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Committee Secretary (Mr Stephen Palethorpe)
Senate Rural and Regional Affairs and Transport Legislation Committee
PO Box 6100
Parliament House Canberra ACT 2600

By email

Dear SRRAT Legislation Committee Chair, Senator Glenn Sterle

Civil Liberties Australia asks the Committee to reject the existing 'Scanners' bill unanimously – and to return the bill to the House for redrafting – on these principles and for these reasons:

- The proposed scanners infringe the civil liberties of Australians, in terms of freedom of movement without unreasonable interference, because existing anti-terrorism technology has done a proven excellent job for more than a decade since "9/11";
- The proposed scanners offer no practical improvement on existing airport technology and, in fact, quite probably (from overseas test results) will increase the false positives;
- Australians are being given no choice about being forcibly subjected to the scanners, which is a complete denial of civil liberties and at odds with all other scanning/security systems under which options are available;
- The Committee should ask for access to, and consider with favour, the first Transport Department report, which rejected the need in Australia for such scanners;
- The scanners, for which Australia will pay about \$1/4 Billion in total costs, are proposed solely at the request/demand of another nation: if another nation wants Australia to scan people for its benefit, it should pay;
- CLA notes that two of the most security-conscious nations on earth – Israel and Germany – have rejected using the proposed technology: Germany has rejected the precise scanner proposed for Australia because of alleged poor performance in tests;
- At some stage/time, the government of Australia must start to return Australia towards our traditional freedoms of movement, speech and assembly which existed before 9/11, otherwise the terrorists continue to win. CLA believes this is a good opportunity for the Committee to indicate to the government that it should reject imposts from terrorists and another nation, and insist on Australia being Australia, and maintaining our freedoms. In this regard, enclosed electronically is a letter from CLA to the Prime Minister on Australia Day 2012: <http://www.cla.asn.au/Article/2012/AustDayletter.pdf>

Yours sincerely,

Dr Kristine Klugman
President
28 March 2012

NB: CLA would be happy to appear at a Committee hearing.

These are our particular responses to the RRAT Committee's letter of request to CLA to comment:

According to your invitation letter:

The four amendments to the Act and Regulations will:

· allow aviation screening officers to assume that a person who presents at an aviation security screening point consents to any screening procedure, with the exception of a frisk search, unless the person expressly states their refusal to undergo a particular screening procedure;

CLA does not believe that the government has the right to legislate an assumed – assumed by a government official – consent of an individual. The proposed amendment robs Australians of free choice where freedom to choose an option is completely practical, and proven to be so.

· prescribe that a randomly selected person who refuses to undergo a screening procedure will not be granted clearance and will be unable to pass through the screening point;

CLA believes the above provision is acceptable, provided there is a choice of procedure by the individual.

· repeal the current provision allowing passengers to request a frisk search as an alternative to another screening procedure; and

CLA believes that, where freedom of choice is practical, it should be offered to Australians in all possible circumstances. Freedom of choice is proven practical in airport screening, in Australia and worldwide.

· list the types of equipment that may be used for aviation security screening purposes, including metal detection, explosive trace detection and active millimetre wave body scanning equipment.

CLA believes civil society should be given more time to analyse and prepare submissions on such detailed electronic/radiation issues. No-one, including the Australian Government, has fail-proof technical information collected over a reasonable time frame on the matter. The Government must commission a study into use of each new item of equipment chosen. It should analyse the health affects on a randomly selected sample of passengers, crew, security operators and airport staff over an initial 12-month period, with longer-term follow-up. It should cover exposure to airport screening – and other such wave/radiation equipment – cumulatively.

In addition to this written submission, CLA submits a short video as an electronic overview of our objections and some matters the Committee should consider. The video is available here:

http://www.cla.asn.au/page/Has_Your_Freedom_Flown.php

Background:

Civil Liberties Australia is the leading national body working to protect the freedoms of Australians to be who and what they are with the minimum practical interference from governments, bureaucrats, police and security forces.

We stand for the traditional Australian notion of a “fair go”. We aim to strike the balance between people being able to do what they want to do, while respecting the civil liberties of others at the same time.

In our experience, governments – supposedly for the people – lean towards making laws and rules designed more for the convenience of authorities rather than the people. These new laws are often framed and “spun” to appear reasonable, but in fact they reduce the liberties, rights and freedoms of the overwhelming majority of all Australians who are not criminals.

CLA is calling for a *Decade of Liberties Restoration*.

This is needed, CLA says, to counter the *Decade of Restrictions on Liberties* from 2001 to 2011. Over 10 years, more than 50 new federal laws and “mirror” legislation in states and territories have introduced excessive anti-terrorism and other laws, founded in fear, which are changing the way Australians live our lives.

It is time the law-makers stopped legislating in fear, and passed laws enhancing freedoms instead.

The proposed new ‘Screening’ law is a classic example of the type of bad legislation which should be rejected by Australians and the Australian Parliament, just as similar legislation has been rejected by citizens and parliaments of other countries.

The *‘Freedom Has Flown: How Airport Scanners Take Away Your Civil Liberties’* video was produced with help from Koozzoo donating its services to aid the civil liberties of Australians. Civil Liberties Australia thanks Koozzoo for their community spirit: <http://www.koozzoo.com/>