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26 February 2009

Committee Secretary  
Senate Standing Committee on Legal & Constitutional Affairs  
Department of the Senate  
PO Box 6100  
Parliament House  
CANBERRA ACT 2600

Dear Sir/Madam

**INQUIRY BY THE SENATE STANDING COMMITTEE ON LEGAL AND  
CONSTITUTIONAL AFFAIRS  
FOREIGN EVIDENCE AMENDMENT BILL 2008**

This is my submission to the Committee in opposition to the Foreign Evidence Amendment Bill 2008. Would you please circulate it to all Senators on the Committee? I was not able to forward it to you before today as I returned from overseas yesterday.

Most Senators will be aware of my interest in social issues in particular Australians being treated fairly. Being treated fairly means (among other things) receiving a fair trial in Australia or anywhere in the world.

I do not have legal training and my background is in business. It has been brought to my attention that late last year the Government introduced the Bill into the Australian Parliament and it has been referred to the Committee for report.

I have read the submissions to the Committee by Mr David McLeod, the Law Council of Australia and the NSW Council for Civil Liberties. I agree with and support those submissions.

It concerns me greatly that is proposed to change the rules of evidence in Commonwealth criminal proceedings without there having been proper consultation, and which will have the effect of removing important safeguards designed to ensure a defendant is not wrongly convicted.

I believe the Bill should be referred to the Australian Law Reform Commission for proper evaluation.

Yours faithfully



Dick Smith