

Attn: Kerri-Ann Smith,  
Classification Review,  
Classification Policy Branch,  
Australian Attorney-General's Department,  
Robert Garran Offices, 2-4 National Circuit, BARTON, ACT, 2600.

Thursday, 24 May 2007.

SUBMISSION to the Discussion Paper,  
“*Material that ADVOCATES TERRORIST ACTS*”  
and proposed Amendments to the NATIONAL CLASSIFICATION CODE  
from  
Kendall Lovett  
for Lesbian & Gay Solidarity Group (Melbourne),  
PO Box 1675, Preston South, Vic. 3072.

Your opening paragraph in this Discussion Paper, 1: **Background**, raises queries for us because you do not define the community you refer to who have concerns about the public availability of material that advocates people commit terrorists acts. We believe that the existing national classification scheme is more than able to deal with the issue.

Further additions to the means of suppression of publications, films and Computer Games are entirely unnecessary. The Media Entertainment and Arts Alliance Report cites more than 500 laws and regulations which have increased suppression in Australia, often under the guise of the “war on terror.” Adding a new restriction, *advocate terrorist acts*, to the Refused Classification code will do nothing but increase the workload, for instance, of writers, journalists, distributors, publishers, authorities or agencies for law enforcement purposes and retail traders and leave the general public ignorant of the fact that their right to know has been even further eroded. Governance has become more secretive, more suppressive with preventative detention, prohibited contact orders, control orders and suppression orders proliferating, more trials are held in secret, and companies litigate to prevent reports being made public and governments escape scrutiny. Adding yet another restriction doesn't augur well for democracy in this country unless, now in Australia, it equates with that being forced on Iraq by the “Coalition of the Willing” or by Israel in Palestine.

7: **Scope of Proposal**, we note from the Paper, would extend to the Broadcasting Services Act 1999, to Internet Pages hosted in Australia and through amendments to the Customs Regulations to imports and exports. It seems probable that television programmes such as one similar to the BBC's “Spooks” providing details of some new terrorist method that might be used by some watcher who wants to do the same damage here, would become a problem for an Australian TV series buyer in case it may well be categorised RC? Documentaries could also be severely affected particularly those about historical exploits by the Resistance. Taken to extremes, even television news programmes are likely to suffer cuts because schoolboys with delusions send threatening emails to their schoolmates and teachers (SMH 23/5/07) due to recent reports of

shootings in US schools. As far as Internet Pages are concerned, anyone in Australia could still access the restricted items on Internet Pages hosted outside Australia if they wished. Banning access these days is a farcical exercise with the World Wide Web so easy to use to find the information you want.

8. **Distinguishing so-called ‘Hate’ material** that falls short of actually advocating people commit terrorist acts is certainly not easy to define even using the document’s List of terms and Glossary of terms. As an example, we point to the misinterpretation by many Jewish groups and individuals who equate all criticism of Israel as anti-Semitic. Now many Australians fear to criticise violent Israeli acts against Palestinians in case they are labelled anti-Semitic or don’t speak out or publish such criticism because they are unsure whether or not it is anti-Semitic. In like manner, because of the categorising of *advocating* in the manner indicated in these amendments, there is likely to be even greater confusion for those trying to work out whether or not hate leading to a terrorist act is being advocated. So they err on the side of agreeing that it must be.

9. **Consequential Amendments to Customs Regulations:** If the current Customs Regulations do not automatically pick up material such as goods that promote, incite or instruct in matters of crime or violence that is refused classification (RC) under the current classification scheme, why would they be expected to pick up material *advocating terrorist acts* unless instructed that it is contained in a specific publication (book), film, or computer game?

PROPOSED AMENDMENTS to the national CLASSIFICATION CODE  
and the CLASSIFICATION GUIDELINES

### **Film and Computer Games: RC Section and List of Terms**

The addition to the RC Section of *Terrorist Act: Advocating terrorist acts*, and the List of Terms descriptive definition of *advocating* (b) *directly or indirectly provides instruction on doing a terrorist act* would have refused classification to the SPOOKS series viewed on ABC Television nationally. Literally every episode in this series could very easily have been banned by the Classification Board if it accepted the proposed definition and probably could have been applied to other similar TV series or Documentaries broadcast on SBS and commercial channels. We think you are tilting at windmills!

