

Committee Secretary  
Senate Legal and Constitutional Committee  
Department of the Senate  
Parliament House  
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Australia  
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Dear Sir/Ms,

We have today sent the following letter to all Premiers and Chief Ministers.

Please accept it as our submission to your committee on the proposed Terror Laws.

Yours sincerely,

signed

Bob Phelps

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Dear Premier/Chief Minister:

We strongly urge you to retain your government's powers to review and reject the new Commonwealth Terror Laws. In 2002, the Commonwealth government passed several laws which gave it sufficient powers to meet any terror contingency. No case has been made out that new laws are needed.

The proposed terror laws would undermine the core values of peace, security, and the rule of law that we all value and want to protect. They would have far-reaching and long-term negative effects on the civil liberties and human rights of all Australians.

Please heed the measured warnings of the wide range of liberal and conservative legal experts, including the Law Council of Australia, who say the laws are fatally flawed.

We do not want or need the proposed police state in Australia and there is no rush to pass these laws now. At a minimum, before you consider signing these laws, you must ensure that:

- \* an all-party Senate Inquiry is held, with public hearings around Australia, a full report on all aspects of the proposals is published and a full debate is held in both houses of the federal parliament;
- \* every draft of the Bill is published so everyone can be fully informed about the proposals and make submissions on them.

We oppose the terror laws because:

- \* the presumption of innocence, court review and reasonable doubt are all absent;
- \* people can be detained indefinitely, without charge or evidence of wrong-doing;
- \* they were negotiated in secret and democratic processes were ignored;
- \* the laws offend basic principles of international human rights laws and covenants;
- \* the rule of law and the separation of government from judicial powers are ignored;

- \* they will function with an unacceptably high level of secrecy;
- \* no national or state human rights laws are in place to help protect our human rights, civil liberties and natural justice;
- \* broad and general sedition provisions will further gag the media, artists and social commentators whose works we rely on for the health of our democratic institutions;
- \* shoot to kill provisions are unacceptable;
- \* excessive powers accrue to the police and other forces with few checks on their use;
- \* the independence and objectivity of our judiciary are compromised and unbridled powers are also given to the AAT or retired judges who are not answerable to the community;
- \* judicial (procedural) review does not address the evidence or merits of a case;
- \* terror laws promote terror by increasing community division, racism, suspicion, and hatred;
- \* particular members of the community, especially indigenous people and some Australians originally from non-Anglo cultures will be unjustly targeted and discriminated against.

The Howard government has already unlawfully detained many innocent citizens and residents under the Immigration Act, without due process. It shamelessly promoted and then capitalised on fear in the community to maintain its power. Lies about 'Children Overboard', the rush to commit Australian troops to Iraq on the false pretext of WMDs, and ad campaigns designed to make us suspicious of other people for no good reason, are just a few examples.

Terror laws will not make Australia a better and safer place to live, but working actively for peace and justice would make a positive difference. Withdrawing our troops from Iraq and Afghanistan, giving higher levels of foreign aid and debt relief to poorer nations, supporting religious, cultural and ethnic diversity are needed to help promote the safe and harmonious society which we all want.

You have a responsibility to ensure that Australian citizens are fully consulted about new terror laws and we call on you to ensure that due process occurs.

Yours sincerely,

signed

signed

Marsha Emerman  
Lecturer  
VCA

Bob Phelps  
Citizen

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Bob Phelps  
Fitzroy

Peace is not merely the absence of war. It is a positive process. Our challenge is to make C21 an era of harmony, with a program to feed, heal, educate, clothe and house every person. Let's work for strong policies to build a just, democratic and peaceful world, free of greed, bigotry, sexism, racism and hatred.

Knowing is not enough, we must also act.