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**12th February 2002.**

**The Chairman,**  
**Senate Legal and Constitutional Legislation Committee**  
**Parliament House,**  
**Canberra, ACT 2600.**

**Re : Proceeds of Crime Bill.**

**Dear Sir,**

The inherited rights we have received from our Anglo-Saxon Heritage, are apparently being placed under threat.

Amongst others, these are :

- (1) The Presumption of Innocence.**
- (2) NO Imprisonment without Trial.**
- (3) Trial by Jury.**
- (4) Freedom of Speech.**

Various Governments, in recent times, have been gradually eroding these rights under one guise or another.

The principle of "A mans home is his Castle", has disappeared. "To fight the drug trade", was the reason given.

Where an incorrect address is given to the Police, the enormous, "Invasion of Privacy", which occurs, is not even acknowledged, far less compensated.

Trial by Jury, appears to have all but disappeared, again the reason given, "to prevent complicated cases, which require expert knowledge among the Jurors, being heard by people who have no understanding of these complications"

A rather poor excuse, when It would be possible, by a small change in the Law, but no change in the Intent, of "being tried by a Jury of one's peers".

All that was required was to make the prospective Jurors, for a case requiring "Expert Knowledge", ones who have the necessary knowledge.

The Jury System, is the greatest safeguard against Dictatorship.

Freedom of Speech disappeared with the introduction of "Political Correctness". Though this has been largely rescinded, the memory lingers on.

It appears that another of our Inherited Rights is to disappear. "The Presumption of Innocence".

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There is no excuse that will stand against the removal of this Right.

Until a person has been "Tried and Convicted", in a Court of Law, that person is **"NOT GUILTY"**, under the present Australian Law.

One of the major differences between Asian and European Countries and our own, is that in Australia, the suspect is "presumed innocent until proven guilty", and in Asia and Europe, the accused is "presumed guilty, unless the accused can prove innocence".

With the resources of the "Government" arrayed against the accused, there is very little hope, that once arrested, the accused can prove innocence.

There is also the ingrained desire, by the forces of "Law and Order", to be proven right

Such a proposed fundamental change to Australian Law, makes me feel that the whole scenario is being orchestrated by "The Global Economy", and our Politicians either lack the necessary knowledge, (English History is no longer taught in schools), or are simply following blindly the dictates of the Power Brokers of the Major Political Parties.

I write in the sincere hope that some Members of your Committee, are willing to read of the battles that have been fought to retain the "Rights of the Common Man, and to prevent the passage of this latest assault, "on the rights of the peasants".

Again, the excuse given is that these powers are needed to "fight crime". How short is the step from "fighting crime", to imposing "Political Dictatorship".

Asset Confiscation has been used by many Dictatorships, as a very effective weapon against protest. From Nazi Germany to the U.S.S.R., Modern China and Pol Pot in Cambodia, to the present Robert Mugabe in Zimbabwe, first Asset Confiscation, next Imprisonment without Trial, then Exile or Execution.

Your own descendants, and mine, will have to live in this Country of ours.

You, with your asset backing and income, may be able to flee to a less Dictatorial Country, if you can find one, but to the less fortunate amongst us, there will be no escape.

Please do not let another of our Freedoms disappear. What ever the reason given, however, the use of this horrific Law is safeguarded against abuse, there is a very true saying, "Power Corrupts, Total Power Totally Corrupts".

A Police force having this power, will by the very nature of human beings, use it and abuse it.

For the sake of your children and grandchildren, and mine, I request that your Committee reject this proposal as being un-Australian, and the continuance of the "Path to Dictatorship".

Yours in the Hope of Australian Democracy,

  
RALPH McFADYEN.