance among different religions and cultures, and counter bias and misunderstanding.

This work can also have domestic benefits insofar as there is often ongoing communications between expatriates and their former communities.

... radicalism is a threat when it becomes extreme, when it denies the possibility of alternatives and seeks to impose itself by force.

3. MAINTAINING SOCIAL COHESION AND RESILIENCE

Overseas experience has shown that extremists often use adverse political, social and economic conditions to recruit and motivate others.

In Australia, we already have a number of social policies in place – across all levels of Government – that are aimed at building trust, respect and a sense of belonging.

While many of these social policies are pursued for their own broader objectives, they play an important role in addressing grievances that stem from barriers to social and economic participation and help to counter violent extremism.

For example, the Department of Immigration and Citizenship has a suite of social programs and initiatives that include settlement, cultural diversity, access and equity, and citizenship activities.
The National Action Plan to Build on Social Cohesion, Harmony and Security is a whole-of-government initiative that responds to pressures that Australian communities are facing as a result of global terrorist events since 2001.

The Diverse Australia Program addresses issues of cultural, racial and religious intolerance by promoting respect, fairness and inclusion.

These initiatives help promote a sense of identity and belonging among Australians, through strong and lasting partnerships between Governments and communities.

The Australian Federal Police (AFP) is also working to build positive, trusting and cohesive relationships with the community.

Through the National Community Engagement Strategy the AFP maintain community liaison teams in Melbourne and Sydney and engage with communities there and in other key locations through activities such as Harmony Day celebrations, sporting activities and presentations to schools.

A range of other agencies also provide services and programs designed to assist and support individuals and communities. These operate under the Government’s broad principles of access and equity.

At a State and Territory level, police, multicultural services, local government and community organisations all conduct a variety of activities to build social cohesion.

These groups are, of course, ideally placed to identify, implement and manage local solutions to what are often local problems.

Each of these agencies is doing great work to enhance trust, cooperation and respect between Governments and communities.

Only the other week, I caught up with some colleagues from a State police force. I heard about their plans to engage with schools and address extremism through education. These kinds of grass roots activities are first rate and are activities I hope to see more of over the coming year.

4. USE EFFECTIVE COMMUNICATIONS

Experience has shown that the language used to describe terrorism can be counter-productive.

Certain words have the potential to glorify terrorism and terrorists, while others can cause anxiety among Australians and create divisions within and between communities.

It is vital that the messages we send do not in any way glorify terrorism or suggest a war or clash between cultures or religions.

Instead we need to adopt language that depicts acts of politically motivated violence as base criminal conduct of the most reprehensible kind.

We must also be conscious of not alienating broad ethnic and religious groups by labelling them in a way that causes prejudice or leads to misunderstanding.

I was very pleased to recently announce the commencement of a national project to examine the use of language in engaging with communities on national security issues, including violent extremism.

Work on this project, the Lexicon of Terrorism, is being led by Victoria Police, in partnership with the Victorian Department of Premier and Cabinet, the Australian Multicultural Foundation, and my Department.

This project will help Governments frame effective public information messages on national security issues by strengthening community harmony and disempowering potential violent extremists.

CONSOLIDATING RESEARCH

In addition to progressing these four key areas, it is also critical we consolidate research and learnings from both here and around the world.

It is crucial that we continue to evolve our thinking in order to better understand the processes of radicalisation in Australia.

In doing so, we can ensure that our work is evidence-based and appropriate to Australian circumstances.

The Attorney-General’s Department has already conducted consultations with academics and community groups to build upon this research and I anticipate that this will continue.

The Department is also leading work to streamline mechanisms for communities and Governments to work more closely and share important information and intelligence. This will prove integral to better identifying issues in our communities and better informing counter-extremism initiatives.

I must also acknowledge the valued work of the Australian Strategic Policy Institute (ASPI) in this area.

Excellent examples of which include Dr Bergin’s recent work, Contest Two and counter extremism: Lessons for Australia and Countering online radicalisation in Australia from ASPI’s Strategic Policy Forum.

CONCLUSION

The Australian Government remains committed to ensuring we have an efficient and effective framework in place to support Australia’s law enforcement and intelligence agencies in deterring, investigating, apprehending and prosecuting perpetrators of terrorism and threats to Australia’s national security.

Achieving a coordinated approach to combating violent extremism is a crucial part of this framework.

We need to continue to develop and deepen our engagement with at risk communities in order to support them to resist extremism as well as influence those who may already be affected by radical ideology.

It will also be necessary to take action against those who seek to induce others to commit acts of violence.

Together we can continue to do all that is necessary to keep Australia safe and strong.

Thank you.

ENDNOTES

Human rights and counter-terrorism laws

This information sheet from the Human Rights Commission talks about some of the human rights relevant to counter-terrorism legislation in Australia. It also highlights how a federal Human Rights Act could help deal with these issues.

Which human rights are we talking about?

Human rights are about everyone, including people who are threatened by terrorism and people who are accused of counter-terrorism crimes.

Nobody denies the need for laws and policies to ensure that Australians are protected from security threats – after all, the right to life and security is a fundamental human right. However, as the story of Dr Mohamed Haneef demonstrates, when we create those laws and policies we must make sure that we don’t sacrifice other fundamental human rights such as equality before the law, the right to a fair trial and the right to be presumed innocent of a crime.

The Australian government has introduced over 40 new counter-terrorism laws since September 2001.

These laws may have a serious impact on how our justice system protects fundamental human rights and freedoms, including the right to:

- A fair trial
- Freedom from arbitrary detention, torture or cruel, inhuman or degrading treatment or punishment
- Freedom of expression
- Freedom of movement
- Privacy
- Freedom from discrimination.

What human rights concerns are raised by counter-terrorism laws?

**THE STORY OF DR MOHAMED HANEED**

On 2 July 2007, Dr Mohamed Haneef, who was working as a doctor in Queensland, was arrested by the AFP. His arrest followed the attempted terrorist car bombings at Glasgow International Airport on 30 June 2007. Under the provision for ‘dead time’, Dr Haneef was detained and questioned without charge for 12 days. The case against Dr Haneef was later dropped due to a lack of evidence.

Several aspects of the new counter-terrorism laws in Australia have raised human rights concerns, including:

- **Detention without charge** – the Australian Federal Police (AFP) can detain a suspect without charge for 24 hours. After 24 hours the AFP can seek a detention order from a court to detain the suspect for a further 24 hours. These 24 hour caps do not include ‘dead time’, which can include time when the suspect is contacting a lawyer, taking meal breaks and sleeping. Dr Haneef was detained for 12 days under this provision.
- **Restrictions on movement** – control orders can force a person to stay in a certain place at certain times, prevent them from going to certain places or talking to certain people, or require them to wear a tracking device.
- **Using secret evidence against an accused person** – the counter-terrorism laws can prevent a defendant and their lawyers from...
Nobody denies the need for laws and policies to ensure that Australians are protected from security threats – after all, the right to life and security is a fundamental human right. However, when we create those laws and policies we must make sure that we don't sacrifice other fundamental human rights such as equality before the law, the right to a fair trial and the right to be presumed innocent of a crime.

accessing evidence which will be used against them in court (which ordinarily is allowed).

What are the limitations of existing human rights protections?

A person suspected or accused of committing an offence under the counter-terrorism laws currently has few legal options to assert their human rights.

The options currently available include legal actions based on:

➤> **Common law** – this is a body of law made up of precedents from cases previously decided in the courts. Some human rights protections found in the common law include the right against self-incrimination, and the presumption of innocence in criminal trials.

➤> **The Australian Constitution** – counter-terrorism laws must comply with the few rights contained and implied in the Australian Constitution, such as the right to challenge decisions of the government in the High Court.

How could we improve human rights protections for people who are, or could be, subject to counter-terrorism laws?

The Australian Human Rights Commission supports a Human Rights Act for Australia.

A Human Rights Act could help prevent human rights breaches from happening, and provide remedies for those breaches that were not prevented.

A Human Rights Act could make a difference in protecting and promoting the rights of those who are, or potentially could be, subject to the counter-terrorism laws by requiring our federal government to carefully consider how all decisions impact on human rights.

If Australia had a Human Rights Act, it could:

➤> **Make the federal Parliament consider how laws impact on human rights** – for example, law makers would have to consider how laws allowing detention without charge impact on the right to liberty and freedom from arbitrary detention; or whether ‘sedition’ laws unreasonably impact on freedom of expression.

➤> **Make the federal government respect human rights when developing policy** – for example, ASIO would need to consider human rights when determining how its officers can question and interrogate terrorism suspects.

➤> **Make public servants respect human rights when making decisions and delivering services** – for example, if a senior AFP officer considered issuing a preventative detention order they would have to take into account the human rights of the terrorism suspect, among other factors.

➤> Provide a range of **enforceable remedies** to enable people who have been unjustly detained, for example like Dr Haneef, to challenge their detention on human rights grounds.

Over the longer term, a Human Rights Act would also be a powerful tool for fostering a stronger human rights culture in Australia by promoting greater understanding and respect among all people in Australia.

Where can I find more information about counter-terrorism and human rights?

Australian Human Rights Commission: www.humanrights.gov.au

Gilbert + Tobin Centre of Public Law: www.gtccentre.unsw.edu.au

Human Rights and Counter-Terrorism
Laws information sheet
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Australia has long played a leading role in the development of laws to combat terrorism. In fact, the Australian Government has introduced an extensive legislative regime around counter-terrorism, national security and other cross-jurisdictional offences. The Crimes Act 1914 covered a number of offences, however with the events of the past few years, new legislation has been enacted to ensure Australia and Australians are protected from emerging threats.

Key pieces of Australia’s national security legislation include:

**The Anti-Terrorism Act (No. 2) 2005**
This act amends the Criminal Code to allow for the listing of organisations that advocate the doing of a terrorist act as terrorist organisations, establishes procedures for preventative detention and control orders, updates the offence of sedition and other measures.

**The Anti-Terrorism Act 2004**
This legislation includes amending the Crimes Act 1914 to strengthen the powers of Australia’s law enforcement authorities, setting minimum non-parole periods for terrorism offences and tightening bail conditions for those charged with terrorism offences as well as other initiatives.

**The Anti-Terrorism Act (No. 2) 2004**
This legislation amends the Criminal Code Act 1995 to make it an offence to intentionally associate with a person who is a member of a listed terrorist organisation as well as other initiatives.

**The Anti-Terrorism Act (No. 3) 2004**
This legislation amends the Passports Act 1938, the Australian Intelligence Security Act 1979 and the Crimes Act 1914 to improve Australia’s counter-terrorism legal framework as well as other initiatives.

**The Australian Security Intelligence Organisation Act 1979**
This legislation sets out the functions of the Australia Security Intelligence Organisation (ASIO) – Australia’s security service.

**The ASIO Legislation Amendment Act 2003**
This legislation amends the Australian Security Intelligence Organisation Act 1979 to ensure ASIO has the ability to effectively collect information which is necessary to prevent a terrorist act.

**The Australian Security Intelligence Organisation Legislation Amendment (Terrorism) Act 2003**
This legislation empowers ASIO to obtain a warrant to detain and question a person who may have information important to the gathering of intelligence in relation to terrorist activity.

**The Border Security Legislation Amendment Act 2002**
This legislation deals with border surveillance, the movement of people, the movement of goods and the controls Customs has in place to monitor this activity.

**The Crimes Act 1914**
This legislation deals with crime, the powers of the authorities to investigate it and many other related issues including sabotage, treachery, disclosure of information and other issues.

**The Crimes Amendment Act 2002**
This legislation allowed forensics to be used to identify victims of the Bali bombings.

**The Criminal Code Amendment (Anti-Hoax and Other Measures) Act 2002**
This legislation amends the Criminal Code Act 1995 to insert new offences directed at the use of postal and similar services to perpetrate hoaxes, make threats and send dangerous articles.

**The Criminal Code Amendment (Espionage and Related Matters) Act 2002**
This legislation enhances Australia’s national security legislative framework by strengthening Australia’s espionage laws.

**The Criminal Code Amendment (Offences Against Australians) Act 2002**
This legislation amends the Criminal Code by inserting new provisions to make it an offence to murder, commit manslaughter or intentionally or recklessly cause serious harm to an Australian outside Australia.