### **Publications and Glossary of Terms: RC Section**

The proposed addition of *advocate terrorist acts* to the Code in the criteria for classifying a publication ‘RC’ (Refused Classification), meaning that the publication is banned from coming into Australia and banned from being sold in Australia, is merely providing editors here and abroad with yet another headache, is it illegal or isn’t it? It could become farcical.

For instance, when the Oxford History of South Africa (1870-1966) was published in 1971, Chapter 9: African Nationalism in South Africa, 1910-1964, by Leo Kuper, legal

opinion was to the effect that in many respects it infringed South African Law of that time (the apartheid period), so Oxford Press in England self-censored to avoid possible litigation. Therefore, pages 424 to 475 were left blank in the edition sold in South Africa whereas the rest of world had an edition containing the chapter in full.

Under the Glossary of Terms the added word *Advocate* is described as meaning (b) *Directly or indirectly provides instruction on doing a terrorist act.* We think that someone very strongly supportive of say a particular form of energy and with a large pecuniary interest in it, would find reason and power to stop publication of information about a better alternative which he may think would ruin him financially.

Such a scenario is easily envisaged, if you have read Helen Caldicott's *Nuclear Power is not the Answer to Global Warming or anything else (2006)*, published by Melbourne University Press. On page 92, Caldicott writes: "What would a catastrophe at a nuclear plant in the US look like? Let's consider the two large Indian Point reactors located in the town of Buchanan in Westchester County, thirty-five miles from midtown Manhattan."

She continues: "Apart from natural disaster, an Indian Point meltdown caused by a small group of people intent on wreaking disaster could readily be achieved in one of several ways. Terrorists with suicidal tendencies could easily disrupt the external electricity supply of the reactors, or obtain one small speed boat, pack it with Timothy McVeigh fertilizer explosives, and drive it full tilt into the two adjacent intake pipes that suck almost two million gallons of Hudson River cooling water per minute into the reactors." She said that even though the Coast Guard was supposed to be protecting the reactors from terrorist intrusion, the small boat she travelled in on the Hudson was in view of and opposite the pipes in broad daylight but there was no sign of the Coast Guard.

"Alternatively," she explains, "a terrorist could drive a truck packed with similar explosives into a strategic area of the plant, triggering a critical situation." She quotes the following: "A paper written by the Oak Ridge National Laboratory and the Defence Threat Reduction Agency, published in a 2004 technical journal and available on the Internet, indicates that truck bombs of various sizes would have 100% probability of success." And she goes on to write of other means a terrorist could use, and then on page 95, after explaining the resulting details of any one of these probabilities, she adds: "For those with nefarious motives, the best time for an attack would be the evening, under cover of darkness, and when the prevailing winds blow toward New York City."

So there you have it. Wouldn't a nuclear power fanatic want Helen Caldicott's book banned and if he was in a position of power would do so using the above mentioned amendment (b) *provides instruction on doing a terrorist act?*

The former chief censor, Des Clark, argues that classification laws are losing relevance in a digital era. In March this year, he told the Australian Financial Review that "we live in an age where national borders are increasingly porous." We make the point, which is highlighted by the extract above from Helen Caldicott's book in which she quotes from a

paper about truck bombs in a technical journal being available on the Internet, that what you ban today is available on the Internet tomorrow.

**In Conclusion,** we question the intention of the government to add yet another means of giving weight to the initially fanciful ‘clash of civilisations’ thesis. Twelve months ago, the federal government-appointed Security Legislation Review Committee found that “the interference with human rights is disproportionate to anything that could be achieved by way of protection of the community” –a reference to the anti-terror laws since the 2001 September 11 attacks in New York and the further counter-terrorism amendments following the London transport system attacks in July 2005. In our opinion, this proposed amendment compounds that interference.

Surely, it is reasonable to assume that such an amendment being proposed will not deter those bent on destructive intentions but merely impact on Muslim and Arab Australians and create more fear and discrimination in the wider community than already exists against people of middle-eastern appearance. We believe this amendment would simply make unnecessary work for a lot of overworked people and is not sound economic sense.