

Dear Committee Secretary and Senate Legal and Constitutional Affairs:

I am writing to urge your support for the Criminal Code Amendment (Genocide, Crimes Against Humanity, and War Crimes) Bill 2024, which seeks to rectify a critical issue in our legal system concerning accountability for the most heinous crimes.

As a concerned person, I believe it is imperative that all victims and survivors of atrocities such as genocide have access to justice through a legal framework that adheres rigorously to international standards and operates independently from political influence.

Currently, the Attorney-General wields unchecked power through the AG's fiat to block prosecutions for genocide, war crimes, and crimes against humanity. This unjust authority undermines our commitment to justice and accountability.

The proposed Bill aims to remove the requirement for the Attorney-General's consent in atrocity crime cases, thereby allowing any individual to initiate legal proceedings. Furthermore, it provides a mechanism to review cases that have been unjustly blocked since 2002.

By supporting this legislation, we can ensure that justice is not obstructed by political discretion and that our legal system upholds the principles of fairness and international law.

I urge you to consider the importance of this issue and to support the Criminal Code Amendment (Genocide, Crimes Against Humanity and War Crimes) Bill 2024. Together, we can take a significant step towards achieving justice for victims and survivors of the gravest crimes.

I also wish to share the governance structure of the United States. The three separate but equal branches of government in many democratic systems, particularly in the United States, include:

1. **Executive Branch:** This branch is responsible for enforcing laws and administering government programs. It is headed by the President (or equivalent in other countries) and includes various departments and agencies that carry out specific functions such as foreign affairs, defense, and domestic policy.
2. **Legislative Branch:** This branch is responsible for making laws. It typically consists of a bicameral legislature, such as the Senate and the House of Representatives in the United States, or a unicameral legislature in some countries. Legislators are elected by the public and are tasked with representing the interests and concerns of their constituents.
3. **Judicial Branch:** This branch is responsible for interpreting laws and ensuring that they are applied fairly and consistently. It includes courts at various levels, with the highest court (such as the Supreme Court in the United States) having the authority to review laws and government actions to ensure they comply with the Constitution.

These branches are designed to provide a system of checks and balances, where each branch has its own powers and responsibilities that are independent of the others. This

separation of powers helps prevent any one branch from becoming too powerful and ensures that governmental authority is distributed and balanced.

In the United States, there is no position equivalent to that of the governor-general, as found in other countries like Australia and Canada. This distinction arises from the fundamentally different governmental structures and historical developments of each nation.

Here are key points to understand this difference:

1. **Presidential System:** The United States operates under a presidential system of government, where executive authority is vested in the President, who is directly elected by the people for a fixed term. The President serves as both the head of state and the head of government.
2. **Separation of Powers:** The U.S. Constitution establishes a clear separation of powers among the executive, legislative, and judicial branches of government. This separation ensures that no single individual or branch accumulates excessive authority, as is common in parliamentary systems where a Governor-General may serve as a representative of the monarch with significant powers.
3. **No Monarchical Influence:** Unlike countries with a Governor-General, where the position often symbolizes the monarchy's authority and acts as a representative of the monarch, the United States has no constitutional monarchy. The President derives authority solely from the Constitution and laws enacted by the U.S. Congress.
4. **Executive Branch:** In the U.S., the President exercises executive powers, including enforcing laws, commanding the military, and conducting foreign affairs. The President appoints senior officials and cabinet members, subject to confirmation by the Senate.
5. **Federalism:** The United States also operates under a federal system, where powers are divided between the federal government and individual states. Each state has its own governor who acts as the chief executive of the state, but they do not represent the federal government in the same way a Governor-General might represent the monarch in a federal system like Australia or Canada.

The absence of a Governor-General in the United States reflects its unique constitutional framework, where executive power is consolidated in an elected President rather than being derived from a monarch or serving as a representative of a constitutional monarch.

This model ensures that no individual holds "monarch-like" powers over all branches of government, and elected officials make decisions that impact both domestic policies and foreign relations with other states.

Thank you for your attention to this matter. I look forward to your positive response.

Ali Khan