**The Criminal Code Amendment (Suppression of Terrorist Bombings) Act 2002**
This legislation amends the Criminal Code Act 1995 to
make it an offence to place bombs or other lethal devices in prescribed places with the intention of causing death or serious harm or causing extensive destruction which would cause major economic loss.

**The Security Legislation Amendment (Terrorism) Act 2002**

This legislation amends the Criminal Code Act 1995 to create new terrorism offences, modernise treason offences, creates offences relating to membership or other specified links to terrorist organisations and other initiatives.

**The Suppression of the Financing of Terrorism Act 2002**

This legislation amends the Criminal Code Act 1995, the Extradition Act 1988, the Financial Transactions Reports Act 1988, the Mutual Assistance in Criminal Matters Act 1987 and the Charter of the United Nations Act 1945. The amendments insert a new offence which targets persons who provide or collect funds and are reckless as to whether those funds will be used to facilitate a terrorist act and other initiatives.

**The Surveillance Devices Act 2004**

This legislation establishes procedures for officers to obtain warrants, emergency authorisations and tracking device authorisations for the installation and use of surveillance devices in relation to criminal investigations and other initiatives.

**The Telecommunications Interception Legislation Amendment Act 2002**

This legislation amends the Telecommunications (Interception) Act 1979 to permit law enforcement agencies to seek telecommunications interception warrants in connection with the investigation of terrorism offences and other initiatives.

**The Criminal Code Amendment (Terrorism) Act 2003 (Constitutional Reference of Power)**

This legislation removes any uncertainty regarding the constitutional status of the counter-terrorism legislation.

**The Crimes (Overseas) Act 1964**

This legislation provides that certain Australian criminal laws apply to conduct committed by Australian civilians who are serving overseas under an arrangement between the Australian Government and the United Nations.

**The Australian Federal Police and Other Legislation Amendment Act 2004**

This legislation amends the Australian Federal Police Act 1979 and the Crimes Act 1914 to finalise integration of the Australian Protective Service into the Australian Federal Police and other initiatives.

**The Australian Protective Service Amendment Act 2003**

This legislation gives Australian Protective Service and Australian Federal Police the powers to request a person’s personal details, stop and search a person suspected of possessing a weapon, seize weapons and other initiatives.

**The International Transfer of Prisoners Amendment Act 2004**

This legislation put in place arrangements to work with the US to transfer Australian citizens convicted by a military tribunal to serve any sentence of imprisonment in Australia.

**The Maritime Transport and Offshore Facilities Security Act 2003**

This legislation establishes a scheme to safeguard against unlawful interference with maritime transport and establishes security levels.

**The Aviation Transport Security Act 2004**

This legislation establishes a number of mechanisms to safeguard against unlawful interference against aviation.


This legislation introduces a number of amendments and transitional provisions.

**The Crimes Amendment Act 2005**

This legislation amends the Crimes Act 1914 to enable Commonwealth participating agencies to request assumed identity documents.

**The National Security Information Legislation Amendment Act 2005**

This legislation extends protection of security sensitive information under the National Security Information (Criminal Proceedings) Act 2004.

**The National Security Information (Criminal and Civil Proceedings) Act 2004**

This legislation protects information from disclosure in federal criminal proceedings where the disclosure would be likely to prejudice Australia’s national security.

Because the global security environment is dynamic, the Australian Government is continually responding to ensure our legislative regime is current, comprehensive and appropriate. At any one point in time, further initiatives may be under consideration by Parliament.
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.

“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.

“The Government also wants to press ahead with controversial plans 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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POSTSCRIPT:
15 November 2010: Federal Parliament passed legislation to boost the powers of security agencies.

The new laws allow police to enter premises without a warrant if they are concerned about a potential terrorist attack.

The Government says the legislation will help protect the country against the threat of terrorism.

Source: ABC News

First published by ABC Online 12 August 2009. Reproduced by permission of the Australian Broadcasting Corporation (ABC) & ABC Online
ANTI-TERRORIST CRACKDOWN ON RELIGIOUS EXTREMISTS

Authorities could be given more powers to target radical extremists under proposed additions to Australia’s anti-terrorism laws. A report from ABC News

The Federal Government is set to release changes which will make it easier to prosecute people who encourage others to commit acts of violence.

Federal Attorney-General Robert McClelland says the Government is proposing the establishment of a new offence of inciting violence against someone on the basis of race, religion or nationality. Mr McClelland announced the proposed changes in a speech to the Australian Strategic Policy Institute last night. And he warned that centres for Islamic studies at tertiary institutions should have a particular responsibility in identifying people at risk of becoming extremists.

“A range of reforms will be put forward for consultation including seeking public input in relation to an offence of inciting violence against an individual on the basis of race, religion or nationality,” he said.

“This would expand the opportunity for prosecuting those who attempt to induce others, including vulnerable youths, to commit acts of politically-motivated violence, and will supplement the existing Commonwealth offence of inciting violence against a group.”

Mr McClelland said there needed to be a stronger national focus on those who are vulnerable to violent extremists to ensure they do not fall under their influence. Speaking on the wake of last week’s bombings in Jakarta which killed nine people, including three Australians, Mr McClelland said Australia was at risk of terrorist attacks from both overseas and internal threats.

Mr McClelland said extremism was a national problem which needed a coordinated response. His department will work on coordinating with the states and territories to institute preventative counter-terrorism policies such as the identification of violent extremists and those at risk of extremist messages.

The proposed new laws are expected to be released for public discussion in the next few weeks.

Australian Greens leader Bob Brown says he welcomes the review of anti-terrorism laws, but has not seen the details. He says racial vilification has no place in society.

“But that said, we don’t want laws that are going to trammel the freedoms of people to be able to positively express their points of view in this country either,” he said.

“It’s a very difficult balance. But the Greens will look at it very carefully.”

Too strong?

But lawyers for those charged with terrorism-related offences say many of the current laws are draconian, and should be repealed not widened.

Lawyers for those charged ... say many of the current laws are draconian, and should be repealed not widened.

Former Victorian attorney-general and barrister Jim Kennan SC agrees there needs to be a review of the laws, but he says they are already too sweeping. "I don’t think that there’s examples that have been demonstrated here or overseas where the terrorist laws aren’t strong enough,” he said.

“Rather the concern is that in some cases like the Haneef case, they have led to injustices and there may be a case for … putting in as they have in England an independent monitor of the terrorist laws who can report to Parliament on how they’re operating. “It’s that sort of balance that I would like to see go into them.”

He said there is a “very strong case” for an Australian terrorism laws watchdog, and “accountability directly to Parliament”.

Lawyer Robert Stary, who represented Jack Thomas, who was charged with terrorism-related offences, says the Government should be focusing its efforts on repealing some laws.

“For instance, preventative detention laws have never been used under the ASIO legislation, and they should be repealed,” he said.

“The control order litigation, that should be repealed – it was unsuccessfully used against Jack Thomas, and farcically used against David Hicks.”

Mr Stary says our current terrorism legislation leaves Australia a hypocrite if it criticises other countries like China and Dubai currently holding Australians without charge.

“We should look in our own backyard before we criticise any foreign government about the way they detain people, and any suppression of any information that comes out of those cases – we are one of the worst examples of that fact,” he said.

He said authorities should be involved in engagement and consultation with people whose views might influence young people, “rather than hitting them with a sledgehammer”.

“Look what’s happened in the Tamil community, the failed prosecution in Melbourne where the Government, through the Commonwealth DPP, engaged in litigation that went six months in the Supreme Court, then to file a notice of discontinuance,” he said.

“The Tamil community have been decimated militarily in Sri Lanka, and Tamil communities then in Australia and elsewhere in the world are still being hit with a sledgehammer by prosecutions in various countries.

“What the Government ought to be spending, rather than spending $20 billion on terrorism, they should be spending that money on engagement, consultation with communities and having an inclusive approach rather than a marginalisation approach.”
Have the ‘terrorists’ got what they want?

One thing terrorists have achieved is that they’ve made it harder to freely be a Muslim in today’s world, contends human rights lawyer, Melati Lum

As Kevin Rudd recently launched his new white paper on counter-terrorism, the Australian Muslim community once again braces itself for a renewed onslaught in ‘random’ security checks and measures against us.

With all of Rudd’s talk of increasing ‘jihadist’ and home-grown terror, I got to thinking about what it was that the ‘terrorists’ really want? Let’s ignore for a moment the problematic nature of the term ‘terrorist’. The term did not always conjure up an image of a bearded man with a turban. In fact, the world has a long history of politically or ideologically motivated violence that did not originate from those calling themselves Muslims, believe it or not. So, what does this new breed of ‘terrorists’ hope to achieve? Have they in fact already achieved it?

Terrorism experts such as Jessica Stern teach us that terrorists intend to spread fear and insecurity by deliberately targeting innocent bystanders. The act of terrorism is in fact a symbolic communication to cause fear in a much wider audience than the immediate victims. Osama bin Laden and his ilk have a few general goals, one of which is to drive Americans and American influence out of all Muslim nations. Former US president George Bush interpreted al-Qaeda style terrorism as a threat to “our way of life”. He cites their hatred of “our freedoms – our freedom of religion, our freedom of speech, our freedom to vote and assemble and disagree with each other”. All these freedoms are associated with the international human rights of all people.

In Australia, we have been proud of our international promotion of, and commitment to, human rights. Our strong democratic tradition, independent judiciary, free press, and a fair criminal justice process are often cited as examples of this commitment. While these are all laudable achievements, since the terrorist attacks of September 11, 2001 and the subsequent War on Terror, human rights in Australia have taken a severe beating.

The Australian government has introduced a significant number of counter-terrorism laws since 2001. These laws have established new criminal offences, new detention and questioning powers for police, new powers for the Attorney-General to ban terrorist organisations, and new methods to control the movement and activities of people without criminal convictions.

Counter-terrorism laws can have a serious impact on fundamental human rights and freedoms including: the right to a fair trial; the right to freedom from arbitrary detention and arrest; the right not to be subject to torture; the right to privacy; the right to freedom of association and expression; and the right to non-discrimination. Even though these rights are protected under international human rights treaties, in Australia the absence of a Charter of Human Rights has the effect of limiting the protection of these rights under Australian law.

All Australians are potentially affected by counter-terrorism legislation. All of our above fundamental freedoms have been affected by global ‘terrorist’ action. However as a Muslim, the tenuous level of human rights protection offered under the current legal system is the cause of acute concern. The case of Dr Mohammed Haneef illustrates how innocent people can be subject to unwarranted stress due to questionable internal security policies coupled with inefficient protection of human rights.

Have the ‘terrorists’ achieved what they’ve set out to do? Given our downplay of human rights in Australia, and the paranoia surrounding Muslims – perhaps so.

It is obvious that Osama bin Laden and his followers do not care whether their victims, or those negatively affected by their actions are Muslims or not. Since the 2001 attacks, the majority of victims of so called ‘Muslim terrorists’ have in fact been Muslims in Iraq, Pakistan, and Afghanistan. In the West, Muslims have born the brunt of revenge attacks, back lash in society, and discrimination in the legal system.

Having worn a head scarf, I have experienced first hand the heightened level of distrust at security checkpoints in airports. I know what it feels like to be singled out on every occasion for a ‘random’ explosive test. While all passengers are affected by heightened security measures, the treatment that I receive when not wearing a head scarf, alerts me to the fact that as a ‘visible’ Muslim, I am more of a threat than when I am not ‘visible’.

The fear and mistrust generated by the language of terrorism is palpable. We have seen its impact in the degeneration of human rights in Australia, in counter-terrorism measures that threaten our fundamental freedoms. When launching new measures to counteract terrorism it is important for the Australian government not to play into the hands of the ‘terrorists’. We must keep in mind the ‘terrorists’ fundamental aim of changing the status quo – of creating fear and insecurity among a wide group of people.

Have the ‘terrorists’ achieved what they’ve set out to do? Given our downplay of human rights in Australia, and the paranoia surrounding Muslims – perhaps so. However, one thing they have achieved hands down is that they have made it harder to freely be a Muslim in today’s world.

Melati Lum is a lawyer specialising in international humanitarian and human rights law.

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The new anti-terrorism laws recently announced by the Attorney-General Robert McClelland raise alarm bells. At face value a number of proposed amendments look as though they roll back some of the excess of the current laws – limits to the sedition offences, a right of appeal against the use of secret evidence, and minor clarifications of the meaning and scope of some terms and offences.

