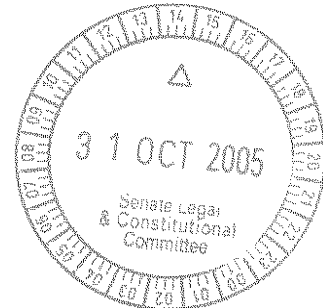


27th October 2005

Committee Secretary
Senate Legal and Constitutional Committee
Department of the Senate
Parliament House
CANBERRA ACT 2600



Dear Secretary

Re: *Proposed Anti-Terrorism Bill 2005*

I am extremely concerned about the proposed new anti-terrorism legislation and I am furious at the rushing of this bill to State and Federal parliaments without allowing time for careful scrutiny, review and debate about the merits, legalities and possible implications.

It is not clear to me that this legislation will in any way prevent terrorist attacks in Australia. Indeed, it seems very likely to me that implementation of this legislation will cause many Muslim Australians who have absolutely nothing to do with terrorism to suffer persecution in the form of suspicion, harassment or detainment and that this is likely to exacerbate resentment towards authority and the government within the community. This is not likely to encourage Muslim Australians who know of suspicious activities to inform police, and it is discriminatory.

The silence required in relation to detainment is frankly absurd. How can anyone reasonably expect that an absence of two weeks or longer might be waived off without family members, friends, colleagues etc discussing or speculating on such absence? There may well be serious inconveniences and hardships arising for families of detainees, and their lack of lawful ability to discuss the matter may make it impossible to get appropriate assistance.

The legislation is remarkably open to abuse of power as it lacks judicial and public accountability and oversight and is framed in such a way as to seriously diminish the rights of suspects compared to usual practice in criminal law.

.../2

I strongly oppose legislation that:

- requires a lesser standard of evidence, i.e., 'the balance of probabilities' rather than evidence likely to persuade a jury 'beyond reasonable doubt'
- dispenses with the legal presumption of innocence until proven guilty in a court of law
- shifts the burden of proof from the state to the suspect
- can take effect based on speculation or imagination, i.e., what a suspect *might* do

I strongly oppose legislation that allows for the incarceration of people who have not been charged with a criminal offence, or been found guilty in a court of law

I strongly oppose legislation which deters free speech and criticism of the government, its policies, the Constitution or the Head of State or which discourages actively supporting opposition to any of the above. Democratic societies depend on criticism, debate and dissent if they are not to become totalitarian states.

In the unfortunate case that the legislation is not changed in accordance with the above, I wish the following safeguards to be incorporated:

1. That detainees and their legal representative/s are advised of the grounds for the detainment so that, in accordance with usual criminal proceedings, they have knowledge of the grounds on which they are being detained and can then apply for an overturning of the detainment order if they believe they are being detained in error.
2. That the subjects of control orders are advised of the grounds for the order, for the same reasons.
3. That all detainees have the right to medical examinations at the time of being taken into detention to ensure pre-existing health conditions can be monitored and/or treated whilst in custody, and to allow for documentation and treatment of any physical injuries which may have occurred during the process of taking them into detainment. Additionally, the right of any detainee to call for medical treatment at any time in relation to injuries sustained during detainment.
4. The right to lawyer-client privacy and privilege.

3.

5. The rights of detainees and the subjects of control orders to take legal action against Federal and/or State governments for compensation for wrongful detainment or monitoring in relation to pain and suffering, loss of income or employment and family hardship.
6. A full judicial inquiry into the shooting of any suspect
7. Public and judicial accountability and oversight
8. That police must fulfill their obligations to the suspect or detainee, or the detainment or control order is not legal

Yours sincerely

A handwritten signature in cursive script, appearing to read 'C Banks'.

Christine Banks