THE SENATE

ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING BILL 2006

ANTI-MONEY LAUNDERING AND COUNTER-TERRORISM FINANCING (TRANSITIONAL PROVISIONS AND CONSEQUENTIAL AMENDMENTS) BILL 2006

Second Reading

SPEECH

Thursday, 7 December 2006

BY AUTHORITY OF THE SENATE
Senator NETTLE (New South Wales) (1.56 pm)—Earlier this year, former Justice Ron Merkel was quoted in the Age as saying:

The move to granting ever-expanding coercive power to the executive arms of state and federal governments, to be exercised behind closed doors and without public scrutiny, carries with it grave risks to the democratic values we are trying to defend. ... One must have serious concern as to whether the political hierarchy is deserving of the kind of trust and integrity that the public are entitled to expect of them in administering that power.

The Howard government, the state governments and the federal Labor Party have cooperated to overturn fundamental human rights in the name of fighting terrorism. The Anti-Money Laundering and Counter-Terrorism Financing Bill 2006 and the Anti-Money Laundering and Counter-Terrorism Financing (Transitional Provisions and Consequential Amendments) Bill 2006 represent another step down that path. They radically change the level and the sort of information that financial institutions must collect on their customers and the manner in which such information will be used by national security agencies and the police. Another way of describing what this legislation does is that it requires banks to spy on their customers for the government.

The Greens accept that some information collected by financial institutions should be made available to government agencies when it relates to criminal behaviour, including terrorism and money laundering. We have always been prepared to support sensible changes to the law to address the threat of terrorism. For example, we supported the government’s legislation which contributed to the strengthening of security at our airports. However, we do not support changes to the law that diminish or that remove the human rights of all Australian citizens, including the right to privacy and freedom from discrimination.

Joo-Cheong Tham from the law faculty of the University of Melbourne described the bill in this way:

While the bill aims to prevent terrorism, its measures are disproportionate and not subject to adequate safeguards. Its excessive character stems from overly broad ‘financing of terrorism’ offences. These offences criminalise conduct that has no link with violence or attempts to commit violence.

The breadth of these terrorism offences comes, in part, from the broad definition of terrorism which was put into Australian law by this government following the September 11 attacks in 2001. The Greens warned at that time that these changes to the law would begin a process of unravelling civil rights in this country, and that is exactly what we are seeing happen here.

Australia deported American peace activist Scott Parkin on the basis of a secret national security assessment by ASIO. Refugees have been detained on Nauru for five years because of secret security assessments by ASIO. In Australia we now have laws allowing for detention without charge or trial, including the detention of those not suspected of any crime but who merely may have information which ASIO wants. Australian law now permits indefinite house arrest based on speculation that somebody may be a terrorism risk. The Attorney-General has banned the Kurdistan Workers Party on the advice of ASIO.

Debate interrupted.