The proposal to cap the period of detention without charge to seven days from an open-ended indefinite period is a welcome reform after the horror of Dr Mohamed Haneef’s 12-day detention ordeal without charge for an offence he did not commit. However, seven days is still too long when you can be detained on police suspicion. The underlying reason why Dr Haneef was able to be detained in the first place remains in the extraordinary breadth of the laws.

The proposals extend the current anti-terrorism laws in a way which exacerbate their many existing flaws. For example, the definition of a terrorist act will be expanded. Instead of a terrorist act needing to cause, or be likely to cause, physical harm, now a terrorist act may simply be one which is likely to cause psychological harm.

Secondly, a new offence of ‘urging violence against individuals in a group’ widens the already over-reaching anti-terror laws. The effect of this law could mean that talking about supporting legitimate conflicts for self-determination overseas will expose people to policing and criminal charges.

Thirdly, the Australian Federal Police will no longer need warrants to conduct searches of premises. While the intention appears to be that warrantless searches occur only in an emergency, with the removal of oversight by someone like a judge, the powers have wide potential to be misused.

No evidence has been presented to explain why these new laws are necessary. Instead, the Attorney General has opportunistically seized on recent events to justify the new changes. There were, however, no legal impediments to police in making the arrests in Melbourne earlier this month. Meanwhile, many of the laws, such as the executive banning of organisations, remain out of line with criminal justice standards. In fact the new proposals seek to extend the time for banning organisations before there is a review from two to three years.

The announcement of new laws also comes after the Greens introduced a bill repealing the most draconian aspects of the laws, scuttling the opportunity for fairer reforms. The Greens’ proposals included introducing more accountability into executive banning of ‘terrorist organisations’ and abolishing the crime of associating with a member of a terrorist organisation, amongst others.

Instead of ad-hoc new laws, safeguards should be strengthened to prevent further erosion of civil rights.

Zachariah Matthews, Board Member of the Australian Muslim Civil Rights Advocacy Network.
With the release last week of its vast discussion paper on amendments to national security legislation, the Rudd government has finally got around to reforming Australia’s terrorism laws. In opposition, Labor couldn’t win a trick on national security and was strongly out-polled on the issue by the Coalition. So how should it proceed now it is in the driver’s seat?

According to the attorney-general, Robert McClelland, these proposals reflect the need to lock down a long-term and sustainable scheme of national security laws. He cites the fact that substantial portions of the Howard government’s laws will expire of their own accord under sunset clauses limiting their life to 10 years. It’s odd, then, that the paper contains no proposals to amend the two most controversial parts of the Criminal Code subject to the sunset clauses – those enabling control orders and preventative detention orders to restrict people’s liberty.

Instead, the government’s main focus is on the less exotic aspects of terrorism policing – the crimes themselves, the power to hold suspects before charging them and the management of prosecutions where information prejudicial to national security might be disclosed during trial. While much of this involves amending the laws enacted under the Coalition government, there are some entirely original, and rather surprising, measures in the package.

All of which makes the media’s long search for the ‘tough’ or ‘soft’ laws now a little confused, do they tighten or soften the terrorism laws?

As Wayne Swan might say, it’s the wrong question. Apart from being an unhelpful way to approach a discussion paper which runs (including draft legislative provisions) to over 400 pages, talk of ‘tough’ or ‘soft’ laws is not really to the point. What the public is entitled to expect is that the government will enact effective laws. What this means is that the police and other agencies should have the legal framework that lets them do their job of protecting the community but ensures they go no further than that. Certainly, we should resist laws that actually contribute to the problem – frequently announced with swaggering bravado as ‘tough on terrorism’ – regardless of any superficial appeal they may hold. Even with the best of intentions, governments can overreach in their responses to the threat of political violence. Laws expressed in very broad terms and subject to too few controls do not assist police and other agencies in their difficult task. Instead, they all too easily lead to error – which can be expensive both in terms of misdirected time and manpower and for the liberties of individuals wrongly targeted. Laws are clearly counter-productive if they serve very little operational purpose but fan fears in communities that already feel they have been singled out for discriminatory treatment.

Laws are clearly counter-productive if they serve very little operational purpose but fan fears in communities that already feel they have been singled out for discriminatory treatment.

This example indicates the main problem with the attorney-general’s discussion paper – its fundamentally reactive character. In seeking to respond to the many (and occasionally diverse) recommendations of no fewer than four major government and parliamentary reviews between 2006 and 2008, Mr McClelland has lost sight of the wood for the trees. This is not to say the trees are not important – in this area the devil is generally in the detail. And we should remember, too, that McClelland’s predecessor, Phillip Ruddock, was breezily dismissive of virtually any suggested changes to the laws, even when they were put up with bipartisan support. The long overdue implementation of many of these inquiry recommendations is welcome but, even so, it is fair to say that the government has largely been captured by the agenda set by its predecessor.

This is reflected in the failure to seize the opportunity to recast the laws to match the government’s objective of “public confidence in the operation of the national security legislation framework.” What that would require, if we were really to do the job properly, would be to look with fresh eyes not only at the dubious categorisation of...
various crimes as ‘terrorism’ but at also those mechanisms in the law which demonstrably privilege the power of the state in areas where individuals should worry most about intrusion.

A small but nonetheless important example is the decision of the attorney-general not to scale back his personal discretion to proscribe an organisation on the basis that it (or presumably any of its members) ‘praises’ some terrorist incident, in cases where a person, regardless of actual or mental age, might be encouraged to engage in a terrorist act of their own.

This basis for proscription exists alongside the far more justifiable grounds of ‘urging’ or ‘instructing’ others to commit a terrorist act, and ‘praise’ is a very ambiguous term in comparison. It is not hard to imagine that bodies which refer approvingly to the activities of the leaders of national liberation movements – say, Mandela or Gandhi – could conceivably fall foul of the law. In 2006 the Security Legislation Review Committee5 recommended that this aspect of the proscription regime should be repealed, given its vagueness and the ‘chilling’ effect it is likely to have on free speech. But while McClelland has agreed that the risk of the listener acting after hearing the ‘praise’ must be ‘substantial,’ that’s as far as his amendment goes.

This is in keeping with the tendency of the government to keep step with the lowest common denominator of the various review panel recommendations when these involve a rollback of the existing laws. Placing a seven-day cap on the pre-charge detention of a terrorism suspect is a particularly controversial instance. This power sustained Mohamed Haneef’s ongoing detention while the Federal Police pursued their ultimately baseless case against him. The Clarke Inquiry6 into that affair favoured a limit being put on the length of detention but was non-committal about what it should be. Acknowledging that it had received a range of opinion on the matter, John Clarke QC declared that whatever was settled upon, seven days should be the upper limit. It is not surprising, then, to see the government peg the duration of pre-charge detention on that marker, even though experience to date seems to indicate that this window seems far bigger than necessary. It is ironic that the only real use of these provisions in the Crimes Act was to deprive an innocent man of his liberty for 12 days. For those who have gone on to be convicted of terrorism crimes, the police did not require any special extension of the detention time before laying charges.

The primary aim of terrorism is to instil fear in the community – in that sense, we are all intended victims.

The attorney-general’s approach appears different, though, when a possible extension of the laws has been suggested. Among these, the one that has received the most attention has been the proposal to broaden the definition of ‘terrorist act’ beyond ‘physical harm’ to take in the psychological damage caused by a terrorist act. This change was recommended by the Security Legislation Review Committee in 2006 but the subsequent Parliamentary Joint Committee on Intelligence and Security7 report did not share its view. A good case can be made for including damage in all the forms that the law recognises more generally when criminalising terrorism. The primary aim of terrorism is to instil fear in the community – in that sense, we are all intended victims. Usually the lives of some individuals are used by extremists to this end, but it is appropriate that the law recognises the wider harm intended and inflicted by those who peddle political violence.

As a matter of practical application, very little is likely to turn on this expansion of the harm element because, ideally, plots will be foiled and charges laid in connection with the preparatory stages of a terrorist plan. This has been the case in the operation of the laws to date and prosecutions have been successful even though the ‘harm’ has not come to fruition. Were a plot to progress to execution, it seems very likely that some physical harm (bearing in mind that the definition currently includes property damage regardless of any casualties) would result. But it is not totally inconceivable that an act of terrorism – a thwarted hostage-taking, for example – could occur without physical harm to victims.

The merits of the change aside, the decision on this issue can be seen as part of a discernible pattern underlying the attorney-general’s choice between conflicting recommendations. Any proposals that might be seen as too ameliorative (or, to be crude, ‘soft’) were passed over while those of an expansive nature tended to be picked up.

Then there are the areas in which the attorney-general has gone it alone. The most unsatisfactory of these is his decision to keep the ‘threat of terrorism’ within the definition of a ‘terrorist act’ rather than house it as a separate offence – despite a clear consensus for change among the various inquiries. The discussion paper argues that creating a separate offence somehow ‘dilutes the policy focus’ of criminalising ‘threat of action.’ But how exactly is illegal activity diminished by being the subject of a separate offence provision in the strictest division of the Criminal Code?

The government goes on to propose broadening that section by including activity not just that ‘causes’ harm but also is ‘likely to cause’ harm. This is a far more worrying expansion of the definition than the inclusion of psychological harm and one which makes the entirety of the laws far more malleable in their application.

Other expansions of the powers of the state are far more obvious. The new police power to enter premises without a warrant in ‘emergency situations’ deserves to attract fierce debate, with the onus on the government to explain why this extraordinary extension is necessary given that the police have conducted a number of operations to date without any evidence that they’ve been impeded by the need to obtain warrants. Even the apparently positive step of empowering the government to declare which regional aid organisations people may safely
deal with (notably in giving or receiving some form of training in, say, medicine or construction) is an example of this. While providing clarity to Australians, there is no doubt that this will significantly broaden the power of the executive by enabling it to receive and determine applications from organisations seeking to show they have no links to terrorist movements.

Considered as a whole, this suite of proposals from the government is marked by its determination not to travel too far from the Ruddock era. Certainly the many specific amendments and clarifications to overcome long-recognised deficiencies or ambiguities in existing provisions are welcome. But in aiming to finish the job the Howard government started, the government has not paid enough attention to broader questions about how best to criminalise political violence and the extent to which a departure from accepted norms is justified in the investigation and prosecution of offences. By retaining merely symbolic aspects of the laws and continuing to privilege the role of executive discretion in the operation of other parts, Labor shows a reluctance to think creatively.

The new police power to enter premises without a warrant in ‘emergency situations’ deserves to attract fierce debate, with the onus on the government to explain why this extraordinary extension is necessary ...

On this score, the government deserves high praise. The tendency of the Howard government to ambush the parliament with a succession of anti-terrorism measures, restrict opportunities for public input in Senate committees and ram laws through with histrionic cries of urgency seems a world away from the present exercise. That the present government has chosen to move ahead with reform in this area in a spirit of broad consultation rather than community fear – even in light of recent attacks in Jakarta and arrests in Melbourne – is impressive.

But it would have been good to see the same amount of courage and principle brought to the substance of many of the proposals.

REFERENCES AND RELATED ARTICLES
➤➤ Interview—Kerry O’Brien www.abc.net.au.
➤➤ Admitted – ABC Radio www.abc.net.au.
➤➤ Parliamentary Joint Committee on Intelligence and Security www.aph.gov.au.
➤➤ At last, an independent reviewer of terrorism laws http://inside.org.au.
➤➤ Julie Bishop was (half) right http://inside.org.au.

Andrew Lynch is Director of the Gilbert + Tobin Centre of Public Law at the University of New South Wales

Inside Story | http://inside.org.au
Current affairs and culture, 19 August 2009
Review of anti-terrorism laws welcome, but some proposals are not acceptable

Anti-terrorism legislation must not undermine human rights, argues Amnesty International Australia

Amnesty International Australia welcomes the Federal Government’s review of counter-terrorism laws in its recent discussion paper. We acknowledge the fundamental duty of all governments to protect the safety of their citizens, but believe that this should never come at the cost of human rights and the rule of law.

Amnesty International has long expressed its concerns about certain provisions of Australia’s counter-terrorism laws introduced since 2002. In particular, we have been concerned about detention without charge, certain vaguely-worded terrorism offences that carry significant penalties, and the undermining of longstanding protections in our criminal justice system such as the presumption of innocence and the right to silence.

