

27 October 2005

Premier of New South Wales
Parliament House
SYDNEY NSW 2000

Dear Premier,

I write to express the deep concern of the Uniting Church over the proposed Anti-Terrorism Bill 2005. We believe these laws are neither necessary nor proportionate to the threat posed by terrorism.

We note the daily increasing weight of legal opinion that these laws may be unconstitutional, violate a number of human rights obligations recognised by Australia, and undermine the rule of law. We note particularly the concerns expressed by such eminent Australians as Sir Anthony Mason and Sir Gerard Brennan, former Chief Justices of the High Court of Australia, as published in the *Sydney Morning Herald* recently.

We believe that there are three broad problems with this legislation:

1. Even those accused of terrorist activities deserve to have their human and legal rights recognised. In particular, the rights to presumption of innocence, habeas corpus and a fair trial should be preserved. Firstly, because it is possible they are innocent, and secondly because this is what the rule of law requires of us. If we cast off these rights, we lose the very rights and freedoms we are striving to protect.
2. People caught up in investigations who are not suspected of terrorist activities deserve to be treated far better than allowed for under this legislation. The criminalisation of revealing one's whereabouts to one's own family is particularly disturbing as it undermines family relationships. Furthermore, if one is not able to tell others about one's detention, it is effectively impossible to seek legal redress for wrongful detention.
3. The general effect of the expanded definitions of 'sedition' and 'seditious intent' will be to undermine the ability of the people to debate serious issues openly, which is at the heart of democracy. We note that while these terms are defined very broadly, the 'good faith defence' is extremely tightly defined, and not even applicable to associations, only individuals.

We are particularly concerned with the haste and secrecy with which these laws are being pushed on the Australian people. If not for the actions of the Chief Minister of the ACT, we would not even be able to know what legislation was being considered and therefore unable to effectively make our concerns known.

Since the publication of the draft, a large number of legal and human rights problems have been identified. Good laws require serious and close consideration by the widest range of people to find errors, inconsistencies and unintended consequences. We note in this context that the UK government is taking the necessary time to get their new laws adequately reviewed.

With the threat level remaining at 'medium', there is no reason why the haste of the federal government is necessary. We urge you at the very least to take the time to consider the legislation more fully and allow for rigorous public debate.

Yours sincerely,

Harry Herbert
Executive Director