“The government’s discussion paper contains some proposed positive changes to the laws,” said Katie Wood, spokesperson for Amnesty International Australia. “However, we are very concerned about a number of other measures.”

Amnesty International welcomes, for example, the proposal to cap the amount of time that police can detain terror suspects, as well as the proposal to increase the oversight powers of the Inspector General of Security and Intelligence to include the Australian Federal Police.

We also welcome proposed legislation that provides for ongoing monitoring of anti-terrorism laws for their consistency with Australia’s international obligations, including human rights obligations.

However, while a cap has been proposed for the time suspects can be held without charge, Amnesty International believes that seven days detention without charge is still excessive and could amount to arbitrary detention.

Amnesty International is particularly concerned about the proposal to allow Australian Federal Police to search premises without a warrant when it is suspected that there is material relevant to a terrorism offence and there is a threat to public health or safety.

“The increased powers given under this proposal for police to enter premises without judicial oversight is very troubling,” said Katie Wood. “It is one more step in the removal of checks and balances in a system in which police and other agencies already have quite significant powers. Warrants can already be obtained speedily when there is imminent danger or a reasonable suspicion that a crime is about to be committed.”

As well, the expansion of the definition of a terrorist act to include psychological violence creates a new level of vagueness in laws already fraught with uncertainty. Certainty in the law is a fundamental principle for ensuring that the state cannot act arbitrarily against its citizens.

We also note that the preventative detention and control order legislation remains largely in place. These laws essentially create detention without charge or conviction. We reiterate our view that these powers do not meet international human rights standards.

Amnesty International Australia will be looking more closely at the discussion paper in preparing our submission to the Government, which will include a detailed assessment of how the proposed amendments to the terrorism law measure up against international human rights principles.

Amnesty International believes that Australia currently does not have adequate safeguards for human rights, as we do not have a formal human rights act or similar law. Without such overarching protection, anti-terrorism legislation itself must not endanger or undermine human rights.
One of the world’s most respected legal bodies, the International Commission of Jurists, reported last week that the anti-terrorism laws passed after September 11 by Australia and other nations have undermined the rule of law and harmed the international fight for justice and human rights. This should come as no surprise.

After all, we live in a world in which measures that had been unthinkable, such as torture, detention without trial and illegal disappearances, have been used not only by despotic regimes, but by leading democracies such as the United States. The report concludes that the universal principles of human rights developed in the decades after World War II are ‘in jeopardy’.

The three-year study of 40 nations found that the legal framework in place before September 11 was robust and adaptable and would have been effective without draconian new measures. Instead, governments took advantage of the public’s fear of terrorism to pass laws that granted them and their agencies extraordinary powers. On the same day the report was released, the former head of the British spy agency MI5, Dame Stella Rimington, likewise accused her government of exploiting community alarm to restrict fundamental liberties.

The consequence of such actions is that nations, including Australia, ‘actively undermined’ the rule of law and civil liberties in fighting the misnamed ‘war on terror’. In our case, Australia did need laws to prevent terrorism. Unlike other nations, we had no such laws on the national statute book, and new legislation was justified to deal with the threat apparent after September 11.

However, Australia also fell victim to overreaction and political opportunism. In the name of protecting social cohesion and democratic principles, we did possibly irreparable damage to these same values. Along with the US and Britain, we undermined progress towards justice and human rights elsewhere. The report makes for sober reading in cataloguing not only how nations like the US came to compromise their once-high legal standards, but how this came to be used by totalitarian regimes to support their own repressive laws.

From September 11 to the end of the Howard government, Parliament passed 44 anti-terrorism laws … one every seven weeks. This volume of law-making has no parallel in any other democratic nation.

Much of the report applies with particular force to Australia. John Howard and his government have left the nation a dreadful legacy. From September 11 to the end of the Howard government, Parliament passed 44 anti-terrorism laws, an average of one every seven weeks. This volume of law-making has no parallel in any other democratic nation.

It is not merely the raw number of laws that causes concern. What really matters is the scope of the extraordinary, often insufficiently checked powers granted to government, and how this has been transferred at the expense of Parliament, the courts and the community.

Australia’s anti-terrorism regime runs to hundreds of pages. It extends to sedition offences that imprison people for their words rather than their actions, control orders that permit house arrest without trial, laws that allow the secret surveillance of innocent people and ASIO being able to have non-suspects detained for up to a week to gather intelligence. These powers can often be exercised in secret, and even where mistakes are made or the power is misused, this cannot always be reported in the media.

While that report exposed in graphic detail the mishandling of the case and the flaws and deficiencies in the law, Clarke made a disappointing set of recommendations. Faced with legislation that could allow the unlimited detention of a person not even charged with a crime, Clarke passed the buck in finding that this should be reviewed again by someone else. His report will not be the trigger for greater change.

The debate has stalled. While no new laws have been made, those already on the books remain in force. Unless they are reviewed and amended as a whole, the exceptional laws of recent years will come to be considered as normal, and lower standards for justice and human rights will be accepted in Australia and by other nations in our region. Inaction will permit what should have been a short-term, exceptional response to unprecedented events to become a permanent feature of our system of government.

George Williams is the Anthony Mason Professor of law at the University of NSW.
AUSTRALIA’S SECURITY INTERESTS

Terrorism in our region and globally threatens the security and safety of Australia and Australians. The Australian Bureau of Statistics outlines the government’s strategic, defence and security interests.

Australia attaches high priority to countering the proliferation of Weapons of Mass Destruction (WMD) and achieving the goal of disarmament.

The International Commission on Nuclear Non-proliferation and Disarmament (ICNND), a joint initiative of the Australian and Japanese Governments, was established in 2008. The aims of the Commission are to strengthen the Nuclear Non-Proliferation Treaty (NPT), reinvigorate the global effort against the proliferation of nuclear weapons and make practical recommendations to achieve the ultimate goal of a world without nuclear weapons. The Commission's first major report was released in December 2009.

Australia works to strengthen adherence to and compliance with the major WMD treaties – the NPT, the Chemical Weapons Convention, the Biological and Toxin Weapons Convention and the Comprehensive Nuclear-Test-Ban Treaty.

Australia supports strengthening of the safeguards, safety and security programs of the International Atomic Energy Agency (IAEA). Through active participation in the IAEA and other forums, Australia contributes to international efforts to resolve concerns over the nuclear activities of Iran and the DPRK.

Australia also participates actively in the major WMD export control regimes. Australia chairs the Australia Group, which aims to coordinate export controls covering dual-use chemicals, biological materials, technology and equipment.

Australia is a member of the Nuclear Suppliers Group, which aims to prevent civilian nuclear trade from contributing to nuclear weapons programs, and of the Missile Technology Control Regime (MTCR) which seeks to prevent the proliferation of unmanned systems capable of delivering WMD. Australia chaired the MTCR for a year from November 2008.

Australia provides practical technical assistance to regional countries to help them improve export control measures so they meet relevant international obligations and strengthen national structures. The Proliferation Security Initiative, which was established to develop practical measures to disrupt illicit trade in WMD, is also a core element of Australia’s counter-proliferation strategy.

Countering the proliferation of...
certain types of conventional weapons is also a priority. Australia participated in the ‘Oslo process’ negotiations on banning cluster munitions and signed the Convention on Cluster Munitions on 3 December 2008. Australia promotes the effective implementation of the Mine Ban Convention.

Australia works to counter access to and the effects of illicit small arms and light weapons, particularly in the Asia Pacific region. Australia is advocating the negotiation of an arms trade treaty with the aim of establishing international criteria and standards for the global trade in a range of conventional arms. As a participant in the Wassenaar Arrangement, Australia contributes to the control of the transfer of conventional weapons and defence and dual-use goods.

Australia attaches high priority to countering the proliferation of Weapons of Mass Destruction and achieving the goal of disarmament.

Terrorism in our region and globally threatens the security and safety of Australia and Australians. Australia is cooperating closely with the international community, bilaterally and multilaterally, to respond to this security challenge. To facilitate this cooperation, Australia has concluded 14 bilateral counter-terrorism Memorandums of Understanding with Turkey, Malaysia, Thailand, the Philippines, Fiji, Cambodia, PNG, Indonesia, India, East Timor, Brunei, Pakistan, Bangladesh and Afghanistan.

Australia’s counter-terrorism cooperation is concentrated in South-East Asia, where we continue to support regional partners in strengthening their counter-terrorism capabilities in key areas such as law enforcement, legal frameworks, intelligence, border control and transport security, defence engagement, terrorist financing and money laundering, and countering violent extremism. Australia also has strong interests in countering terrorism in South Asia, particularly in Afghanistan and Pakistan.

Australia also works to build political support and technical capability for more effective counter-terrorism efforts in regional and multilateral fora. Australia has deepened its engagement on counter-terrorism efforts with the United Nations and contributes to capacity building activities sponsored by the ASEAN Regional Forum and the Asia-Pacific Economic Cooperation (APEC) forum.

Reducing the threat of chemical, biological, radiological and nuclear (CBRN) terrorism is also an important objective. Australia is an active member of the Global Initiative to Combat Nuclear Terrorism, including hosting in May 2009 an international seminar and discussion exercise to promote the safety and security of radioactive materials. Australia’s practical capacity building work in the region promotes awareness of and strengthens the security measures around CBRN sources to deter potential access by terrorists.

Australia’s alliance with the United States of America is indispensable to Australia’s strategic, defence and security interests.

Australia works bilaterally and in regional forums to combat transnational crime. For example, Australia co-chairs with Indonesia the Bali process on people-smuggling, trafficking in persons and related transnational crime.

The website at www.baliprocess.net provides more information.
The changing strategic environment highlights the need for the ADF to be a flexible and adaptable defence force, which is ready to be deployed at short notice and can be sustained on operations for as long as required. Capability is the power to achieve a desired effect in a nominated environment in a specified period of time, and to sustain it for a designated period.

Defence maintains a force structure with the following elements:

**Navy**
- A surface combatant force of four Adelaide-class guided missile frigates and eight Anzac class frigates, home ported at Fleet Base East in Sydney, New South Wales, and Fleet Base West, Western Australia
- A naval aviation force comprising 16 Seahawk helicopters and 13 Squirrel helicopters and three Augusta A109E Power Helicopters, which operate from Adelaide-class and Anzac-class frigates and from HMAS Albatross, Nowra, New South Wales
- A surface patrol capability comprising 14 Armidale-class patrol boats, manned by 21 crews and home ported at Darwin Naval Base in the Northern Territory, and HMAS Cairns, Cairns, Queensland
- Six Collins-class submarines, which are home ported at Fleet Base East and Fleet Base West
- An afloat support capability consisting of an oil tanker and a replenishment ship home ported respectively at Fleet Base West and Fleet Base East
- A mine warfare force comprising six Huon-class coastal mine hunters and a clearance diving team, operating from HMAS Waterhen, Sydney, New South Wales and an additional clearance diving team based at Fleet Base West
- An amphibious lift force comprising two amphibious landing ships, one heavy landing ship and six heavy landing craft home ported at Fleet Base East, Darwin Naval Base and HMAS Cairns
- A hydrographic force consisting of two Leeuwin-class hydrographic ships and their embarked survey motor boats, four Paluma-class survey motor launches, a laser airborne depth sounder aircraft and a deployable geospatial support team (formerly the Deployable Survey Unit), home ported at HMAS Cairns.

**Army**
- A special forces capability comprising a Special Air Service regiment, a Regular Army commando battalion, an Army Reserve commando regiment, and an Incident Response Regiment, operating from Barracks in Sydney and Perth
- A medium combined arms operations capability based on 1st Brigade, consisting of a tank regiment, a cavalry regiment, two mechanised infantry battalion, a medium artillery regiment, a combat engineer regiment, a signals regiment and a combat service support battalion, operating mainly from Robertson Barracks, Darwin
- A light combined arms operations capability based on 3rd Brigade, consisting of an infantry mobility vehicle squadron, three light infantry battalions, a field artillery regiment, a combat engineer regiment, a signals regiment and a combat service support battalion, operating mainly from Lavarack Barracks, Townsville
- A motorised combined arms capability, based on 7th Brigade, consisting of a cavalry regiment, two motorised infantry battalion, a field artillery regiment, a combat engineer regiment, a signals squadron and a combat service support battalion, operating mainly from Gallipoli Barracks, Enoggera, Queensland
- A regional surveillance capability based on three regional force surveillance units
- An aviation capability containing Chinook helicopters,
Black Hawk helicopters, Kiowa helicopters, Tiger Armed Reconnaissance helicopters, and Multi-role helicopters. These capabilities operate from Army Aviation Centre, Oakey, Queensland, Robertson Barracks, Darwin, Northern Territory, Lavarack Barracks, Townsville, Queensland, Holsworthy Barracks, Sydney, New South Wales and RAAF Bases Townsville and Darwin

- A ground-based air defence capability which maintains a ground-based air defence system consisting of RBS-70 missile systems home based at Woodside Barracks, Adelaide
- A combat support force, consisting of a surveillance and target acquisition regiment, an engineer support regiment headquarters, two Regular Army engineer construction squadrons, a construction engineer works section, a topographical survey squadron, a signals regiment, an electronic warfare regiment, an intelligence battalion, a military police battalion, a ground liaison group and a combat training centre, operating from Barracks around Australia
- A logistic support capability based on the 17th Brigade consisting of a signals regiment, three force support battalions, a personnel support battalion, three health support battalions and a psychology unit operating from Barracks around Australia
- A protective operations capability drawn from the Army Reserve, with six brigades each comprising two or three infantry battalions; an artillery regiment, a light cavalry unit and combat support and logistic support units, home based around Australia.

**Capability is the power to achieve a desired effect in a nominated environment in a specified period of time, and to sustain it for a designated period.**

**Air force**

- An air combat force of 16 F-111 and 69 F/A-18 Hornet aircraft, crews, weapon systems and support infrastructure home based at RAAF Bases Williamtown, Amberley and Tindal. Thirty-three Hawk Lead-In fighter aircraft and four PC-9 Forward Air Control training aircraft also contribute to this force home based at RAAF Bases Williamtown and Pearce
- A combat support force comprising two expeditionary combat support wings and a health services wing
- A surveillance and response force, consisting of air traffic control radar, tactical air defence radars, and the Jindalee Operational Radar Network (a wide-area surveillance system monitoring Australia’s northern approaches). Nineteen P-3 Orion aircraft, crews and weapons systems also operate from RAAF Base Edinburgh
- An airlift force consisting of 24 C-130 Hercules, eight B300 King Air 350 light utility aircraft and four C-17 Globemaster III heavy airlift aircraft, home based at RAAF Bases Richmond, Townsville and Amberley
- A VIP transport squadron of five aircraft (two Boeing 737 BBJ and three CL604 Challenger aircraft) home based at Fairbairn, Australian Capital Territory
- Fifty-seven Pilatus PC-9 training aircraft home based at RAAF Bases East Sale and Pearce
- A further 8 B300 King Air 350 Multi-role trainer aircraft based at RAAF Base East Sale
- Five KC-30A tanker aircraft will be acquired from 2010 for air-to-air refuelling roles and will be based at RAAF Base Amberley
- An Aerospace Operational Support force comprising aviation medicine support and training, electronic warfare support, intelligence support, and aviation support services based at RAAF Base Edinburgh. An aerospace test and evaluation unit is also included that operates two F/A-18 Hornet aircraft and two PC-9 aircraft at RAAF Base Edinburgh
- Three contingency bases at Learmonth (Exmouth), Curtin (Derby), and Scherger (Weipa)
- Three air weapons ranges at Delamere (Northern Territory), Evans Head (New South Wales) and Woomera (South Australia).

**DEFENCE WORKFORCE (2010)**

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Source: www.defence.gov.au

Defence planning is, by its very nature, a complex and long-term business. Defence planning is one area of public policy where decisions taken in one decade have the potential to affect, for good or ill, Australia’s sovereignty and freedom of action for decades to come. The Government must make careful judgements about Australia’s long-term defence needs. Such judgements are even more important in times of fiscal or strategic uncertainty.

The global economic crisis is the most fundamental economic challenge facing this Government. At times such as these, the Government must be fiscally responsible. It would be reckless to commit substantial new resources to Defence while uncertainty surrounding the crisis remains.

This new Defence White Paper explains how the Government plans to strengthen the foundations of Australia’s defence. It sets out the Government’s plans for Defence for the next few years, and how it will achieve those plans. Most importantly, it provides an indication of the level of resources that the Government is planning to invest in Defence over coming years and what the Government, on behalf of the Australian people, expects in return from Defence.

Ultimately, armed forces exist to provide Governments with the option to use force. Maintaining a credible defence capability is a crucial contributor to our security, as it can serve to deter potential adversaries from using force against us or our allies, partners and neighbours. It is the Government’s policy that the main role of the Australian Defence Force (ADF) should continue to be an ability to engage in conventional combat against other armed forces.

The ADF must also be prepared to play its part in dealing with intra-state conflict, an enduring feature, and assessed to be the most common form of conflict in the period to 2030. Australia’s armed forces must also be able to contend with non-state global actors. Defence’s vital role in supporting domestic security and emergency response efforts will continue, and Defence will support these areas of Commonwealth responsibility.

From the outset, we need to have a clear view of how much strategic risk Australia is prepared to bear, and hence how much military power we should seek to develop. The more Australia aspires to have greater strategic influence beyond our immediate neighbourhood – that is to say the ability to exert policy influence that is underpinned by military power – the greater the level of spending on defence we need to be prepared to undertake. If we want to back up strategic influence with military power, we have to be prepared to invest the resources required, and to be confident that the security benefits outweigh those costs.

As in other areas of public policy, the more balanced our portfolio of capabilities, the more we will be able to hedge and re-balance as required. The key issue is to have a solid foundation upon which to build, adapt and take advantage of opportunities. We need to review periodically and rigorously whether the mix and scale of our capabilities are appropriate to the emerging challenges in our strategic outlook. The Government intends to prepare
a new Defence White Paper at intervals no greater than five years. This quinquennial White Paper development process will be the centrepiece of the Government’s new strategic risk-based approach to defence planning.

Defence policy must be based on clear objectives. Not all strategic risks necessarily require our full attention, while those that are the most remote might require our fullest attention because of their potential consequences.

We have to be very clear about what matters most, so that we can provision against the right risks and do not waste resources.

It is the Government’s policy that the main role of the Australian Defence Force (ADF) should continue to be an ability to engage in conventional combat against other armed forces.

Australia’s most basic strategic interest remains the defence of Australia against direct armed attack. This includes armed attacks by other states and by non-state actors with the capacity to employ strategic capabilities, including weapons of mass destruction (WMD). This most basic strategic interest abides irrespective of the perceived intentions of others, and is a function of our geography and levels of current and future capability in the region around us. Before we attend to anything else, we must secure this strategic interest.

Our next most important strategic interest is the security, stability and cohesion of our immediate neighbourhood, which we share with Indonesia, Papua New Guinea, East Timor, New Zealand and the South Pacific island states. While we have a wide range of diplomatic, economic, cultural and other links with those countries, from a strategic point of view, what matters most is that they are not a source of threat to Australia, and that no major military power, that could challenge our control of the air and sea approaches to Australia, has access to bases in our neighbourhood from which to project force against us.

Beyond our immediate neighbourhood, Australia has an enduring strategic interest in the stability of the wider Asia-Pacific region, which stretches from North Asia to the Eastern Indian Ocean. In particular, we have a deep stake in the security of South-East Asia. Strategically, our neighbours in South-East Asia sit astride our northern approaches, through which hostile forces would have to operate in order to sustainably project force against Australia. A stable and cohesive South-East Asia will mitigate any such threat and is in our strategic interests.

More broadly, we have a deep stake in the maintenance of an Asia-Pacific regional security environment that is conducive to the peaceful resolution of problems between regional countries and can absorb the rise in strategic and military power of emerging major players. Beyond our region, Australia cannot be secure in an insecure world. We have a strategic interest in preserving an international order that restrains aggression by states against each other, and can effectively manage other risks and threats, such as the proliferation of WMD, terrorism, state fragility and failure, intra-state conflict, and the security impacts of climate change and resource scarcity.

The Government has decided that Australia’s defence policy should continue to be founded on the principle of self-reliance in the direct defence of Australia and in relation to our unique strategic interests, but with a capacity to do more when required, consistent with those strategic interests that we might share with others, and within the limits of our resources. This posture entails the maintenance of alliances and international defence relationships that enhance our own security and allows us to work with others when we need to pool our resources.

In terms of military power, this defence policy means that we must have the capacity to:

➤ Act independently where we have unique strategic interests at stake, and in relation to which we would not wish to be reliant on the combat forces of any foreign power

➤ Lead military coalitions where we have shared strategic interests at stake with others, and in relation to which we would be willing to accept a leadership role, in part to compensate for the limited capacity or engagement of others, and

➤ Make tailored contributions to military coalitions where we share wider strategic interests with others and are willing to accept a share of the burden in securing those interests.

The principal task for the ADF is to deter and defeat armed attacks on Australia by conducting independent military operations without relying on the combat or combat support forces of other countries. This means that the ADF has to be able to control our air and sea approaches against credible adversaries in the defence of Australia, to the extent required to safeguard our territory, critical sea lanes, population and infrastructure.

Our next most important strategic interest is the security, stability and cohesion of our immediate neighbourhood ...

After ensuring the defence of Australia from direct attack, the second priority task for the ADF is to contribute to stability and security in the South Pacific and East Timor. This involves conducting military operations, in coalition with others as required, including in relation to protecting our nationals, providing disaster relief and humanitarian assistance and, on occasion, by way of stabilisation interventions.

The next most important priority task for the ADF is to contribute to military contingencies in the Asia-Pacific region, including in relation to assisting our South-East Asian partners to meet external challenges, and to meeting...
our alliance obligations to the United States as determined by the Australian Government at the time. The strategic transformation of the region will mean that Australia should be prepared to make contributions – including potentially substantial ones – to such military contingencies in support of our strategic interests.

Finally, the ADF has to be prepared to contribute to military contingencies in the rest of the world, in support of efforts by the international community to uphold global security and a rules-based international order, where our interests align and where we have the capacity to do so.

As a result of these priorities, the ADF of 2030 will need to be a more potent force in certain areas, particularly undersea warfare and anti-submarine warfare (ASW), surface maritime warfare (including air defence at sea), air superiority, strategic strike, special forces, Intelligence Surveillance and Reconnaissance (ISR), and cyber warfare. It is the Government's judgement that these are the crucial areas which require particular attention to secure our unique strategic interests.

The major new direction that has emerged through consideration of current and future requirements is a significant focus on enhancing our maritime capabilities. By the mid-2030s, we will have a more potent and heavier maritime force. The Government intends to replace and expand the current fleet of six Collins class with a more capable class of submarine, replace the current Anzac class frigate with a more capable Future Frigate optimised for ASW; and enhance our capability for offshore maritime warfare, border protection and mine countermeasures.

While focusing on building our maritime capabilities, the Government has also been able to make provision for the enhancement of other key elements of the ADF, including our air combat capability (by proceeding with the acquisition of fifth-generation multirole combat fighters); strike capability (through the acquisition of long-range, land-attack strike missiles); the Army’s fleet of heavy protected vehicles and other land force capabilities; the capabilities of our special forces; and in the emerging area of cyber warfare.

In addition, the Government has made provision for remediation of the current and projected force, by addressing crucial deficiencies and gaps that might limit the size and duration of deployments, or create unacceptable risks in some more demanding scenarios in which the weight, reach and relative combat power of major capabilities would make a crucial difference.

Finally, the Government has also made provision for remediation of Defence’s critical ‘backbone’, such as facilities and infrastructure, information and communications technology (ICT) systems, and warehousing and distribution system. To give effect to this remediation and reform, the Government has endorsed a Strategic Reform Program comprising a comprehensive set of reforms that will fundamentally overhaul the entire Defence enterprise, producing efficiencies and creating savings of about $20 billion. The Strategic Reform Program will deliver Australia a genuinely strategic national advantage: savings will be reinvested in capability and Defence’s call on national resources will be constrained.

The major new direction that has emerged through consideration of current and future requirements is a significant focus on enhancing our maritime capabilities. By the mid-2030s, we will have a more potent and heavier maritime force.

The Strategic Reform Program will drive efficiencies without compromising effectiveness. It draws on detailed analysis of almost every aspect of the Defence enterprise. Through the Strategic Reform Program, the Government will improve the development, procurement, maintenance and management of: military capability; ICT; the Defence estate; science and technology support; and general goods and services. Enterprise support services will be centralised, standardised and simplified. And through the introduction of an integrated workforce management system, Defence will make better use of the taxpayers’ dollar by better matching the skills and competencies of its people to the jobs that need to be done.
The defence white paper evades the big issues, argues Allan Behm

Like the curate’s egg, the defence white paper is good in parts. It prescribes a substantial increase in the Australian Defence Force’s combat power and the associated infrastructure during the next two decades.

This is a necessary response to the dramatic developments that have occurred in Australia’s strategic environment and the even more unpredictable changes that will take place in the next 30 years.

Defence Minister Joel Fitzgibbon has delivered the Government a sound set of solutions to the deficiencies in core combat capabilities about which commentators have been warning for years. The emphasis on cyber warfare, and the creation of a cyber security operations centre, is an important and overdue extension of the ADF’s national security role.

The expansion of the fleet will impose enormous burdens on the Royal Australian Navy, however. The management task is herculean. But the real challenge for the navy is the shift in mindset that must accompany the transformation of the submarine capability from a minor boat paradigm to that of major strategic combatant. One can hear the grumbling in some senior naval quarters.

The hardening of the army will give substance to the Government’s intention to do the heavy strategic lifting in nearer parts of South-East Asia and the South Pacific.

And the decision to beef up the four combat squadrons will ensure the air force’s ability to dominate the air approaches to Australia, so long as the airborne early warning and aerial-refuelling systems are in place.

At a conservative estimate, the white paper promises more than $60 billion in new defence spending. The public deserves a better answer to the question: “Why?”

Much of the commentary on Australia’s strategic outlook is a prosaic reworking of standard defence white paper language, unexceptionable in itself but not coming to terms with emerging strategic trends. We are told that things are complex, long term and difficult, but not what drives that complexity.

It is driven by five key factors that intersect in unpredictable ways: the qualitative change in China’s strategic posture; the emergence of two competitors (China and India) to US strategic dominance, which does not push the US off its pedestal but changes the balance by creating two new pedestals; the various ways in which individual Asian countries are going to respond to China’s new power; the strategic effects of the chronic indebtedness of the US; and the instability in the developing nations nearest Australia. These do not, of themselves, threaten Australia. But they add up to great uncertainty.

The white paper promises to harvest $20 billion in efficiency savings through a strategic reform program.

In all of this, the US will remain engaged. The Rudd Government is right to secure the US alliance as a key strategic asset. But this will demand an expanded defence role for Australia. The submarine force is central to this.

This white paper also fudges the core strategic policy issue by maintaining Howard government defence minister Robert Hill’s fiction that the ability to conduct distant excursions in support of some ill-defined coalition interest is as legitimate a rationale for defence spending as the need to defend Australia. The white paper fails to distinguish between a defence strategy and Australia’s broader security policy, where the ADF naturally plays a role.

While defence of Australia may have been a shibboleth behind which the capability planners dithered, it is the balanced force paradigm that has diluted the effectiveness of the ADF.

In the world of strategy, today’s answer is tomorrow’s problem. The next challenge confronting the Government is to prioritise the capabilities needed for Australia’s defence-in-depth. That will mean the slaughter of more than a few sacred cows.

The white paper promises to harvest $20 billion in efficiency savings through a strategic reform program. Without deep organisational and operational restructuring, this is unlikely. The elephant in the room is the substantial additional investment needed if this ambitious program is to be realised. While the Government is maintaining 3 per cent real growth to 2017-18, and 2.2 per cent thereafter to 2030, a shortfall is inevitable. It is fanciful to believe it will come out of defence’s hide. A defence budget hovering at 2 per cent of gross domestic product will not be able to deliver on this plan: 3 per cent is a more realistic target. While the taxpayer may be prepared to accept this, the argument must be put. This white paper does not do so.

Allan Behm is a Director of Knowledge Pond, an international group advising on strategy and risk.
In defence of sound military planning

The white paper is about calculating risk and does so with much greater sophistication than its critics, says former defence minister and opposition leader of the Labor party, Kim Beazley

The Government defence white paper puts it starkly: “The principal task of the ADF is to deter and defeat armed attacks on Australia by conducting military operations without relying on the combat or combat support forces of other countries. This means the ADF has to be able to control our air and sea approaches against credible adversaries in the defence of Australia, to the extent required to safeguard our territory, critical sea lanes, population and infrastructure.”

At a stroke the authors cut away 10 years of undisciplined meandering through policy which really diminished this focus, reflecting the underlying hope that battening on to an ally would mitigate that fundamental responsibility. This approach reached its nadir when the then-defence minister Robert Hill mocked a RAAF planning map detailing ranges for combat aircraft operating from Darwin. We were not in the business of defending concentric circles on a map, he said. He also called into question the value of placing defence forces in Australia’s north.

The revived strategy of defence self reliance is not isolationism. There is plenty in the paper about adding to and using the capability of our allies, particularly the United States. Defence self reliance is not affordable in any other context. While the Government expects our capable defence forces to engage much further afield in support of international commitments, the Government “does not intend to purpose-design the ADF for those commitments in which it might choose to make tailored contributions to military coalitions in support of our wider strategic interests”.

Though this robust declaration has echoes of the white paper I was responsible for in 1987, it is very different. That was self reliance in a Cold War framework in a Cold War strategic backwater. This is self reliance at the focal point of the developing global strategic and economic system of the Asia Pacific, in a technological environment as far removed from 1987 as 1987 was from World War II.

International relations in the Asia Pacific reflect the historically unprecedented simultaneous rapid rise of a multiplicity of major states.

Despite the preliminary palpitations, this is not just about China, nor does it assume the worst. We are treated to sound defence planning in the form of hedging. The paper assumes nothing about the national intentions of the states in the neighbourhood. Intentions can change overnight. It is about regional capabilities which take years to develop and cannot therefore be countered at a moment’s notice. The paper is about calculating risk and does so with much greater sophistication than its critics.

It is also about responsibility. In creating a secure environment, the ability to lead expeditionary engagements within our closer region is a force structure determinant and features in particular in the new amphibious capabilities of our army and navy. This is a more robust claim than was made in 1987.

On the force structure itself, it is necessary to strip away the new platforms to get to the essence. It concentrates on networking platforms and forces; intelligence, surveillance and reconnaissance; cyber-warfare; and enhancing the capacity for joint operations. This is the most challenging part.

The platforms are interesting though: 100 Joint Strike Fighters, 12 submarines, 11 more effective surface combatants, and 20 of a new class of small ship designed for multiple roles. It is what the platforms can do which counts. Yawning gaps in anti-submarine capabilities are being filled and land-strike is to be delivered by cruise missiles launched at sea.

It looks big and risky, but it is not. We are the world’s 11th biggest defence spender. The ship and submarine numbers do not compare to where we were as the world’s fourth biggest navy after World War II. They, along with the army and air force, compare on the light side with other countries which also spend 2 per cent of their gross domestic product on defence. What this reflects is the immense capability with which we have to charge our limited forces.

The defence share of GDP will not rise over the next 20 years. The 2.5 per cent fixed deflator will smooth out surges in defence spending. To make do with such taut resources, defence is charged with a tough cost-saving program.

Defence has identified $20 billion over the next 10 years in savings to help pay for the program. This means real savings of 5 per cent rising to 8 per cent on current costs, without which the program cannot be achieved. This level of savings over this period of time can only be achieved with utter ruthlessness. Nobody responsible for it can anticipate a quiet life. It will require rough action by the secretary and anyone charged with the task. If they fail, and there will be plenty of people checking on them, then on the cautious calculations of risk in the white paper, we will not be defended.

Kim Christian Beazley, AC is an Australian politician, diplomat and academic. He is currently the Australian Ambassador to the United States.

The Sydney Morning Herald
4 May 2009

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A ustralia’s first defence white paper in more than eight years marks a return to sanity in our defence planning. There is a focus on the region as the central area of our strategic interests, which was absent from the Howard government’s ramblings about the Middle East being more important than our neighbourhood.

The Rudd Government has decided that Australia’s defence policy is founded on the principles of self-reliance in the direct defence of Australia and in relation to our unique strategic interests. These strategic interests are presented in geographical terms as a hierarchy that reflects priorities from a defence planning perspective, and Australia’s realistic capacity for influence through the employment of military power. They focus on our neighbourhood and strategic stability in the broader Asia-Pacific region.

It is made clear that the ability to deter or defeat armed attack on Australia will continue to be the primary force structure determinant of the Australian Defence Force. The white paper states this means focusing predominantly on forces that can exert air superiority and sea control over our approaches.

The Government has also decided that the ADF’s primary operational environment is a vast area that extends from the eastern Indian Ocean to the island states of Polynesia, and from the equator to the Southern Ocean. The sea-air gap to our north is at the strategic centre of our primary operational environment, and northern Australia “will always command a significant place in our military contingency planning”.

There is not a heavy emphasis on the China threat ... [the white paper] stresses ... that the US will remain the most powerful country in the world and that no other power will have the military, economic or strategic capacity to challenge US global primacy.

But this is not an isolationist document – far from it. It recognises that defence planners will need to focus increasingly on the operating demands of the Indian Ocean, and it observes that Australia might need to project military power in maritime South-East Asia to protect our strategic interests in the wider Asia-Pacific region.

But, contrary to a lot of speculation, there is not a heavy emphasis on the China threat. While it recognises that “China will be the strongest Asian military power by 2030 by a considerable margin” and its military modernisation will increasingly be characterised by the development of power projection capabilities, it stresses – quite rightly in my view – that the US will remain the most powerful country in the world and that no other power will have the military, economic or strategic capacity to challenge US global primacy.

Even so, there is prudent recognition of the risk of tensions between the major powers in the Asia-Pacific and a small “but still concerning possibility” of growing confrontation between some of them.

... there is prudent recognition of the risk of tensions between the major powers in the Asia-Pacific and a small “but still concerning possibility” of growing confrontation between some of them.

The white paper confirms that it is not a defence planning assumption that Australia would be involved in major power conflict in the Asia-Pacific region on its own. However, make no mistake about it, Australia is developing a hedging strategy and acquiring more potent and heavier maritime forces, which will form an expansion base in the event of deterioration in our strategic circumstances. In other words, you do not plan against incredible contingencies – such as a direct military threat from China – but you do prepare for contingent operations with your allies. And you do aim to be able to expand your defence force to defend yourself.

In this context, building 12 new, larger submarines and acquiring 100 joint strike fighters and supporting capabilities such as long-range land-attack strike missiles, cyber warfare capabilities and enhanced electronic, intelligence, surveillance and reconnaissance capabilities are a sound hedge against future uncertainty. But missing from this otherwise soundly argued white paper is the matter of money. In a 140-page document, scarcely 1½ pages are allocated to financial matters. And what we get there are some nice commitments to 3 per cent real growth annually in the defence budget to 2018, and thereafter a promise (as if any government can deliver on this) of 2.2 per cent growth out to 2030. Nowhere do we get any estimates of the cost of acquiring and maintaining this ambitious new force structure. For a Government committed to transparency this is simply not good enough.

And although we get a brand-new inflation-proof price index for defence of 2.5 per cent a year over the next 20 years, all the data shows that the real cost increases for submarines and fighter aircraft have historically been closer to 4 per cent per annum. Do your compound-interest sums on that little one.

Paul Dibb is a former deputy secretary of defence and author of the previous Labor government’s defence white paper in 1987.
Our China question: friend or foe?

_The sooner we rebalance our messages about China’s strategic future, the better, writes Rory Medcalf from the Lowy Institute_  

The US and its allies have long chided China for revealing little about its defence thinking. But sometimes there can be such a thing as too much transparency on matters military, as Australia is about to find out.

The defence white paper, soon to be made public, will set out the nation’s strategic interests and goals for the decades ahead. It will launch a long naval expansion, including doubling the submarine fleet and replacing frigates with destroyers fitted for major war fighting roles.

The paper will signal, however coded its language may be, that Canberra sees China’s increasing military might as driving this increase in Australia’s maritime clout. China’s rise brings uncertainty to regional power dynamics. Nobody in government quite imagines China as a direct aggressor against Australia, but try explaining that in Beijing.

The paper’s diplomatic timing is inauspicious, and at odds with the direction of US-China relations under President Barack Obama. The US Defence Secretary, Robert Gates, has signalled he is more interested in resourcing today’s bitter fight against transnational terrorism – think Pakistan and Afghanistan – than further bolstering the US’s military superiority for unlikely and mutually unwanted showdowns with China and Russia. In financially strained times, the US is telling China it wants to dampen military tensions and collaborate against common dangers instead.

Indeed, co-operation was part of the message at last week’s fleet review marking the 60th anniversary of the Chinese Navy. Fourteen navies, including Australia’s, took part. Beijing’s admirals emphasised that their fleet could help provide for the common good. An anti-piracy mission to the seas off Somalia is testing these waters.

Australia’s ill-synchronised defence announcement will prolong a drumbeat of publicly aired Australian worries about China. These noises – about sovereign wealth funds, resource investments, cyber-snooping and the Defence Minister’s personal connections – are reverberating in Beijing.

I know this because for the past week I have been meeting security analysts in Beijing and Shanghai. They say they are baffled by the sounds from Australia, which they see as inconsistent with the wish of the Prime Minister, Kevin Rudd, to bridge differences between China and the US.

**In the end government should be about taking hard decisions to prepare for the future. And for diplomats there will never be a good time to announce an armaments build-up.**

When pressed, some acknowledge it is understandable for Australia to want to hedge against uncertainty. But they insist China’s strategic culture is cautious, motivated by self-protection, and that an Australian defence policy defined by China’s rise will sow mistrust in Beijing.

In the end government should be about taking hard decisions to prepare for the future. And for diplomats there will never be a good time to announce an armaments build-up.

Capability specialists can argue specific weapons, costs and numbers, but broadly it makes sense for Australia to continue to acquire reasonable strategic weight. It is absurd, for instance, that a country with Australia’s vast maritime interests can crew and deploy barely three submarines.

Still, Australians can take some comfort from the fact that, even were a strong China to flex its muscles, we would hardly be alone. Washington would contest any bid by Beijing to dominate Asia militarily. India is rattled by Beijing’s presence in the Indian Ocean. Japanese suspicion of China runs deep. South Korea, Vietnam, Singapore, Indonesia are all quietly wary.

But many Asian countries may read our white paper as a sign they are not afraid enough: if the Australians feel the need to revolutionise their firepower, perhaps we should redouble ours. The arms race Rudd warned of last year could move a step closer.

For Canberra, the challenge now will be to act swiftly to minimise the diplomatic fallout, then move on.

Beyond briefing the Chinese about the white paper, Australia should emphasise that it is not seeking to build a narrowly defined force for China contingencies alone, and that it recognises the new possibilities of working with China as a regional security partner.

Whatever its motives, China has great potential to expand its role in global security – sea lane protection, peacekeeping, disaster relief – and Australia could help shape this capacity for mutual benefit. We could offer to train Chinese officers in English, international law and other aspects of working effectively with other nations. The navy could involve China in multinational exercises, and we could send a frigate to join the international presence off Somalia, where pirates attacked a cruise ship carrying Australians last weekend.

Beneath the surface, of course, we should hedge against the possible strategic impacts of China’s rise. But it is premature to make this the mainstay of our defence policy or to trumpet plans for related capabilities we may never end up buying. The sooner we rebalance our messages about China’s strategic future, the better.

Rory Medcalf directs the international security program at the Lowy Institute for International Policy.
It is reasonable for our defence white paper planners to prudently hedge against the possibility of a hegemonic China. But it makes no sense to allow worst-case assessments of China’s intentions and capabilities to determine the next 20 years of Australian defence spending and strategy, especially when these views seem to be based on prejudice rather than informed analysis.

Every white paper routinely intones that decisions about defence capabilities are made only after carefully weighing the seriousness and probability of the strategic challenges confronting the country. Of necessity, these judgements are made by those best equipped intellectually to do so, which in government are the intelligence assessment agencies, the Defence Intelligence Organisation and the Office of National Assessments. What does it say about the integrity of a process that allows Defence hawks to cynically discount the professional views of its own intelligence organisation, as well as that of the nation’s intelligence assessment agency? And how credible is a white paper that sets out a framework and rationale for future defence capability that is not supported by the analytical judgments of the supposedly underpinning strategic assessment?

What is it about China that so worries the hawks? The answer, it would appear, is the rapid modernisation of the People’s Liberation Army, a substantial increase in Chinese military spending and the development of advanced capabilities in electronic and cyber warfare, as well as anti-satellite systems aimed at exploiting perceived US vulnerabilities.

But as DIO and ONA argue, the key drivers of China’s military modernisation are essentially defensive: to prevent the US from operating unchallenged in the Taiwan Strait and to ensure that Beijing’s military capabilities are sufficient to protect China’s sea lines of communication and its increasingly global interests. None of this suggests an intent to dominate the region militarily. If China attempts to do so it will be opposed by a formidable coalition of important powers including Japan, India and the US.

But if the hawks are right that China wants to dominate the region, should Australia respond militarily? In theory we could, but only with a hefty increase in the defence budget that would be difficult to justify financially and politically in the absence of a clear and present danger. Yet even if sustained during a 20-year period, our capacity to deter China militarily, short of developing nuclear weapons, would still be extremely limited. The reality is that if China acquires the military capabilities to support its hegemonic ambitions there is no Australian defence solution to the problem.

Then there is the matter of opportunity costs. High-end warfare is an extremely expensive business. Beefing up our air and sea power means fewer dollars for the more mundane but essential deployments the Australian Defence Force makes in support of a range of other important defence tasks and operations.

Let’s not forget the Defence Department’s record in fielding systems that are survivable or can be used in high-threat environments, including most of our frontline fighters and ships, already has been found seriously wanting. The army can’t deploy its Blackhawk helicopters into Afghanistan because of a lack of electronic protection, our ships are acutely vulnerable to modern submarines, and our fighter aircraft are at risk from the latest generation of surface-to-air missiles. Having failed to rectify the ADF’s capability failings, it seems that hawks are deliberately inflating Chinese military capabilities to justify their own pet projects. The PLA has come a long way since the guerilla force it once was and its transition to a modern, professional force is rapidly taking place. But this is from a low capability base and China’s traditional military strengths are land based, not sea based.

China is a long way from matching the maritime capabilities of the US or even Japan, both of which are Australia’s allies.

China is a long way from matching the maritime capabilities of the US or even Japan, both of which are Australia’s allies. China would struggle to deploy and protect the substantial force necessary to threaten in a significant way Australia’s territory or trade routes by 2030. There are far more realistic and pressing threats that should be engaging the minds of defence hawks.

As the experienced and reform-minded US Defence Secretary Robert Gates reminds us, these are a continuation of the unconventional conflicts and challenges that are reshaping this century’s strategic landscape. The notion that we should justify much of our future defence spending on the dubious assumption that the ADF needs to be able to deter or balance Chinese military power is neither a sensible basis for a defence strategy nor a reason for acquiring expensive capabilities that we do not need and cannot afford.

A far better approach would be to make sure that our existing equipment works and that the ADF is optimised for those conflicts we know it will confront and where it can make a difference. Preparing for conflict with China fits neither criteria.

Alan Dupont is the director of the Centre for International Security Studies at the University of Sydney.
ABOUT THIS SECTION

‘Exploring issues’ features a range of ready-to-use worksheets relating to the articles and issues raised in this book.

The activities and exercises in these worksheets are suitable for use by students at middle secondary school level and beyond.

As the information in this book is gathered from a number of different sources, readers are prompted to consider the origin of the text and to critically evaluate the questions presented.

Does the source have a particular bias or agenda? Are you being presented with facts or opinions? Do you agree with the writer?

The types of ‘Exploring issues’ questions posed in each Issues in Society title differ according to their relevance to the topic at hand.

‘Exploring issues’ sections in each Issues in Society title may include any combination of the following worksheets: Brainstorm, Research activities, Written activities, Discussion activities, Quotes of note, Ethical dilemmas, Cartoon comments, Pros and cons, Case studies, Design activities, Statistics and spin, and Multiple choice.

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WORKSHEETS AND ACTIVITIES
Brainstorm, individually or as a group, to find out what you know about terrorism and national security.

1. Terrorism has been practised throughout history. List some ancient and modern examples of terrorist acts.

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2. Australia has directly experienced acts of terrorism since the 1960s. List some examples of terrorist attacks against Australians.

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3. Define the following terms:
   - Violent extremism:
   - Political terrorism:
   - Religious terrorism:
   - Counter-terrorism:
   - National security:
Complete the following research activities on a separate sheet of paper if more space is required.

1. **Before becoming a terrorist, an individual must develop extremist views.** Holding these views doesn’t violate any of Australia’s more than 40 specific pieces of anti-terrorism and security-related legislation that have been introduced since 9/11. But holding extremist views is the key prerequisite in moving towards committing an act of terrorism. This country has been incredibly slow in putting in place policies that will help to refute the key elements of extremist propaganda by challenging extremist ideas. (Anthony Bergin, Australian Strategic Policy Institute).

   Outline the Australian government’s current policies aimed at countering violent extremism.

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2. **What are some of the common tactics used by terrorists?**

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Complete the following written activities on a separate sheet of paper if more space is required.

1. Explain the following aspects of Australian counter-terrorism laws and consider their potential impacts on human rights in Australia:
   - Detention without charge

2. Select a terrorist organisation from one of the 19 that are officially listed in Australia and write a newspaper-style report based on its activities.
Compile a list of some basic points below for group discussion.

1. “Australia’s defence policy is founded on the principle of self-reliance in the direct defence of Australia and in relation to its unique strategic interests with others, and within the limits of our resources. This posture entails the maintenance of alliances and international defence relationships that enhance our own security and allows us to work with others when we need to pool our resources.” (Defence White Paper 2009, Department of Defence)

Discuss the role of self-reliance and strategic alliances in relation to Australia’s defence policy and capacity.

2. The main source of international terrorism and the primary terrorist threat to Australia and Australian interests is from a global violent jihadist movement – extremists who follow a distorted and militant interpretation of Islam that espouses violence as the answer to perceived grievances. (Counter-Terrorism White Paper 2010, Department of the Prime Minister and Cabinet)

Discuss the role of Islamic extremism in modern-day terrorism.
Consider the following scenario and explore the potential for dilemmas.

**Freedom at what price?**
You live in a country in which the ethnic minority group to which you belong is discriminated against. This discrimination includes being excluded from the right to vote, and being banned from holding public office and staging political protest. The majority ethnic group outnumbers your own ethnic group by 10 to one. The government is backed by military power and is not democratically elected. Your human rights are suppressed by force, and your people have made continual peaceful efforts over a number of years to affect positive change with the aim of establishing an independent state, all to no avail. International support through trade sanctions and military intervention is not forthcoming, and national security is now at crisis point.

Itemise some possible perspectives and dilemmas faced by these key participants.

1. The moderate pro-democracy leader of your minority ethnic group

2. The militant leader of the majority ethnic group in control of the government

3. United Nations mediator

4. Leader of the radical ethnic minority youth group
1. Can terrorism ever be justified?

“Terrorist acts are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or of any other nature that may be invoked to justify them ...”

(Declaration on Measures to Eliminate International Terrorism Resolution, United Nations General Assembly)

Political, religious and national/ethnic groups around the world have long resorted to violence to pursue their objectives. In some cases former ‘terrorists’, such as Nelson Mandela (South Africa) and Gerry Adams (Northern Ireland), have made the transition to peaceful politics.

Example:

➤ Pro: In extreme cases of repression and suffering, it is sometimes necessary to turn to violence to defend one’s people and pursue one’s cause ....

➤ Con: Terrorism is never justified. Peaceful and democratic means must always be used to resolve conflict, as terrorism simply exacerbates a situation and creates a cycle of violence, mistrust and suffering ....

2. Is going to war ever justifiable?

Although war can generally be considered to be morally and ethically less than ideal, nonetheless some prominent philosophers and theologians have maintained that under limited circumstances war is the lesser of two evils. In recent times, a number of democratically elected world leaders have asserted that their involvement in conflicts, such as in Afghanistan, is just. Is it ever possible to justify the destruction and loss of life that results from voluntarily initiating war?

Example:

➤ Pro: The intentions behind the war must be good. Such intentions include the restoration of a just peace, helping innocent victims, or to right a wrong ....

➤ Con: Who determines a state’s intent? The nation initiating the war may be using its own values to justify its intentions. These values may be culturally, politically or ideologically at odds with those of the other party to the conflict ....
Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of the next page.

1. The term ‘terrorism’ was first used:
   a. In ancient Greece, coined by the historian Xenophon (430-350BC)
   b. In the first century, by the emperors Tiberius and Caligula
   c. In 1795, to describe the French revolutionary government in that period
   d. During the Spanish Inquisition, to describe treatment of so-called heretics by the Roman Catholic Church

2. Which of the following are not accurate definitions of ‘terrorism’:
   a. The use or threat of violence, to create a climate of fear in a given population. Targets may include individuals and groups, governments, political parties, corporations, media enterprises and ethnic or religious groups.
   b. The use or threat of verbal and physical abuse by minority political parties to destabilise governments.
   c. Acts of violence by religious groups against any non-believers, with the aim of forcibly converting them to their one true religion.
   d. An action or threat of action where the action causes certain defined forms of harm or interference and the action is done or the threat is made with the intention of advancing a political, religious or ideological cause.

3. Match the following terrorist attacks to the year in which they occurred:
   1. Bali bombing
   2. Sydney Hilton bombing
   3. London underground bombings
   4. Mumbai attacks
   5. US September 11 attacks
   a. 1978
   b. 2001
   c. 2002
   d. 2005
   e. 2008

4. In Australia, when it has been determined by court or regulation that an organisation is a ‘terrorist organisation’, it is an offence to:
   1. Direct the activities of the organisation
   2. Recruit persons to the organisation
   3. Research the listed organisation on the internet
   4. Receive training from or provide training to the organisation
   5. Receive funds from or make available funds to the organisation
   6. Discuss in private the publicly reported activities of the organisation
   7. Provide support or resources to the organisation
   8. Be a member of any listed terrorist organisation
   true / false
EXPLORING
ISSUES worksheets and activities

MULTIPLE CHOICE

Complete the following multiple choice questionnaire by circling or matching your preferred responses. The answers are at the end of this page.

5. Match the following terms to their correct definition:
   1. National security  a. A form of collective violence disturbing the peace, security, and normal functioning of the community.
   2. Civil disorder  b. Refers to acts of terrorism conducted by a government. Also referred to as official or structural terrorism.
   3. Non-political terrorism  c. The requirement to maintain the survival of the nation-state through the use of economic, military and political power and the exercise of diplomacy.
   4. State terrorism  d. Performed by groups or individuals, the motivation typically rooted in the faith-based tenets.
   5. Political terrorism  e. An ongoing international military campaign led by the USA and the UK with the support of other NATO and non-NATO countries. The campaign was launched in 2001 with the invasion of Afghanistan in response to the September 11 terrorist attacks.
   6. Quasi-terrorism  f. Terrorism which exhibits ‘conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective.’
   7. Religious terrorism  g. Violent criminal behaviour designed primarily to generate fear in the community for political purposes.
   8. War on terror  h. Activities incidental to the commission of crimes of violence which are similar in form and method to genuine terrorism but which nevertheless lack its essential ingredient – i.e. it is not the main purpose to induce terror in the immediate victim.

MULTIPLE CHOICE ANSWERS

1 = c ; 2 = c ; 3 – 1 = c , 2 = a , 3 = d , 4 = e , 5 = b ; 4 – 1 = T , 2 = T , 3 = F , 4 = T , 5 = T , 6 = F , 7 = T , 8 = T ;

5  – 1 = c , 2 = a , 3 = f , 4 = b , 5 = g , 6 = h , 7 = d , 8 = e.

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While 1,440 US citizens died in terrorist attacks in 2001, three since 2001, numerous terrorist attacks have been thwarted. The Attorney-General, supported by the National Security and strategic sense of the word. (p.3) Australia did not introduce terrorism specific laws into Parliament until the late 1970s. (p.4) In September 2007 there were 19 organisations designated and banned for active involvement in terrorism. All but one of those organisations are Islamic. (p.4) As of July 2010, the latest legislation to be brought into effect is the Anti-Terrorism Act (No. 2) 2005. (p.4) Under the law, there are two ways for an organisation to be identified as a ‘terrorist organisation’. Either an organisation may be found to be such an organisation by a court as part of the prosecution for a terrorist offence, or it may be specified in Regulations, known as ‘listing’. (p.7) The listing of an organisation ceases to have effect 2 years after its commencement, or if the Minister ceases to be satisfied that the organisation is directly or indirectly engaged in, preparing, planning, assisting in or fostering the doing of a terrorist act, whichever occurs first. (p.7) The Attorney-General, supported by the National Security Committee of Cabinet and other Ministers, has responsibility for operational coordination on national security issues. (p.8) Since 2001, numerous terrorist attacks have been thwarted in Australia. 38 people have been prosecuting or are being prosecuted as a result of counter-terrorism operations and 20 people have been convicted of terrorism overlooking the Criminal Code. Over 40 Australians have had their passports revoked or applications denied for reasons related to terrorism. (p.12) While 1,440 US citizens died in terrorist attacks in 2001, three times as many died of malnutrition, and almost 40 times as many people died in car accidents during the same year. (p.15) Even with the 9/11 attacks included in the count, the number of Americans killed by terrorism since the late 1960s is about the same as the number of Americans killed over the same period by severe allergic reaction to peanuts, lightning, bee stings, or accident-causing deer. (p.15) The total number of people killed in the 5 years after 9/11 in such incidents came to around 200-300 per year. By comparison, over the same period far more people have perished in the US alone in bathtub drownings. (p.16) To date, not a single person has been killed in a terrorist attack on Australian soil in the post-9/11 era. (p.16) A calculation of annual fatality risks for the period of 1970-2007 reveals that the risk of getting killed in a terrorist attack in Australia is 1 in 33,300,000. (p.16) Since 2001, Australia’s total defence spending has increased 50% from $13.7 billion to $21.8 billion. More than $16 billion have been spent in extra defence, counter-terrorism and foreign aid by 2010-11. (p.16) Experience from around the world indicates that enlisting and engaging families, communities and moderate religious leaders is crucial to identify those exposed to, or at risk of being influenced by violent extremists. (p.21) The Australian government has introduced over 40 new counter-terrorism laws since September 2001. (p.23) A person suspected or accused of committing an offence under the counter-terrorism laws currently has few legal options to assert their human rights. The options currently available include legal actions based on: Common law and the Australian Constitution. (p.24) The Australian Government has introduced an extensive legislative regime around counter-terrorism, national security and other cross-jurisdictional offences. The Crimes Act 1914 covered a number of offences, however with the events of the past few years, new legislation has been enacted to ensure Australia and Australians are protected from emerging threats. (p.25) From September 11 to the end of the Howard government, Parliament passed 44 anti-terrorism laws – 1 every 7 weeks. This volume of law-making has no parallel in any other democratic nation. (p.35) Australia has concluded 14 bilateral counter-terrorism Memorandums of Understanding with Turkey, Malaysia, Thailand, the Philippines, Fiji, Cambodia, PNG, Indonesia, India, East Timor, Brunei, Pakistan, Bangladesh and Afghanistan. (p.37) Australia works bilaterally and in regional forums to combat transnational crime. (p.37) The principal task for the Australian Defence Force is to deter and defeat armed attacks on Australia by conducting independent military operations without relying on the combat or combat support forces of other countries. (p.41) Australia is the world’s 11th biggest defence spender. The ship and submarine numbers do not compare to where we were as the world’s 4th biggest navy after World War II. They, along with the army and air force, compare on the light side with other countries which also spend 2% of their gross domestic product on defence. (p.44) China is a long way from matching the maritime capabilities of the US or even Japan, both of which are Australia’s allies. (p.47)
Glossary

Civil disorder
A form of collective violence disturbing the peace, security, and normal functioning of the community.

Control orders
A court order to impose restrictions on a person for the purpose of protecting the public from a terrorist threat. The restrictions can include: being placed under house arrest, having to wear a tracking device, being prevented from using phones or internet, as well as a number of other measures. Control orders can last up to one year, or up to three months if the subject is between 16–18 years of age.

Detention without charge
The Australian Federal Police (AFP) can detain a suspect without charge for 24 hours. After 24 hours the AFP can seek a preventative detention order from a court to detain the suspect for a further 24 hours.

Limited political terrorism
Acts of terrorism committed for an ideological or political motive but which are not part of a concerted campaign to capture control of the state.

National counter-terrorism alert system
A range of four levels that communicate an assessed risk of terrorism to Australia. The four levels are: low – terrorist attack is not expected; medium – terrorist attack could occur; high – terrorist attack is likely; and extreme – terrorist attack is imminent or has occurred. Australian governments can change an alert level for one or more impacted communities, locations or sectors as required.

National security
The requirement to maintain the survival of the nation-state through the use of economic, military and political power and the exercise of diplomacy. Security threats involve not only conventional foes such as nation-states but also non-state actors such as terrorist organisations, narcotic cartels and multi-national organisations.

National security hotline
The single point of contact for the public to report possible signs of terrorism. It also provides information to callers on a wide range of national security matters.

Non-political terrorism
Terrorism which exhibits ‘conscious design to create and maintain a high degree of fear for coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective.’

Political terrorism
Violent criminal behaviour designed primarily to generate fear in the community for political purposes.

Preventative detention orders
A court order issued to police to detain a person for up to 24 hours. Issued only if it believed there is an imminent terrorist attack (within 14 days), or if there was a recent terrorist attack (in the last 28 days).

Quasi-terrorism
Activities incidental to the commission of crimes of violence which are similar in form and method to genuine terrorism but which nevertheless lack its essential ingredient – i.e. it is not the main purpose to induce terror in the immediate victim.

Religious terrorism
Performed by groups or individuals, the motivation typically rooted in the faith-based tenets.

Sedition laws
Laws that make it illegal to incite a person to use force or to act out against the government, parliamentary elections or groups of people.

State terrorism
Refers to acts of terrorism conducted by a government. Also referred to as official, or structural terrorism.

Terrorism
One dictionary definition is ‘the systematic use of terror, especially as a means of coercion’. However, internationally there is no universally agreed definition. Various legal systems and government agencies use different definitions in their national legislation. Some of the varying definitions include: only those violent acts intended to create terror; acts that are perpetrated for an ideological goal; acts that deliberately target or disregard the safety of civilians; and acts of unlawful violence and war.

Terrorist act
Under Australian law, the perpetrator must be shown to have an intention to coerce or influence the public or any government by intimidation. There must also be an intention to advance a political, religious or ideological cause. The person must also do, or threaten to do, one of the following things: cause serious physical harm or death to a person; cause serious damage to property; endanger another person’s life; create a serious health or safety risk to the public; or seriously interfere with, disrupt or destroy infrastructure (e.g. phone system or electricity network).

Terrorist tactics
Used by terrorist groups to maximise fear and publicity. These can include planning attacks methodically in advance, training participants, planting ‘undercover’ agents, and raising money from supporters or through organised crime.

War on terror
Also known as the Global War on Terror or the War on Terrorism. An ongoing international military campaign led by the USA and the UK with the support of other NATO and non-NATO countries. The campaign was launched in 2001 with the invasion of Afghanistan in response to the September 11 terrorist attacks.

Weapons of mass destruction (WMD)
A weapon that can kill and bring significant harm to a large number of people (and other life forms) and/or cause great damage to man-made structures or natural structures.
Websites with further information on the topic

Amnesty International Australia  www.amnesty.org.au
Australian Department of Defence  www.defence.gov.au
Australian Federal Police  www.afp.gov.au
Australian Human Rights Commission  www.hreoc.gov.au
Australian National Security  www.nationalsecurity.gov.au
Australian Security Intelligence Organisation  www.asio.gov.au
Australian Strategic Policy Institute  www.aspi.org.au
Department of Foreign Affairs and Trade  www.dfat.gov.au
International Institute for Counter-terrorism  www.ict.org.il
Lowy Institute for International Policy  www.lowyinstitute.org
Terrorism Research Centre (USA)  www.terrorism.com
United Nations Action to Counter Terrorism  www.un.org/terrorism

For more information about social issues visit The Spinney Press website at  www.spinneypress.com.au
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